



TROY CITY COUNCIL
JUNE 15, 2020

Troy Zoom is inviting you to a scheduled Zoom meeting.

Topic: 6-15-20 Troy City Council Meeting

Time: 6-15-2020 07:00 PM Eastern Time (US and Canada)

Troy Zoom is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/290191778>

Meeting ID: 290 191 778

Please note the following:

1. City Hall will be closed to the public during these meetings
2. The meetings may be televised live on the City's Facebook page (subject to the technological capability)
3. The public can submit questions or comments on any item in advance of the meeting by submitting them to <https://www.troyohio.gov/FormCenter/City-Council-6/Email-All-Council-Members-47>. Questions or comments are to be submitted no later than noon, the day of the meeting

Notes for Council Members:

1. Council Members should be un-muted (unless there are background noises that would be picked up on audio)
2. Everyone else is asked to stay muted unless called upon
3. Please be aware that once you join the meeting you are on video

AGENDA, TROY CITY COUNCIL
MONDAY, JUNE 15, 2020, 7:00 P.M.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

absences by motion/second/roll call vote

PUBLIC HEARING O-31-2020 Rezone Parcels D08-026290, D08-026300 (6 N. Madison) R-6 to OC-1

SUMMARY OF MINUTES June 1, 2020 Meeting motion/second/roll call vote

COMMITTEE REPORTS

Notation of any citizen comments that had been submitted via email

RESOLUTIONS

R-39-2020	ODOT – Agreement related to funding for S. Market St. Signal Timing Analysis Project	EMERGENCY	1 st Reading
R-40-2020	ODOT – LPA Agreement traffic signal at W. Main Street & Kings Chapel Drive	EMERGENCY	1 st Reading
R-41-2020	Establish protocols for CARES Act Related to COVID-19	EMERGENCY	1 st Reading
R-42-2020	Urging Governor to reopen Ohio related to COVID-19	EMERGENCY	1 st Reading

ORDINANCES

O-28-2020	Rezone Parcel D08-057920 (430 Kirk Lane) from R-4 to OC-1	PUBLIC HEARING 6-1-2020	3 rd Reading
O-31-2020	Rezone Parcels D08-026290, D08-026300 (6 N. Madison) R-6 to OC-1	PUBLIC HEARING 6-15-2020	1 st Reading
O-32-2020	Bond Refinancing	EMERGENCY	1 st Reading
O-33-2020	Agreement w/Pink Ribbon Girls for July 3 event, Notwithstanding language	EMERGENCY	1 st Reading
O-34-2020	Rezoning Parcel D08-106648 (1375 S. Union St.) from I-2 to M-3	PUBLIC HEARING 7-6-2020	1 st Reading

COMMUNICATIONS/ANNOUNCEMENTS

COMMENTS: Mayor, Director of Public Service & Safety, Director of Law, Auditor, Council President Pro Tem

COMMENTS: Council

COMMENTS: Staff

COMMENTS: Reading of any citizen comments that had been submitted via email

ADJOURN

NOTE: Committee meetings may take place prior to or following Council meeting

CITY OF TROY MISSION STATEMENT:

Through sound and prudent leadership, the City of Troy is committed to sustaining its continued prominence as a regional hub by providing a well-balanced community for its residents, businesses and visitors, consisting of a vibrant downtown, growing economic base, strong educational environment, and plentiful recreational opportunities strengthened by public/private cooperation and grounded in financial stability.

MINUTES OF COUNCIL

A regular session of Troy City Council was held remotely on Monday, June 1, 2020, at 7:00 pm via Zoom. (Note R-22-2020 allowed for remote meetings to be held during the state of emergency due to the COVID-19 Pandemic.)

Members Attending: Allen, Phillips, Rozell, Schilling, Schweser, Severt, Snee, Terwilliger and Twiss.

Presiding Officer: William Lutz President of Council

Others Attending: Robin I. Oda Mayor
Patrick E. J. Titterington Director of Public Service and Safety
Grant D. Kerber Director of Law
John E. Frigge City Auditor

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Council Member Phillips, followed by the Pledge of Allegiance.

PUBLIC HEARING:

At 7:02 p.m. Mr. Lutz declared open a public hearing on Ordinance No. O-28-2020, the rezoning of Parcel No. D08-057920 (430 Kirk Lane) from the zoning classification of R-4, Single-family Residential District, to OC-1, Office Commercial District.

-Mr. Lutz noted that an email was received from Andrew Allen, 425 Miami Street, opposing the rezoning, and asking about the parking plan for 430 Kirk Lane.

As no other comments were received, at 7:03 p.m., Mr. Lutz declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the May 18, 2020 meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Rozell, seconded by Mr. Twiss, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Buildings & Utilities Committee: Mr. Allen, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared authorizing the Recreation Board to advertise for bids and enter into a contract for the replacement of the east side roof of the Hobart Arena at a cost not exceed \$120,000.
2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the demolition of City-owned structures at 212 S. Mulberry Street and 110 E. Canal Street at a cost not to exceed \$350,000. Committee noted that this the property on which new Fire Station #1 will be constructed.
3) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a professional services agreement with the firm of Hazen and Sawyer of Cincinnati, Ohio for the design of the Wastewater Treatment Plant Blower Replacement Project at a cost not to exceed \$222,000.

Reports submitted by Terwilliger, Twiss and Allen.

Community & Economic Development Committee: Mrs. Snee, Chairman, reported that Committee recommends legislation be prepared regarding applications for Community Development Block Grant Funds:

-\$150,000 of PY 2020 CDBG Community Development Allocation Funds for:

Table with 2 columns: Amount and Project. Rows include Madison Lift Station Repair (\$50,000), Miami County Family Abuse Shelter - Franklin House Roof Repair (\$40,000), Sidewalk Street Corner Accessibility Ramp Installations (\$30,000), Fair Housing Program (\$3,000), General Administration (\$27,000), and Total (\$150,000).

-\$500,000 of CDBG Critical Infrastructure Program Funds for the Madison Street Lift Station Repair Project.

As CDBG Applications must be filed with the Ohio Development Services Agency by June 17, Committee supports emergency legislation for both applications.

Report signed by Rozell, Twiss and Snee.

Community Partnerships Committee: Mr. Rozell, Chairman, reported that Committee recommends legislation be prepared authorizing an amended Lease between the City and the Community Improvement Corporation (CIC) regarding the lease of the Lincoln Community Center (LCC) Facility to include the property at 124 Ash Street (which is being transferred to City ownership based on Ordinance No. O-24-2020) and to clarify maintenance responsibilities of the LCC and the City. In that this is related to the LCC expansion project, currently underway, Committee supports emergency legislation so that the project proceeds on schedule. Report submitted by Allen, Schweser and Rozell.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared accepting the recommendation of the Troy Planning Commission to approve the vacation of a 14' wide unimproved alley west of 124 and 130 ½ Ash Street, as petitioned by the abutting property owners – Lincoln Community Center (LCC) and the City. In that this is related to the LCC expansion project, currently underway, Committee supports emergency legislation so that the project proceeds on schedule. Report submitted by Schilling, Snee and Phillips.

CITIZEN COMMENTS ON AGENDA ITEMS: No comments by e-mail had been received. (Note: email comments are to be received by noon the day of the meeting.)

RESOLUTION NO. R-34-2020

RESOLUTION AUTHORIZING THE RECREATION BOARD OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE REPLACEMENT OF THE EAST SIDE ROOF OF THE HOBART ARENA

This Resolution was given first title reading.

Mr. Terwilliger moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Phillips, Severt, Schilling, Terwilliger, Allen, Rozell, Twiss, Schweser and Snee.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mrs. Snee.

Yes: Severt, Schilling, Terwilliger, Allen, Rozell, Twiss, Schweser, Snee and Phillips.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-35-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE DEMOLITION OF CITY-OWNED STRUCTURES

This Resolution was given first title reading.

Mr. Schweser moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Schilling, Terwilliger, Allen, Rozell, Twiss, Schweser, Snee, Phillips and Severt.

No: None.

Mr. Terwilliger moved for adoption. Motion seconded by Mr. Severt.

Yes: Terwilliger, Allen, Rozell, Twiss, Schweser, Snee, Phillips, Severt and Schilling.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-36-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH HAZEN AND SAWYER OF CINCINNATI, OHIO TO PROVIDE DESIGN SERVICES FOR THE WASTEWATER TREATMENT PLANT BLOWER REPLACEMENT PROJECT

This Resolution was given first title reading.

Mr. Schilling moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Allen, Rozell, Twiss, Schweser, Snee, Phillips, Severt, Schilling and Terwilliger.

No: None.

Mr. Terwilliger moved for adoption. Motion seconded by Mr. Twiss.

Yes: Rozell, Twiss, Schweser, Snee, Phillips, Severt, Schilling, Terwilliger and Allen.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-37-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO FILE AN APPLICATION FOR THE USE OF PY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Schweser moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Twiss, Schweser, Snee, Phillips, Severt, Schilling, Terwilliger, Allen and Rozell.

No: None.

Mr. Rozell moved for adoption. Motion seconded by Mr. Schweser.

Yes: Schweser, Snee, Phillips, Severt, Schilling, Terwilliger, Allen, Rozell and Twiss.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-38-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO FILE AN APPLICATION FOR THE USE OF PY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT CRITICAL INFRASTRUCTURE PROGRAM FUNDS FOR THE MADISON STREET LIFT STATION REPAIR PROJECT AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mrs. Snee moved for suspension of rules requiring three readings. Motion seconded by Mr. Severt.

Yes: Snee, Phillips, Severt, Schilling, Terwilliger, Allen, Rozell, Twiss and Schweser.

No: None.

Mr. Twiss moved for adoption. Motion seconded by Mr. Terwilliger.

Yes: Phillips, Severt, Schilling, Terwilliger, Allen, Rozell, Twiss, Schweser and Snee.

No: None.

RESOLUTION ADOPTED

ORDINANCE O-13-2020

ORDINANCE DECLARING MUNICIPALLY OWNED REAL PROPERTY AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF SUCH EXCESS PROPERTY

This Ordinance was given first title reading on March 2, 2020.

Given second title reading on March 16, 2020.

Given third title reading on March 30, 2020.

Given fourth title reading on April 20, 2020

Given fifth title reading on May 4, 2020.

Given sixth title reading on May 18, 2020.

Given seventh title reading.

Mr. Lutz and Law Director Kerber confirmed that this Ordinance requires the affirmative vote of six members for approval.

Discussion.

Mr. Severt as for an update regarding the requested policy regarding sale of surplus property, the investigation, and the survey of park property for encroachments. Mr. Titterington commented that a draft policy will be considered by the Board of Park Commissioners at their meeting of June 2; the investigation is complete and will be presented to the Board as well on June 2; and the survey of other encroachments onto park property is also nearing completion with a few encroachments found.

Mr. Severt moved for adoption. Motion seconded by Mr. Rozell.

Yes: Severt, Terwilliger, Allen, Rozell, Twiss, Schweser, Snee and Phillips.

No: Schilling.

ORDINANCE ADOPTED

ORDINANCE NO. O-28-2020

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBER D08-057920 IN THE CITY OF TROY, OHIO FROM THE ZONING CLASSIFICATION OF R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT

This Ordinance was given first title reading on May 18, 2020.

Given Public Hearing and second title reading.

ORDINANCE NO. O-29-2020

AN ORDINANCE VACATING A PORTION OF AN UNIMPROVED 14' ALLEY LOCATED WEST OF 124 ASH STREET AND 130 ½ ASH STREET IN THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Severt moved for suspension of rules requiring three readings. Motion seconded by Mrs. Snee.

Yes: Schilling, Terwilliger, Allen, Rozell, Twiss, Schweser, Snee, Phillips and Severt.

No: None.

Mr. Twiss moved for adoption. Motion seconded by Mrs. Snee.

Yes: Terwilliger, Allen, Rozell, Twiss, Schweser, Snee, Phillips, Severt and Schilling.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-30-2020

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AMENDED LEASE WITH THE COMMUNITY IMPROVEMENT CORPORATION OF TROY, OHIO REGARDING LEASE OF THE LINCOLN COMMUNITY CENTER FACILITY, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Rozell moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Allen, Rozell, Twiss, Schweser, Snee, Phillips, Severt, Schilling, and Terwilliger.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Terwilliger.

Yes: Rozell, Twiss, Schweser, Snee, Phillips, Severt, Schilling, Terwilliger and Allen.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-31-2020

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBERS D08-026290 AND D08-026300 IN THE CITY OF TROY, OHIO FROM THE ZONING CLASSIFICATION OF R-6, TWO-FAMILY RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT

This Ordinance was given first title reading.

COMMENTS OF THE MAYOR: The Mayor commented:

-While she is disappointed about how the City got to this point regarding selling a small parcel or Archer Park, she believes the City is well on the way to a procedure to address future request to purchase a piece of City property.

-As part of the future improvements of West Main Street using safety grant funds, there will be two pilot programs established regarding reverse angle parking.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented:

-With businesses starting to reopen, the City will be starting to again enforce parking Ordinances.

-Anticipating further openings following COVID-19, working with Miami County Public Health and social distancing requirements, the City is working on the following:

- o June 26 concert at Treasure Island Park
- o July 3 concert and event in the downtown area
- o July 4 parade, concert at Treasure Island Park, and fireworks.

-Staff continues to look into the possibility of a grant program to assist citizens with delinquent City utility bills, while there are still a number of delinquent bills the number is starting to trend down, and shutoff of water based on delinquent bills has not been reinstated.

COMMENTS OF COUNCIL PRESIDENT:

-Mr. Lutz stated he would be absent from the June 15 meeting.

-Regarding when Council may return to in-person meetings, Mr. Lutz indicated that would not happen prior to the July 6 meeting based on public hearings that have been advertised with information about attending a Zoom (remote) meeting.

COMMENTS OF COUNCIL MEMBERS: Mr. Severt asked how citizens are to make comments regarding the reverse angle parking. Mr. Titterington advised that the City will accept communications by calls or email, and will have a form on the City's website for submitting comments. Mr. Severt commented that it is important for citizens to express their opinion about the parking plan. Mr. Titterington stated his concurrence, as all comments will be shared with ODOT.

There being no further business, the meeting adjourned at 7:50 pm.

Clerk of Council

President of Council

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council
DATE: June 8, 2020
FROM: Community & Economic Development Committee
SUBJECT: ORDINANCE NO. O-28-2020, REZONING OF PARCEL NO. D08-057920, 430 KIRK LANE FROM R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT

SUMMARY REPORT: *(to be read at Council meeting)*

This Committee met remotely on June 8 to review the recommendation of the Troy Planning Commission that Parcel No. D08-057920, 430 Kirk Lane be rezoned from R-4, Single-Family Residential District, to OC-1, Office Commercial District.

RECOMMENDATION: *(to be read at Council meeting)*

This Committee supports the recommendation of the Troy Planning Commission regarding this proposed rezoning and recommends that Council adopt Ordinance No. O-28-2020.

Respectfully submitted,

William G. Rozell

William C. Twiss

Lynne B. Snee, Chairman
Community & Economic Development Committee

DETAILED REPORT:

This Committee met remotely on June 8, 2020 to review a rezoning recommendation from the Troy Planning Commission. This meeting was also attended remotely by Mayor Oda, Council Members Allen, Phillips, Schilling, Schweser, Severt and Terwilliger, the Director of Law, the Director of Public Service and Safety, citizens, and members of the City staff.

The Planning Commission recommended approval of the rezoning of Parcel No. D08-057920, a parcel consisting of 0.61 acres with the address of 430 Kirk Lane, from R-4, Single-Family Residential District, to OC-1, Office Commercial District. The owner/applicant is Phillip Wray. This is the location of a former KinderCare. The applicant stated that the plan is to use the existing structure as an event venue and meeting space, which is permitted in the OC-1 zoning district. A public hearing was held at Council's June 1 remote meeting. One citizen had submitted an email stating objection to the rezoning, and asking about a parking plan. Parking information was provided to the citizen.

This Committee supports the recommendation of the Troy Planning Commission that Parcel No. D08-057920, a parcel consisting of 0.61 acres with the address of 430 Kirk Lane, be rezoned from R-4, Single-Family Residential District, to OC-1, Office Commercial District and recommends that Ordinance No. O-28-2020 be approved based on the findings of the Planning Commission of:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code;
- o The proposed rezoning creates the desired effect of a buffer district with the surrounding zoning districts;
- o Proposed use is consistent with permitted uses in the OC-1 district;
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

cc: Council, Mayor, Law Director, Auditor, Clerk, Director of Public Service & Safety, staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council
FROM: Community Partnerships Committee
SUBJECT: AGREEMENT FOR PINK RIBBON GIRLS EVENT JULY 3, 2020; NOTWITHSTANDING ORDINANCE

DATE: June 8, 2020

SUMMARY: *(to be read at Council meeting)*

On June 8, this Committee met remotely to consider the request of the Pink Ribbon Girls that would require an agreement associated with the use of public property for the sale/consumption of alcoholic beverages on July 3, 2020 and include the notwithstanding wording.

RECOMMENDATION: *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared to authorize the Director of Public Service and Safety to enter into an agreement with Pink Ribbon Girls related to an event on public property on July 3, 2020, and that the legislation include the standard notwithstanding legislation for such events. Based on the stated time frame for the Pink Ribbon Girls to confirm the event, Committee supports emergency legislation. We note that the event being held is subject to the organization obtaining a temporary liquor permit.

Respectfully submitted,

Zachary L. Allen

John W. Schweser

William G. Rozell, Chairman
Community Partnerships Committee

DETAILED REPORT:

On June 8, 2020, this Committee met remotely to consider the request of the Pink Ribbon Girls for a fundraising event that would require an agreement associated with the use of public property for the sale/consumption of alcoholic beverages on July 3, 2020 and include the notwithstanding wording. The Committee meeting was also attended remotely by Mayor Oda, Council Members Phillips, Schilling, Severt, Snee, Terwilliger and Twiss, the Director of Law, the Director of Public Service and Safety, citizens, and members of the City staff.

Event details include:

- The Pink Ribbon Girls is an organization that supports in various ways individuals and families suffering from breast cancer. They are a 501 (c) (3) nonprofit organization.
- The Board of Park Commissioners has approved the use of Prouty Plaza as part of the area of the event.
- The Public Square would be closed at Cherry Street, Franklin Street, Walnut Street, and Water Street starting about noon on July 3, with the event held from 2:00 p.m. until 9:00 p.m.
- Council approval is required related to the sale and consumption of alcohol within the closed area.
- The event will be held in conjunction with a Troy Main Street First Friday event to encourage people to come downtown.
- The event is contingent on the Pink Ribbon Girls being able to obtain a temporary liquor license, with it noted that state office is currently closed due to COVID-19 and not processing applications.

Due to the event date, we support emergency legislation so that the details of the event can be finalized.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared to authorize the Director of Public Service and Safety to enter into an agreement with Pink Ribbon Girls related to an event on public property on July 3, 2020 and that the legislation include the standard notwithstanding legislation for such events. Based on the stated time frame for the Pink Ribbon Girls to confirm the event, Committee supports emergency legislation. We note that the event being held is subject to the organization obtaining a temporary liquor permit.

cc: Council, Mayor, Director of Public Service & Safety, Director of Law, City Auditor, Clerk, staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council
FROM: Finance Committee
SUBJECT: BOND REFINANCING

DATE: June 8, 2020

SUMMARY: *(to be read at Council meeting)*

This Committee met remotely on June 8, regarding refinancing two bond issues that would result in the City saving approximately \$1.1 million in interest and principal over the next 20 years in the General, Water and Sewer Funds.

RECOMMENDATION: *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared authorizing the refinancing of the two bond issues. In that the issuance and sale of the new bonds is very time sensitive, the Committee supports emergency legislation.

Respectfully submitted,

Bobby W. Phillips

Todd D. Severt

John W. Schweser, Chairman
Finance Committee

DETAILED REPORT:

On June 8, 2020, this Committee met remotely to review information regarding the financing of two bonds. The Committee meeting was also attended remotely by Mayor Oda, Council Members Rozell, Schilling, Snee, Terwilliger and Twiss, the Director of Public Service and Safety, citizens, and members of the City staff.

With the current low interest rates, the City's bond advisors have recommended that the City refinance two bond issues, which will save the City approximately \$1.1 million in interest and principal over the next 20 years. These bonds are related to various projects in 2014 and 2015. The savings will accrue to General Fund, the Water Fund, and the Sewer Fund. The City Auditor supports the City proceeding with the bond refinancing. We discussed that the City has other outstanding bonds, but there is little benefit to refinancing those bonds at this time,

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared authorizing the refinancing of the two bond issues. In that the issuance and sale of the new bonds is very time sensitive, the Committee supports emergency legislation.

cc: Council, Mayor, Director of Public Service & Safety, Director of Law, City Auditor, Clerk, staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council
FROM: Finance Committee
SUBJECT: ESTABLISHING PROTOCOLS REGARDING THE CARES ACT

DATE: June 8, 2020

SUMMARY: (to be read at Council meeting)

This Committee met remotely on June 8 regarding being able to submit applications for possible funding to reimburse the City for qualifying expenses due to the COVID-19 Pandemic from the funding provided by the CARES Act. A requirement of submitting for reimbursement is enacting a Resolution establishing the protocols provided for by the Act. Enacting a Resolution is not a guarantee of receiving funding, but without the Resolution the City cannot participate in any funding related to the CARES Act.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared establishing protocols for the City related to the CARES Act based on the guidelines provided. This Committee supports emergency legislation so that the City can submit the required Resolution without delay.

Respectfully submitted,

Bobby W. Phillips

Todd D. Severt

John W. Schweser, Chairman
Finance Committee

DETAILED REPORT:

On June 8, 2020, this Committee met remotely to review information regarding establishing protocols to participate in funding from the CARES Act. The Committee meeting was also attended remotely by Mayor Oda, Council Members Rozell, Schilling, Snee, Terwilliger and Twiss, the Director of Public Service and Safety, citizens, and members of the City staff.

To respond to the COVID-19 Pandemic, the Coronavirus Aid, Relief, and Economic Securities Act, 116 Public law 138 (the CARES Act) was signed by the US President on March 27, 2020. The Ohio General Assembly has established a process to distribute funds provided by the CARES Act based on H.B. 481. Available funds will be distributed to Ohio public entities generally based on the calculated percentage of Ohio Local Government Funds received by public entities, with access to the funds based on submitting documentation of allowed expenditures related to COVID-19. Each entity is required to enact legislation stating that the entity will follow the guidelines of H.B. 481. Enacting a Resolution is not a guarantee of receiving funding, but without the Resolution the City cannot participate in any funding related to the CARES Act.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared establishing protocols for the City related to the CARES Act based on the guidelines provided. This Committee supports emergency legislation so that the City can submit the required Resolution without delay.

cc: Council, Mayor, Director of Public Service & Safety, Director of Law, City Auditor, Clerk, staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council
FROM: Recreation and Parks Committee
SUBJECT: POLICY GUIDELINES – APPROVAL OF DECLARING SURPLUS CITY/BOARD OF PARK COMMISSIONERS PROPERTY

DATE: June 8, 2020

SUMMARY: *(to be read at Council meeting)*

This Committee met remotely on June 8 to review the recommendation of the Board of Park Commissioners that Council adopt the Policy Guidelines re Approval of Declaring as Surplus City/Board of Park Commissioners Property. The Policy was adopted by the Park Board on June 2.

RECOMMENDATION:

It is the recommendation of this Committee that Council adopt the attached policy guidelines. This would not be by legislative action, but by a motion, second, and roll call vote to adopt Policy Guidelines re Approval of Declaring as Surplus City/Board of Park Commissioners Property.

Respectfully submitted,

Bobby W. Phillips

John W. Terwilliger

Jeffrey A. Schilling, Chairman
Recreation and Parks Committee

DETAILED REPORT:

On June 8, 2020, this Committee met remotely to review the recommendation of the Board of Park Commissioners that the Policy Guidelines re Approval of Declaring as Surplus City/Board of Park Commissioners Property be adopted by Council. The Committee meeting was also attended remotely by Mayor Oda, Council Members Rozell, Schweser, Severt, Snee and Twiss, the Director of Public Service and Safety, citizens, and members of the City staff.

During Council's recent consideration of declaring a small parcel of Archer Park as surplus, it was noted that there has not been a formal policy or guidelines to be followed in this regard by the City or the Board of Park Commissioners. As a result, draft Policy Guidelines were prepared with input of staff and the Board of Park Commissioners. On June 2, the Board of Park Commissioners unanimously approved the Policy Guidelines, attached to this report, and recommended that Council approve the Policy Guidelines.

It was discussed that with a survey of most parks completed, a few encroachments have been found. The City will be communicating with the property owners where the encroachments were found.

RECOMMENDATION:

It is the recommendation of this Committee that Council adopt the attached policy guidelines. This would not be by legislative action, but by a motion, second, and roll call vote to adopt Policy Guidelines re Approval of Declaring as Surplus City/Board of Park Commissioners Property.

cc: Council, Mayor, Director of Public Service & Safety, Director of Law, City Auditor, Clerk, staff, media
encl.

POLICY GUIDELINES RE APPROVAL OF DECLARING AS SURPLUS**CITY / BOARD OF PARK COMMISSIONERS PROPERTY**

City park land, greenspace, and other public property are acquired, managed and maintained for the benefit of the Troy community. From time to time, upon initiative of the Administration or Board of Park Commissioners (collectively known as the City) or by a private property owner, the City may recommend certain segments of that property be declared as surplus by the City. Such action shall only be considered if the sale will benefit the Troy community for one or more of the following reasons:

- A. The economic benefits of selling the property outweigh the economic benefits of continuing to use, maintain, manage, and improve that property, including but not limited to the financial distress of the city; and/or
- B. The property is too small or unsuitable for development or use as a park; and/or

In the event that one or more of the reasons above are met, the appropriate City department shall submit a recommendation report to the Troy City Council that includes the following information:

1. The name of City department (Board of Park Commissioners for land used as park property or Administration for all other property) or property owner that is initiating the request and the type and current use of the property;
2. Confirmation that City staff (Board of Park Commissioners for land used as park property or Administration for all other property) has visited the site and, based on a review of the property it appears that there may or may not be an encroachment;
3. Identification and analysis of the reason(s) for declaring said property as surplus, as listed in A-B above;
4. Determination that there has been no apparent encroachment on said property or that an encroachment is minor;
5. In the case of an egregious encroachment, as defined as the construction of a physical structure on City land and/or the construction of landscaping and/or hardscape at least ten (10) feet beyond the estimated property line, the findings of an investigation, which shall include answers to the following questions:
 - a. When was the encroachment created?
 - b. Was the encroachment created under the current property owner?
 - c. If so, who constructed the encroachment?

POLICY GUIDELINES RE APPROVAL OF DECLARING AS SURPLUS**CITY / BOARD OF PARK COMMISSIONERS PROPERTY**

- d. Did anyone from the City give permission in writing prior to the construction?
- e. What was the relationship between the property owner and the installer of the encroachment?
- f. Any other pertinent information that would assist in the City Council's disposition?

The minimum bid price shall be set by the Director of Public Service and Safety, pursuant to City Council authorization. Said minimum price shall include all administrative costs associated with preparing the parcel for sale, including but not limited to surveys, recording, advertising, etc. All proceeds from the sale shall be deposited into the General Fund or other Funds, to support the operating and capital requirements for the maintenance of park land, greenspace and other public property.

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council

DATE: June 8, 2020

FROM: Streets & Sidewalks Committee

SUBJECT: ODOT LPA PROJECT AGREEMENT – NEW TRAFFIC SIGNAL AT WEST MAIN STREET AND KINGS CHAPEL DRIVE

SUMMARY: *(to be read at Council meeting)*

On June 8 this Committee met remotely to consider an LPA Agreement with ODOT related to receiving federal funding for a new traffic signal at West Main Street and Kings Chapel Drive. The funding for the signal project is approximately \$421,513.

RECOMMENDATION: *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to submit an application to the Ohio Department of Transportation (ODOT) for the ODOT Safety Funds, enter into the standard LPA Agreement with ODOT, and to execute any later documents that may be required. Based on timing for these projects, and as is the ODOT format, Committee supports emergency legislation.

Respectfully submitted,

Jeffrey D. Schilling

Lynne B. Snee

Bobby W. Phillips, Chairman
Streets & Sidewalks Committee

DETAILED REPORT:

On June 8, 2020, this Committee met remotely to review information regarding authorizing the Director of Public Service and Safety to enter into a Local Public Agency (LPA) agreement with the Ohio Department of Transportation (ODOT) and execute related documents for federal funding for a new traffic signal at West Main Street and Kings Chapel Drive. The Committee meeting was also attended remotely by Mayor Oda, Council Members Rozell, Schweser, Severt, Terwilliger and Twiss, the Director of Public Service and Safety, citizens, and members of the City staff.

For State FY 2022 (beginning 7-1-2021), ODOT has funded MIA-SR-41-12.251. This project includes a new traffic signal and ADA compliant pedestrian crosswalk facilities at West Main Street and Kings Chapel Drive. The estimate for the signal/construction is approximately \$421,513 and would be covered by ODOT Safety Funds. The City would bid the project and then be reimbursed. If the final bid should exceed the grant amount, the City would be responsible for any cost over the grant amount. The City is also responsible for the design and construction engineering costs, and will pay those costs directly to the selected design firm. The costs for the design and construction engineering is estimated at not to exceed \$50,000. As the City will be the contracting agency for this project, ODOT has provided the standard LPA Agreement. Similar agreements have been executed for prior projects.

Being able to utilize these safety funds will be a savings to the City.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to submit an application to the Ohio Department of Transportation (ODOT) for the ODOT Safety Funds, enter into the standard LPA Agreement with ODOT, and to execute any later documents that may be required. Based on timing for these projects, and as is the ODOT format, Committee supports emergency legislation.

cc: Council, Mayor, Director of Public Service & Safety, Director of Law, City Auditor, Clerk, staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council

DATE: June 8, 2020

FROM: Streets & Sidewalks Committee

SUBJECT: ODOT GRANT APPLICATION FOR A SIGNAL TIMING ANALYSIS ON SOUTH MARKET STREET FROM SIMPSON STREET TO WATER STREET

SUMMARY: *(to be read at Council meeting)*

On June 8 this Committee met remotely to review information regarding an ODOT grant program that would totally fund a signal timing analysis along an area of South Market Street.

RECOMMENDATION: *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety submit an application to the Ohio Department of Transportation (ODOT) to utilize ODOT funding for a signal timing analysis along South Market Street from Simpson Street to Water Street, and to execute any later documents that may be required. Based on timing for applications, and as is the ODOT format, Committee supports emergency legislation.

Respectfully submitted,

Jeffrey D. Schilling

Lynne B. Snee

Bobby W. Phillips, Chairman
Streets & Sidewalks Committee

DETAILED REPORT:

On June 8, 2020, this Committee met remotely to review information regarding authorizing the Director of Public Service and Safety to enter into an agreement and sign associated documents with the Ohio Department of Transportation (ODOT) to utilize ODOT funding for signal timing analysis along South Market Street. The Committee meeting was also attended remotely by Mayor Oda, Council Members Rozell, Schweser, Severt, Terwilliger and Twiss, the Director of Public Service and Safety, citizens, and members of the City staff.

With the implementation of the 4 to 3 lane conversion along South Market Street, staff began to plan to review the signals' timing along Market Street from Simpson Street to Water Street. A signal timing analysis will evaluate existing equipment and will recommend and implement new signal timings along a coordinated corridor. This was a planned City project. As grant funds for this project may be available from ODOT, the City wishes to make application for such funds. This project would be totally funded by ODOT.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to submit an application to the Ohio Department of Transportation (ODOT) to utilize ODOT funding for a signal timing analysis along South Market Street from Simpson Street to Water Street, and to execute any later documents that may be required. Based on timing for applications, and as is the ODOT format, Committee supports emergency legislation.

cc: Council, Mayor, Director of Public Service & Safety, Director of Law, City Auditor, Clerk, staff, media

RESOLUTION No. R-39-2020

Dayton Legal Blank, Inc.

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING FUNDING FOR A SOUTH MARKET STREET SIGNAL TIMING ANALYSIS PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation has a grant program to fund projects that would include a signal timing analysis for a portion of South Market Street, from Simpson Street to Water Street, in the City of Troy, Ohio, and

WHEREAS, the City of Troy, Ohio wishes to submit an application for applicable funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to submit an application to the Ohio Department of Transportation for grant funding for a Signal Timing Analysis Project along South Market Street, from Simpson Street to Water Street in the City of Troy, Ohio, and to execute any further documents related thereto.

SECTION II: That the Director of Public Service and Safety of the City of Troy, Ohio, is hereby authorized to enter into any required agreement with the Ohio Department of Transportation related to the above noted Signal Timing Analysis Project grant.

SECTION III: That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that time is of the essence in filing a grant application and entering into any Agreement with ODOT, **NOW, WHEREFORE**, this Resolution shall be effective immediately upon its adoption and approval by the Mayor..

ADOPTED: _____
President of Council

APPROVED: _____

ATTEST: _____
Clerk of Council Mayor

RESOLUTION No. R-42-2020

Dainin Legal Blank, Inc.

**RESOLUTION URGING GOVERNOR DEWINE AND
THE OHIO DEPARTMENT OF HEALTH FOR A
WHOLLY OPEN ECONOMY AND DECARING AN
EMERGENCY**

WHEREAS, on March 9, 2020 Governor DeWine declared a State of Emergency in Ohio and since March 11, 2020 the Department of Health and Governor DeWine have issued over three dozen special orders in response to the COVID-19 Pandemic; and

WHEREAS, the "special orders" in response to COVID-19 were issued to "flatten the curve" such that the total number of corona virus cases were reduced to avoid a surge in cases that could have overwhelmed the healthcare system leading to avoidable deaths; and

WHEREAS, as of June 3, 2020 in Ohio, Ohioans have "flattened the curve", the healthcare system has not been overwhelmed and the healthcare system is equipped with a sufficient number of ventilators and PPE to handle a surge in COVID-19 if it were to occur; and

WHEREAS, in the City of Troy, Miami County and all of Ohio, local businesses and families are suffering unsustainable losses and irreparable harm from restrictions that are no longer the least restrictive means necessary to protect those most at risk of harm from COVID-19; and

WHEREAS, Troy City Council recognizes the legitimate public purpose to promote and protect the well-being of our ecosystem of residents, businesses and schools, all of which reinforce one another and depend on a wholly open economy; and

WHEREAS, the actions taken by Governor DeWine and the Ohio Department of Health have had a disproportionate impact on the economic livelihoods of our community's younger residents and residents of color, as evidenced by unemployment statistics; and

WHEREAS, Troy City Council agrees with Governor DeWine that the economy and wellness are intertwined and that we can do two things at once by promoting an open economy and public safety and we therefore believe restrictions on the free market beyond those that legitimately meet the rigors of a compelling government interest with the least restrictive measures be reconsidered and repealed to facilitate economic recovery; and

WHEREAS, the Mayor of the City of Troy has recognized the significance of our non-profit social services and small, locally owned businesses and has committed \$70,000 in emergency relief for underserved Troy residents and small businesses, the well-being and success of which depends on a wholly open economy; and

WHEREAS, Troy City Council agrees with Governor DeWine when he stated on May 8, 2019, just over one year ago, "There is so much to see and do in Ohio. We have great places to visit, art, culture, outdoor adventures, museums, and so much more. Tourism is not only fun, but it is also such an important part of our economy. Tourism provides jobs and improves our quality of life"; and

WHEREAS, Troy City Council recognizes the legitimate public purpose to promote the well-being of all Troy businesses and Troy's and Miami County's ecosystem of support industries, attractions, amenities and employment opportunities, all of which reinforce one another and depend on a wholly open economy; and

WHEREAS, Troy City Council recognizes individuals, businesses and employees need restoration to lawfully exercise individual responsibility, accountability and freedom of choice as protected by our Constitution through wholly restored commerce under the least restrictive measures necessary to meet a compelling government interest.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Troy, Ohio as follows:

SECTION I. That on this day, June 15, 2020, Troy City Council petitions Governor DeWine and the Ohio Department of Health to open all Ohio commerce, including tourism, industry, leisure, and conventions.

SECTION II. That all government restrictions and mandates related to COVID-19 that are no longer supported by a compelling government interest using the least restrictive means be reduced to recommendations.

SECTION III. That Governor DeWine and the Ohio Department of Health restore Ohio businesses' rights to lawfully determine their own operational capacities and safety standards of best practice to promote the safety of their employees and visitors.

SECTION IV. That Governor DeWine and the Ohio Department of Health protect and promote individuals' rights and personal responsibilities to lawfully choose and manage their own risks and safety standards of best practice for themselves and their families.

SECTION V. That any future restrictive measures must meet the rigors of the least restrictive measures necessary to meet a compelling government interest in partnership with the Ohio State Legislature to protect Ohio's economy as well as its most vulnerable citizens.

SECTION VI. That the Clerk of Council is hereby directed to send a certified copy of this Resolution to Governor DeWine and the Ohio Department of Health immediately upon its effective date.

SECTION VII. That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare of the City of Troy, Ohio, and for the further reason of the need to petition Governor DeWine and the Ohio Department of Health for the relief included herein at the earliest possible date; NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____
President of Council

Approved: _____

Attest: _____
Clerk of Council Mayor

ORDINANCE No. 10-28-2020

Doyen Local Blank Inc.

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBER D08-057920 IN THE CITY OF TROY, OHIO FROM THE ZONING CLASSIFICATION OF R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT

WHEREAS, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio to rezone Parcel Number D08-057920, located at 430 Kirk Lane, from the zoning classification of R-4, Single-family Residential District, to the zoning classification of OC-1, Office Commercial District; and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

WHEREAS, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the zoning of Parcel Number D08-057920, consisting of 0.81 acres, with an address of 430 Kirk Lane, Troy, Ohio, from the zoning classification of R-4, Single-family Residential District, to the zoning classification of OC-1, Office-Commercial District, be approved.

SECTION II: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____

President of Council

Approved: _____

Attest: _____

Clerk of Council

Mayor

ORDINANCE No. 0-31-2020

Dayton Legal Blank, Inc.

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBERS D08-026290 AND D08-026300 IN THE CITY OF TROY OHIO FROM THE ZONING CLASSIFICATION OF R-6 TWO-FAMILY RESIDENTIAL DISTRICT TO OC-1 OFFICE COMMERCIAL DISTRICT

WHEREAS, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio to rezone Parcel Numbers D08-026290 and D08-026300, located at 6 North Madison Street, from the zoning classification of R-6, Two-family Residential District, to the zoning classification of OC-1, Office Commercial District; and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

WHEREAS, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the zoning of Parcel Numbers D08-026290 and D08-026300, located at 6 North Madison Street, Troy, Ohio, from the zoning classification of R-6, Two-family Residential District, to the zoning classification of OC-1, Office Commercial District, be approved.

SECTION II: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____

President of Council

Approved: _____

Attest: _____
Clerk of Council

Mayor



TROY PLANNING COMMISSION

MEMORANDUM

TO: Mr. Lutz President, Troy City Council
FROM: Sue Knight, for the Troy Planning Commission
DATE: May 19, 2020
SUBJECT: **PROPOSED REZONING PARCEL NUMBERS D08-026290 AND D08-026300, TOTAL OF 0.21 ACRES, WITH THE ADDRESS OF 6 NORTH MADISON STREET, FROM R-6, TWO-FAMILY RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT**

On May 13, 2020, the Troy Planning Commission considered the rezoning of Parcel No. D08-026290 and vacant Parcel No. D08-026300, located at 6 N. Madison Street, a total area of 0.21 acres, from the zoning of R-6, Two-Family Residential District, to OC-1, Office Commercial District. The owner/applicant is Kelly Moler Larger. It was indicated that the intent is to continue to use the property as commercial; however, a commercial use is non-conforming for the R-6 zoning. Some commercial uses are conforming under the OC-1 zoning.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Parcel No. D08-026290 and vacant Parcel No. D08-026300, located at 6 N. Madison Street, be rezoned from R-6, Two-Family Residential District, to OC-1, Office Commercial District, based on the findings of staff of:

- The proposed OC-1 rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning creates the desired effect of a buffer district with the surrounding residential zoning districts; and
- The proposed use is consistent with permitted uses in the OC-1 district; and

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the June 15 meeting of Council.

encl.

TO:	Troy Planning Commission
FROM:	Planning Staff
DATE:	April 22, 2020
SUBJECT:	Rezoning: 6 N. Madison Street Lot D08-026290 & Lot D08-026300 (0.21 acre, 8,453 sq. ft.)
OWNER:	Kelly Moler Larger
APPLICANT:	Kelly Moler Larger

BACKGROUND:

Kelly Larger, has requested for Planning Commission to consider allowing the rezoning of 6 N. Madison Street, parcel D08-026290 and the vacant lot of D08-026300 (combined 0.21 ac.). Currently the property is zoned R-6 Two Family Residential, and the applicant requests that the zoning of the parcel be rezoned to OC-1 Office Commercial District.

The land, consisting of a combined 0.21 acres and 8,453 sq. ft. is currently developed with 1,250 square feet, building that was previously used as a commercial beauty salon. The other surrounding zoning districts are B-2 General Commercial District to the east and south, R-5 Single Family Residential to the west and southwest, and R-6 Two Family Residential to the north.

DISCUSSION:

The applicant cited the reasons for the proposed rezoning is to be able to use the property for a continued use of a beauty salon and other allowable uses as permitted in the OC-1 zoning district. (*Exhibit A*) The current building was constructed as a commercial building and has continued to be used in a commercial use since the nineteen seventies.

The Zoning Code describes the current R-6 zoning district as “designed to accommodate two-family dwellings on lots with areas of at least six thousand (6,000) square feet and not less than three thousand (3,000) square feet of lot area per dwelling unit. This district will be mapped to protect areas that now meet these minimum lot sizes and for comparable areas which will develop in the future. The Comprehensive Plan describes the R-6 District as high density.”

The Zoning Code describes the proposed OC-1 zoning district as “designed to accommodate a mixture of office and commercial uses consisting of groupings of professional, research, executive, administrative, accounting, clerical, stenographic and similar uses. Residential development is not permitted in the district. This district is designed and intended to act as a buffer. This district is mapped along major thoroughfares, near hospitals, and as a transitional area between nonresidential and nonresidential uses.”

Attached to this report is a map showing the surrounding zoning districts and properties within a two hundred and fifty-foot radius of the land proposed to be reclassified. (*Exhibit D*)

The property has always been used as a commercial property, the previous tenant was a beauty salon and the new tenant is continuing that service. This rezoning will allow the property to be used in a conforming manner for the uses that have continued to operate on the property. The rezoning request would allow the owner to allow proper signage than what's permitted in the residential zoning. The OC-1 zoning allows similar low intense uses than the adjacent commercial area. The rezoning will act as a buffer from the general commercial activity along W. Main Street.

In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:

(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.

The proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

The proposed rezoning is not made necessary because of changing conditions in the affected area. The proposed use should not have any adverse effects in the area and is similar to the previous use and the existing commercial uses that currently exist in the surrounding area.

(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

The proposed use is compatible and similar to the uses that currently exist in the surrounding area.

(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.

All utilities can be provided.

(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land unavailable for development.

In the vicinity of the subject property, there is no available vacant land with the OC-1 zoning classification.

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

This would not correct any errors in the application of the Zoning Code.

PUBLIC HEARING:

Due to the straight forward nature of the rezoning request, the compliance with the City of Troy Comprehensive Plan, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not recommend a public hearing.

RECOMMENDATION:

It is staff's opinion that the proposed rezoning is consistent with the existing design of the property and surrounding properties. The proposed rezoning provides a buffer between the general commercial district and the neighborhood. The building was built as a commercial structure, and having it continued to be occupied as a low intense commercial use is appropriate.

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from R-6 Two Family Residential to OC-1 Office Commercial District, based on the following:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning creates the desired effect of a buffer district with the surrounding residential zoning districts; and
- The proposed use is consistent with permitted uses in the OC-1 district; and

Scheduled Planning Commission Meeting
(Held every 2nd and 4th Wednesday of the month at 3:30 p.m.)

Date Requested: _____
Applicant(s) scheduled on the agenda will be notified

Office Use Only

Date Filed _____
Accepted by _____
Filing Fee Pd. _____
Receipt # _____

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

APPLICATION FOR ZONING AMENDMENT
CITY OF TROY PLANNING COMMISSION
(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at Co N. Madison St.

being lot number(s) D08-0216290, D08-0216300 from R6 to OC1
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)

OWNER

Name Kelly Moler Larger
Address 6655 W. Miami Shelby Rd.
City Piqua
State OH
Zip Code 45356
Phone No. 937-214-2326
Fax No. —
Email largerbm@aol.com
The applicant is the owner of the property, which is subject to this application.
(State the interest of the applicant)

APPLICANT

Name Kelly Moler Larger
Address 6655 W. Miami Shelby Rd.
City Piqua
State OH
Zip Code 45356
Phone No. 937-214-2326
Fax No. —
Email largerbm@aol.com
The applicant is the owner of the property, which is subject to this application.
(State the interest of the applicant)

PLEASE PROVIDE THE FOLLOWING:

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
 - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
 - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
 - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
 - i. Include one (1) copy of County Tax Maps
 - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$150.00 made payable to the City of Troy

I HEREBY DEPOSE AND SAY THAT THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE EXHIBITS PREPARED BY ME AND TRANSMITTED HERewith ARE TRUE.

Kelly Moler Lopez
(Applicant Signature)

Subscribed and sworn to before me this 13th day of April, 2020

My Commission Expires April 11, 2021
(Month/Date/Year)

Jamie Coleman
(Notary Public)

(For Office Use Only - Do Not Write Below This Line)

REQUIRED DOCUMENTS:

<input checked="" type="checkbox"/>	EXHIBIT A	Reasons for Zoning Reclassification
<input checked="" type="checkbox"/>	EXHIBIT B	Legal Description
<input checked="" type="checkbox"/>	EXHIBIT C	Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses
<input checked="" type="checkbox"/>	EXHIBIT D	Site Map with Zoning & Owners within 250 feet of parcel
<input checked="" type="checkbox"/>	EXHIBIT E	Property Owners List within 250 feet of parcel
<input checked="" type="checkbox"/>	Labels	Two (2) Sets of Mailing Labels of Property Owners
<input checked="" type="checkbox"/>	Copies	(1) Complete Electronic Set
<input checked="" type="checkbox"/>	Map(s)	County Tax Map(s)
<input checked="" type="checkbox"/>	Filing Fee	Check issued to City of Troy for \$150.00

Additional Documentation (List):

PLANNING COMMISSION DISPOSITION:

_____ PUBLIC HEARING DATE

_____ RECOMMENDATION TO CITY COUNCIL

CITY COUNCIL DISPOSITION:

1st Reading: _____ 2nd: _____ 3rd: _____ PUBLIC HEARING DATE

_____ COUNCIL COMMITTEE RECOMMENDATION

Approved: _____ Denied: _____ CITY COUNCIL ACTION

Ordinance Number: _____

Effective Date: _____

Revised 10/25/11

Exhibit A

Dear Zoning Commission,

April 13, 2020

My name is Kelly Moler Larger, as owner of the property at 6 North Madison, Troy, Ohio I am requesting that the property be rezoned as a Commercial Property. The property was purchased by my father in the early 1970's and was operated as the Moler Electric Service for 20 plus years. After my father retired from his business in the early 1990's the property was then rented to Barrie VanKirk who operated a beauty salon with massage services as Barrie's Beauty Salon, this lasted until November of 2019. Interior design updates were made to the building as much of the structure had not changed in nearly 27 years. The building was rented to Shannon Clark in January of 2020, her business will be a beauty salon known as Color Vibe Salon. Ms. Clark has been unable to open her business due the mandate of Governor Dewine.

It was my assumption when I bought the property that it was zoned commercial, since the property taxes were paid as a Commercial Property and the building had been operating as a business since my youth. When Shannon Clark applied for her occupancy permit, she was made aware that the property was zoned residential and informed me at that time.

Currently cosmetic improvements are being made to the exterior building that will enhance the overall "curb" appeal. A large parking lot is located in the exterior of the building which currently has new gravel allowing for ample parking for clients. With the current zoning Color Vibe Salon is limited on the signage to place on the exterior of the property. Being that the building sits a bit off of Main Street and lower than street level, Ms. Clark will not receive the visual advertisement that would encourage customers to her salon. By receiving proper commercial zoning, the business will be within requirements for adequate signage.

With the majority of properties on the Main St. corridor within the two-block area operating as commercial businesses it seems to make good sense for the City of Troy that the zoning to be converted to commercial.

In summary I would kindly ask the Zoning commission to consider the rezoning of 6 North Madison to a commercial property. I'm looking forward to being apart of the City of Troy business community.

Thank you for your cooperation on this issue.


Kelly Moler Larger

11-
TRANSFERRED
In compliance with ORC 319.202
MATTHEW W. GEARHARDT, Miami Co. Auditor

Matthew W. Gearhardt
JUL 23 2019

MIAMI COUNTY
TROY, OHIO

RECORDED
INDEXED

8 DGS 125 19
NW 25

Exhibit B

JESSICA R. DUPEL
2019OR-08087
PRESENTED FOR RECORD
MIAMI COUNTY, TROY, OHIO
07/24/2019 10:44:27 AM
REFERENCES: 0
RECORDING FEE 28.00
#1085 1

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT THOMAS F. MOLER and TAMMY L. MOLER, husband and wife, of Miami County, State of Ohio, for valuable consideration paid, grants with general warranty covenants to KELLY MOLER LARGER, her heirs and assigns forever, whose tax-mailing address is 6655 West Miami Shelby Road, Piqua, Ohio 45356, the following real property:

Situated in the State of Ohio, in the County of Miami and in the City of Troy, and being Inlots numbered Two Thousand Six Hundred Twenty-nine (2629), Two Thousand Six Hundred Thirty (2630), Two Thousand Six Hundred Thirty-one (2631) and Two Thousand Six Hundred Thirty-two (2632) in said City of Troy

Parcel No. D08-026290, D08-026300 and D08-026310

This deed is executed, acknowledged and delivered by the Grantors and accepted by the Grantees subject to all easements, restrictions and covenants of record, applicable building, zoning and use regulations, and Grantees assume and agree to pay the January, 2020 installment of taxes and assessments and thereafter.

Prior Instrument Reference: Volume 740, Page 692, Miami County Deed Records

Executed this 16th day of July, 2019.

Thomas F. Moler

THOMAS F. MOLER

Tammy L. Moler

TAMMY L. MOLER

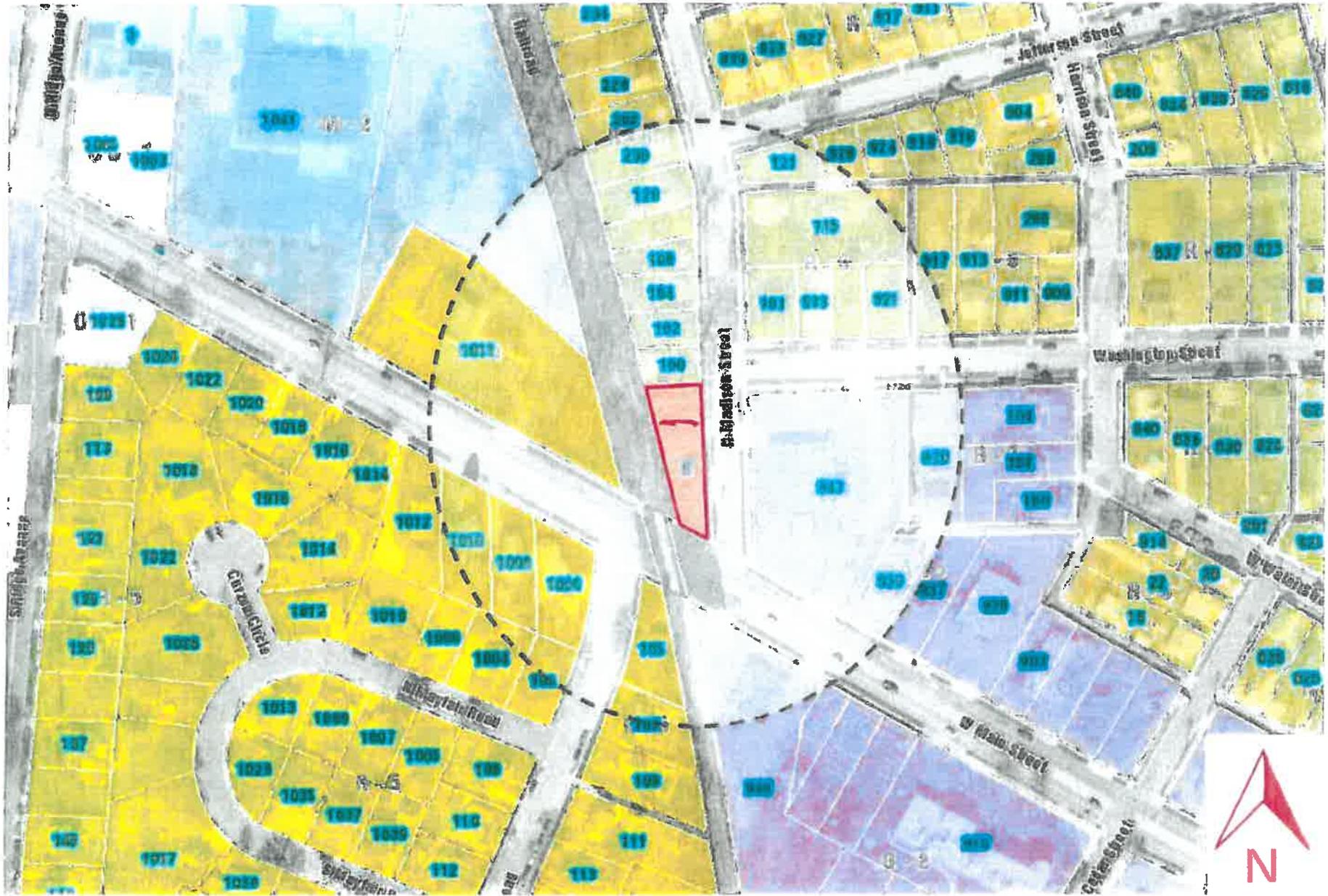
State of Ohio,
Miami County, ss:

Executed before me, a Notary Public, in and for said County and State, on the 16th day of July, 2019, by the above-named THOMAS F. MOLER and TAMMY L. MOLER, husband and wife, who represented to me to be said person, and who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

NOTARY PUBLIC

Matthew W. Gearhardt

6 N. Madison St – Surrounding Zoning Districts



ORDINANCE No. O-32-2020

Dayton Legal Blank, Inc.

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$14,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF (A) IMPROVING THE (I) MUNICIPAL SANITARY SEWER SYSTEM, INCLUDING BY LINING EXISTING SANITARY SEWER LINES AND MANHOLES, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO AND (II) MUNICIPAL WATER SYSTEM, INCLUDING THE INSTALLATION OF NEW WATER DISTRIBUTION LINES AND THE REPLACEMENT OF EXISTING WATER DISTRIBUTION LINES, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO AND (B) IMPROVING THE RIVERFRONT DEVELOPMENT PROJECT, INCLUDING HOBART ARENA AND TREASURE ISLAND PARK, BY CONSTRUCTING, REHABILITATING, REFURBISHING AND EQUIPPING THE SAME, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinances No. O-15-2014 and No. O-16-2014, each passed June 2, 2014 (collectively, the "2014 Bond Ordinance"), bonds in the aggregate principal amount of \$6,760,000, dated July 30, 2014 (the "2014 Bonds"), were issued for the component purposes described in clause (a) of Section II; and

WHEREAS, pursuant to Ordinance No. O-16-2015 passed July 6, 2015 (the "2015 Bond Ordinance"), bonds in the aggregate principal amount of \$9,000,000, dated September 10, 2015 (the "2015 Bonds"), were issued for the component purpose described in clause (b) of Section II; and

WHEREAS, this City Council finds and determines that it will be in the City's best interest to issue general obligation bonds in accordance with Chapter 133 of the Ohio Revised Code in the maximum aggregate principal amount of \$14,000,000 (the "Bonds") in order to refund at a lower rate of interest all or a portion of the outstanding 2014 Bonds and the outstanding 2015 Bonds (collectively, the "Outstanding Bonds"), which Outstanding Bonds are subject to prior redemption at the option of the City at a redemption price of 100% of par plus any accrued interest to their redemption date, and to pay any expenses relating to that refunding and the issuance of the Bonds; and

WHEREAS, this City Council has requested that the City Auditor, as fiscal officer of this City, certify the estimated life or period of usefulness of each component purpose of the Improvement described in Section II and the maximum maturity of the Bonds described in Section II; and

WHEREAS, the City Auditor has certified to this City Council that the estimated life or period of usefulness of each component purpose of the Improvement is at least five (5) years and that the maximum maturity of the Bonds is (a) December 1, 2043 allocable to the component purpose described in clause (a)(i) of Section II, (a) December 1, 2053 allocable to the component purpose described in clause (a)(ii) of Section II and (c) December 1, 2040 allocable to the component purpose described in clause (b) of Section II;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Miami County, Ohio, that:

SECTION I. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means the denomination of \$5,000 or any integral multiple in excess thereof.

"Bond Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement, the Escrow Agreement, the Purchase Agreement, the Registrar Agreement, and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section V.

"Bond Registrar" means a bank or trust company authorized to do business in the State of Ohio and designated by the City Auditor in the Certificate of Award pursuant to Section IV as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"*Bonds*" means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of beneficial interests in the Bonds and the principal of and interest and any premium on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City and payable only to a Depository or its nominee as registered owner, with the certificates deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Bonds and that principal and interest.

"*Certificate of Award*" means the certificate authorized by Section VI, to be executed by the City Auditor, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

"*City*" means the City of Troy, Ohio.

"*City Auditor*" means the City Auditor of the City or any person serving in an interim or acting capacity with respect to that office.

"*Clerk of Council*" means the Clerk of Council of the City or any person serving in an interim or acting capacity with respect to that office.

"*Closing Date*" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"*Code*" means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"*Continuing Disclosure Agreement*" means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor and the City Auditor, all in accordance with Section IX(c).

"*Depository*" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Bonds or the principal of and interest and any premium on the Bonds, and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"*Director of Law*" means the Director of Law of the City or any person serving in an interim or acting capacity with respect to that office.

"*Escrow Agreement*" means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor and the City Auditor, all in accordance with Section X.

"*Escrow Fund*" means the City of Troy, Ohio – Series 2020 Refunding Escrow Fund created pursuant to Section X and in accordance with the Escrow Agreement.

"*Escrow Trustee*" means a bank or trust company authorized to do business in the State of Ohio and designated by the City Auditor in the Certificate of Award pursuant to Section X as the initial escrow trustee for the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, "*Escrow Trustee*" shall mean the successor Escrow Trustee.

"*Financing Costs*" shall have the meaning given in Section 133.01 of the Ohio Revised Code.

"*Interest Payment Dates*" means, unless otherwise specified in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

"*Mandatory Redemption Date*" shall have the meaning set forth in Section III(b).

"*Mandatory Sinking Fund Redemption Requirements*" shall have the meaning set forth in Section III(e)(i).

"*Mayor*" means the Mayor of the City or any person serving in an interim or acting capacity with respect to that office.

"*Original Purchaser*" means the purchaser of the Bonds specified in the Certificate of Award.

"*Participant*" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

"Principal Payment Dates" means, unless otherwise specified in the Certificate of Award, December 1 in each of the years as determined necessary by the City Auditor in the Certificate of Award, *provided* that the first Principal Payment Date for the portion of the Bonds allocable to a component purpose shall occur no later than the earliest maturity date of the Refunded Bonds related to that component purpose, and *provided further* that in no case shall the final Principal Payment Date of the portion of the Bonds allocable to any component purpose exceed the maximum maturity limitation referred to in the preambles hereto for that related component purpose, all of which determinations shall be made by the City Auditor in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

"Purchase Agreement" means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor and the City Auditor, all in accordance with Section VI.

"Redemption Date" means the date or dates designated by the City Auditor in the Certificate of Award as the earliest practicable date or dates on which the respective Refunded Bonds shall be redeemed in accordance with Section X, *provided* that such Redemption Date or Dates shall be no later than ninety (90) days following the Closing Date.

"Refunded Bonds" means, collectively, the principal maturities of the Outstanding Bonds to be determined by the City Auditor in the Certificate of Award as the maturities the refunding of which will be in the best interest of and financially advantageous to the City.

"Registrar Agreement" means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor and the City Auditor, all in accordance with Section IV.

"Regulations" means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

"Rule" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"SEC" means the Securities and Exchange Commission.

"Serial Bonds" means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

"Term Bonds" means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION II. Authorize Principal Amount and Purpose; Application of Proceeds. This City Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum aggregate principal amount of \$14,000,000 (the "Bonds") for the purpose of paying the costs of refunding bonds previously issued by the City for the purpose of paying the costs of (a) improving the (i) municipal sanitary sewer system, including by lining existing sanitary sewer lines and manholes, together with all incidental work and related appurtenances thereto and (ii) municipal water system, including the installation of new water distribution lines and the replacement of existing water distribution lines, together with all incidental work and related appurtenances thereto and (b) improving the Riverfront Development Project, including Hobart Arena and Treasure Island Park, by constructing, rehabilitating, refurbishing and equipping the same, together with all incidental work and related appurtenances thereto (collectively, the "Improvement"). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, this Ordinance and the Certificate of Award.

The aggregate principal amount of Bonds to be issued shall not exceed the maximum aggregate principal amount specified in this Section II and shall be an amount determined by the City Auditor in the Certificate of Award to be the aggregate principal amount of Bonds that is required to be issued at this time for the component purposes stated in this Section II, taking into account the costs of refunding the Refunded Bonds, other City monies available for the purpose, the estimates of the Financing Costs and the interest rates on the Bonds. The Refunded Bonds shall be determined by the City Auditor in the Certificate of Award as the maturities of the Outstanding Bonds the refunding of which will be in the best interest of and financially advantageous to the City.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel; fees and expenses of any paying agent, escrow trustee, verification consultant and rating agency, any fees or premiums relating to municipal bond insurance or other security arrangements determined necessary by the City Auditor, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award, and in the Purchase Agreement and/or the Registrar Agreement) shall be used to pay costs of refunding the Refunded Bonds and/or be paid into the Bond Retirement Fund, with such determination being made by the City Auditor in the Certificate of Award, consistent with the City Auditor's determination of the best interest of and financial advantages to the City. Any portion of those proceeds received by the City representing accrued interest shall be paid into the Bond Retirement Fund.

SECTION III. Denominations, Dating, Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) **Interest Rates and Payment Dates.** The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months) as shall be determined by the City Auditor, subject to subsection (c) of this Section III, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) **Principal Payment Schedule.** The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the City Auditor, subject to subsection (c) of this Section III, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the City Auditor's determination of the best interest of and financial advantages to the City, the City Auditor shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "Mandatory Redemption Date") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) **Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts.** The rate or rates of interest per year to be borne by the Bonds and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such as to demonstrate a net present value savings to the City due to the refunding of the Refunded Bonds, after taking into account all expenses related to that refunding and the issuance of the Bonds.

(d) **Payment of Debt Charges.** The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the City Auditor, in the name and on behalf of the City, in connection with the book entry system.

(e) **Redemption Provisions.** The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) **Mandatory Sinking Fund Redemption of Term Bonds.** If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "Mandatory Sinking Fund Redemption Requirements").

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the City Auditor, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the City Auditor, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking

Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the City Auditor, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the City Auditor, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) **Optional Redemption.** The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the City Auditor in the Certificate of Award, *provided* that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the City Auditor to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) **Partial Redemption.** If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) **Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections III(d) and V, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

SECTION IV. Execution and Authentication of Bonds: Appointment of Bond Registrar. The Bonds shall be signed by the Mayor and the City Auditor, in the name of the City and in their official capacities, *provided* that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the City Auditor, shall be numbered as determined by the City Auditor in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, this Ordinance and the Certificate of Award.

The City Auditor is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The Mayor and the City Auditor shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the City Auditor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The City Auditor shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the City Auditor on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION V. Registration: Transfer and Exchange: Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections III(d) and IX(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section V. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the City Auditor determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section V.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the City Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the City Auditor does not or is unable to do so, the City Auditor, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The City Auditor is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the City Auditor determines to be necessary in connection with a book entry system for the Bonds.

SECTION VI. Sale of the Bonds to the Original Purchaser. The City Auditor is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the City Auditor in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the City Auditor with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, the provisions of this Ordinance and the Purchase Agreement. The City Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The City Auditor shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The Mayor and the City Auditor shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the City Auditor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the City Auditor, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the Mayor, the City Auditor, the Director of Law, the Clerk of Council and other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

SECTION VII. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year to the extent net revenues from the municipal sanitary sewer system are available for the payment of the debt charges on the portion of the Bonds allocable to the component purpose described in clause (a)(i) of Section II and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent net revenues from the municipal water system are available for the payment of the debt charges on the portion of the Bonds allocable to the component purpose described in clause (a)(ii) of Section II and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the municipal sanitary sewer system or the municipal water system, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the three preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

SECTION VIII. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City Auditor, as fiscal officer of the City, or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The City Auditor or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

SECTION IX. Official Statement Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure – Official Statement. The Mayor and the City Auditor are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds in substantially the form as is now on file with the Clerk of Council, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the City Auditor, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the City Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The City Auditor is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the City Auditor determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Mayor and the City Auditor are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the City Auditor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The City Auditor is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the City Auditor shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the City. The City Auditor, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement and/or the Registrar Agreement, is authorized and approved, and the City Auditor is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION X. Call for Redemption, Escrow Trustee, Escrow Agreement, Escrow Fund. To provide for the payment of the principal of and interest on the Refunded Bonds, the City Auditor is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the Escrow Trustee. The Mayor and the City Auditor shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is now on file with the Clerk of Council. The Escrow Fund provided for in the Escrow Agreement is hereby created. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the City Auditor, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The City Auditor shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement, except to the extent paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Purchase Agreement and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Acting pursuant to the 2014 Bond Ordinance and the 2015 Bond Ordinance which authorized the 2014 Bonds and the 2015 Bonds, respectively, the Refunded Bonds, as determined by the City Auditor in the Certificate of Award to be refunded and called for redemption, are hereby called for redemption on the earliest practicable date or dates as set forth in the Certificate of Award (each a "Redemption Date") at the required redemption price of the principal amount thereof, and the City Auditor is hereby authorized and directed to cause those Refunded Bonds to be called for redemption on each applicable Redemption Date and arrange for the notices of redemption to be given in accordance with the applicable provisions of the 2014 Bond Ordinance and the 2015 Bond Ordinance.

For informational purposes, a certified copy of this Ordinance shall be sent by the City Auditor to the current bond registrar for the Refunded Bonds.

In order to provide for the payment of (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through each applicable Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to each applicable Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on each applicable Redemption Date, the City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of the Escrow Agreement to carry out such payments. The City will provide from the proceeds of the Bonds and other available funds in accordance with this Ordinance, moneys and investments sufficient to pay in full (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through each applicable Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to each applicable Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on each applicable Redemption Date. The City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of this Ordinance, Section 133.34 of the Ohio Revised Code, and the Escrow Agreement to carry out such payments so that the Refunded Bonds are not deemed to be outstanding.

There shall be delivered to the Escrow Trustee for the Escrow Fund proceeds to be received from the sale of the Bonds and other available funds which shall be held in cash, or, if and to the extent determined by the Director of Finance to be financially advantageous to the City, invested in United States Treasury Obligations ("*Treasury Securities*"), State and Local Government Series ("*SLG Securities*") or other direct obligations of, or obligations guaranteed as to both principal and interest by, the United States of America as defined in Section 133.34 of the Ohio Revised Code (direct obligations and guaranteed obligations together with the SLG Securities, collectively, the "*Securities*").

The moneys in the Escrow Fund which shall be held in cash and Securities (if any) may, if and to the extent determined by the City Auditor to be financially advantageous to the City, be certified by an independent public accounting firm of national reputation in a written report (the "*Verification Report*") to be of such maturities or redemption dates and interest payment dates, and to bear such interest, as will be sufficient together with any moneys in the Escrow Fund to be held in cash as contemplated by the Verification Report, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, to cause the Refunded Bonds to be deemed to be not outstanding as provided for in Section 133.34 of the Ohio Revised Code. The balance of the proceeds to be received from the sale of the Bonds, less any amount thereof contemplated by the Verification Report to be held in cash in the Escrow Fund and less any amount otherwise provided for herein, shall be used for the payment of costs related to the refunding and the issuance of the Bonds. The City Auditor is hereby authorized to retain and designate in the Certificate of Award an independent public accounting firm of national reputation to prepare and deliver the Verification Report.

At the direction of the City Auditor, the Escrow Trustee or the Original Purchaser is authorized to apply and subscribe for SLG Securities on behalf of the City. Further, if the City Auditor determines that it would be in the best interest of and financially advantageous to the City to purchase Treasury Securities for deposit into the Escrow Fund, the City Auditor or any other officer of the City, on behalf of the City and in their official capacity, may purchase and deliver such obligations, engage the services of a municipal advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser in accordance with the Certificate of Award and the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Any such moneys, and Securities (if any), in addition thereto contemplated by the Verification Report to be held in cash, shall be held by the Escrow Trustee in trust and committed irrevocably to the payment of the principal of and interest on the Refunded Bonds.

SECTION XI. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The City Auditor is authorized and directed, to the extent they are not paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar Agreement, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

SECTION XII. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Miami County, Ohio.

SECTION XIII. Satisfaction of Conditions for Bond Issuance. This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section VII) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, this Ordinance, the Certificate of Award, the Purchase Agreement and other authorizing provisions of law.

SECTION XIV. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION XV. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to take advantage of favorable interest rates and realize a savings in interest costs by refunding the Refunded Bonds; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Adopted: _____
President of Council

Approved: _____
Mayor

Attest: _____
Clerk of Council

ORDINANCE No. O-33-2020

Dayton Legal Blank, Inc.

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR A PINK RIBBON GIRLS EVENT NOTWITHSTANDING CONFLICTING PROVISIONS OF THE TROY CODIFIED ORDINANCES AND FURTHER APPROVING THE USE OF AN AREA FOR THE SALE OF BEER SUBJECT TO THE ISSUANCE OF PROPER PERMITS BY THE STATE OF OHIO AND PROCUREMENT OF LIQUOR LIABILITY INSURANCE AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH PINK RIBBON GIRLS, INC. THEREFOR, AND DECLARING AN EMERGENCY

WHEREAS, Pink Ribbon Girls, Inc. has requested a Pink Ribbon Girls (PRG) event be held in a portion of the downtown area as shown on the attached map marked Exhibit "A", from 2:00 PM to 9:00 PM on Friday, July 3, 2020, and that such event be an enclosed area to include the sale of beer during certain hours of said event; and

WHEREAS, permitting such event as requested may be otherwise contrary to some provisions of the Troy's codified ordinances; and

WHEREAS, Pink Ribbon Girls, Inc. has agreed that such event will be cost neutral to the City; and

WHEREAS, it would be necessary and prudent for the City of Troy, through its Director of Public Service and Safety to enter into an agreement regarding this PRG event; and

WHEREAS, without interfering with attendees right to engage in this conduct at other times in this location and in other places at all times; and without interfering in attendees right to engage in other, non-prohibited conduct during the Paint the Town Pink with PRG event; because of Troy City Council's interest in preserving the public's safety and its interest of proper management of the anticipated large crowd of attendees, certain actions during the actual event activities each day and for the hour before and after each day's activities of the event, within the event area as shown on the attached "Exhibit A", should be limited, such as the carrying of weapons at the festival, having non-handicap-assist animals at the festival, the use of drones except as approved by the City for event documentation and marketing purposes only, and engaging in the act of writing, painting, chalking or otherwise permanently or temporarily defacing or marking on the public streets, sidewalks, alleys or other public areas in the event area during the festival, unless otherwise allowed by law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, as follows:

SECTION I: That the PRG event shall be cost neutral to the City of Troy, and Pink Ribbon Girls shall reimburse the City for the City's costs expended incident to the event.

SECTION II: That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to establish terms and conditions for the use of the public areas shown on "Exhibit A", as the site for the Paint the Town Pink with PRG event, notwithstanding any provisions of the Troy Codified Ordinances which would prohibit portions of the event deemed proper by the Director of Public Service and Safety of the City of Troy, Ohio, from noon to 11:00 PM, Friday, July 3, 2020.

SECTION III: That the sale and consumption of beer on the public areas of downtown Troy, within the event area shown on "Exhibit A" attached hereto, by Pink Ribbon Girls, Inc. is authorized on Friday, July 3, 2020, from 2:00 PM to 9:00 PM, pursuant to proper permits issued by the State of Ohio and submission of a liquor liability insurance policy naming the City of Troy either as the named insured or as additionally insured with limits of no less than One Million Dollars and no/100 (\$1,000,000.00).

SECTION IV: That the sale of wares by peddlers and itinerant vendors, except by persons associated with and authorized by Pink Ribbon Girls, Inc. or the City of Troy are prohibited in the event area shown on "Exhibit A", noon to 11:00 PM, Friday, July 3, 2020.

SECTION V: That, unless specifically authorized by the Troy Police Department, or otherwise permitted by law, no person from noon to 11:00 PM, Friday, July 3, 2020 shall possess within or bring into the event area as shown on "Exhibit A", attached hereto, any knife, club or any other instrument, device or thing that is capable of inflicting serious physical harm, that is designed or specifically adapted for use as a weapon, or that is possessed, carried or used as a weapon. This Section does not apply to law enforcement officers or to canes, crutches or other similar devices used by persons who are visually or physically impaired.

SECTION VI: That from noon to 11:00 PM, Friday, July 3, 2020, no person shall bring any animal into the event area as shown on "Exhibit A", attached hereto, unless such animal is being or will be used by law enforcement officials in the performance of their duties, or as a guide dog or other handicap-assist animal, or is otherwise specifically authorized by the City of Troy, Ohio.

SECTION VII: That from noon to 11:00 PM, Friday, July 3, 2020 no person shall engage in the act of writing, painting, chalking or otherwise permanently or temporarily defacing or marking on the public streets, sidewalks, alleys or other public areas in the event area, as shown on "Exhibit A", attached hereto.

SECTION VIII: That from noon to 11:00 PM, Friday, July 3, 2020 in the event area as shown on "Exhibit A", attached hereto, no person shall use drones except as approved by the City for event documentation and marketing purposes only.

SECTION IX: That whoever violates Sections IV, V, VI, VII, VIII of this Ordinance is guilty of a minor misdemeanor.

SECTION X: That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that time PRG must quickly submit applications to the State of Ohio NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____

President of Council

Approved: _____

Attest: _____

Clerk of Council

Mayor

"EXHIBIT A"

**PINK RIBBON GIRLS
VENUE LAYOUT**





TROY PLANNING COMMISSION

MEMORANDUM

TO: Mr. Lutz President, Troy City Council

FROM: Sue Knight, for the Troy Planning Commission

DATE: June 12, 2020

SUBJECT: **PROPOSED REZONING OF PARCEL NUMBER D08-106648, TOTAL OF 6.1421 ACRES, WITH THE ADDRESS OF 1375 S. UNION STREET, FROM THE COUNTY ZONING OF I-2, GENERAL INDUSTRIAL DISTRICT, TO THE CITY ZONING OF M-3, GENERAL INDUSTRIAL DISTRICT**

On May 27, 2020, the Troy Planning Commission considered the rezoning of Parcel No. D08-106648, located at 1375 S. Union Street, an area of 6.1421 acres, from the County zoning of I-2, General Industrial District, to the City zoning of M-3, General Industrial District. The owner is J&B Properties of Troy LLC and the applicant is Steve Bruns, co-owner.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Parcel No. D08-106648, located at 1375 S. Union Street, an area of 6.1421 acres, be rezoned from the County zoning of I-2, General Industrial District, to the City zoning of M-3, General Industrial District, based on the findings of staff of:

- The proposed zoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- Permitted uses in the proposed district are consistent with permitted uses in the surrounding area; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the July 6 meeting of Council.

encl.

TO:	Troy Planning Commission
FROM:	Planning Staff
DATE:	May 27, 2020
SUBJECT:	Rezoning: 1375 S. Union St. Lot D08-106648 (6.1241 acres, 26,7458 sq. ft.)
OWNER:	J&B Properties of Troy LLC
APPLICANT: Steve Bruns (co-owner)	

BACKGROUND:

The applicant is requesting the Planning Commission to consider allowing the rezoning of 1375 S. Union St. Lot D08-106648. The applicant requests that the zoning of the parcel be given the zoning district of the M-3 General Industrial District.

The land, consisting of 6.1421 acres is currently a vacant parcel previously annexed into the city in January 22, 2019 (Ordinance-02-19). The other surrounding zoning districts are County Zoning to the west of I-1, Light Industrial, south is County Zoning B-1, Highway Business, east is City of Troy M-2 Light Industrial, and north is City of Troy M-3 General Industrial District.

DISCUSSION:

The application was submitted to place a required City of Troy zoning district upon the recently annexed property as required by the zoning ordinance. The requested zoning is consistent with the surrounding properties.

The Zoning Code describes the current M-3 General Industrial zoning district as “designed to accommodate a broad range of manufacturing, servicing and processing uses.”

Attached to this report is a map showing the surrounding zoning districts and properties within a two hundred and fifty-foot radius of the land proposed to be reclassified. *(Exhibit D)*

Per Figure 14-4, SE Future Land Uses of the Comprehensive Plan, the area is designated as being zoned for Industrial Use. *(Attached)*

The annexation of this property and proposed zoning district will allow for new business or expansion of the industrial sector in the City of Troy. The industrial zoning district will lend to accomplishing several goals in the comprehensive plan and the possibility to re-use an under-utilized, vacant property.

Goal #3: Capture economic development opportunities via local business expansions and recruitment of new businesses. The annexation and continued zoning of the industrial land will allow for the property to be marketed for new business or expansion of industrial business in city limits.

Goal #4: Use or reuse vacant or underutilized commercial and industrial structures. The land is currently vacant and underutilized. With the annexation and industrial zoning designation the property could become re-utilized and developed for industrial use.

#5: Ensure an adequate supply of viable industrial land for both small and large companies. Assigning the M-3 zoning designation will create viable industrial land to be utilized.

In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:

(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.

The proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

The proposed rezoning is not made necessary because of changing conditions in the affected area. The proposed zoning district already exists to the north and the property was previously zoned industrial while in the county.

(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

The permitted uses allowed in the zoning district are compatible and similar to the uses that currently exist in the surrounding area.

(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.

All utilities can be provided.

(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, that make a substantial part of such vacant land unavailable for development.

In the vicinity of the subject property, there is no available vacant land with the M-3 zoning classification

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

This would not correct any errors in the application of the Zoning Code.

PUBLIC HEARING:

Due to the straight forward nature of the rezoning request, the compliance with the City of Troy Comprehensive Plan, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not recommend a public hearing.

RECOMMENDATION:

It is staff's opinion that the proposed rezoning is consistent with both the desired goals of the Comprehensive Plan, the surrounding uses and zoning districts. The proposed rezoning provides an available industrial zoned property for re-utilization.

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from county zoning I-2 General Industrial to City of Troy zoning M-3 General Industrial District, based on the following:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- Permitted uses in the proposed district are consistent with permitted uses in the surrounding area; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Scheduled Planning Commission Meeting
(Held every 2nd and 4th Wednesday of the month at 3:30 p.m.)

Date Requested: _____
Applicant(s) scheduled on the agenda will be notified

Office Use Only

Date Filed 2-10-2020
Accepted by [Signature]
Filing Fee Pd. #150
Receipt # V#4232

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

APPLICATION FOR ZONING AMENDMENT
CITY OF TROY PLANNING COMMISSION
(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at 1375 S. UNION ST. TROY OHIO

being lot number(s) C06-018600 from I-2-Heavy Industrial to M 3
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)

OWNER

APPLICANT

Name J+B PROPERTIES
Address SAME AS →
City _____
State _____
Zip Code _____
Phone No. _____
Fax No. _____
Email _____

Name STEVE BRUNS
Address 3050 TIPP-COWLESVILLE RD.
City TIPP CITY
State OHIO
Zip Code 45371
Phone No. 339-2300
Fax No. 339-8051
Email sbruns@brunsgc.com

The applicant is the CO-OWNER of the property, which is subject to this application.
(State the interest of the applicant)

PLEASE PROVIDE THE FOLLOWING:

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
- ✓ 2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
 - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
 - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
 - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
 - i. Include one (1) copy of County Tax Maps
 - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$150.00 made payable to the City of Troy

8 0 6 4 5 9 1
Tx: 4038155
MIAMI COUNTY RECORDER
JESSICA A LOPEZ
2017OR-06572
PRESENTED FOR RECORD
MIAMI COUNTY, TROY, OHIO
06/01/2017 3:19:29 PM
REFERENCES 0
RECORDING FEE 36.00
PAGES: 3

Exhibit B

FAUST BT

TRANSFERRED 50¢
In compliance with CRC 319.202
MATTHEW W. GEARHARDT, Miami Co. Auditor
Matthew W. Gearhardt
JUN 01 2017

Total Fee: \$ 260.00
CRC 319.54 \$ 150.00
CRC 322.02 \$ 110.00
Exempt

DESCRIPTION APPROVED
MIAMI COUNTY ENGINEER
BY *CA* DATE *5/24/17*

General Warranty Deed



KNOW ALL MEN BY THESE PRESENTS:

That **Spartan Supply Co., an Ohio Corporation**, for valuable consideration paid grants, with general warranty covenants, to **J & B Properties Of Troy, LLC, an Ohio Limited Liability Company**, its successors and assigns forever,

whose tax mailing address is **3050 Tipp-Cowlesville Road, Tipp City, Ohio 45371**
the following real property:

Situate in the Township of Concord, County of Miami, and State of Ohio, described as follows: Being a part of the Northwest Quarter of Section Thirty-four (34), Town Five (5), Range Six (6), and more particularly described as follows:

Beginning at a railroad spike which marks the Northwest corner of Section Thirty-four (34), same being a point on the centerline of Union Street at the South corporation line of the City of Troy, thence South 1° 21' East with the West line of Section Thirty-four (34) and the centerline of Union Street Three Hundred Forty-one and Seven Tenths (341.7) feet to a railroad spike at the place of beginning of the tract herein described; witness an iron pin Thirty (30) feet distant on line next described; thence North 89° 03' East Two Hundred Ninety-four and Five Tenths (294.5) feet to an iron pin on the West right-of-way line of the Baltimore and Ohio Railroad; thence South 14° 23' East with the West line of said railroad right-of-way line Seven Hundred Eighty and Nine Tenths (780.9) feet to an iron pin; thence South 88° 21' West Four Hundred Seventy and Fifty-five Hundredths (470.55) feet to a railroad spike in the West line of Section Thirty-four (34) and the centerline of Union Street witness an iron pin Thirty (30) feet distant on line last described; thence North 1° 21' West with the West line of Section Thirty-four (34) and the centerline of Union Street Seven Hundred Sixty-four and Eight Tenths (764.8) feet to the place of beginning, containing Six and Six Hundred Ninety-eight Thousandths (6.698) Acres. Vol. 17, Page 81, Record of Land Surveys.

Subject to easements, restrictions, conditions, and reservations of record, and all zoning ordinances and legal highways.

EXCEPTING THEREFROM the following:

Situate in the Township of Concord, County of Miami, State of Ohio, and being a part of the Northwest Quarter of Section Thirty-four (34), Town Five (5), Range Six (6) East, more particularly described as follows:

Beginning at a railroad spike in the centerline of Union Street which marks the

Northwest corner of the Northwest Quarter of Section 34, thence South 1° 21' East with the centerline of Union Street and the West line of Section 34, 341.7 feet to a railroad spike at the place of beginning of the tract herein described;

Thence North 89° 03' East 294.5 feet to an iron pin on the West right-of-way line of the Baltimore and Ohio Railroad;

Thence South 14° 23' East, with the West line of said railroad right-of-way, 82.25 feet to an iron pin;

Thence South 89° 03' West, 313.04 feet to a P. K. nail in the centerline of Union Street and West line of Section 34, witness an iron pin 30.0 feet distant on line last described;

Thence North 1° 21' West with the centerline of Union Street and the West line of Section 34, 80.0 feet to the place of beginning.

The above described tract contains a total of 0.558 acres, same being subject to all legal highways, easements, and restrictions of record.

Description prepared by Richard W. Klockner, Professional Surveyor, in accordance with a survey filed in the Miami County Engineer's Records of Land Surveys Volume 27, Page 56.

See Volume 642, Page 8, of the Miami County Deed Records.

Leaving after said exception 6.14 acres, more or less.

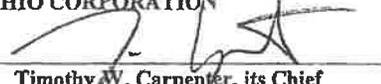
Parcel No.: C06-018600

Prior Instrument Reference: Volume 139, Page 986 of the Official Records of Miami County, Ohio.

Grantee hereby assumes and agrees to pay real estate taxes and assessments due and payable in June, 2017 and thereafter as part of the consideration herein.

Witness its hand this 1st day of JUNE, 2017.

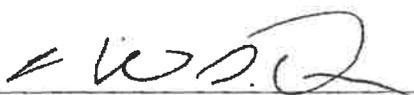
SPARTAN SUPPLY CO.,
an OHIO CORPORATION

By: 
Timothy W. Carpenter, its Chief
Executive Officer

STATE OF OHIO, COUNTY OF MIAMI, SS:

Before me, a Notary Public in and for said county and state, personally appeared the above named Spartan Supply Co., an Ohio Corporation, by Timothy W. Carpenter, its Chief Executive Officer, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed individually and the duly authorized free act and deed of Spartan Supply Co., an Ohio Corporation.

IN TESTIMONY THEREOF, I have hereunto set my hand and official seal this 15th day of June, 2017.


Notary Public



WILLIAM J. FULKER, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.
Recorded in Miami County

This instrument prepared by:
William J. Fulker
Attorney at Law
Ohio Supreme Ct. #0003299
P. O. Box 8
12 South Cherry Street
Troy, Ohio 45373
Phone: (937) 335-8324
Facsimile: (937) 339-7155
e-mail: wjfulker@woh.rr.com
WJF/csb

EXHIBIT A
LEGAL DESCRIPTION

ANNEXATION OF 10.284 ACRES TO THE CITY OF TROY

SITUATE IN THE SOUTHWEST QUARTER OF SECTION 31, TOWN 5, RANGE 6,
CONCORD TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY
DESCRIBED AS FOLLOWS:

Commencing for reference at a stone found at the northeast corner of the southwest corner of
Section 33;

thence, South 88°-53'-36" West, 1090.94 feet, along the half section line to an iron pin found;

thence, as a curve to the left with a radius of 211.30 feet, an arc distance of 156.23 feet, a delta
angle of 43°-19'-41", and a chord bearing South 22°-49'-24" East, 132.77 feet, along the west
line of a tract of land owned by John W. Buehler & David H. Buehler as described in Deed Book
764, Page 676 and Deed Book 764, Page 243;

thence, South 45°-23'-34" East, 121.03 feet, along the west line of said Buehler tract to an iron
pin found;

thence, as a curve to the right with a radius of 175.00 feet, an arc distance of 120.87 feet, a delta
angle of 28°-18'-03", and a chord bearing South 20°-54'-24" East, 117.73 feet, along the west
line of said Buehler tract to an iron pin found;

thence, South 01°-10'-34" West, 114.39 feet, along the west line of said Buehler tract to an iron
pin found;

thence, South 01°-04'-36" West, 51.36 feet, along the west line of said Buehler tract to an iron
pin found with "QSR" cap and being the principal place of beginning of the tract herein
described;

thence, South 89°-59'-14" East, 479.10 feet, along the south line of said Buehler tract to an iron
pin with cap set;

thence, South 63°-55'-16" East, 388.10 feet, to an iron pin with cap set on the westerly line of a
tract of land owned by Jeffrey J. and Lisa M. Friggs as described in Official Record 323, Page
319;

thence, South 43°-01'-51" East, 156.44 feet, along the west line of said Friggs tract to a 1 1/2"
iron pipe found;

thence, South 17°-28'-24" East, 90.08 feet, along the west line of said Friggs tract to a 1 1/2"
iron pipe found;

thence, South 06°-21'-26" East, 254.56 feet, along the west line of said Friggs tract to an iron pin
with cap set on the north line of Lot 4 of Creekwood Subdivision as described in Record Plat 12-
131;

thence, South 24°-47'-27" West, 342.36 feet, along the north line of said Creekwood Subdivision
to a point on the east line of a tract of land owned by Thomas E. Robinson & Patricia A.
Robinson (T.C.D.) as recorded in 2010DR-02620 and Deed Book 533, Page 379, witness an iron
pin found North 19°-01'-23" East, 1.00 feet;

thence, North 04°-31'-41" West, 4.11 feet, along the east line of said Robinson tract to an iron
pin with cap set;

thence, South 89°-04'-26" West, 17.21 feet, along the north line of said Robinson tract to a
round off 4" iron post in concrete;

thence, South 89°-43'-26" West, 331.83 feet, along the north line of said Robinson tract to an
iron pin set;

thence, North 01°-05'-46" West, 317.84 feet, to an iron pin found with "QSR" cap faced at the
southeast corner of 0.444 acre Delcamp tract;

thence, South 89°-59'-24" East, 205.76 feet, along the south line of said 0.444 acre Delcamp
tract to the principal place of beginning.

Containing 10.284 acres more or less and all being subject to any legal highways and easements
of record.

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS
CORS Network.

The above description was prepared by Allen J. Bertin, Ohio Professional Surveyor Number
1629, based on a field survey performed under his direct supervision and dated April 20, 2018.

Allen J. Bertin
Allen J. Bertin, PS 084670



5-10-18
Date

Exhibit C+D

CITY OF TROY
MIAMI COUNTY, OHIO

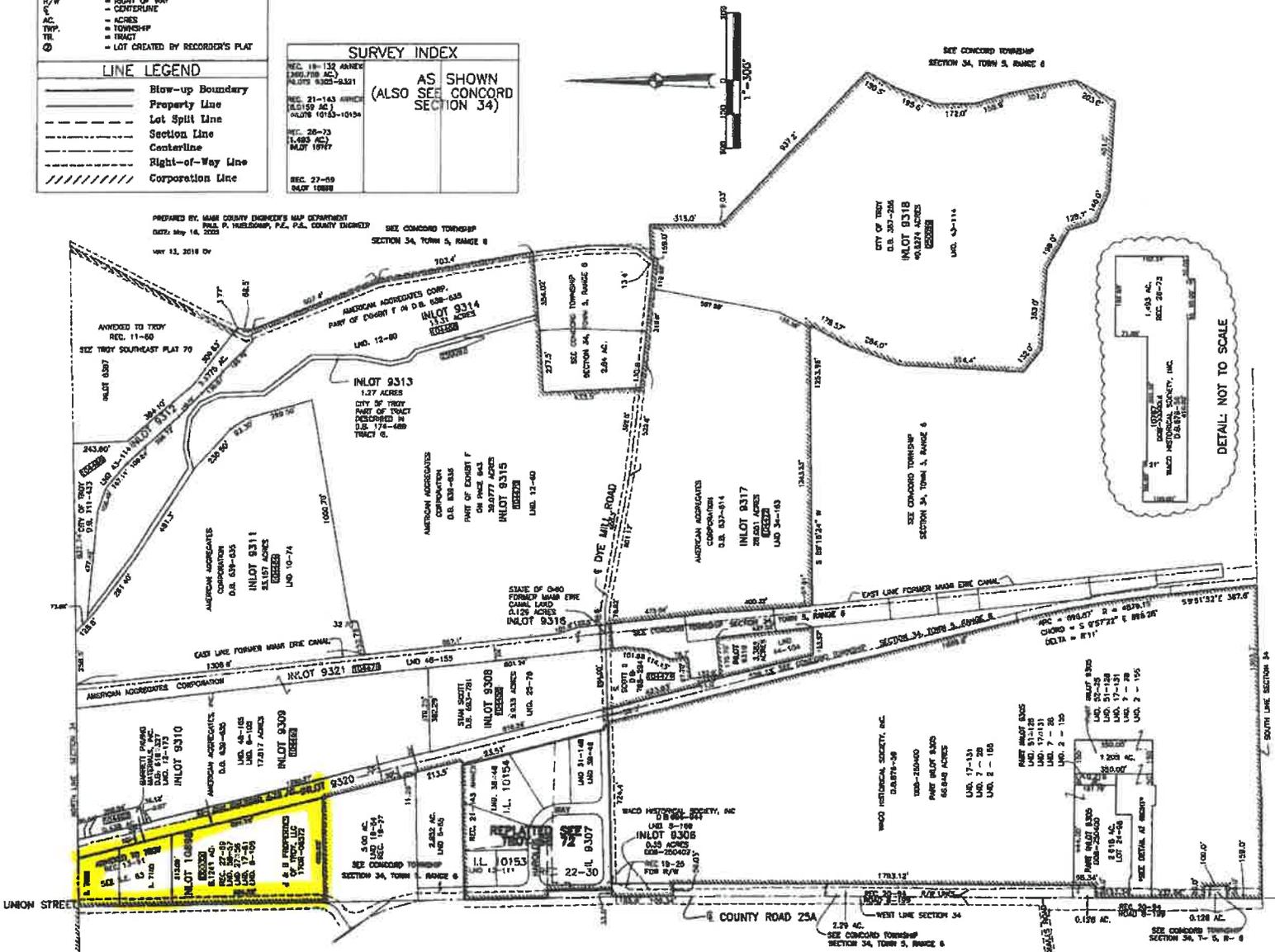
PARCEL NUMBER
(TAX ACCOUNT NO.)
DOB [999999]

SE 71

ABBREVIATION LEGEND	
D.B. 913-172	= DETD BOOK 613, PAGE 172
REC. 15-72	= RECORDER'S PLAT BOOK 15, PAGE 72
LAND 33-15	= LAND SURVEY VOLUME 33, PAGE 15
LOT 19-12	= LOT SURVEY VOLUME 19, PAGE 12
R.R. 9-29	= ROAD RECORD VOLUME 9, PAGE 29
R/W	= RIGHT OF WAY
C/L	= CENTERLINE
AC.	= ACRES
TWP.	= TOWNSHIP
TR.	= TRACT
⊙	= LOT CREATED BY RECORDER'S PLAT

LINE LEGEND	
	Blow-up Boundary
	Property Line
	Lot Split Line
	Section Line
	Centerline
	Right-of-Way Line
	Corporation Line

SURVEY INDEX	
REC. 18-132 ARCHED (260,719 AC.) PLATS 9302-9311	AS SHOWN (ALSO SEE CONCORD SECTION 34)
REC. 21-143 ARCHED (1,519 AC.) PLATS 1013-1014	
REC. 26-73 (1,493 AC.) PLAT 1947	
REC. 27-69 PLAT 1988	



PREPARED BY: MIAMI COUNTY ENGINEER'S MAP DEPARTMENT
DATE: May 14, 2025
BY: 12, 2019 Or

DETAIL: NOT TO SCALE

1375 S. Union St – Surrounding Zoning Districts within 250 feet.

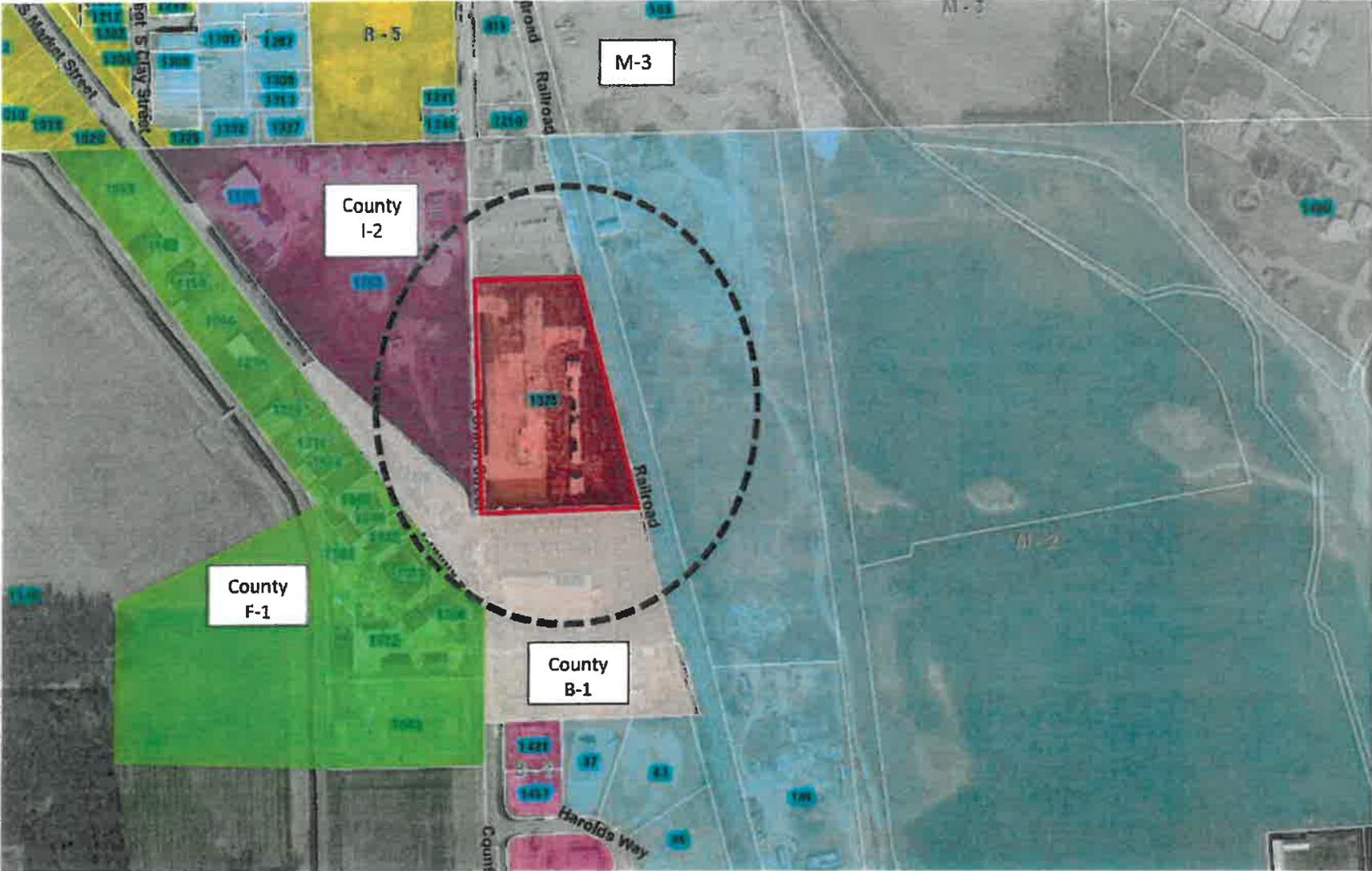


Exhibit D

ITEMS OF INTEREST

TO: Mayor Oda
Mr. Lutz, President of Council
Council Members

FROM: Patrick E. J. Titterington, City Director



DATE: June 12, 2020

We are providing the following for your information:

- Recreation Director Ken Siler has provided the following:
 - Staff started the refrigeration system on Monday, June 8 with plans to have ice for the summer beginning Monday, June 15. There will be a few rentals that will not be able to take place due to the restrictions on contact sports. Figure skating and hockey training is currently permitted.
 - The pool is scheduled to open on Monday, June 15 with some modifications to the operation to meet the guidelines from the state and county health departments. A vendor will be here Wednesday, June 10 to start up the filtration/circulation system.
 - Registrations for the fall/winter Troy Youth Hockey Program are nearly full with 128 participants currently registered. This is very unusual for this time of year. We usually still have openings available in September.
 - Recreation programs will begin starting June 23. The baseball clinic will be the first program to start.
- Employment Information:
 - After 21 years of service with the Troy Fire Department, Shawn McMaken is retiring June 24.
- Contract Award:
 - Six bids were received for the 2020 Sidewalk Replacement Program and Towne Park Drive Sidewalks project. The contract was awarded to L.J. DeWeese Co., Inc., the lowest and best bidder in the amount of \$298,875.30.
- Events on July 4 weekend for the enjoyment of our residents and visitors are:
 - July 3 Troy Main Street First Friday and Pink Ribbon Girls Event downtown, subject to Pink Ribbon Girls being able to obtain the permit from the Ohio Division of Liquor Control.
 - July 4 parade sponsored by the Independence Day Celebration Committee starting at 9:00 a.m.
 - July 4 concert at Treasure Island Park sponsored by the City and the Troy Area Chamber of Commerce. Music starts at 8:00 pm by Direct Energy. Food Trucks will be on site prior to the concert starting.
 - July 4 Fireworks by American Fireworks Company which will start approximately at 10:00 p.m.



Upcoming Events in Downtown Troy

June 13	9:00-12:00	Downtown Troy Farmers Market (on South Cherry Street) is scheduled to commence June 13 – September 26
July 3	5:00 p.m.	TMS First Friday – Fourth of July

Upcoming Events at Treasure Island Park

June 26	7:30 pm	Concert – Brass Tracks Band
July 4	8:00 pm	Concert – Direct Energy
July 5	7:00 pm	Air Force Band of Flight

Calendar of Meetings

June 15	7:00 pm	Council
June 17	4:00 pm	Recreation Board
June 22	5:00 pm	Council Committee and Work Session
June 24	3:30 pm	Planning Commission

Reports from other departments are attached.

If you have any questions, please do not hesitate to contact this office.

Enclosure

cc: Department Heads



Street/Solid Waste – Jerry Mullins, Foreman

- Collected and transported 323 tons of residential trash since the last report of 200 tons
- Handled 13 trash complaints and one recycling complaint
- Collected yard waste bags and bundled brush
- Replaced various signs throughout the City and is preparing for curb and downtown parking stall painting
- Inspected guard rails within the City and making a list of needed repairs
- Continue asphalt operations. We have repaired over 40 areas in the streets marked for rehab, using 100+ tons of asphalt.
- Mowed rights-of-way
- Prepared for implementation of reverse angle parking on North Market Street
- Acquired three 6,000-gallon brine tanks from the State of Ohio. These tanks were marked for disposal since they were replaced by newer ones. The tanks are in excellent condition and will allow use to have enough brine on hand to treat the roadways without the need for immediate replenishment of materials. These tanks were acquired without any cost to the City as the State's District 7 Regional Manager, Josh Smith was able to use the State's re-appropriation program to donate them to any entity that might be of interest. We appreciate being able to receive these tanks from ODOT as this saves the City from having to purchase additional tanks.

Electrical – Brian Ferree, Foreman

- Completed Ohio Utilities Protection Service requests as needed
- Completed the safety report for the month of June at the Maintenance Facility
- Department made repairs to the underground electric cables that supply power to the irrigation pump at Miami Shores Golf Course
- Installed a new outside security light on the Maintenance Barn at Miami Shores Golf Course
- Installed mural banners along Adams Street and the Adams Street Bridge
- Replaced a light pole along the levee walk that was damaged from a tree limb
- Installed a new pedestrian module in the signal housing at West Main Street and Plum Street
- Repaired a sump pump in the pit at the Troy Aquatic Park
- Made a minor repair to a cable tv box at a location on Sherwood Drive
- Installed a new service panel at shelter thirteen in Troy Community Park
- Repaired an outside light by the golf cart storage at Miami Shores

Water Distribution/Sewer Maintenance – Tom Parsons, Foreman

- Marked numerous Ohio Utilities Protection Service tickets
- Worked on numerous work orders for Billing and Collection
- Investigated numerous high consumption alerts
- Completed bacteria and pressure tests on new water lines off of Washington Road

- Upgraded water services on West Water Street, West Canal Street, Tamplin Drive, Meadow Lane, West Main Street and Lafayette Street
- Replaced catch basins on East Main Street, York Lane, and Frank Street
- Made shut downs and assisted Sturm Construction on the water line project on Harrison Street and Atlantic Street
- Repaired water service on North Market Street that was hit by a contractor
- Mowed storm ditches
- Repaired a manhole at North Dorset Road and Sussex Road
- Repaired a sink hole at Sussex Road and Weston Road

Wastewater Treatment Plant – Ken Parks

- On Tuesday, June 9, infrared testing was performed on the plant's electrical switches and motors. There were a couple hot spots identified and we will address those concerns after we receive the testing report.
- We have Parkson Screen pre-construction meeting scheduled for June 15
- A Blower project "kick-off" meeting is scheduled for June 16
- On June 16, we will be conducting interviews for the Assistant Superintendent position

Water Treatment Plant – Jeff Monce

- For the month of May 2020, the WTP pumped a total of 104.585 million gallons (MG) to our distribution system and customers in West Milton, Ludlow Falls, and Miami County, (avg. 3.37 MG/day) this is a 3.2% decrease from last year. Total precipitation recorded at the WTP for May was 5.26". Respective totals for May in previous years are:
 - 2019: 108.036 MG; 7.03"
 - 2018: 113.910 MG; 4.31"
 - 2017: 109.777 MG; 5.83"
 - 2016: 109.256 MG; 2.58"
 - 2015: 114.849 MG; 2.64"
 - 2014: 116.677 MG; 9.27"
 - 2013: 132.482 MG; 2.39"
 - 2012: 140.424 MG; 3.12"
 - 2011: 120.330 MG; 6.55"
- 12 bulk water account holders withdrew a total of 780,530 gallons from the WTP Bulk Water Station during the month of May; revenue total of \$7,210.50.
- 9.54 million gallons were pumped to the Extra High Service pressure zone by the EHS Booster Station in May, for an average daily consumption in that zone of 340,000 gallons.
- The contractor has finished installation of the new Lime Slaker 2. Factory technicians are expected on-site this month for inspection, training, and start-up.
- Computer programmers have begun the upgrade of plant control software.
- Annual infrared testing of electrical switchgear and controls was done June 10, along with annual calibration of chlorine storage scales.

**Items of Interest
Engineering Department
June 12, 2020**

PROJ #	PROJECT TITLE	PROJECT STATUS
2019-25	S Market St Signal Timing	Staff requested working with ODOT and DGL Consulting, LLC, an ODOT prequalified consultant for this type of project, to proceed with safety grant funding to review the traffic signals along South Market Street beginning at Water Street through Simpson Street. A kickoff meeting with the consultant and ODOT is scheduled at the end of June. Staff is requesting Council approval of the grant funding.
2019-27	Madison Street Lift Station Pump Rehab	Staff is working to apply for CDBG Critical Infrastructure grant funding to assist with the costs of this repair/rehabilitation of the Madison Street Stormwater Lift Station.
2019-23	Traffic Signal - W Main Street and Kings Chapel Drive	Staff is working with Oaks Engineering, Inc. to design the signal and prepare construction drawings to bid later in 2020. An abbreviated safety study has been submitted to ODOT for funding. ODOT awarded safety funding to the project; the scope and LPA agreement is being finalized with ODOT. Staff is requesting Council approval of the LPA agreement.
2019-24	Drury Lane Storm Sewer Replacement	Staff utilizing Choice One Engineering has submitted a permit to CSX to replace a failing storm sewer under the CSX spur line at Drury Lane and Madison Street.
2020-03	WWTP Aeration Blower Replacement	Council has approved the award of an agreement with Hazen & Sawyer for the analysis of the existing biological process at the Wastewater Treatment Plant. The consultant will also design the replacement of the existing blowers at the plant that are from the 1970s.

ANNUAL PROJECTS

	2020 Paving Program	Paving Contract has been awarded to John R. Jurgensen Company of Springfield, Ohio. The paving program will be reduced by approximately \$250,000 due to budget cuts.
	Sidewalk Program 2018 (Phase 11)	This phase is the southeast side of the City, generally to the east of Phase 10. The remaining assessments will be placed on the property owners taxes beginning collection in 2021. Assessment cards are being completed in order to file the assessments with the Miami County Auditor's Office.
	Sidewalk Program 2020 (Phase 12) and Towne Park Drive Sidewalks	The next phase continues to be the southeast side of the City and is generally to the east of Phase 11. This phase of the sidewalk repair is along E. Canal St. from S. Mulberry St. to Floral Ave., S. Clay St. between McClung St. and E. West St., S. Crawford St. between E. Canal St. and E. West St., and S. Union St. from E. Canal St. to E. Dakota St. The contract has been awarded to L.J. DeWeese Co., Inc.



MEMORANDUM

TO: Patrick E.J. Titterington, Director of Public Service and Safety

FROM: Tim Davis, Development Director

DATE: June 12, 2020

SUBJECT: *Items of Interest Report*

I have attached two reports which summarize concerns that are being addressed by the Economic Development Department from May 28, 2020 to June 10, 2020.

The first report shows all permit applications that were received. The permits have been separated by the wards they are located within. There were 53 permit applications received during this time period.

The second report contains the address, type of concern, and a summary of the current status of on-going property maintenance violations. Both open and closed concerns are listed. These concerns are separated by the wards of which they are located within. There were 26 violations addressed during this time period.

All costs associated with the removal of trash and elimination of noxious weeds will be invoiced to the property owner. Should the property owner fail to pay any invoice, the cost will be assessed to the property taxes where the violation occurred.

encl.

Permit Activity Report

May 28, 2020 - June 10, 2020

Project Address	Ward	Permit Type	Description	Assigned To	Permit Date	Total Fees
451 FORREST LN	1	Zoning-Accessory-Residential	SHED	Robert Watson	6/9/2020	\$25.00
1463 SKYLARK DR	1	Zoning-Accessory-Residential	SHED	Robert Watson	6/8/2020	\$25.00
1066 STONYRIDGE AVE	1	Fence Permit	FENCE	Robert Watson	6/5/2020	\$10.00
534 LOCUST LN	1	Fence Permit	FENCE	Robert Watson	6/4/2020	\$10.00
1191 EDISON AVE	1	Zoning-Accessory-Residential	SHED	Robert Watson	6/3/2020	\$25.00
1102 W MAIN ST	2	Temporary Use Permit	TEMPORARY USE	Robert Watson	6/9/2020	\$50.00
6 N MADISON ST	2	Sign Permit-Permanent	SIGN PERMIT	Robert Watson	6/8/2020	\$25.00
204 S ELM ST	2	Zoning-Accessory-Residential	POOL	Robert Watson	6/8/2020	\$25.00
879 CROSSBOW LN	2	Zoning-Accessory-Residential	SHED	Duane Puckett	6/8/2020	\$25.00
303 TROY ST	2	Zoning-Accessory-Residential	SHED	Robert Watson	6/5/2020	\$25.00
255 N MARKET ST	2	Tent Permit	TENT - CENTER STAGE ACADEMY	Robert Watson	6/3/2020	\$50.00
1010 S MULBERRY ST	3	Zoning-Accessory-Residential	ABOVE GROUND POOL	Robert Watson	6/9/2020	\$25.00
903 S MULBERRY	3	Zoning-Accessory-Residential	POOL	Robert Watson	6/4/2020	\$25.00
802 S CRAWFORD ST	3	Zoning-Accessory-Residential	DECK	Robert Watson	6/4/2020	\$25.00
15 UNION ST	3	Fence Permit	FENCE	Robert Watson	6/4/2020	\$10.00
504 UNION ST	3	Fence Permit	FENCE	Robert Watson	6/4/2020	\$10.00
909 S WALNUT ST	3	Zoning-Accessory-Residential	SHED	Robert Watson	6/1/2020	\$25.00
208 S CRAWFORD ST	3	Fence Permit	FENCE	Robert Watson	5/28/2020	\$10.00
1405 GOLDEN EAGLE DR	4	Zoning-Accessory-Residential	SHED	Duane Puckett	6/9/2020	\$25.00
635 Willow Creek Way	4	Zoning-Accessory-Residential	DECK	Duane Puckett	6/8/2020	\$26.00
1150 PARKLAWN CT	4	Zoning-Accessory-Residential	SHED	Duane Puckett	6/8/2020	\$25.00
1627 GRAY HAWK CT	4	Zoning-Accessory-Residential	SHED	Robert Watson	6/8/2020	\$25.00
1627 GRAY HAWK CT	4	Fence Permit	FENCE	Robert Watson	6/8/2020	\$10.00
2709 CHATHAM DR	4	Zoning-Accessory-Residential	DRIVEWAY EXTENSION	Duane Puckett	6/8/2020	\$25.00
406 S RIDGE AVE	4	Fence Permit	FENCE	Duane Puckett	6/2/2020	\$10.00
1090 PARKVIEW DR	4	Zoning-Accessory-Residential	PAVER PATIO	Robert Watson	6/1/2020	\$25.00
1139 PREMWOOD DR	4	Fence Permit	FENCE	Duane Puckett	6/1/2020	\$10.00
2395 CARA DR	4	Zoning-Accessory-Residential	SHED	Robert Watson	5/29/2020	\$25.00
299 W ROSS ST	4	Zoning-Accessory-Residential	ABOVE GROUND POOL	Duane Puckett	5/29/2020	\$25.00
299 W ROSS ST	4	Fence Permit	FENCE	Duane Puckett	5/29/2020	\$10.00
303 PETERS AVE	4	Fence Permit	FENCE	Robert Watson	5/28/2020	\$10.00
345 ARMAND DR	4	Zoning-Accessory-Residential	POOL	Robert Watson	5/28/2020	\$25.00
1473 SUSSEX RD	5	Fence Permit	FENCE	Robert Watson	6/9/2020	\$10.00
1412 Croydon Rd	5	Zoning-Residential Addition	ABOVE GROUND POOL	Duane Puckett	6/8/2020	\$26.00
1412 Croydon Rd	5	Fence Permit	FENCE	Duane Puckett	6/8/2020	\$10.40
1241 WATERBURY PL	5	Fence Permit	FENCE	Robert Watson	6/5/2020	\$10.00
1463 SKYLARK DR	5	Zoning-Accessory-Residential	FENCE	Robert Watson	6/8/2020	\$25.00

1216 N DORSET RD	5	Fence Permit	FENCE	Robert Watson	6/8/2020	\$10.00
1652 NORTH RD	5	Fence Permit	FENCE	Robert Watson	5/29/2020	\$10.00
2225 LARKSPUR DR	6	Zoning-Accessory-Residential	DECK	Robert Watson	6/8/2020	\$25.00
2719 EXECUTIVE DR	6	Zoning-Residential-New	SINGLE FAMILY RESIDENCE	Robert Watson	6/8/2020	\$82.05
1859 W MAIN	6	Sign Permit-Permanent	SIGN PERMIT	Robert Watson	6/8/2020	\$0.00
95 FOX HARBOR DR	6	Zoning-Accessory-Residential	SHED	Robert Watson	6/8/2020	\$25.00
3246 HEATHERSTONE DR	6	Zoning-Accessory-Residential	CONCRETE PATIO	Robert Watson	6/7/2020	\$26.00
3266 HEATHERSTONE DR	6	Zoning-Accessory-Residential	CONCRETE PATIO	Robert Watson	6/5/2020	\$26.00
3263 HEATHERSTONE DR	6	Zoning-Residential-New	NEW RESIDENTIAL SINGLE FAMILY W BASEMENT	Robert Watson	6/5/2020	\$96.03
3270 HEATHERSTONE DR	6	Zoning-Accessory-Residential	CONCRETE PATIO	Robert Watson	6/4/2020	\$26.00
1108 Red Maple Dr	6	Zoning-Accessory-Residential	CONCRETE PATIO	Robert Watson	6/4/2020	\$26.00
10 FOX HARBOR DR	6	Zoning-Accessory-Residential	PATIO & DRIVE EXPANSION	Robert Watson	6/4/2020	\$25.00
2655 EXECUTIVE DR	6	Zoning-Residential-New	SINGLE FAMILY RESIDENCE	Robert Watson	6/3/2020	\$70.12
2649 EXECUTIVE DR	6	Zoning-Residential-New	SINGLE FAMILY RESIDENCE	Robert Watson	6/3/2020	\$64.78
150 FOX HARBOR DR	6	Zoning-Accessory-Residential	SHED	Robert Watson	5/29/2020	\$25.00
2709 EXECUTIVE DR	6	Zoning-Residential-New	SINGLE FAMILY RESIDENCE	Robert Watson	5/29/2020	\$91.79

Violation Activity Summary

May 28, 2020 - June 10, 2020

Case #	Case Date	Assigned To	Site Address	Ward	Type of Violation	Status	Description
20200368	6/9/2020	Robert Watson	1203 HERITAGE DR	1	TRASH & DEBRIS	Open	6/8 RW, call from Jerry about trash on curb, Sending Certified Follow Up 6/19
20200360	6/8/2020	Robert Watson	1463 SKYLARK DR	1	ZONING PROBLEM	Closed	6/8 RW, New shed being installed over the size limit, no driveway, no permit. Tenant said he'd have them remove it by end of the day. Follow Up 6/9. 6/9 RW, building removed, permit request in for different building.
20200363	6/8/2020	Robert Watson	1205 TODD LN	1	TRASH & DEBRIS	Open	6/8 RW, Complaint of debris at the road. Called owner/mgr of both properties. Owner of 1205 will remove by end of the week. Follow Up 6/15
20200359	6/5/2020	Robert Watson	1066 STONYRIDGE AVE	1	FENCE NO PERMIT	Closed	6/5 RW, Stopped to talk to contractor who just had materials dropped for a fence. No permit, so told him to apply prior to starting. 6/5 RW, permit applied for, Closed.
20200354	6/3/2020	Robert Watson	449 GLENDALE DR	1	ANIMAL HUSBANDRY	Open	6/2 RW, Complaint of a duck/ goose at this property. Sending Certificate, Follow Up 6/19
20200355	6/3/2020	Robert Watson	1355 SHERIDAN CT	1	TRASH & DEBRIS	Open	6/1 RW, Complaint of the amount of trash and debris in yard. Talked to the tenant and LLD, to get the items up. Gave them through the weekend before issuing letters. Follow Up 6/12
20200364	6/9/2020	Duane Puckett	310 Franklin St E	3	TRASH & DEBRIS	Open	6-9-20 dp Trash and debris about the east side and rear of this lot, certificate to owner with cc to tenant follow up 6-16-20.
20200367	6/9/2020	Duane Puckett	423 Market St S	3	TRASH & DEBRIS	Open	6-9-20 dp Mattress and some other small items between houses at 423, both ways to owner, follow up 6-15-20. I did speak to a resident, he said he talked to the person that complained, she is fesarful of bed bugs, he also said someone is buying this on land contract and that person doesn't answer his phone.
20200361	6/8/2020	Robert Watson	509 GARFIELD AVE	3	FENCE NO PERMIT	Closed	6/8 RW, In the area and noticed new fence w/o permit. They had a fence but damaged during tornado. Emailed owner to see if new fence is just replacing previous or if different. Follow Up 6/12. 6/9 RW, talked to owner, and google earth, Fence was pre-existing, but damaged and removed after tornado, just now able to replace, same style and same location Closed.
20200357	6/6/2020	Duane Puckett	321 Canal St E	3	ZONING PROBLEM	Open	6-6-20 dp Pool with no permit. While inspecting the resident appeared and we had a good conversation. He will come in Monday and obtain a permit. Pool placement meets code, follow up 6-13-20.
20200352	6/2/2020	Robert Watson	321 S SHORT ST	3	ZONING PROBLEM	Open	6/2 RW, Looks like new patio installed without a permit, left business card on door. No contact to send certificate mail. Follow Up 6/5
20200343	5/28/2020	Duane Puckett	1114 Long St	3	TALL GRASS/WEEDS	Open	5-28-20 dp Tall grass certificate letter follow up 6-4-20. 6-4-20 dp Grass ok follow up 6-18-20.
20200344	5/28/2020	Duane Puckett	1114 Long St	3	TRASH & DEBRIS	Open	5-28-20 dp Trash and debris about the property certificate letter follow up 6-4-20. 6-4-20 dp I spoke with Chad on scene Tuesday. He is making progress and I told him thats all we can ask.
20200345	5/28/2020	Duane Puckett	1118 Long St	3	TALL GRASS/WEEDS	Open	5-28-20 dp Tall grass certificate letter follow up 6-4-20. 6-4-20 dp Grass ok follow up 6-18-20.
20200346	5/28/2020	Duane Puckett	1118 Long St	3	TRASH & DEBRIS	Open	5-28-20 dp Trash and debris about the property certificate letter follow up 6-4-20. 6-4-20 dp Chad is making progress. Follow up 6-18-20.
20200347	5/28/2020	Duane Puckett	1005 Clay St S	3	TALL GRASS/WEEDS	Open	5-28-20 dp Tall grass certificate letter follow up 6-4-20. 6-4-20 dp Grass ok follow up 6-18-20.
20200348	5/28/2020	Duane Puckett	902 Clay St S	3	TALL GRASS/WEEDS	Open	5-28-20 dp Tall grass, certified to owner, vacant rental, follow up 6-4-20. 6-2-20 dp Green card back dated 5-30-20, follow up 6-5-20. 6-4-20 dp Grass ok follow up 6-18-20.
20200366	6/9/2020	Duane Puckett	625 Mumford Dr	4	TALL GRASS/WEEDS	Open	6-9-20 dp Tall grass, certificate to owner, follow up 6-16-20.
20200358	6/6/2020	Duane Puckett	1633 Brook Park Dr	5	TALL GRASS/WEEDS	Open	6-6-20 dp Tall grass, double unit, this side appears vacant, certified to owner, follow up 6-13-20.
20200356	6/4/2020	Duane Puckett	1545 Brook Park Dr	5	TALL GRASS/WEEDS	Open	6-4-20 dp Tall grass along the rear property line, Certificate letter to owner, this is a double, no cc to tenant, follow up 6-11-20.

20200353	6/2/2020	Robert Watson	514 LAKE ST	5	TALL GRASS/WEEDES	Open	6/2 RW, Grass not mowed, sending Certificate and Ad. Follow Up 6/12
20200350	6/1/2020	Robert Watson	518 LAKE ST	5	TRASH & DEBRIS	Open	6/1 Rw, Complaint by PD about the property. Trash and debris on the lot, sending certificate, Follow Up 6/12
20200351	6/1/2020	Robert Watson	518 LAKE ST	5	PROPERTY MAINTENANCE	Open	6/1 RW, complaint from the PD Concerned about property not having utilities and condition of the structure. Sending Certified orders, Miami County Public Health is also writing up. Follow Up 7/10
20200365	6/5/2020	Robert Watson	10 S STANFIELD	6	ZONING PROBLEM	Closed	6/5 RW, Talked to Tire Discounters to remove display of tires and flashing open sign. Asked to correct by Monday 6/8. 6/9 RW, Corrected and tires removed. Closed
20200362	6/8/2020	Robert Watson	2263 MURPHY LANE E	6	TRASH & DEBRIS	Open	6/8 RW, Complaint of 2 tires at the road. Sending Certificate, Follow Up 6/19
20200349	5/29/2020	Robert Watson	108 KINGS CHAPEL DR	6	TALL GRASS/WEEDES	Open	5/29 RW, Tall grass and weeds. Called owner, tenant is moving out, she'll try to have someone take care of. Follow Up 6/5. 6/5 RW, mowed by owner, Follow Up 6/19

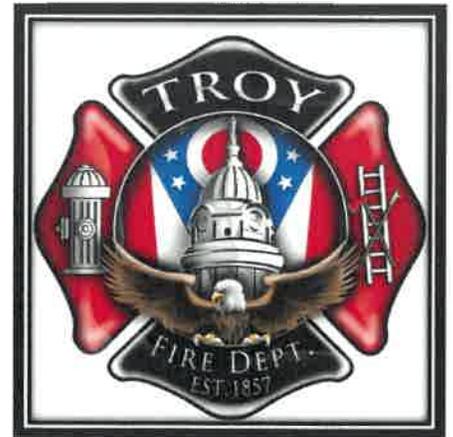
May 2020

TROY FIRE DEPARTMENT

1528 North Market Street Troy, OH 45373

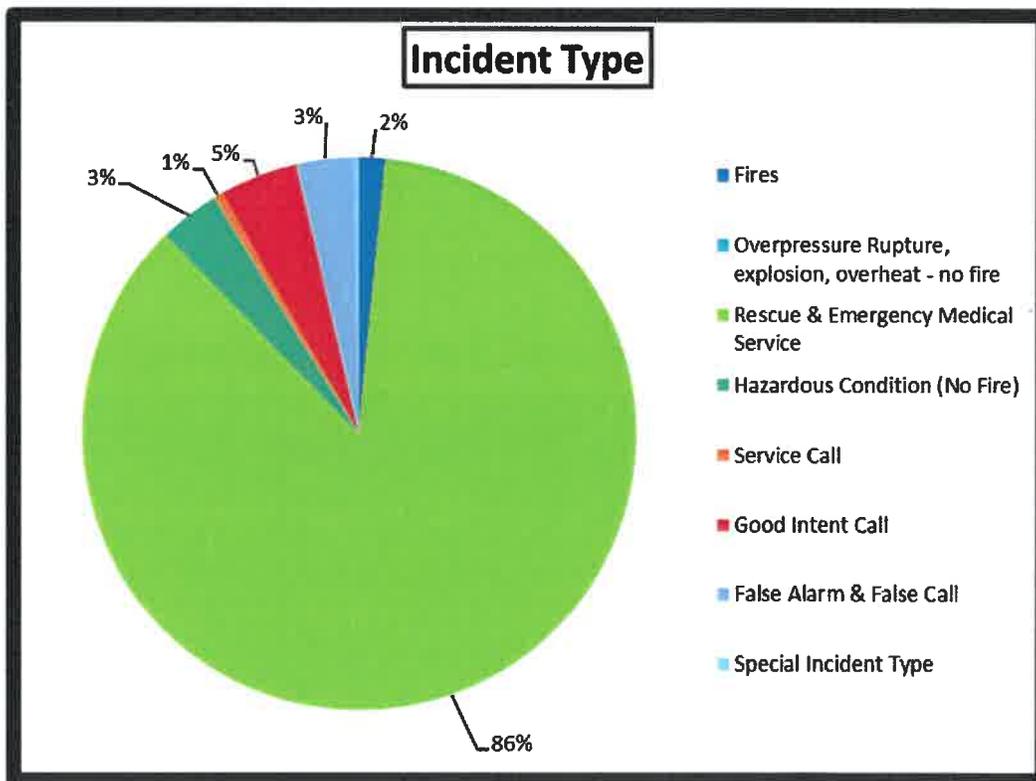
We are proud to serve our citizens and provide these statistics for the month of May for your review.

"Exceeding the Expectations of Our Community"



Monthly Incident Report

Incident Type	Troy	Concord	Staunton	Lost Creek	Mutual Aid	Total	Incident %
Fires	4	1	0	0	1	6	2%
Overpressure Rupture, explosion, overheating - no fire	0	0	0	0	0	0	0%
Rescue & Emergency Medical Service	296	24	11	2	4	337	86%
Hazardous Condition (No Fire)	10	2	1	0	1	14	3%
Service Call	2	0	0	0	0	2	1%
Good Intent Call	14	3	1	0	0	18	5%
False Alarm & False Call	13	0	0	0	0	13	3%
Special Incident Type	1	0	0	0	0	1	0%
Totals	340	30	13	2	6	391	100%



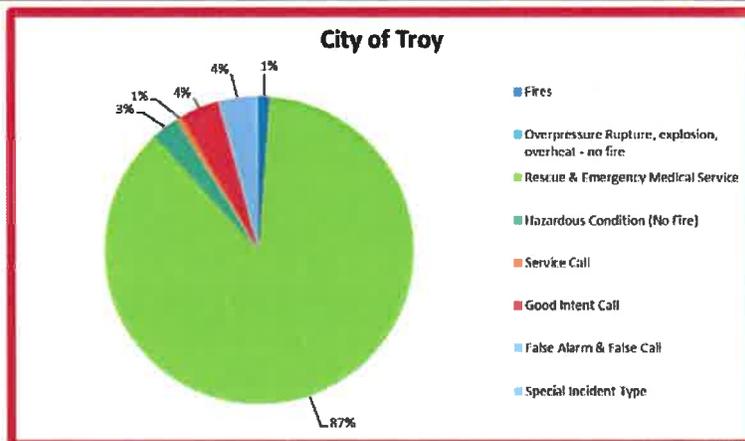
Monthly EMS Response Report

Unit	Troy	Concord	Staunton	Lost Creek	Mutual Aid	Totals
Medic-1	51	2	1	0	0	54
Medic-2	115	13	10	2	3	143
Medic-3	133	9	0	0	1	143
Medic-4	4	0	0	0	0	4
Totals	303	24	11	2	4	344

Monthly Fire Response Report

Unit	Troy	Concord	Staunton	Lost Creek	Mutual Aid	Totals
Engine-1	73	12	5	0	0	90
Engine-2	4	0	1	0	0	5
Engine-3	20	2	0	0	1	23
Ladder-3	4	0	0	0	0	4
Tanker-1	1	1	0	0	1	3
Tower-1	1	0	0	0	0	1
Grass-1	1	1	0	0	0	2
Truck-8	4	0	0	0	0	4
Totals	108	16	6	0	2	132

City of Troy	# Incidents	% of Total
Fires	4	1%
Overpressure Rupture, explosion, overhear - no fire	0	0%
Rescue & Emergency Medical Service	296	87%
Hazardous Condition (No Fire)	10	3%
Service Call	2	1%
Good Intent Call	14	4%
False Alarm & False Call	13	4%
Special Incident Type	1	0%
Totals	340	100%



Trip Count by Destination Facility

Date IS BETWEEN 05/01/2020 AND 05/31/2020

	<u>ALS</u>	<u>BLS</u>	<u>Cancelled Call</u>	<u>Total</u>
<No Facility>	75	10	3	88
DAYTON CHILDRENS	0	1	0	1
KHN KETTERING	0	1	0	1
KHN Troy	146	10	0	156
UVMC	97	3	0	100
Total	318	25	3	346

Community Outreach and Prevention Division

Community outreach is essential to the safety of our citizens.

The Community Outreach and Prevention Division are proud to present our monthly statistics for your review.

"Keeping our Community Safe!"



Community Outreach	May 2020
General Inspections	21
Re-Inspections	2
Plan Reviews	0
Fire Prevention Permits	0
Fire Investigations	1
Public Education Events	0
Attendance @ PE Events	0

Ordinance Cases Filed

Criminal	
Piqua Police Department	3
Tipp City Police Department	1
Troy Police Department	8
West Milton Police Department	1
	<hr/>
	13
Traffic	
Covington Police Department	1
Huber Heights Police Department	2
Piqua Police Department	24
Tipp City Police Department	1
Troy Police Department	29
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	57

State Cases Filed

Criminal	
Bethel/Sheriff	2
Bradford/Sheriff	2
Covington Police Department	5
Miami County Animal Shelter	11
Miami County Health Board	1
Ohio State Patrol	10
Personal	3
Piqua Police Department	75
Sheriff's Department - Miami County	34
Tipp City Police Department	20
Troy Police Department	103
West Milton Police Department	11
	<hr/>
	277
Traffic	
Bethel/Sheriff	3
Bradford/Sheriff	2
Ohio State Patrol	217
Piqua Police Department	50
Sheriff's Department - Miami County	45
Tipp City Police Department	7
Troy Police Department	49
Union Police Department	1
West Milton Police Department	5
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	379
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Grand Total:	726

