

October 5, 2020

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, October 5, 2020, at 7:00 p.m. at the Bravo Room of Hobart Arena.

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

Upon motion of Mr. Severt, seconded by Mr. Phillips, Mr. Schweser, was excused from this meeting by unanimous roll call vote.

Presiding Officer: William Lutz President of Council

Also Attending: Robin I. Oda Mayor
Patrick E. J. Titterington Director of Public Service and Safety
Grant D. Kerber Director of Law

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

RECOGNITION OF OUT-GOING MEMBERS OF MAYORS YOUTH COUNCIL. The out-going members of the Mayors Youth Council were introduced and presented with certificates for their participation.

PRESENTATION: On behalf of Rumpke of Ohio, Inc., Mayor Oda recognized the following for being named a recipient of the Rumpke "Look Who Is Recycling" quarterly reward program for City of Troy residents who actively participate in recycling:

Catherine Wade, Fairfield Road Second Quarter Recipient
Gary and Loraine Reibert, Kenton Way Third Quarter Recipient

PUBLIC HEARING: At 7:11 p.m., Council President Lutz announced a public hearing on O-44-2020 - Amend General Plan, Troy Christian Schools Education & Performing Arts Facility PD-R. There were no comments in this regard, and at 7:12 p.m., Mr. Lutz declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the September 21, 2020 meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Phillips, seconded by Mr. Schilling, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mrs. Snee, Chairman, reported that Committee considered the petition for the Ferryman-Kerber Annexation of 3.714 acres from Concord Township located north of Fenner Road, and recommends legislation be prepared regarding the statement of municipal services, buffering requirements should development be incompatible with adjacent uses, and initial consent, as required by state law related to the Type 2 expedited annexation. To meet the timeline of the state law for an expedited annexation, the Committee supports emergency legislation.
Report submitted by Rozell, Twiss and Snee.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an Agreement for Professional Services for the design of the State Route 41 Interconnect Project Phase 2 at a cost not to exceed \$59,000. So that the project can stay on track with the ODOT funding schedule, as an ODOT grant will fund 80% of the construction work, Committee supports emergency legislation.
Report submitted by Schilling, Snee and Phillips.

COMMENTS ON AGENDA ITEMS: NONE

RESOLUTION NO. R-57-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH EMH&T OF COLUMBUS, OHIO, TO PROVIDE DESIGN SERVICES FOR THE STATE ROUTE 41 INTERCONNECT PROJECT PHASE 2 AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-58-2020

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 3.714 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-59-2020

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 3.714 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Schilling.

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-60-2020

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 3.714 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-44-2020

ORDINANCE AMENDING THE GENERAL PLAN OF THE TROY CHRISTIAN SCHOOLS EDUCATION AND PERFORMING ARTS FACILITY PLANNED DEVELOPMENT (PD-R) IN THE CITY OF TROY, OHIO AND REZONING A 0.178 ACRE PARCEL ADDED TO THIS PLANNED DEVELOPMENT AS A PART OF THE AMENDED GENERAL PLAN, FROM R-5, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, TO A RESIDENTIAL PLANNED DEVELOPMENT (PD-R)

This Ordinance was given first title reading on September 21, 2020.
Given Public Hearing and second title reading.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted the following:

- Hobart Arena is again open for walking
- Leaf pickup will be starting the next couple of weeks, weather permitting
- Trick or Treat is scheduled for October 29, 6-8 pm.

There being no further business, the meeting adjourned at 7:25 p.m.

Clerk of Council

President of Council

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council
DATE: October 12, 2020
FROM: Community & Economic Development Committee
SUBJECT: **ORDINANCE NO. O-44-2020, CHANGE TO THE GENERAL PLAN, TROY CHRISTIAN SCHOOLS EDUCATION & PERFORMING ARTS FACILITY PD-R**

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

This Committee met on October 12 to review the recommendation from the Troy Planning Commission that a major change to the General Plan of the Troy Christian Schools Education and Performing Arts Facility Planned Development (PD-R) be approved by Council. The change is discussed in the detailed report. No comments regarding the change were received at the October 5 public hearing.

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

This Committee supports the recommendation of the Troy Planning Commission and the findings of staff and recommends that Ordinance No. O-44-2020 be approved to provide for the proposed major change to the General Plan of the Troy Christian Schools Education and Performing Arts Facility Planned Development (PD-R).

Respectfully submitted,

William G. Rozell

William C. Twiss

Lynne B. Snee, Chairman
Community & Economic Development Committee

DETAILED REPORT:

This Committee met on October 12, 2020 to review a recommendation from the Troy Planning Commission. This meeting was also attended by Mayor Oda, the Director of Law, Council Members Allen, Phillips, Schilling, Schweser, Severt and Terwilliger, the Director of Public Service and Safety, a representative of the applicant, and members of the City staff.

On August 26, 2020, the Troy Planning Commission recommended that Council approve a proposed major change to the General Plan of the Troy Christian Schools Education and Performing Arts Facility Planned Development (PD-R). This Planned Development is generally located at 700 S. Dorset Road. The proposed revisions to the general plan would:

- Include Inlot 4958 (Parcel No. D08-048770), 466 S. Dorset Road, in the Planned Development and rezone that lot from R-5, Single-Family Residential District, to Planned Development – Residential.
- Establish a parking lot within the Planned Development, with the parking lot to include Inlot 4958. The parking lot is to be located off Arlington Avenue.
- Increase the area of the Planned Development from 24.684 acres to 24.862 acres.

No comments were made regarding the proposal at Council's October 5 Public Hearing.

RECOMMENDATION:

This Committee supports the recommendation of the Troy Planning Commission and the findings of staff and recommends that Ordinance No. O-44-2020 be approved to provide for the proposed major change to the General Plan of the Troy Christian Schools Education and Performing Arts Facility Planned Development (PD-R).

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

DATE: October 12, 2020

FROM: Community Partnerships Committee

SUBJECT: **TRANSFER OWNERSHIP OF 1.447 ACRE PARCEL AT 2290 NORTH TROY-SIDNEY ROAD TO THE COMMUNITY IMPROVEMENT CORPORATION OF TROY, OHIO (CIC), CIC THEN SELL PARCEL ON BEHALF OF CITY**

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

On October 12 this Committee met regarding recommending the transfer the property located at 2290 North Troy-Sidney Rd., a parcel of 1.447 acres that has been declared surplus, to the Community Improvement Corporation of the City of Troy, Ohio (CIC) so that the CIC can authorize a licensed realtor to market the property on the City's behalf. The City has not been successful in two bids to sell the property.

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

It is the recommendation of this Committee that legislation be prepared authorizing the transfer of Inlot 10631, a 1.447 acre parcel at 2290 N. Troy-Sidney Road, to the Community Improvement Corporation of Troy, Ohio so that the CIC can proceed to utilize the services of a licensed realtor to market the property on behalf of the City.

Respectfully submitted,

Zachary L. Allen

John W. Schweser

William G. Rozell, Chairman
Community Partnerships Committee

DETAILED REPORT:

On October 12, 2020 this Committee met to consider recommending the transfer of the property located at 2290 North Troy-Sidney Rd. to the Community Improvement Corporation of the City of Troy, Ohio (CIC) so that the CIC can authorize a licensed realtor to market the property on the City's behalf. The meeting was also attended by Council Members Phillips, Severt, Schilling, Snee, Terwilliger and Twiss, Mayor Oda, the Director of Law, the Director of Public Service and Safety, and members of the City staff.

In 2015, the City purchased 117.2782 acres of land at 2290 North Troy Sidney-Road (known as the Huelskamp Farm), which is now part of the northern area of Duke Park. The land purchase included a house and associated outbuildings. The house and outbuildings were replatted as Inlot 10631, a parcel consisting of 1.447 acres. The City has not been successful in two bids to sell the 1.447 acre parcel, which parcel was declared surplus in 2019. Under State Law, the City has to sell real property under a very strict process, and cannot simply list the property with a realtor. The City is permitted to transfer the property to the CIC and the CIC may enlist a realtor to sell the property. The CIC has approved a motion to accept the parcel and proceed to sell it through a realtor on behalf of the City, should the City wish to pursue that approach. Proceeds from the sale would come to the City and may be used to offset part of the cost of a future new Park Department maintenance facility.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared authorizing the transfer of Inlot 10631, a 1.447 acre parcel, at 2290 N. Troy Sidney-Road, to the Community Improvement Corporation of Troy, Ohio so that the CIC can proceed to utilize the services of a licensed realtor to market the property on behalf of the City.

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

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council DATE: October 12, 2020
FROM: Finance Committee
SUBJECT: **FINDING THAT PUBLIC SAFETY PERSONNEL, AS WELL AS OTHER ADMINISTRATIVE PERSONNEL, ARE SUBSTANTIALLY DEDICATED TO MITIGATING OR RESPONDING TO THE COVID-19 PUBLIC HEALTH EMERGENCY**

SUMMARY REPORT: (To be read at Council Meeting)

This Committee met on October 12 to consider legislation finding that public safety personnel, as well as other administrative personnel, are substantially dedicated to mitigating or responding to the COVID-19 health emergency. This is needed for reporting the allocation of the funds the City has received related to COVID-19 relief.

RECOMMENDATION: (To be read at Council Meeting)

It is the recommendation of this Committee that legislation be prepared finding that public safety personnel, as well as other administrative personnel, are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. So that the Resolution is in place prior to the date for the initial report allocating the expenditure of Troy's funds, this committee supports emergency legislation.

Respectfully submitted,

Bobby W. Phillips

Todd D. Severt

John W. Schweser, Chairman
Finance Committee

DETAILED REPORT:

This Committee met October 12, 2020, to consider finding that public safety personnel, as well as other administrative personnel, are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. The meeting was also attended by Mayor Oda, Council Members Rozell, Schilling, Snee, Twiss and Terwilliger, the Director of Law, the Director of Public Service and Safety, and members of the City staff.

All communities have been allocated CARES Act funding to offset certain expenditures in responding to the COVID-19 public health emergency. Troy's allocation is approximately \$2.096 Million. Guidance as to how those funds can be allocated has been distributed through the Ohio Office of Budget and Management (OBM) and the United States Department of the Treasury (Treasury). The current guidance requires that the funds received by the City must be allocated (encumbered) by November 20, 2020 and spent by December 30, 2020. The OBM and Treasury have further advised that local governments may presume that the salaries and benefits paid to substantially dedicated employees for the period of March 27, 2020 through the end of the year can be allocated against the current and future distribution of CARES Act funding, along with other justified expenditures. The guidance has indicated that substantially dedicated employees are considered to include public safety employees, which for Troy would be Police and Fire/EMS Staff. Substantially dedicated employees are also the Administration and support staff of other departments and offices where hours of work can be shown as substantially dedicated to issues regarding COVID-19. Council has been requested to enact the legislation required supporting that Troy's public safety personnel and other personnel are substantially dedicated to mitigating or responding to the COVID-19 public health emergency so that funds from the CARES Act can be allocated to the personnel costs of those employees.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared finding that public safety personnel, as well as other administrative personnel, are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. So that the Resolution is in place prior to the date for the initial report allocating the expenditure of Troy's funds, this committee supports emergency legislation.

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council
FROM: Law & Ordinance Committee
SUBJECT: **ESTABLISHING NUISANCE ABATEMENT CODE**

DATE: October 12, 2020

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

On October 12 this Committee met regarding recommending establishing a Nuisance Abatement Code to provide a mechanism for gaining property maintenance compliance under particular circumstances not addressed by the International Property Maintenance Code. At a minimum the circumstances addressed will include public nuisances that occur when property taxes have remained unpaid in excess of one year from the date of assessment, or real estate in which two or more separate felony violations have occurred within a twelve month period, and when criminal gang activities occur on more than two separate occasions.

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

It is the recommendation that legislation be prepared to establish a Nuisance Abatement Code

Respectfully submitted,

John W. Schweser

Lynne B. Snee

Todd D. Severt, Chairman
Law & Ordinance Committee

DETAILED REPORT:

On October 12, 2020 this Committee met to consider recommending establishing a new Nuisance Abatement Code. The meeting was also attended by Council Members Phillips, Rozell, Schilling and Terwilliger, Mayor Oda, the Director of Law, the Director of Public Service and Safety, and members of the City staff.

The goal of property maintenance provisions is for a City to gain compliance of property owners/tenants in appropriately maintaining properties. The City has adopted the International Property Maintenance Code (IPMC) to address minimum property standards throughout community neighborhoods. While that Code is an effective way to gain compliance in regards to minimum exterior property maintenance issues, it does not allow staff to address repeated public nuisances that occur on property. A Nuisance Abatement Code would allow the City to declare property a nuisance based on criminal activity occurring at a given location over time. The code would clearly identify what constitutes a public nuisance, as well as establish and enforce criteria to address public nuisances. This code would provide staff with stronger enforcement and inspection powers by tying in civil forfeitures in addition to higher criminal penalties. At a minimum, the code would identify public nuisances that occur when property taxes have remained unpaid in excess of one year from the date of assessment, or real estate on which two or more separate felony violations have occurred within a twelve month period, and when criminal gang activities occur on more than two separate occasions. The Code would include penalty provisions as a Misdemeanor of the Second Degree. As discussed at the Committee Meeting, this will provide the City with more tools to gain compliance under particular circumstances, and is not a mechanism to do a geographical "sweep" to find violations.

RECOMMENDATION:

It is the recommendation that legislation be prepared to establish a Nuisance Abatement Code.

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

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council
FROM: Recreation & Parks Committee
SUBJECT: **DECLARING THREE PARCELS AS SURPLUS**

DATE: October 12, 2020

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

On October 12 this Committee met regarding the recommendation of the Board of Park Commissioners that three parcels be declared as surplus. This is based on encroachments onto park land, with the recommended remedy being to declare the area of encroachment as surplus. The recommendation of the Board covers two parcels in Edgewater Park and one parcel at Heywood Park that are further discussed in the detailed report.

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

It is the recommendation of this Committee that legislation be prepared declaring as surplus the three parcels and that the land then be offered for sale. We note that legislation will not be submitted until staff has been able to complete surveys and have actual plat maps prepared and approved.

Respectfully submitted,

Bobby W. Phillips

John L. Terwilliger

Jeffrey A. Schilling, Chairman
Recreation & Parks Committee

DETAILED REPORT:

On October 12, 2020 this Committee met to consider the recommendation of the Board of Park Commissioners that three parcels of park land be declared as surplus and sold. The meeting was also attended by Mayor Oda, Council Members Rozell, Schweser and Severt, the Director of Law, the Director of Public Service and Safety, and members of the City staff.

As a part of checking park land to determine if there were encroachments, a total of 11 properties were identified where encroachments exist into park land, and staff contacted the owners of those properties. Staff continues to work with two property owners. Of the remaining nine, six property owners have removed the encroachments. For the final three properties with encroachments, the Board of Park Commissioners recommended that two parcels in Edgewater Park be declared surplus as requested by the property owners, as well as a parcel at Heywood Park. These three properties are located at:

- Edgewater Park – approximately 15' strip to the rear of 1136 Arbor Lane, park being deeded in the name of the City of Troy, Ohio.
- Edgewater Park – approximately 15' strip to the rear of 1124 Arbor Lane, park being deeded in the name of City of Troy, Ohio.
- Heywood Park – approximately 14' strip on the west side of 1025 McKaig Avenue, park being deeded in the name of City of Troy, Ohio.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared declaring as surplus the above three parcels and that the land then be offered for sale. We note that legislation will not be submitted until staff has been able to complete surveys and have actual plat maps prepared and approved.

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

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council

DATE: October 12, 2020

FROM: Recreation & Parks Committee

SUBJECT: **STATUS REPORT – PARK BOARD RECOMMENDATION REGARDING SMOKING BAN AT PUBLIC PARKS**

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

On October 12 this Committee met regarding the recommendation of the Board of Park Commissioners that smoking be banned at public parks. We are asking that information be provided to the Board that the Committee has requested additional clarification and guidance of the Board, such as the items discussed in the detailed information. In the interim, we are not making a recommendation on this item.

Respectfully submitted,

Bobby W. Phillips

John L. Terwilliger

Jeffrey A. Schilling, Chairman
Recreation & Parks Committee

DETAILED REPORT:

On October 12, 2020 this Committee met to consider the recommendation of the Board of Park Commissioners that smoking be banned in public parks. The meeting was also attended by Mayor Oda, Council Members Rozell, Schweser and Severt, the Director of Law, the Director of Public Service and Safety, and members of the City staff.

Committee and Council Members discussed that there was no background provided regarding the rationale of the recommendation. We discussed that:

- While generally, smokers make up 14% of the US population, there was no indication of the percent of park users that are smoking in public parks.
- While we do recognize that there can be litter left by smokers, there was no indication regarding complaints received by the Park Board or staff regarding smokers or the impact on staff time in cleaning up litter from smokers.
- No information was provided as to the opinion of the Board regarding a ban in areas of public parks such as playgrounds or public parks in their entirety.
- No information was provided related to the Board's opinion regarding notifying the public if there was a ban or enforcement of the ban.
- No information was provided regarding if the recommendation includes other forms of tobacco use.

We are asking that information be provided to the Board that the Committee has requested additional clarification and guidance of the Board, such as the items discussed above. In the interim, we are not making a recommendation on this item.

cc: Council, Mayor, Director of Law, Auditor, Director of Public Service & Safety, Clerk, staff, file
Board of Park Commissioners

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council

DATE: October 12, 2020

FROM: Safety & Health Committee

SUBJECT: **BIDDING AUTHORIZATION FOR SCBA EQUIPMENT FOR TROY FIRE DEPARTMENT**

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

On October 12 this Committee met regarding bidding Self Contained Breathing Apparatus (SCBA) equipment for the Fire Department in the amount of \$273,000. The Fire Department has received a FEMA grant for the equipment in the amount of \$231,366. The City is required to bid the equipment and fund the difference.

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 advertise for bids and enter into a contract for Self Contained Breathing Apparatus (SCBA) equipment for the Fire Department at a cost not to exceed \$273,000.

Respectfully submitted,

William G. Rozell

Jeffrey A. Schilling

John L. Terwilliger, Chairman
Safety & Health Committee

DETAILED REPORT:

On October 12, 2020 this Committee met to consider recommending bidding for Self Contained Breathing Apparatus (SCBA) equipment for the Fire Department at a cost not to exceed \$273,000. The meeting was also attended by Mayor Oda, Council Members Phillips, Schweser and Severt, the Director of Law, the Director of Public Service and Safety, and members of the City staff.

The Troy Fire Department has been notified of the award of a FEMA grant in the amount of \$231,366 towards the cost of new SCBA equipment. This is the equipment used by firefighters for all fires. The equipment will be 36 new air packs, 42 face pieces, 76 bottles, and four Rapid Intervention Team (RIT) packs. The grant funds must be spent by early July 2021. The estimated cost of the equipment is \$273,000. While the City is required to bid and contract for all the items, the net cost to the City is approximately \$42,000.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for Self Contained Breathing Apparatus (SCBA) equipment for the Fire Department at a cost not to exceed \$273,000.

cc: Council
Mayor, Director of Public Service and Safety, Auditor, Director of Law, Clerk
Staff, media

RESOLUTION No. R-61-2020

Davies Legal Blank, Inc.

A RESOLUTION FINDING THAT PUBLIC SAFETY PERSONNEL OF THE CITY OF TROY ARE SUBSTANTIALLY DEDICATED TO MITIGATING OR RESPONDING TO THE COVID-19 PUBLIC HEALTH EMERGENCY AND DECLARING AN EMERGENCY

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, in House Bill 481 of the 133rd General Assembly (HB 481), the Ohio General Assembly established a process for distributing funds provided by the CARES Act; and

WHEREAS, HB 481, required political subdivisions receiving funds under Section 1 of the CARES Act, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the political subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801(d), and any applicable regulations before receiving said funds; and

WHEREAS, on June 15, 2020, this Council adopted Resolution No. R-41-2020 and affirmed that all funds received from the Miami County Coronavirus Relief Distribution Fund pursuant to HB 481 be expended only to cover costs of the City of Troy consistent with the requirements of Section 5001 of the CARES Act as described in 42 U.S.C 801(d) and any applicable regulations and guidance; and

WHEREAS, the Ohio Office of Budget and Management (OBM), in its Guidance & Frequently Asked Questions, updated August 28, 2020, (OBM Guidance) directed local jurisdictions to "evaluate all proposed expenditures based on guidance contained within the U.S. Department of Treasury Guidance and Coronavirus Relief Fund Frequently Asked Questions"; and

WHEREAS, the OBM Guidance further advised that "it is presumed for administrative convenience that personnel costs related to [public safety] are substantially dedicated" for purposes of the CARES Act unless the chief executive of the entity receiving the funds determines otherwise; and

WHEREAS, the United States Department of the Treasury (Treasury), in its Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments, dated September 2, 2020, (Treasury Guidance) advised that "[p]ayroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency" are eligible expenditures of CARES Act funds; and

WHEREAS, the Treasury Guidance further advised that local governments may presume that "public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the Fund for services provided during the period that begins on March 1, 2020, and ends on December 30, 2020"; and

WHEREAS, the Treasury Guidance further advised that "public safety employees" include "police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel";

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

SECTION I: In reliance on the Treasury Guidance and OBM Guidance and having examined the circumstances of the City of Troy this Council finds and determines that the Treasury presumption that City of Troy public safety employees meet the substantially dedicated test applies and no specific circumstances rebut the presumption. This Council further finds and determines that the following City of Troy public safety positions are substantially dedicated to mitigating or responding to the COVID-19 public health emergency:

Fire Department:

- Clerical staff,
- Apprentices,
- Firefighters/Emergency Medical Technicians,
- Firefighters/Paramedics,
- Lieutenants,
- Platoon Commanders,
- Assistant Chiefs,
- Fire Chief

Police Department:

- Clerical, custodial and contract staff,
- Parking Control Officer,
- Police Officers,
- Sergeants,
- Captains,
- Chief of Police

and, therefore, current and future distributions of CARES Act funds to the City of Troy, Ohio may be expended to cover the payroll and benefits of the public safety positions listed above. This Council further finds and determines that City of Troy elected positions and the employees and contract staff of the following City of Troy office and departments are substantially dedicated to mitigating or responding to the COVID-19 public health emergency: Auditor's Office, Service Director's Office, Engineering Office, Development Office, Electrical Department, Economic Development Office, Human Resources Office, Billing and Collection Office, Income Tax Office, MIS Office, Recreation Department, Hobart Arena, Park Department, Miami Shores Golf Course, Cemetery Department, Street Department, Refuse Collection Department, Water Treatment Plant, Wastewater Treatment Plant, Water Distribution Department, Sewer Maintenance Department, Water and Sewer Administration Department, Stormwater Management Department, and the Parking Control Department, and, therefore, current and future distributions of CARES Act funds to the City of Troy, Ohio may be expended to cover the payroll and benefits of the elected officials and the employees of these departments, offices and plants.

SECTION II: 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 this determination of substantially dedicated employees must be confirmed as soon as possible, 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. O-44-2020

Dayton Legal Blank, Inc.

ORDINANCE AMENDING THE GENERAL PLAN OF THE TROY CHRISTIAN SCHOOLS EDUCATION AND PERFORMING ARTS FACILITY PLANNED DEVELOPMENT (PD-R) IN THE CITY OF TROY, OHIO AND REZONING A 0.178 ACRE PARCEL ADDED TO THIS PLANNED DEVELOPMENT AS A PART OF THE AMENDED GENERAL PLAN, FROM R-5, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, TO A RESIDENTIAL PLANNED DEVELOPMENT (PD-R)

WHEREAS, the owners of the Troy Christian Schools Education and Performing Arts Facility Planned Development (PD-R) have previously received approval of a residential planned development; and

WHEREAS, the owners of the Troy Christian Schools Education and Performing Arts Facility Planned Development (PD-R) have requested a revision to the General Plan, which revision is to:

- (1) Establish a parking lot within the Planned Development, with the parking lot to include Inlot 4958 (Parcel No. D08-048770);
- (2) Expand the boundary of the initial Planned Development of 24.684 acres by adding an additional 0.178 acres to the Eastern Section of the Planned Development, for a total of 24.862 acres;
- (3) Rezone the 0.178 acre area of expanded boundary from R-5, Single-Family Residential Zoning District, to a Residential Planned Development (PD-R). This expanded boundary is located in the Eastern Section of the Planned Development, west of Dorset Road; and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the requested revision to the General Plan and recommended that the amendment be approved; and

WHEREAS, at least thirty (30) days' notice of a public hearing regarding said revision has been provided by publication 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 revised General Plan of the Troy Christian Schools Education and Performing Arts Facility Planned Development (PD-R) in the City of Troy, Ohio, is hereby amended, in accordance with Exhibit A, attached hereto and made a part hereof, including that the 0.178 acre area of expanded boundary, shown on Exhibit A, attached hereto and made a part hereof, is hereby rezoned from R-5, Single-Family Residential Zoning District, to a Residential Planned Development (PD-R).

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. 0-45-2020

Dayton Legal Blank, Inc.

AN ORDINANCE ESTABLISHING CHAPTER 523, NUISANCE ABATEMENT CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO

WHEREAS, the Council of the City of Troy, Ohio has received a recommendation from City Staff that a Nuisance Abatement Code be established to provide additional procedures to declare a public nuisance and obtain compliance of property owners and tenants in protecting the public health, safety and welfare, and to further prevent the blighting of neighborhoods of the City of Troy, Ohio; and

WHEREAS, the Council of the City of Troy, Ohio supports said recommendation.

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

SECTION I: That Chapter 523 of the Codified Ordinances of the City of Troy, Ohio is hereby adopted as follows:

"523.01 TITLE.

This chapter shall be known as the "Nuisance Abatement Code" of the City of Troy, Ohio, hereafter referred to as the Nuisance Abatement Code or this code.

523.02 DEFINITIONS.

For purposes of Chapter 523 the following definitions apply:

- A. "Code Enforcement Officer" means a Zoning Inspector, or a Zoning Inspector trainee, or a duly authorized representative of the Director of Public Service and Safety.
- B. "Director of Public Service and Safety" means the City of Troy Director of Public Service and Safety, or designee, who is responsible for administering and enforcing this Code.
- C. "Owner" means any of the following:
1. The owner of record as shown on the current tax list of the Auditor of Miami County, Ohio;
 2. The mortgage holder of record, if any, as shown in the mortgage records of the recorder of Miami County, Ohio;
 3. Any person who has a freehold or lesser estate in the premises;
 4. A mortgagee or vendee in possession. "In possession" means someone who evidences charge, care or control of the premises, and includes someone to whom the Sheriff of Miami County has issued a deed for the premises whether or not the deed has been recorded;
 5. Any person who has charge, care of control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee;
 6. Any person who holds himself or herself out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for the premises, performing maintenance or repairs on the premises or authorizing others to preform maintenance or repairs on the premises.
- D. "Public nuisance" means any of the following:
1. Any building, premises or real estate, including vacant land, or any appurtenance thereto which is not in compliance with any building, housing, property maintenance, nuisance abatement, sanitation, health, fire, zoning or safety code of the City of Troy, Ohio;
 2. Any building, premises or real estate, including vacant land, or any appurtenance thereto which is its real property taxes have remained unpaid in excess of one (1) year from date of assessment;
 3. Any building, premises or real estate, including vacant land, or any appurtenance thereto which two or more felony violations of Ohio Revised Code Chapters 2925 or 3719 have occurred within a twelve (12) month period;

4. Any building, premises or real estate, including vacant land, or any appurtenance thereto as defined as a nuisance or public nuisance in Ohio Revised Code Chapter 3767.
5. Any building, premises or real estate, including vacant land, or any appurtenance thereto that is used or occupied by a criminal gang (as defined in Ohio Revised Code 2923.41) on more than two (2) occasions within a 36-month period to engage in a pattern of criminal gang activity (as defined in Ohio Revised Code 2923.41).
6. Any building, premises or real estate, including vacant land, or any appurtenance thereto used in violation of Ohio Revised Code Chapter 2915.
7. Any building, premises, or real estate, including vacant land, or any appurtenance thereto, used in violation of Chapter 37 of the Ohio Revised Code and not remedied pursuant to this chapter.

523.03 PURPOSE.

The purpose of this code is to protect the public's health, safety and welfare and to prevent the blighting of the city's neighborhoods.

523.04 RELATIONSHIP TO OTHER REGULATIONS.

This code shall not be construed to prevent the enforcement of other provisions of the Codified Ordinances of the City of Troy, Ohio or the Ohio Revised Code that prescribe standards other than are provided in this code.

523.05 ENFORCEMENT.

A. The Director of Public Service and Safety in enforcing provisions of this code is authorized and directed to make inspections either in response to a complaint alleging the existence of a public nuisance or when the director has reasonable grounds to believe a public nuisance exists.

B. Upon presentation of proper credentials and when permission is granted by a person who represents he or she has authority to grant permission, the Director of Public Service and Safety may enter any building, premises or real estate, including vacant land, or any appurtenance thereto in the City of Troy, Ohio to perform any duty imposed upon him or her by this code. Absent such permission, the Director of Public Service and Safety may apply to a judge of a court of record, pursuant to the Ohio Revised Code for a search warrant to conduct an inspection.

C. Every occupant of a building, premises or real estate or any appurtenance thereto shall give the owner access to any part of the building, premises or real estate or any appurtenance thereto at all reasonable times for the purposes of making an inspection or maintenance, repair or alteration of the building, premises or real estate of any appurtenance thereto as are necessary to comply with this code.

523.06 INSPECTION AND POWERS.

Whenever the Director of Public Service and Safety determines a vacant building or structure constitutes a public nuisance, or hazardous building or structure, the Director of Public Service and Safety shall affix to such building or structure upon or adjacent to the door or entrance thereto, a placard on which shall be printed a declaration that such building or structure is a public nuisance or hazardous building, and the Director of Public Service and Safety may do any of the following:

A. Serve notice pursuant to Section 523.09; and/or

B. Notwithstanding other enforcement actions that have been undertaken pursuant to Chapter 523 or other provisions of Codified Ordinances of the City of Troy, Ohio or Ohio Revised Code, cause to file a civil complaint for injunctive relief seeking abatement of the public nuisance building or structure; and/or

C. Notwithstanding other enforcement actions that have been undertaken pursuant to Chapter 523 or other provisions of Codified Ordinances of the City of Troy, Ohio or Ohio Revised Code, cause to file a criminal complaint.

D. Notwithstanding other enforcement actions that have been undertaken pursuant to Chapter 523 or other provisions of Codified Ordinances of the City of Troy, Ohio or Ohio Revised Code, enter onto the property and cause the conditions that create the public nuisance or hazardous buildings or structures to be abated by city personnel or private contractor and may charge the costs of such correction as a lien upon the owner's building, structure, premises, or real estate, to include vacant land.

523.07 NOTICE OF VIOLATION.

A. Whenever the Director of Public Service and Safety determines there exists a public nuisance as defined in Section 523.02 he or she may issue a notice of violation to the owner of the building, structure, premises or real estate, including vacant land, or appurtenance thereto setting forth the conditions that cause the building, structure, premises or real estate, including vacant land, or appurtenance to be a public nuisance and advising the owner that such conditions must be corrected. Such notice of violation shall;

1. Be in writing;
2. Describe the building, structure, premises or real estate, including vacant land, or appurtenance thereto alleged to be a public nuisance;
3. Identify the sections of the Ohio Revised Code or the Codified Ordinances of the City of Troy, Ohio or regulation whose violation create a condition or conditions on the building, premises or real estate, including vacant land, or appurtenance, thereto, to be a public nuisance;
4. Order the owner to abate the conditions;
5. Specify a reasonable time for compliance with the order to abate;
6. Advise the owner of the right to appeal the notice of violation pursuant to Section 523.13 of this chapter, and that the owner has the right to have a hearing before the Board of Zoning Appeals in connection with their appeal. Except as otherwise specified in Section 523.11, upon the owner appealing a Notice of Violation, any enforcement action seeking compliance with an order shall be stayed until after the initial hearing in connection with the owner's appeal.
7. Advise the owner that if the order to abate the conditions indicated in the notice of violation is not complied with by the specified date of compliance, the Director of Public Service and Safety may;
 - a. Initiate a civil and/or criminal action against the owner, or
 - b. Cause the conditions indicated in the notice of violation to be corrected by city personnel or private contractor and charge the costs of such corrections as a lien upon the owners of the building, premises or real estate, including vacant land, or appurtenance thereto,

B. When a notice of violation is served it shall be served upon the owner by any one of the following methods:

1. Personal service;
2. Certified mail, return receipt requested;
3. Residential service at the owner's address by leaving a copy of the suitable age and discretion then residing therein;
4. Publication in a newspaper of general circulation in Miami County:
 - a. The notification shall be published a minimum of once per week for three (3) consecutive weeks;
 - b. A copy of the newspaper with a copy of the notice marked, shall be mailed to the party at the last known address and the notice shall be deemed received as of the date of the last publication;

5. Regular mail service to an address that is reasonably believed to be a place of residence of the owner or a location at which the owner is reasonably believed to receive mail regularly;
6. Posting of the notice of violation on the building, premises or real estate, or appurtenance thereto, except that if the building, premises or real estate is vacant or vacant land, then the notice shall be posted on the building, premises or real estate or vacant land and one of the above methods of service shall also be used.

C. When the notice of violation has been served, it shall be effective as to anyone having any interest in the building, premises or real estate whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner as long as the conditions causing the building, premises or real estate, including vacant land, or appurtenances thereto exist and there remains a city record of the notice of violation in a public file maintained by the Director of Public Service and Safety.

D. Written or oral acknowledgement by the owner of receipt of a notice of violation shall be evidence that the owner received the notice. An appeal of the notice by the owner pursuant to Section 523.13 shall constitute evidence of written acknowledgement by the owner of service of the notice of violation.

523.08 EMERGENCIES.

A. Whenever the Director of Public Service and Safety finds that an emergency exists which requires immediate action to protect the public health and safety, he or she shall issue a written order to the owner reciting the existence of such an emergency and requiring that such action as he or she deems necessary be taken to meet the emergency.

B. Such action as the Director of Public Service and Safety deems necessary to abate the emergency may include:

1. The immediate vacating of a building, premises or real estate not be reoccupied until the Director of Public Service and Safety determines that the emergency no longer exists.
2. Action by the Director of Public Service and Safety using city or private contractor resources to abate the conditions causing the emergency. If in the opinion of the Director of Public Service and Safety such action includes demolition of the building or premises or appurtenances thereto because the building or premises or appurtenances thereto pose an imminent threat of collapse which has a high probability of causing injury or death to persons, the Director of Public Service and Safety shall immediately file a request for a temporary restraining order seeking judicial approval to demolish the building or premises or appurtenances thereto. The Director of Public Service and Safety shall charge the costs of abatement as a lien against the building or premises or appurtenances thereto and/or may recover the costs against the owner in a civil action.

C. The written order issued by the Director of Public Service and Safety shall be posted on the building, premises or real estate, to include vacant land, or appurtenances thereto, where the emergency is alleged to exist. Additionally, the Director of Public Service and Safety shall make every reasonable effort to personally serve the owner with the order.

D. Notwithstanding other provisions of this code, such order shall be effective immediately and shall be complied with immediately.

523.09 APPEALS OF NOTICE OF VIOLATIONS.

Appeals of any notice of violation for an alleged violation of this Nuisance Abatement Code shall be made in writing within fifteen (15) days of the date service of the notice of violation, pursuant to the requirements proscribed in Section 523.09. Any person affected by a notice of violation in connection with this Nuisance Abatement Code may request and shall be granted a hearing before the Board of Zoning Appeals on all matters set forth in such notice of violation.

523.10 PROHIBITION AGAINST FAILURE TO COMPLY WITH NOTICE OF VIOLATION.

No owner shall fail to comply with any notice of violation, and no owner or other person shall obstruct or interfere with the enforcement of the notice.

523.11 SEVERABILITY.

The provisions of this chapter shall be deemed severable; and, if any such provision shall be held unconstitutional by a court of competent jurisdiction the decision of such court shall not impair any of the remaining provisions.

523.99 CRIMINAL AND CIVIL PENALTIES.

A. Each calendar day a violation occurs or is permitted to continue shall constitute a separate offense.

B. Strict liability is intended to be imposed for violation of this code.

C. In addition to any criminal penalties a court may impose on an owner, an owner who fails to comply with a notice of violation shall incur a civil forfeiture of one hundred dollars (\$100.00) for each calendar day that the owner fails to comply. The Director of Public Service and Safety may file a civil action styled "complaint for civil forfeiture" Miami County Municipal Court seeking a court order to recover any accumulated civil forfeiture penalties.

D. Whoever violates any provision of this code is guilty of a misdemeanor in the fourth degree.

E. Nothing in this chapter shall be construed to prohibit the Director of Public Service and Safety from pursuing the enforcement of any provision of this Nuisance Abatement Code or the Ohio Revised Code through any other remedy available by law."

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. O-46-2020

Dayton Legal Blank, Inc.

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH THE COMMUNITY IMPROVEMENT CORPORATION OF TROY, OHIO REGARDING THE SALE OF INLOT 10631 ON BEHALF OF THE CITY

WHEREAS, by Ordinance No. O-43-73 Council designated the Community Improvement Corporation of Troy, Ohio (CIC) to perform economic development functions as provided by Ohio Constitution Article VIII Section 13: and

WHEREAS, the City of Troy, Ohio and the Community Improvement Corporation of Troy, Ohio desire to enter into an agreement regarding a 1.447 acre parcel, Inlot 10631, located at 2290 North Troy-Sidney road, whereby said Inlot will be transferred to the CIC and the CIC will then sell the property on behalf of the City of Troy.

NOW, THEREFORE, BE IT ORDAINED 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 enter into an agreement with the Community Improvement Corporation of Troy, Ohio regarding Inlot 10631, to include the transfer of Inlot 10631 to the ownership of the CIC, authorizing the CIC to then sell such Inlot on behalf of the City of Troy, with the proceeds of said sale accruing to the City of Troy.

SECTION II: That the Director of Public Service and Safety of the City of Troy, Ohio is further authorized to execute a deed on behalf of the City of Troy, Ohio, to convey Inlot 10631 to the CIC.

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

Adopted: _____

President of Council

Approved: _____

Attest: _____
Clerk of Council

Mayor

ITEMS OF INTEREST

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

FROM: Patrick E. J. Titterington, City Director

DATE: October 16, 2020



We are providing the following for your information:

- Employment Update:
 - Cole Quillen was appointed as a new Firefighter/Paramedic effective October 18.
- The first round of the annual leaf collection will start on Monday, October 19. A map showing anticipated pickup dates by address is available on the City's website at www.troyohio.gov/leaf-map.
- Attached is a memo providing an update on the status of the downtown TIF's project, specifically related to the response by the Troy City Schools.
- As a reminder, the County-wide Trick or Treat date has been set for Thursday, October 29 from 6:00 p.m. to 8:00 p.m.

Upcoming Events in Downtown Troy

Oct. 31	9:00 a.m.	Troy Main Street - Merchant Trick or Treat
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Calendar of Meetings

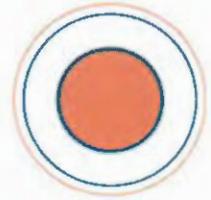
Oct. 19	7:00 p.m.	Council
Oct. 21	4:00 p.m.	Recreation Board
Oct. 26	6:00 p.m.	Council Committee and Work Session
Oct. 28	3:30 p.m.	Planning Commission
Oct. 29	6:30 p.m.	Human Relations Commission

Reports from other departments are attached.

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

Enclosure
cc: Department Head





TO: President William Lutz and Troy City Council
FROM: Patrick E. J. Titterington, Director of Public Service & Safety
DATE: October 14, 2020
SUBJECT: TAX INCREMENT FINANCING DISTRICTS PROPOSAL

A handwritten signature in blue ink, appearing to be "P. Titterington", written over the "FROM:" line of the header.

Development Director Tim Davis and I have been informed by representatives of the Troy School District that their Board is not interested in participating in the Tax Increment Financing (TIF) Districts proposed for downtown and riverfront economic development projects. They believe that their current financial situation and any short-term negative revenue impacts would outweigh the long-term benefits from the increased economic development opportunities for which TIFs are created. It should be noted that there would be no negative impact on the schools' financial condition, as TIFs do not impact current property tax revenues. TIFs only collect on any incremental property tax increases, increases that very likely would not occur unless economic development incentives are in place.

The TIFs would have been one of several potential revenue sources for future downtown and riverfront projects that would benefit residents and businesses of the City and school district. While not the major portion, nonetheless, the TIFs would have been key part of future financing of such projects as: restoration and preservation of downtown buildings; utility line replacements and relocations to support mixed uses of buildings requiring fire suppression, etc.; streetscapes and on-street protected boulevards; public parking and other structures; and, riverfront access points.

We will continue to evaluate not only alternative financing options but also our past and ongoing relationships with our community partners. However, in the near term, we will not be recommending TIF legislation, as the effort and expense will yield only marginal results.

As always, please contact me at (937) 875-2642 for questions or comments.

cc: Robin I. Oda, Mayor
John Frigge, Auditor



**Operations
Items of Interest**
October 16, 2020

Street/Solid Waste

- Collected and transported 264 tons of residential trash since the last report of 280 tons
- Handled trash and recycling complaints
- Collected yard waste bags and bundled brush
- Continued asphalt operations. Staff has repaired over 119 areas in the street marked for rehab; using 477 tons of asphalt
- Crack-sealed asphalt patch repairs
- Prepared equipment to begin leaf collection on October 19
- Completed the setup of the brine system
- Conducted driver training course

Electrical – Brian Ferree, Foreman

- Completed Ohio Utilities Protection Service requests as needed
- Repaired lights inside the Billing and Collection Department and in the basement at City Hall
- Ground mounted tree lights were repaired in front of Hobart Arena
- Firmware for the fountain light controller was updated
- Repaired several lights in the mechanic's area of the Maintenance Facility
- Installed temporary electric drops to the big pine tress on the levee in preparation for the holiday lighting
- Department tested a blower motor at the Wastewater Treatment Plant
- Repaired 26 outside light at the Maintenance Facility. All lights had new bulbs installed and a couple had the lighting ballast changed.
- Installed a street name sign on the mast arm at the Troy-Urbana Road and North Market Street intersection
- Department repaired a circuit to one of several dehumidifier pumps at Hobart Arena
- Repaired one street light and two security lights at Duke Park
- Reconnection of all the electrical outlets on the North Market Street Bridge. The outlets and service drop wires were disconnected during the bridge maintenance several weeks ago. The outlets supply power to the wreaths.

Water Distribution/Sewer Maintenance – Tom Parsons, Foreman

- Marked numerous Ohio Utilities Protection Service tickets
- Competed numerous work orders for Billing and Collection
- Investigated numerous high consumption alerts
- Completed non-pay shut off's and reconnects as paid
- Upgraded water services on: East Main Street, East Canal Street, West Franklin Street, Elmwood Avenue, Floral Avenue, East Race Street, and Ash Street
- Replaced a 6" valve at North Dorset Road, Orchard Drive, and Norwich Road
- Made a 1-1/2 tap for Abbey Credit Union

- Replaced a hydrant at the Riverside Drive Cemetery
- Repaired storm lines on Kings Chapel Drive and West Franklin Street
- Vacuumed out an old basin at Treasure Island Park
- Mowed storm ditches
- Five employees completed the driver training course

Wastewater Treatment Plant – Ken Parks

- Staff updated the sign that identifies the plants outfall into the Miami River. This sign is required as part of our OEPA discharge permit and must contain information as to who owns the outfall, a contact number, permit number, and outfall number. The sign must also be visible to those who are boating, swimming, or walking along the shore. The wastewater plants outfall is located behind ConAgra Food near the old railroad bridge that is now the river crossing for the bike path. The average daily flow that the plant discharged to the Miami River for the month of September was 3.9 million gallons per day.

Water Treatment Plant – Jeff Monce

- For the month of September 2020, the WTP pumped a total of 117.19 million gallons (MG) to our distribution system and customers in West Milton, Ludlow Falls and Miami County (avg. 3.78 MG/day). Total precipitation recorded at the WTP for September was 2.37". Respective totals for September in previous years are:

2019: 118.008 MG; 0.61"

2018: 99.795 MG; 6.28"

2017: 103.703 MG; 1.46"

2016: 111.164 MG; 2.33"

2015: 111.525 MG; 1.13"

2014: 115.010 MG; 1.91"

2013: 132.228 MG; 2.32"

2012: 121.435 MG; 5.90"

2011: 123.794 MG; 8.11"

2010: 129.391 MG; 1.71"

- 12 bulk water account holders withdrew a total of 391,330 gallons from the WTP Bulk Water Station during September.
- 15.47 million gallons were pumped to the Extra High Service pressure zone for the month of September 2020, for a daily average of .498 MGD.
- Operations Technician, Steve Suerdick, completed annual sampling of 19 monitoring wells and 10 production wells on October 14. This extensive sampling is a key part of our Source Water Assessment & Protection (SWAP) Program. An independent lab will analyze the well samples for 96 chemical compounds.
- Cleaning and corrosion control in Train 1 primary basin is finished. Maintenance staff will be pressure-washing and inspecting the secondary basin through October.
- All WTP distribution system yard valves were exercised and evaluated by vendor on September 30.
- Repairs were made to the east boiler ignition system by a vendor.



MEMORANDUM

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

FROM: Tim Davis, Development Director

DATE: October 16, 2020

SUBJECT: *Items of Interest Report*

I have attached two reports which summarize concerns that are being addressed by the Economic Development Department from October 1, 2020 to October 14, 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 24 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 47 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

10/01/2020 - 10/14/2020

Project Address	Ward	Permit Type	Description	Assigned To	Permit Date	Total Fees
1239 COLE HARBOR DR	1	Zoning-Residential-New	SINGLE FAMILY RESIDENCE W/BASEMENT	Robert Watson	10/14/2020	\$104.69
1230 SULLIVAN POND CT	1	Zoning-Residential-New	SINGLE FAMILY RESIDENCE W/BASEMENT	Robert Watson	10/5/2020	\$102.11
405 PUBLIC SQUARE	2	Sign Permit-Temporary	TEMPORARY SIGN	Robert Watson	10/14/2020	\$25.00
7 S MARKET ST	2	Sign Permit-Permanent	SIGN PERMIT	Gregg Harris	10/9/2020	\$26.13
7 S MARKET ST	2	Sign Permit-Permanent	SIGN PERMIT	Gregg Harris	10/9/2020	\$35.21
7 S MARKET ST	2	Change of Occupancy	OCCUPANCY - LOW VOLTAGE SOLUTIONS	Gregg Harris	10/9/2020	\$50.00
104 CRICKETT LANE	2	Zoning-Accessory-Residential	SHED	Robert Watson	10/9/2020	\$25.00
159 FINSBURY LN	2	Fence Permit	FENCE - ORNAMENTAL	Robert Watson	10/6/2020	\$10.00
425 KIRK LANE	2	Zoning-Accessory-Residential	SHED	Robert Watson	10/5/2020	\$26.00
115 W RACE ST	3	Fence Permit	FENCE	Robert Watson	10/14/2020	\$10.00
614 E CANAL ST	3	Zoning-Residential Addition	RESIDENTIAL ADDITION	Robert Watson	10/7/2020	\$26.00
2705 SWAILES ROAD	4	Zoning-Accessory-Residential	DRIVEWAY EXTENSION	Gregg Harris	10/14/2020	\$25.00
1283 GOLDEN EAGLE DR	4	Fence Permit	Fence	Gregg Harris	10/12/2020	\$10.40
1139 PARKLAWN CT	4	Fence Permit	FENCE	Gregg Harris	10/8/2020	\$10.00
2511 SAYBROOK CT	4	Zoning-Accessory-Residential	DECK	Gregg Harris	10/8/2020	\$25.00
1518 W MAIN ST	5	Sign Permit-Permanent	SIGN PERMIT	Robert Watson	10/13/2020	\$53.34
1518 W MAIN ST	5	Change of Occupancy	Rent-2-Own	Robert Watson	10/12/2020	\$52.00
219 PENN ROAD	5	Fence Permit	FENCE	Robert Watson	10/5/2020	\$10.00
1320 STONY CREEK RD	5	Zoning-Residential Addition	GARAGE & CONCRETE DRIVE AND PATIO	Robert Watson	10/1/2020	\$26.00
1320 STONY CREEK RD	5	Zoning-Residential Addition	GARAGE & CONCRETE DRIVE AND PATIO	Robert Watson	10/1/2020	\$26.00
2725 EXECUTIVE DR	6	Zoning-Residential-New	SINGLE FAMILY RESIDENCE	Robert Watson	10/14/2020	\$74.74
115 JEAN CIR	6	Zoning-Residential Addition	Room Addition	Robert Watson	10/12/2020	\$26.00
202 CHAPEL CT	6	Sign Permit-Permanent	Subdivision Entry Sign	Robert Watson	10/7/2020	\$39.00
1112 RED MAPLE DR	6	Zoning-Accessory-Residential	20x12 Deck	Robert Watson	10/6/2020	\$54.23
150 MARYBILL DR	6	Zoning-Commercial Addition	Building addition - ECOTECH	Robert Watson	10/2/2020	\$120.06

Violation Activity Summary

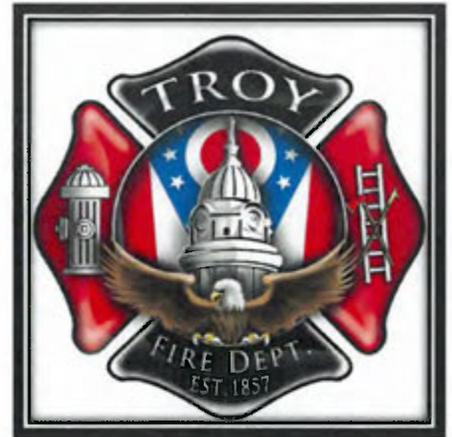
10/01/2020 through 10/14/2020

Case #	Case Date	Assigned To	Site Address	Ward	Type of Violation	Status	Description
20200477	10/6/2020	Robert Watson	1018 MAYFIELD DR	1	ZONING PROBLEM	Open	10/6 RW, Permit issued for fence, but fence installed at 6ft in front yard/ side street. Sending Certificate Follow Up 10/30.
20200481	10/6/2020	Robert Watson	1053 NUTMEG SQ N	1	ZONING PROBLEM	Open	10/6 RW, shed w/o permit, sending Certified Mail, Follow Up 10/16
20200476	10/6/2020	Robert Watson	500 N MADISON ST	2	TRASH & DEBRIS	Closed	10/6 RW, Trash and debris at the curb, sending Certificate, Follow Up 10/16. 10/14 RW, Cleaned by owner, Closed.
20200482	10/6/2020	Robert Watson	617 INDIANA AVE	2	TRASH & DEBRIS	Open	10/6 RW, trash and debris around the property, sending Certified, Follow Up 10/23. 10/15 RW, tenant called, needs till next weekend to complete. Follow Up 10/26
20200489	10/13/2020	Robert Watson	229 S MULBERRY ST	3	TRASH & DEBRIS	Open	10/13 RW, trash at curb not meeting collection standards. Sending Certified, Follow Up 10/23
20200484	10/8/2020	Robert Watson	302 S MARKET ST	3	SIGN VIOLATION	Closed	10/7 RW, illegal temp sign on the side of the building. Talked to store worker and they'll remove, Follow Up 10/9. 10/8 RW, removed by owner, Closed.
20200485	10/8/2020	Robert Watson	651 UNION ST	3	TRASH & DEBRIS	Open	10/8 RW, trash and debris on the property. Litter, and small items left around from vagrants. Sending Certified. Follow Up 10/16
20200486	10/8/2020	Robert Watson	507 LINCOLN AVE	3	TRASH & DEBRIS	Open	10/8 RW, trash and debris at the alley. Sending Certificate. Follow Up 10/16
20200478	10/6/2020	Robert Watson	808 E RACE ST	3	TRASH & DEBRIS	Open	10/6 RW, trash and debris around the property, sending Certificate, Follow Up 10/16
20200479	10/6/2020	Robert Watson	814 E RACE ST	3	TRASH & DEBRIS	Open	10/6 RW, trash and debris around the property, sending Certificate mail Follow Up 10/16
20200480	10/6/2020	Robert Watson	306 FLORAL AVE	3	TRASH & DEBRIS	Closed	10/6 RW, trash and debris at curb, Owner, called will have removed in next couple days. Follow Up 10/16. 10/12 RW, cleaned by owner, Closed.
20200483	10/2/2020	Gregg Harris	216 S FRANK	4	ZONING PROBLEM	Open	complaint made at 233 S. Frank regarding 216 noise, Told to contact PD if noise disturbance and would drive by to check to see if there are residence occupants; drove by 10/3 no occupants;
20200487	10/12/2020	Gregg Harris	1071 Dickerson	5	TALL GRASS/WEEDS	Open	owner at 999 Dickerson complained; Inspected; picture submitted to Dave Osborne to be mowed
20200488	10/12/2020	Gregg Harris	1400 W Market	5	SIGN VIOLATION	Open	inspected; picture; vm and email to HR Mgr. to remove;
20200475	10/1/2020	Robert Watson	1759 W MAIN ST	6	PROPERTY MAINTENANCE	Open	10/1 RW, case started for the deterioration of the parking lot and upkeep of the property. Sending Certified, Follow Up 11/13

September 2020

TROY FIRE DEPARTMENT

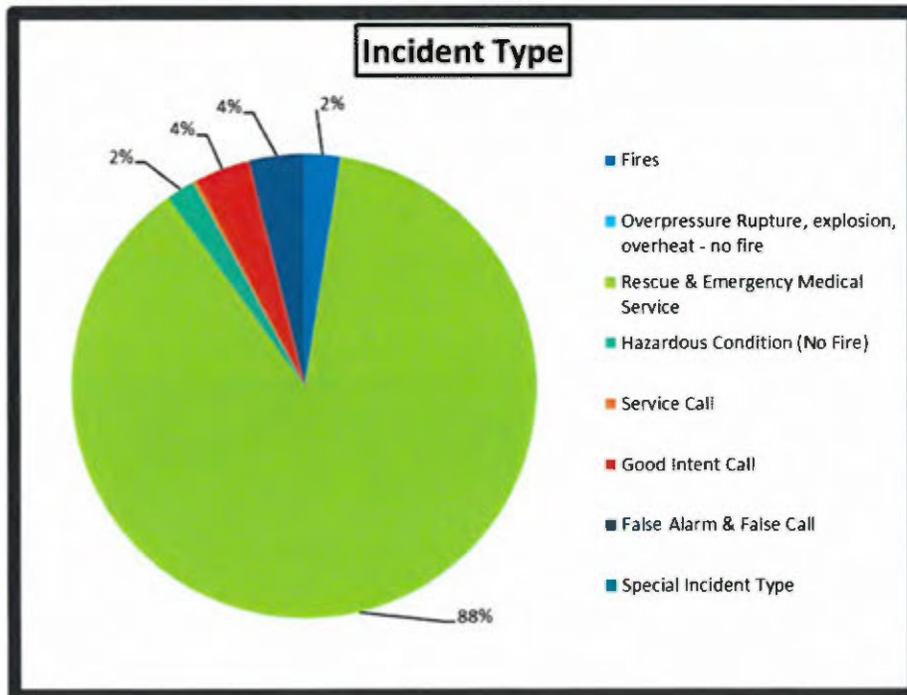
1528 North Market Street Troy, OH 45373



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

"Exceeding the Expectations of Our Community"

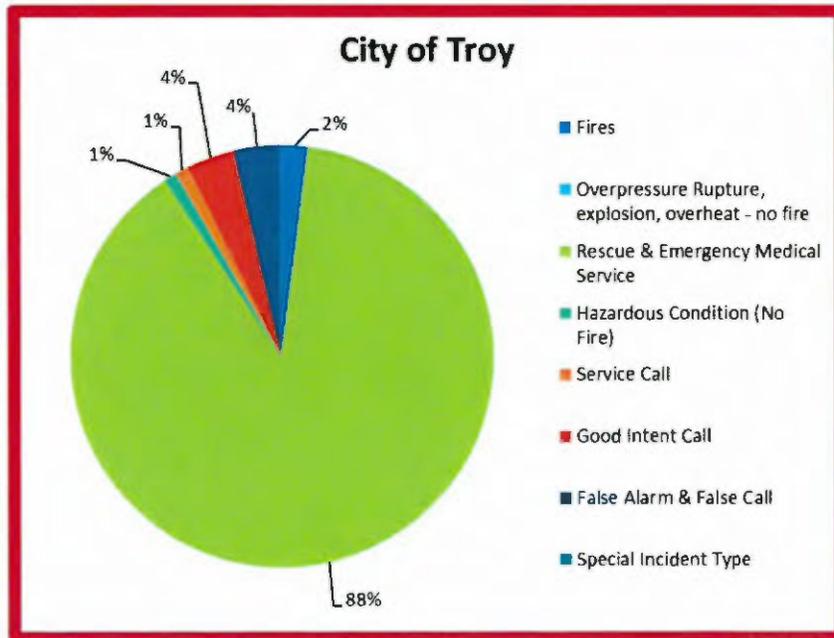
Monthly Incident Report							
Incident Type	Troy	Concord	Staunton	Lost Creek	Mutual Aid	Total	Incident %
Fires	8	1	2	0	0	11	2%
Overpressure Rupture, explosion, overheating - no fire	0	0	0	0	0	0	0%
Rescue & Emergency Medical Service	341	30	12	2	4	389	88%
Hazardous Condition (No Fire)	7	1	1	0	0	9	2%
Service Call	1	0	0	0	0	1	0%
Good Intent Call	14	1	1	0	1	17	4%
False Alarm & False Call	14	3	0	0	0	17	4%
Special Incident Type	0	0	0	0	0	0	0%
Totals	385	36	16	2	5	444	100%



Monthly EMS Response Report						
Unit	Troy	Concord	Staunton	Lost Creek	Mutual Aid	Totals
Medic-1	157	14	2	1	3	177
Medic-2	80	4	11	1	2	98
Medic-3	107	14	1	0	0	122
Medic-4	0	0	0	0	0	0
Totals	344	32	14	2	5	397

Monthly Fire Response Report						
Unit	Troy	Concord	Staunton	Lost Creek	Mutual Aid	Totals
Engine-1	81	12	7	1	1	102
Engine-2	7	0	4	0	0	11
Ladder-3	26	1	1	0	0	28
Tanker-1	0	0	2	0	0	2
Tower-1	0	0	0	0	0	0
Grass-1	0	0	0	0	0	0
Truck-8	3	1	0	0	0	4
Totals	117	14	14	1	1	147

City of Troy		
	# Incidents	% of Total
Fires	8	2%
Overpressure Rupture, explosion, overhear - no fire	0	0%
Rescue & Emergency Medical Service	341	88%
Hazardous Condition (No Fire)	7	1%
Service Call	1	1%
Good Intent Call	14	4%
False Alarm & False Call	14	4%
Special Incident Type	0	0%
Totals	385	100%



Trip Count by Destination Facility

Date IS BETWEEN 09/01/2020 AND 09/30/2020

	<u>ALS</u>	<u>BLS</u>	<u>Cancelled Call</u>	<u>Total</u>
<i><No Facility></i>	94	15	2	111
<i>1-KHN Troy</i>	128	17	0	145
<i>2-UVMC</i>	124	13	0	137
<i>DAYTON CHILDRENS</i>	4	0	0	4
<i>KHN KETTERING</i>	3	0	0	3
Total	353	45	2	400

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!"



<u>Community Outreach</u>	September 2020
General Inspections	71
Re-Inspections	10
Plan Reviews	8
Fire Prevention Permits	11
Fire Investigations	4
Public Education Events	0
Attendance @ PE Events	0



TROY POLICE DEPARTMENT
REPORT TO COUNCIL
SEPTEMBER 2020

TRAFFIC CITATIONS ISSUED

	Previous Month	Present Month
Misdemeanor Arrest	92	152
Felony Arrest	25	32
Number of Calls	1858	1936

PARKING

Type	Written	Paid	Amount
Other Parking Violations	94	47	1180.00

VEHICLE INFORMATION

	Miles Driven	Gas Consumed	Average M.P.G.
Patrol Cars	20908	1841.1	11.4
Un-marked Vehicles	6110	334.1	18.3
Total	27018	2175.2	12.4

FORMAL COMPLAINTS:

1

USE OF FORCE:

4

Traffic Stop Demographics

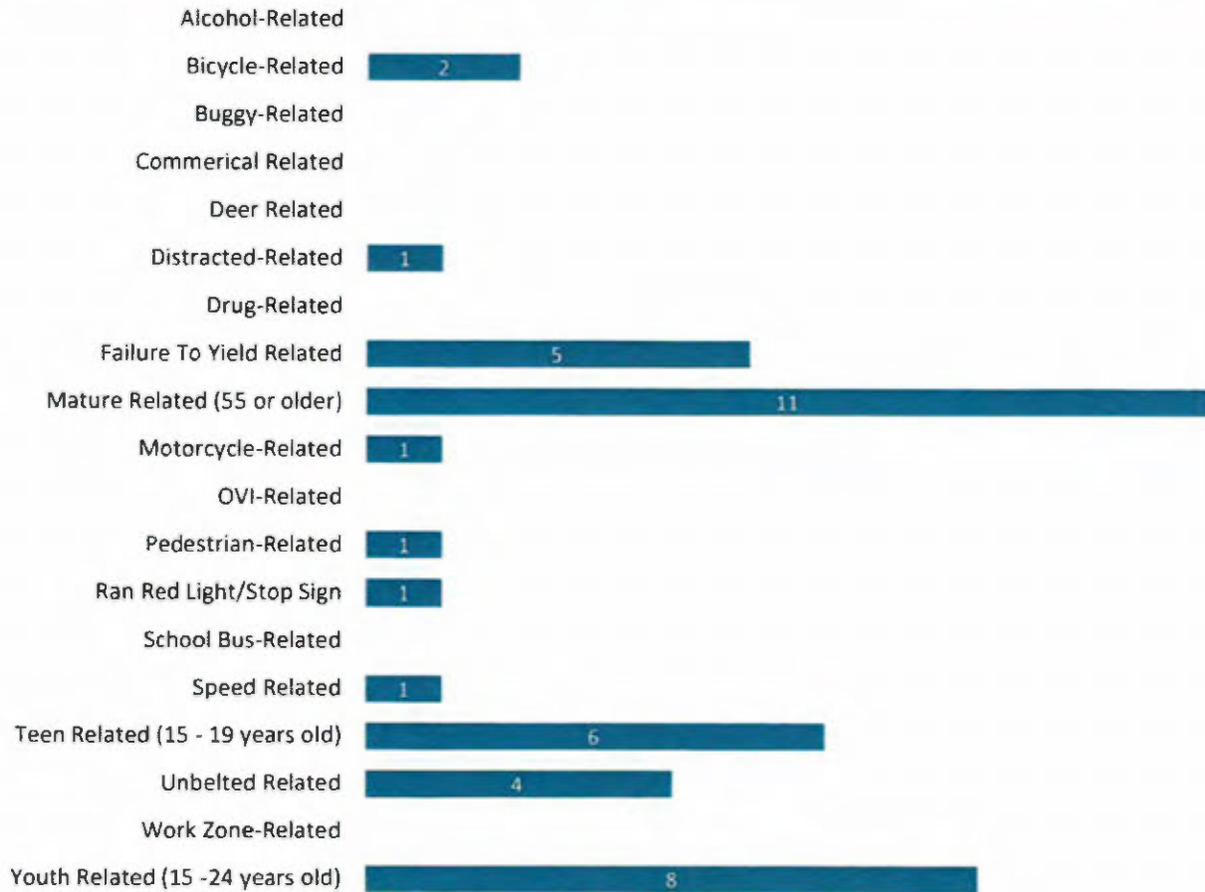
Race/ Sex	Total Traffic Warning	Total Traffic Citation	% of Warnings
Black Male	20	5	80
Hispanic Male	4	3	57
White Male	118	53	69
Black Female	17	3	85
Hispanic Female	2	0	100
White Female	84	28	75





TROY POLICE DEPARTMENT
ACCIDENTS AND ANALYSIS
SEPTEMBER 2020

CONTRIBUTING CIRCUMSTANCES



SEVERITY OF ACCIDENT

Minor Injury	4
Injury Possible	3
Property Damage Only	20
Total	27 *PER STATE SITE – SEVERAL NOT TRANSFERRED AS OF 10/14/20



DAY OF WEEK						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5	7	4	4	4	3	0

TIME OF DAY			
Time	%	Time	%
12-12:59 AM		12-12:59 PM	7.4
1 - 1:59 AM		1 - 1:59 PM	
2 - 2:59 AM		2 - 2:59 PM	14.8
3 - 3:59 AM		3 - 3:59 PM	7.4
4 - 4:59 AM		4 - 4:59 PM	
5 - 5:59 AM		5 - 5:59 PM	14.8
6 - 6:59 AM		6 - 6:59 PM	
7 - 7:59 AM	3.7	7 - 7:59 PM	11.1
8 - 8:59 AM	3.7	8 - 8:59 PM	
9 - 9:59 AM	7.4	9 - 9:59 PM	3.7
10 - 10:59 AM	3.7	10 - 10:59 PM	7.4
11 - 11:59 AM	14.8	11 - 11:59 PM	*

TROY POLICE DEPARTMENT

Monthly Report to Council

September 2019

	Previous Month	Present Month
Traffic Citations Issued	195	186
Misdemeanor Arrest	99	121
Felony Arrest	18	22
Number of Calls	2229	2194

Traffic Crashes			
Non-Injury	33	Injury	10
		Fatal	0

Parking			
Type	Written	Paid	Amount
Parking Meter Tickets	0	0	\$0.00
Other Parking Violations	111	109	\$2,680.00
Parking Meters	N/A	N/A	\$0.00
Total	111	109	\$2,680.00

Vehicle Information		
Miles Driven	Gas Consumed	Average M.P.G.
Patrol Cars 23346	2221.7	10.5
Un-marked Vehicles 5598	309	18.1
Total 28944	2530.7	11.4

TROY POLICE DEPARTMENT

ACCIDENTS AND ANALYSIS

September 2019

ANALYSIS OF TRAFFIC ACCIDENTS & INVESTIGATION

MOTOR VEHICLE WITH	TOTAL ACCIDENT	NUMBER FATAL	NUMBER INJURED	PROPERTY DAMAGE
Pedestrian	1		1	
Other Moving Vehicle	31		6	25
Railroad Train				
Bicycle				
Hit Skip	5		1	4
Fixed Object	4		2	2
Non-Collision	1			1
Leaving the Curb	1			1
Other Motor Vehicle				
TOTAL	43	0	10	33

NUMBER OF PERSONS INJURED - TYPE OF ACCIDENT- AGE

MOTOR VEHICLE WITH	ALL AGES	0 - 4	5 - 14	15 - 24	25 - 64	65 & OVER
Pedestrian				1		
Other Moving Vehicle		2		2	1	3
Railroad Train						
Bicycle						
Hit-Skip					1	
Fixed Object					1	
Non-Collision						
Leaving Curb						
Other Motor Vehicle						
TOTAL	0	2	0	3	3	3

AGE OF CAUSATIVE FACTOR

12-15	16-18	19-21	22-30	31-40	41-50	51 & OVER
	4	2	4	11	2	15

