

## MINUTES OF COUNCIL

A regular session of Troy City Council was held on Tuesday, February 21, 2023 at 7:00 p.m. in Council Chambers, City Hall.

Members Attending: Phillips, Pierce, Rozell, Severt, Snee, Twiss and Whidden.

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

Upon motion of Mr. Rozell, seconded by Mr. Pierce, Mr. Schilling was excused from this meeting by unanimous roll call vote.

|                    |                            |                                       |
|--------------------|----------------------------|---------------------------------------|
| Presiding Officer: | William Lutz               | President of Council                  |
| Others Present:    | Robin I. Oda               | Mayor                                 |
|                    | Patrick E. J. Titterington | Director of Public Service and Safety |
|                    | Grant D. Kerber            | Director of Law                       |
|                    | John E. Frigge             | Auditor                               |

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

MINUTES: The Clerk gave a summary of the minutes of the February 6, 2023, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Twiss, seconded by Mr. Rozell, these minutes were approved by unanimous roll call vote.

#### COMMITTEE REPORTS:

Buildings & Utilities Committee: Mr. Twiss reported as follows:

- Regarding improvements to the Troy Senior Citizens Center, committee recommends legislation be prepared to:
  - Authorize the Director of Public Service and Safety to submit an amendment to the City's COVID-19 CDBG Target of Opportunity Grant to use the remaining grant funding for improvements to the Troy Senior Citizens Center and to execute any related documents. Committee supports emergency legislation so that the amendment can be submitted and considered without delay.
  - Authorize the Director of Public Service and Safety to advertise for bids and enter into contracts for improvements to the Troy Senior Citizens Center at a cost not to exceed \$213,382. Project funding would be \$158,382 from the Target of Opportunity Grant balance and \$55,000 from the City's PY 2022 CDBG Allocation funding.
- Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the façade improvements for the Troy Rec building, at a cost not to exceed \$79,000. Committee noted that \$75,000 of the funding will be from the City's PY 2022 CDBG Allocation funds, with the Troy Recreation Association, Inc., the owner of the building, reimbursing the City the difference between the CDBG funding and the authorization.

Reports submitted by Twiss, Whidden and Marshall.

Discussion. Mr. Phillips asked if the Troy Recreation Association, Inc. has sufficient funds to pay the difference noted in the Committee Report for the REC building. Mr. Titterington stated the City understands the organization does as the Troy Recreation Association, Inc. offered to pay any difference.

Community & Economic Development Committee: Mrs. Snee reported that Committee recommends legislation be prepared to vacate and dedicate utility easements in the Green Court Subdivision (between Inlots 11394 and 11395), as lot lines are being moved for future development.

Report submitted by Pierce, Snee and Schilling.

Finance Committee: Mr. Severt, Chairman, reported that Committee recommends legislation be prepared affirming the 12-month extension pricing of Energy Harbor, LLC for the government electric aggregation opt-out program based on pricing of 7.26 cents per kWh for the extension, which is less than the current AES Ohio market rate of 10.9 cents per kWh. Committee further recommended that the Director of Public Service and Safety be authorized to execute any related documents, and the Committee supports emergency legislation to preserve the aggregated rates.

Report submitted by Phillips, Rozell and Severt.

Recreation & Parks Committee: Mr. Whidden, Chairman, reported that Committee recommends legislation be prepared amending Ordinance No. O-13-2022 (AFSCME represented employees) to establish the new position of Park Maintenance/Municipal Arborist at the hourly wage of \$29.18 per hour. Committee supports emergency legislation so that the process of posting the position/interviews/and filling the position can commence as soon as possible.

Reports submitted by Rozell, Schilling and Whidden

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported as follows:

1. Committee recommends that the final ODOT legislation be prepared for ODOT paving of E. Main Street from Mulberry Street to the E. Corporation Limit, with the City paying a 40% share of the project cost, currently estimated at \$420,579.66, noting that if the final contract is higher than the current estimate, the City will be required to pay a share of that difference. Committee supports emergency legislation based on the ODOT format and as ODOT has requested the return of the final legislation and the City's payment by March 17, 2023.
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 annual paving program at a cost not to exceed \$1,520,000.  
Mr. Phillips commented that should the bids exceed the authorization, some roadways will need to be removed from the program.

Reports submitted by Pierce, Snee and Phillips.

Law & Ordinance Committee: Mrs. Snee, Chairman, gave an oral report that the Ohio Division of Liquor Control has transmitted the notice of the filing of a C-2X permit and the previously approved TREX C-2 permit for Fuel Seven, LLC, 809 S. Market Street.

COMMENTS ON AGENDA ITEMS: NONE.

RESOLUTION NO. R-11-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO FILE AN AMENDMENT TO THE APPLICATION WITH THE STATE OF OHIO, OHIO DEPARTMENT OF DEVELOPMENT, TO REALLOCATE FUNDS REMAINING FROM A COMMUNITY DEVELOPMENT BLOCK GRANT TARGET OF OPPORTUNITY COVID-19 RESPONSE FUND PROGRAM GRANT FOR THE TROY SENIOR CITIZENS CENTER, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Whidden, Snee, Severt, Pierce, Twiss, Rozell and Phillips.

No: None.

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

Yes: Snee, Severt, Pierce, Twiss, Rozell, Phillips and Whidden.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-12-2023

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 TROY SENIOR CITIZENS CENTER IMPROVEMENTS PROJECT

This Resolution was given first title reading.

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

Yes: Severt, Pierce, Twiss, Rozell, Phillips, Whidden and Snee.

No: None.

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

Yes: Pierce, Twiss, Rozell, Phillips, Whidden, Snee and Severt.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-13-2023

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 REC FAÇADE IMPROVEMENT PROJECT

This Resolution was given first title reading.

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

Yes: Twiss, Rozell, Phillips, Whidden, Snee, Severt and Pierce.

No: None.

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

Yes: Rozell, Phillips, Whidden, Snee, Severt, Pierce and Twiss.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-14-2023

RESOLUTION AFFIRMING A 12-MONTH EXTENSION TO THE GOVERNMENTAL OPT-OUT ELECTRIC POWER AGGREGATION AGREEMENT WITH ENERGY HARBOR LLC OF AKRON, 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. Pierce.

Yes: Phillips, Whidden, Snee, Severt, Pierce, Twiss and Rozell.

No: None.

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

Yes: Whidden, Snee, Severt, Pierce, Twiss, Rozell and Phillips.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-15-2023

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 2023 PAVING PROGRAM

This Resolution was given first title reading.

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

Yes: Snee, Severt, Pierce, Twiss, Rozell, Phillips and Whidden.

No: None.

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

Yes: Severt, Pierce, Twiss, Rozell, Phillips, Whidden and Snee.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-16-2023

FINAL RESOLUTION AUTHORIZING CONSENT AND COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF STATE ROUTE 41, EAST MAIN STREET, WITHIN THE RIGHT-OF-WAY OF THE CITY OF TROY, OHIO IN FY 2023, PARTICIPATION IN THE PROJECT, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Pierce, Twiss, Rozell, Phillips, Whidden, Snee and Severt.

No: None.

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

Yes: Twiss, Rozell, Phillips, Whidden, Snee, Severt and Pierce.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-8-2023

ORDINANCE APPROVING THE REPLAT OF GREEN COURT SECTION 1A, BEING A RE-SUBDIVISION OF INLOTS 11394 AND 11395, AND ACCEPTING AND DEDICATING UTILITY EASEMENTS IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

Yes: Rozell, Phillips, Whidden, Snee, Severt, Pierce and Twiss.

No: None.

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

Yes: Phillips, Whidden, Snee, Severt, Pierce, Twiss and Rozell.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-9-2023

ORDINANCE AMENDING ORDINANCE NO. O-13-2022, FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO, 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. Twiss.

Yes: Whidden, Snee, Severt, Pierce, Twiss, Rozell and Phillips.

No: None.

Mr. Twiss moved for adoption. Motion seconded by Mr. Whidden.  
Yes: Snee, Severt, Pierce, Twiss, Rozell, Phillips and Whidden.  
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-10-2023

AN ORDINANCE ESTABLISHING SECTION 1151.16 OF THE ZONING CODE OF THE CITY OF TROY, OHIO RELATED TO BEEKEEPING AS AN ACCESSORY USE IN THE A AGRICULTURAL DISTRICT, A-R AGRICULTURAL-RESIDENTIAL DISTRICT, R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-3-B SINGLE-FAMILY RESIDENTIAL DISTRICT, AND THE R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington, in light of a railroad derailment that occurred in East Palestine, Ohio, and concerns there of water contamination from the materials in some of the railroad cars, and as there have been photos posted regarding the railroad bridge over the river in Troy, commented: the City has contacted the railroad division of the Public Utilities Commission of Ohio (PUCO) and State Sen. Huffman to obtain a copy of the latest bridge inspection report; there were no issues from prior inspections; there are no issues with the City's Water Treatment Plant or water quality; the City's water source is the Great Miami Buried Valley Aquifer, which is different from and upstream from the East Palestine water source; the City tests for VOCs monthly (rather than the recommended quarterly) and the testing of February 8 showed no issues; in the past the City has trained internally and with the County Emergency Management Agency on matters including train related issues, and that training will continue; and the City continues to assess automation of the Water Plant, which would permit operating the plant remotely if necessary.

-In response to Mr. Pierce, Mr. Titterington stated that there is not an issue relating to having funding for the training.  
-In response to Mr. Whidden, as railroads are regulated by PUCO, the City cannot require notification of materials being transported through Troy by rail.

COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Twiss asked if is unusual to have a large number of Sign Code violation. Mr. Titterington stated that the City had not enforced some signage as much following COVID, but has started following up more with businesses over the past couple of months in a non-heavy-handed way, to obtain more compliance.  
-Mr. Phillips complimented the Fire Department staff in their professionalism, noting he recently used their services.

CITIZEN COMMENTS:

Brad Boehringer, 105 Crestwood Drive, was advised that the City understands the railroad is responsible for maintaining the railroad bridge, but he could also ask PUCO. He commented that he is glad that the AEW will be in Troy with a live wrestling tour.

There being no further business, the meeting adjourned at 7:39 p.m.

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Clerk of Council

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President of Council