

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, August 16, 2021, at 7:00 p.m. in Council Chambers, City Hall.

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

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
John E. Frigge City Auditor

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

MINUTES: The Clerk gave a summary of the minutes of the August 2, 2021 meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Phillips, seconded by Mr. Schweser, these minutes were approved by unanimous roll call vote.

The Clerk gave a summary of the minutes of the August 9, 2021 Special Meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Rozell, seconded by Mr. Severt, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Buildings & Utilities Committee: Mr. Whidden, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an amendment to the professional service agreement with Hazen and Sawyer that was related to a blower replacement project at the Wastewater Treatment Plant, for an additional \$1,027,660, for a total design agreement of \$1,249,660. The additional funding will expand the scope of the design to include the design for replacement screw pumps and the expansion of the plant to increase the plant capacity to meet the residential and industrial needs in the future. Committee further recommends that the legislation include authorizing the Director of Public Service and Safety to execute necessary agreements related to the funding of the design and construction for this project. Report submitted by Terwilliger, Twiss and Whidden.

Community & Economic Development Committee: Mrs. Snee, Chairman, reported that Committee recommends legislation be prepared accepting the final plat of Section 2 of The Reserve at Washington Subdivision as submitted, including the dedication of right-of-way. Report submitted by Rozell, Twiss and Snee.

Finance Committee: Mr. Schweser, Chairman, reported that while no legislative action is required at this time, Committee supports proceeding with the purchase of two new automated refuse collection packer trucks as purchasing them now will save the City approximately \$50,000 based on the pricing if the trucks were purchased in 2022. Committee also supports the future Reappropriation Ordinance that will be required for this item. Report submitted by Phillips, Severt and Schweser.

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

- 1) Committee recommends that legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the West Main Street and Kings Chapel Drive Traffic Signal Project at a cost not to exceed \$450,613. Committee noted that the project cost is 100 percent reimbursable from ODOT Safety Grant funding.
- 2) Committee recommends that legislation be prepared authorizing the Director of Public Service and Safety to enter into a professional services agreement with LJB, Inc. of Miamisburg, Ohio, at a cost not to exceed \$175,000 for the design of the South Stanfield Road Reconstruction Project Phase 1. The agreement will include preparation of plans, design specifications, bidding documents, bidding estimate, and review of the bids. The Phase 1 project area is South Stanfield Road from its intersection with West Stanfield Road, south to the intersection with Commerce Center Boulevard.

Reports signed by Schilling, Snee and Phillips.

Committee of the Whole: Council President Lutz read the reports of Council as a Committee of the Whole as follows:

1. Committee of the Whole heard a presentation from a representative of US Fish & Wildlife regarding the removal of the Troy Low Dam. Reports show that removal of the dam would result in the river being restored to its natural flow, improved water quality, improved safety, promote further recreational use, and allow for improvements to help connect Downtown Troy to the river. Through various agencies, funding has been secured to fund the actual removal of the dam and to make other improvements as discussed, with the exception that the installation of any asphalt paths would be the responsibility of the City. Council as a Committee of the Whole recommends that legislation be prepared to authorize the removal of the Troy Low Dam and authorize the Director of Public Service and Safety to execute agreements required related to the removal of the Troy Low Dam.
2. Committee of the Whole considered a recommendation related to disbursement of a portion of the City's allocation of federal American Rescue Plan Act (ARPA) funds. Council as a Committee of the Whole recommends:
 - o That legislation be prepared authorizing the Board of Park Commissioners to advertise for bids and enter into a contract for an equipment shed structure at the Miami Shores Golf Course at a cost not to exceed \$100,000.
 - o That legislation be prepared amending the Salary Ordinance for FLSA Exempt employees to establish the position of Community Development Manager at the MGT-3 level within the Development Department.
 - o That Council authorize a Reappropriation Ordinance in the near future that would include the equipment shed structure at Miami Shores and funding for two property rehabilitation programs of:
 - \$150,000 to establish a downtown façade property rehabilitation program for eligible non-residential properties in the downtown area. This program could include other eligible exterior renovations.
 - \$150,000 to create a residential exterior rehabilitation program.

Reports signed by Phillips, Rozell, Schilling, Schweser, Severt, Snee, Terwilliger, Twiss and Whidden.

Law & Ordinance Committee: Mr. Severt, Chairman, gave an oral report that the City has received notice of a name transfer of the existing D5 and D6 permits for Ruby Tuesday.

COMMENTS ON AGENDA ITEMS: NONE

RESOLUTION NO. R-31-2021

RESOLUTION AUTHORIZING THE BOARD OF PARK COMMISSIONERS OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR AN EQUIPMENT SHED STRUCTURE FOR THE MIAMI SHORES GOLF COURSE

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-32-2021

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 WEST MAIN STREET AND KINGS CHAPEL DRIVE TRAFFIC SIGNAL PROJECT

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-33-2021

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH LJB, INC. OF MIAMISBURG, OHIO FOR THE DESIGN OF THE SOUTH STANFIELD ROAD RECONSTRUCTION PROJECT PHASE 1

This Resolution was given first title reading.

Mr. Phillips moved for suspension of three readings. Motion seconded by Mr. Schilling.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-34-2021

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 FOR THE EXPANSION OF THE WASTEWATER TREATMENT PLANT AND TO EXECUTE AGREEMENTS RELATED TO THE FUNDING OF THE PLANT EXPANSION DESIGN AND CONSTRUCTION PROJECT

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-35-2021

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF TROY, OHIO, TO EXECUTE DOCUMENTS NECESSARY TO CONSENT TO THE REMOVAL OF THE LOW HEAD DAM ON THE MIAMI RIVER IN THE CITY OF TROY, OHIO

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-46-2021

ORDINANCE ACCEPTING THE FINAL PLAT OF THE RESERVE AT WASHINGTON, SECTION TWO SUBDIVISION IN THE CITY OF TROY, OHIO AND DEDICATING RIGHT-OF-WAY

This Ordinance was given first title reading.

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

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

No: Schilling.

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

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

No: Schilling.

ORDINANCE ADOPTED

ORDINANCE NO. O-47-2021

ORDINANCE AMENDING ORDINANCE NO. O-52-2018, AS AMENDED BY ORDINANCE NUMBERS O-19-2019, O-39-2019, O-10-2020, O-48-2020 AND O-19-2021, FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of three readings. Motion seconded by Mr. Schilling.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-48-2021

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBERS D08-057010, D08-057020, AND D08-057015 IN THE CITY OF TROY, OHIO FROM R-7, MULTIPLE-FAMILY RESIDENTIAL DISTRICT, TO OR-1, OFFICE RESIDENCE DISTRICT

This Ordinance was given first title reading.

COMMENTS OF THE MAYOR:

Mayor Oda thanked the Oakwood Brass for the August 15 Mayors Concert, and noted that the AF Band of Flight Concert will be held August 22 at Treasure Island Park.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington noted that City Offices will be closed September 6 for Labor Day, with refuse collections on schedule.

He also noted that the Tunnel to Towers Mobile Exhibit will be in Troy the weekend of September 10-12, the 20th anniversary of the 9/11/2001 attack on the United States. The exhibit will result in West Main Street being closed from the Square to near to Adams Street, from 4:00 p.m. September 9 through the night of September 12. He noted that there will be a number of other activities in Troy and the Troy area that weekend.

COUNCIL MEMBER COMMENTS:

-Mr. Phillips commented that the activities and events of the September 11 weekend have a number of volunteer opportunities.

-Mr. Severt commented that the words "under God" are not set off by commas in the Pledge of Allegiance and there should not be a pause at those words when saying the Pledge. His comment followed Mr. Schweser discussing the Pledge of Allegiance prior to it being said at the beginning of the meeting.

AUDIENCE COMMENTS:

The following spoke supporting Council enacting legislation to name Troy a sanctuary city for the unborn: David Enneking, 1545 Washington Bend Court, and President of Miami County Right to Life; Sue Justice, 845 Cartwright Court; and Christopher and Courtney Harshbarger, 2717 Southside Drive.

Discussion included comments that some interested citizens were not aware this would be discussed at an August 9 work session. It was noted that as this subject has not been assigned to a Council Committee for recommendation, there was not a report issued. Council Member Phillips asked if staff and the Director of Law could look into prohibiting an abortion clinic by prohibitive zoning.

There being no further business, the meeting adjourned at 8:16 p.m.

Clerk of Council

President of Council