





August 3, 2020

## MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, August 3, 2020, at 7:00 p.m. at the Bravo Room of Hobart Arena.

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

Upon motion of Mr. Schweser, seconded by Mrs. Snee, Mr. Twiss was excused from this meeting by unanimous roll call vote.

Presiding Officer: William Lutz President of Council

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

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

### PUBLIC HEARINGS:

First Public Hearing: At 7:07 p.m. Council President Lutz declared open a public hearing on Ordinance No. O-37-2020, Rezoning of Parcel Between SR 718 & McKaig Road from A-2 to a PD-R. Commenting were:

-Gregory Thurman, acquisition manager for the applicant, provided a five slide presentation regarding the proposed development and spoke about the features of the units; landscaping and open space plan; stated that the development would have minimal school age residents as the design is senior oriented appealing to those 55 and over; and the company history shows that it is standard to have longer term tenants;

-Bruce Davidson, 2405 Coriander Court, stated he was speaking on behalf of the 86 residents of Westlake Village, who asked the rezoning be denied. He discussed that he considers this spot zoning; he does not understand why a strip of land was not included in the plan; and there has always been a drainage problem in this area and believes this will impact the current drainage problems.

-Brad Farrenkopf, 2601 McKaig Road, commented that the land owner is not stated properly. He stated he bought his property in 1986, set up a trust, his parents live on the property, he moved back in May; his land was purchased as a residential so he could put as many houses as he wanted; multi-family will deteriorate the value of neighborhood with apartments, negatively impact the rural living style of neighbor; create traffic/safety/congestion issues; apartments will negatively impact his privacy; if the development goes forward, he expects screening; density will add to traffic congestion and impact; and he has observed speeding and dangerous traffic. Mr. Farrenkopf stated that he has experience in evaluating these issues as for many years he served Ventura County in California in traffic analysis and studies.

-John Geiger, 835 Westlake Drive, indicated that an apartment complex of this size will generate 1,000 vehicle trips per day; traffic congestion is also impacted by delivery vehicles; Westlake Drive has been used as a cut-through and residents expect to see 200 more cars a day on the road; a single-family development would be better for the area; regarding stormwater management, he commented that has been a challenge in the area and this development will only crease flooding as the stormwater management is already sub-standard; there would be an increased need for public services; a single family subdivision would cause less need for public services.

-Ron Poling, 830 Westlake Drive, asked when was the land annexed and was advised earlier this year. Mr. Poling was advised the annexation was property owner driven. He asked if there has been any interest by single-family development, and if the schools owned this land and sold it when the levy failed. Mr. Titterington commented that the annexation was filed by the schools and on behalf of Redwoods as Redwoods was interested in the proposed use. Mr. Poling said he is not in favor of the multi-family zoning.

-Bruce Muir, 2750 Meadowpoint Drive, stated he represents the 149 homes in Stonebridge as President of Stonebridge Home Owners Board. He commented that none of the 149 members he has talked with support this rezoning and oppose it for concerns about flooding and the ability of the roads to handle the increased traffic; the traffic is terrible in the morning and will become worse with this development.

-Larry Morrow, 3305 Washington-Concord Road, commented that he has farmed in this area for years; the way the drainage is engineered, the ponds take the top soil and put it into the side ditch; there is flooding of the fields; when he has talked with the City Engineer he was told there is nothing to be done; he believes that if the City Engineer is involved in the engineering this project, it will only get worse.

-Mickey Hammer, 1160 Red Maple Drive, commented that in talking with residents in his subdivision, the opinion is that this development will make the current situation worse, adding to the flooding and traffic issues.

-Debra Stichter, 2081 Greenlee Road, stated she sees this as a big box business that will not add anything to Troy; that it will add to problematic traffic issues; and she asked if there is a recent count of home ownership versus rentals in Troy.

Mr. Lutz stated the rezoning will be considered by the Community and Economic Development Committee on August 10 at 5:30 p.m., and that will be the forum to have the questions answered.

There being no further comments in this regard, at 7:38 p.m., Mr. Lutz declared this public hearing closed.

Second Public Hearing: At 7:40 p.m. Council President Lutz declared open a public hearing on Ordinance No. O-38-2020, Establish Designated Outdoor Refreshment Area. Mr. Lutz indicated there would be a three-minute limit on public comments. Commenting were:

-Tim Davis, Development Director, provided a short presentation (attached to original minutes) that discussed the stipulations of the Ohio Revised Code regarding a DORA, the boundary, and how the City will meet the stipulations of the ORC, that a DORA is intended to increase commerce and bring people downtown, and noted that flashing lights would be added for safety in intersection crossing.

-Mr. Schilling asked if the DORA can be limited by dates or is it established for 365 days a year, as he questioned having a DORA during the winter months. He was advised it would be an open period, but Council can enact legislation to suspend a DORA.

-Mr. Lutz stated that the public hearing is to get comments from the public for Council to take into consideration; the Ordinance will be considered by the Safety & Health Committee on August 10; and the hearing is not the forum for Council members to have a deep discussion.

-Andrea Keller, 331 S. Market Street, Executive Director of Troy Main Street (TMS), commented that TMS has been encouraged by Heritage Ohio to explore a DORA; TMS supports the approval of a DORA; stating it would provide opportunities for businesses to cross-support each other and to collaborate; a DORA has an economic impact when people may typically purchase one more drink to take with them; it should increase foot traffic downtown and encourage businesses to stay open longer; neighboring communities have approved DORAs; and 22 downtown businesses support establishing a DORA.

-Sandra Bastin, 16 N. Market Street, commented that she owns the property next to 14 N. Market Street; she has had difficulty with the business next door since 2008 with their patrons trespassing and littering; the alley is used as a bathroom; she had a tenant's property broken into and the persons who did so threatened her; she found there has been 143 calls of service to 14 N. Market Street; and she feels a DORA would turn people loose on city streets with their trash.

-Kathi Roetter, Executive Director of the Chamber of Commerce, representing the Chamber and businesses in the DORA area, commented that the Chamber is not taking a position; there has been contact with 28 of the businesses that are Chamber members with 14 supportive, 11 neutral, three opposing, but there are generally concerns regarding the area, the days and hours of operation, and that perhaps this has moved forward too fast.

-Dawna Elko, 1348 Fleet Road, on behalf of Dunaway's, commented that Dunaway's was excluded from the map and wants to be included; and she stated that there are few calls for service at Dunaway's.

-Sandy Dunaway, 508 W. Main Street, owner of Dunaway's, stated he has been in business for 28 years and does not understand why Dunaway's was not included in the area of the DORA.

-Kelly Snyder, Executive Director of Troy Rec, stated that as Director she deals with teens every day and is concerned about the DORA creating opportunities for teens to have access to alcohol as persons will buy the alcohol for the teens or leave the cups with alcohol sit as trash to be picked up and consumed by the teens. She stated she does not know how the City can be certain leftover cups with alcohol will not be left. She feels this will increase underage consumption; asked who will clean between midnight and 6 a.m.; the retailers are not open the DORA hours; the benefit does not outweigh the detriment to the youth; while it was stated the REC is not open the same hours as the DORA operation, the REC is open to 7:30 p.m. and will be open some hours of the DORA; and she believes this is being rushed.

-Brad Boehringer, 105 Crestwood Drive, stated he comes into town and to bars; he supports the DORA; and believes it will bring people in and revitalize the downtown. As far as the youth, he commented that every moment can be used as a teachable moment for youth and youth need to be educated regarding alcohol and not shielded.

-Doug Page, 421 S. Plum Street, stated he was neutral on a DORA; asked if the Health Department has been consulted regarding people walking around during a pandemic; asked who pays for the cups; and asked if the cups will be recyclable or just be more trash.

-David Pinkerton, 2315 McKaig Road, commented that he believes wherever there is alcohol, there is trouble. He suggested a DORA is not an outdoor refreshment area, but an immoral and degenerate area. He said he does not believe any police officer would support this; that all the bars in the area have trouble; this is creating a huge area of bars, this should not be considered an economic asset; and alcohol is a creeping disease and people may use money needed for rent and groceries to buy alcohol.

-Debbie Pike, 412 Ellis Street, stated she is not 100% against a DORA, but does not want Troy to turn into Dayton or Columbus. She asked who can stop her from buying a 12-pack and drinking it from a cup; who will take care of property that a few drunks will damage; why does everything have to include alcohol; whose fault will it be if she drinks till she passes out; and why should the citizens pay for something Troy Main Street and the City wants to do.

-Roger Griffith, 650 Orchard Drive, stated he is a former Troy Police Officer. He talked about when part of N. Market was known as "bar row" (first block of N. Market Street); commented that Troy became better when the bars changed to restaurants; as a former police officer he saw that any situation became worse when alcohol was added; stated that while "not every drunk kills, every drunk starts with a drink"; and commented the City should not encourage situations that lead to alcohol consumption.

-Terri Easterday, 140 Jean Circle, stated she opposes the DORA; when she drives through town now to go to church, people walk in front of her vehicle and this will make it worse. She stated Troy will be known for drinking and not its businesses; she will not come to the downtown concerts if there are people drinking at them; she does not believe this will bring people in to shop. Ms. Easterly noted scripture that does not support drinking alcohol.

-Mike Partington, 2596 Marr Road, Casstown, Ohio, stated that as kid he saw what bar row and alcohol did to businesses; that the City cleaned up those businesses; and he would like to keep Troy special. He stated there were double standards during the Gentlemen of the Road Music Festival (2013) with drinking and drugs in the stadium and downtown, and he would not want to have that happen again.

-Tom Kendall, 1433 Michael Drive, stated he and his wife oppose the DORA and does not see how being able to carry a drink around downtown makes Troy a more desirable or nicer place.

Mr. Lutz noted that a number of email comments had been received and had been provided to Council.

There being no further comments in this regard, at 8:23 p.m., Mr. Lutz declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the July 20, 2020 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.

#### COMMITTEE REPORTS:

Finance Committee: Mr. Schweser, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared to provide for the accounting mechanism of a Return Advance from the Capital Improvement Fund back to the General Fund. Committee noted that funds had been advanced from the General Fund to the Capital Improvement Fund in 2015, and this returns the funds.
- 2) Council recommends legislation be prepared to approve the Expansion Project Agreement Application of the Employee Creation Incentive Program filed by Troy Laminating and Coating, Inc. This application under the new Employee Creation Incentive Program is a Troy company undertaking a major expansion with an employment increase, and will create 53 new positions with an annual payroll of over \$2 Million. The project will be the production of surgical and N95 protective masks. Under the program, the company is anticipated to receive a rebate of approximately \$9,000 annually for six years. So that the application can be approved without delay and the company move forward with the capital improvements to the facility, Committee supports emergency legislation.
- 3) Council recommends legislation be prepared to approve the Relocation Project Agreement Application of the Employee Creation Incentive Program filed by the Pella Corporation. This application under the new Employee Creation Incentive Program is a company relocation into Troy. The company will manufacture vinyl windows and doors. When the company is fully operational by 2025, there will be 428 new jobs created with an annual new payroll of \$19.3 Million. Under the program, the company is anticipated to receive a rebate of approximately \$83,000 annually for 15 years. So that the application can be approved without delay and the company move forward with the relocation to Troy, Committee supports emergency legislation.

Reports submitted by Phillips, Severt and Schweser.

Law & Ordinance Committee: Mr. Severt, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared to provide the three pieces of legislation the City is required to provide to the County related to an Expedited Type 2 Annexation. This is for the annexation of a 2.446 acre parcel owned by the City, adjacent to Rutherford Drive. The legislative items are to state the municipal services provided to a parcel proposed for annexation, that buffering will be required for any incompatible uses developed on the parcel proposed for annexation, and initial consent. Based on the requirement of the Ohio Revised Code to provide the information to the County within a stipulated time period, Committee supports emergency legislation.
- 2) Committee recommends legislation be prepared to accept the final plat of Section 7 of the Fox Harbor Subdivision and the dedication of right-of-way, as recommended by the Troy Planning Commission.

Reports submitted by Schweser, Snee and Severt.

RESOLUTION NO. R-47-2020

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 2.446 ACRES, MORE OR LESS, IN STAUNTON TOWNSHIP, PROPOSED TO BE ANNEXED 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. Schweser.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-48-2020

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 2.446 ACRES, MORE OR LESS, IN STAUNTON 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. Phillips.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-49-2020

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 2.446 ACRES, MORE OR LESS, IN STAUNTON TOWNSHIP, 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. Phillips.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-50-2020

RESOLUTION AUTHORIZING THE RETURN ADVANCE OF FUNDS TO THE GENERAL FUND FROM THE CAPITAL IMPROVEMENT FUND

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION IN MEMORIAM, JEAN J. MELVIN, 1931-2020 (Mrs. Melvin served as Fourth Ward Council Member 1998-1999.)

Upon motion of Mr. Phillips, seconded by Mr. Schweser, the Resolution in Memoriam was approved by unanimous roll call vote.

ORDINANCE NO. O-37-2020

AN ORDINANCE CHANGING THE ZONING OF INLOT 11368 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING CLASSIFICATION OF A-2, GENERAL AGRICULTURAL DISTRICT, TO A CITY OF TROY PLANNED DEVELOPMENT – RESIDENTIAL (PD-R)

This Ordinance was given first title reading on July 20, 2020.  
Given Public Hearing and second title reading.

ORDINANCE NO. O-38-2020

AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA KNOWN AS THE DOWNTOWN TROY DESIGNATED OUTDOOR REFRESHMENT AREA, AND ENACTING REGULATIONS

This Ordinance was given first title reading on July 20, 2020.  
Given Public Hearing and second title reading.

ORDINANCE NO. O-39-2020

ORDINANCE ACCEPTING THE FINAL PLAT OF THE FOX HARBOR SUBDIVISION SECTION 7 IN THE CITY OF TROY, OHIO AND DEDICATING RIGHT-OF-WAY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-40-2020

AN ORDINANCE APPROVING THE RELOCATION PROJECT AGREEMENT FILED BY PELLA CORPORATION FOR THE EMPLOYEE CREATION INCENTIVE PROGRAM IN 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. Phillips.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-41-2020

AN ORDINANCE APPROVING THE EXPANSION PROJECT AGREEMENT FILED BY TROY LAMINATING AND COATING, INC. FOR THE EMPLOYEE CREATION INCENTIVE PROGRAM IN 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. Phillips.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF MEMBERS OF COUNCIL:

- Mr. Severt asked the Director of Law to provide any criteria by which Council is to consider rezoning applications.
- In response to Mr. Phillips, Mr. Titterington commented that if Council wished to amend the DORA legislation, it would be basically starting the process over.
- In response to Mr. Schilling regarding a time line for Council to act on a DORA application, Mr. Titterington commented that once a DORA application is submitted, Council has 45 days to approve or deny.
- Mr. Schilling mentioned the Peletonia Bike Race that was recently held to raise funds for cancer research.

COMMENTS OF MEMBERS OF THE AUDIENCE:

- Joseph Graves, Executive Director of the Troy Development Council, commented that a lot of work had gone into bringing Pella to Troy, and that the company hopes to have a ribbon cutting ceremony at a later date.
- Kelly Snyder, Executive Director of the Troy Rec, stated she appreciated Council holding a public hearing on the DORA application, as such hearing is not required.

There being no further business, the meeting adjourned at 8:54 p.m.

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Clerk of Council

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President of Council

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council  
DATE: August 10, 2020  
FROM: Community & Economic Development Committee  
SUBJECT: ORDINANCE NO. O-37-2020, REZONING (APPROVAL OF GENERAL PLAN) OF IL 11368 FROM COUNTY A-2, GENERAL AGRICULTURAL DISTRICT, TO A CITY PLANNED DEVELOPMENT – RESIDENTIAL (PD-R) FOR REDWOODS USA, LLC PLANNED DEVELOPMENT

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

This Committee met on August 10 to review the recommendation from the Troy Planning Commission that the General Plan for the Redwood USA, LLC, the rezoning of IL 11368, be approved. This parcel is 22.515 acres of a recently annexed parcel located between McKaig Road and SR 718. The zoning change is from County R-2, General Agricultural District to a City Planned Development – Residential (PD-R). The Troy Planning Commission, in recommending approval of the rezoning, determined that the proposed rezoning is found to be consistent with the intent and purposes of the City of Troy Zoning Code, the Comprehensive Plan, and with similar zoning classifications and uses in the area.

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

This Committee considered all the comments made, including those received by email. In accordance with the legal standard to consider such applications, this Committee supports the recommendation of the Troy Planning Commission and the findings of staff and recommends that Ordinance No. O-37-2020 be approved to provide for the rezoning of Inlot 11368, approval of the General Plan of the Redwood USA, LLC Planned Development as submitted.

Respectfully submitted,

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William G. Rozell

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William C. Twiss

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Lynne B. Snee, Chairman  
Community & Economic Development Committee

**DETAILED REPORT:**

This Committee met on August 10, 2020 to review a recommendation from the Troy Planning Commission. This meeting was also attended by Mayor Oda, the Director of Law, Council President Lutz, Council members Phillips, Schilling, Schweser, and Terwilliger, the applicant, citizens, and members of the City staff.

The Planning Commission recommended approval of the rezoning (the General Plan) of the Redwood USA, LLC Planned Development, Inlot 11368, 22.515 acres of a recently annexed parcel located between McKaig Road and SR 718, from the Miami County zoning of A-2, General Agricultural District, to a City of Troy Planned Development – Residential (PD-R). A public hearing was held at Council's August 3 meeting, at which eight persons spoke opposing the rezoning. At the Committee meeting, nine persons also spoke opposing the rezoning. Opposing comments were generally regarding negative impacts of increased traffic, particularly on McKaig Road, and storm water management that would result in additional incidents of flooding. At the Committee meeting, staff indicated that traffic information indicates the ability of the two roadways to handle the traffic flow. It was noted that while this development would be required to provide the area to widen one side of McKaig Road within the development area, a road widening project is not currently feasible as not all of McKaig Road is within the City. Regarding stormwater management, staff discussed that the stormwater design would improve the situation of high water that occurs for a short time period following heavy rainfalls, and not negatively add to the situation. There was a clarification that the development is considered a "senior oriented design" as a definition of architectural design features and not a development to be marketed primarily to those aged 55 and older. The Director of Law provided Council with the legal standard for Council's consideration of a zoning change application. The Troy Planning Commission, in recommending approval of the rezoning, found that the proposed rezoning is found to be consistent with the intent and purposes of the City of Troy Zoning Code, Comprehensive Plan and with similar zoning classifications and uses in the area. It was also commented that the zoning to a Planned Development is a three-step process. The first step is the rezoning, or approval of the General Plan. The Final Development Plan and the Record Plan must also be approved by the Planning Commission and Council, including compliance with both to the General Plan.

**RECOMMENDATION:**

This Committee considered all the comments made, including those received by email. In accordance with the legal standard to consider such applications, this Committee supports the recommendation of the Troy Planning Commission and the findings of staff and recommends that Ordinance No. O-37-2020 be approved to provide for the rezoning of Inlot 11368, approval of the General Plan of the Redwood USA, LLC Planned Development as submitted.

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: August 10, 2020

FROM: Community & Economic Development Committee

SUBJECT: ANNEXATION OF 83.356 ACRES, LIBERTY LOT SALES, LLC ANNEXATION, LOCATED OFF TROY-URBANA ROAD, FROM STAUNTON TOWNSHIP

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

This Committee met on August 10 to consider an Annexation Petition filed by Liberty Lot Sales, LLC by Frank Harlow, Manager for the annexation of 83.356 acres located off Troy-Urbana Road from Staunton Township.

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

It is the recommendation of this Committee that legislation be prepared to provide for the three legislative items required by state law related to the Liberty Lot Sales, LLC Annexation of 83.356 acres from Staunton Township. To meet the timeline of the state law for an expedited annexation, the Committee supports emergency legislation.

Respectfully submitted,

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William G. Rozell

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William C. Twiss

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Lynne B. Snee, Chairman  
Community & Economic Development Committee

**DETAILED REPORT:**

This Committee met on August 10, 2020, to consider the petition filed for the annexation of 83.356 acres located off Troy-Urbana Road. The meeting was also attended by Mayor Oda, Council President Lutz, Council Members Phillips, Schilling, Schweser and Terwilliger, the Director of Law, citizens, and members of the City staff.

This annexation petition was filed on August 4, 2020, by Liberty Lot Sales, LLC by Frank Harlow, Manager. The petition was filed under the Type 2 Expedited procedure, which has the following requirement as set forth in the ORC:

1. Within twenty days from the date the annexation is filed with the County, the City is required to approve a statement of what municipal services will be provided to the area proposed for annexation and a time frame for providing those services.
2. Within twenty days from the date the annexation is filed with the County, the City is required to approve legislation that the City will require buffering of any incompatible uses developed on the newly annexed territory from existing uses on land remaining in the Township.
3. Within twenty-five days from the date the annexation is filed with the County, the City may enact legislation consenting to or objecting to the annexation.

It is also noted that all legislative items would need to be emergency measures based on the timing provided within the ORC.

**RECOMMENDATION:**

It is the recommendation of this Committee that legislation be prepared to provide for the three legislative items required by state law related to the Liberty Lot Sales, LLC Annexation of 83.356 acres from Staunton Township. To meet the timeline of the state law for an expedited annexation, the Committee supports emergency legislation.

cc: Council, Mayor, Mr. Kerber, Mr. Frigge, Mr. Titterington, Clerk, file, staff

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council

DATE: August 10, 2020

FROM: Finance Committee

SUBJECT: **SUBORDINATION OF SBD LOAN FOR FOUR SONS DEVELOPMENT, LLC**

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

On August 10, Committee members Schweser and Phillips met to consider the subordination of an existing loan from the Small Business Development Revolving Loan Fund (SBD) made to Four Sons Development, LLC (Wade Westfall) for the property located at 8 South Market Street. The original loan was approved in 2019 and is current. This will allow the owner to secure additional funding from Greenville National Bank to fund additional costs from the building renovation, with the subordination continuing to keep the City of Troy mortgage in second position.

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

This Committee recommends that legislation be prepared approving the requested subordination of the SBD loan made to Four Sons Development, LLC and authorizing the Director of Public Service and Safety to sign a Subordination Agreement that will include the Mortgage and Assignment of Rents with Greenville National Bank regarding the property located at 8 South Market Street. The Committee supports emergency legislation as the closing of the bank financing is pending and the approval of the subordination of the City's mortgage is required before the closing can take place.

Respectfully submitted,

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Bobby W. Phillips

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Todd D. Severt

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John W. Schweser, Chairman  
Finance Committee

**DETAILED REPORT:**

On August 10, 2020, Committee members Schweser and Phillips met to consider the subordination of an existing loan from the Small Business Development Revolving Loan Fund (SBD) that was made to Four Sons Development, LLC (Wade Westfall) for the property located at 8 South Market Street. This meeting was also attended by Mayor Oda, the Director of Law, Council President Lutz, Council Members Rozell, Schilling, Snee and Terwilliger, members of the City staff, and citizens.

A Small Business Development renovation loan was made in July 2019 in the amount of \$250,000 to Four Sons Development, LLC (Wade Westfall) for the property located at 8 South Market Street. The City's 20-year loan, with an interest rate of 4.5%, is current with a balance of \$249,330.80. This property, formerly known as the US Bank building and now called Lockbox 290, has been remodeled and reoccupied as an event space. Mr. Westfall wishes to refinance the bank loan because of construction cost overruns that occurred during the project and requests that the City of Troy mortgage lien remain in a subordinate position. During the approximate 12 months of renovations, the cost overruns from the exterior repairs, electric, heating and cooling increased the project costs by another \$250,000. The original bank loan in front of the city loan was \$720,000. The bank would like to increase that loan amount for another \$250,000 for a total of \$970,000. The 2019 building appraisal is \$1,550,000, allowing enough collateral coverage for the City's loan of \$250,000. No additional City of Troy loan funds are being issued.

**RECOMMENDATION:**

This Committee recommends that legislation be prepared approving the requested subordination of the SBD loan made to Four Sons Development, LLC and authorizing the Director of Public Service and Safety to sign a Subordination Agreement that will include the Mortgage and Assignment of Rents with Greenville National Bank regarding the property located at 8 South Market Street. The Committee supports emergency legislation as the closing of the bank financing is pending and the approval of the subordination of the City's mortgage is required before the closing can take place.

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council  
DATE: August 10, 2020  
FROM: Safety & Health Committee  
SUBJECT: ORDINANCE NO. O-38-2020, ESTABLISHING DESIGNATED OUTDOOR REFRESHMENT AREA (DORA)

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

This Committee met on August 10 to provide a recommendation regarding Ordinance No. O-38-2020, establishing a Designated Outdoor Refreshment Area (DORA). This was also the subject of a public hearing on August 3. During both meetings, members of the public stated concerns and questions related to the DORA, and Council also received written comments. While there is support for a DORA, generally the Committee and most members of Council have some concerns related to the DORA application.

**RECOMMENDATION:**

Having considered all the information provided, it is the recommendation of this Committee that Council deny Ordinance No. O-38-2020.

Respectfully submitted,

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William G. Rozell

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Jeffrey A. Schilling

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John L. Terwilliger, Chairman  
Safety & Health Committee

**DETAILED REPORT:**

This Committee met on August 10, 2020 to provide a recommendation to Council regarding establishing a Designated Outdoor Refreshment Area (DORA). This meeting was also attended by Mayor Oda, the Director of Law, Council President Lutz, Council members Allen, Phillips, Schweser, Snee, and Twiss, citizens, and members of the City staff.

The Ohio Revised Code permits cities to establish a DORA and provides some specific criteria. The City held a public hearing on this subject at the August 3 meeting, even though such hearing is not required. At the hearing, two persons spoke on behalf of entities representing businesses, two speakers were neutral, two speakers supported the DORA, two asked for the DORA area to be expanded, and nine persons commented opposing the DORA. Those representing businesses commented that a number of those businesses support establishing a DORA, but noted there were comments regarding the extent of the area and the operating days/hours. At the committee meeting, three citizens spoke opposing a DORA, and Ms. Keller, Troy Main Street Executive Director, again discussed the business responses and the benefits of a DORA. Ms. Keller commented that a DORA is considered a tool to assist downtown businesses, bringing more people downtown, encouraging businesses to stay open, and contributes to a vital downtown. City staff provided a presentation about how a DORA operates, and commented that the Downtown Riverfront Study supported such a premise to assist downtown businesses and provide options for citizens to further enjoy the downtown area. As a part of this process, we have considered all comments made at the meetings and those received in a written format.

Members of the Committee and other members of Council in attendance discussed the DORA application. While there is support for a DORA, generally the Committee and most members of Council have some questions related to the DORA being approved for during the week, the length of hours each day, and if having a DORA will actually increase foot traffic in the downtown and cause business owners to be open longer hours. The Director of Law advised that Council's action on the DORA application must be to approve or deny it based on the application. It is recognized that Council would be able to later amend or suspend an approved DORA. It is also understood that if the current DORA application is denied, a new application could be submitted and considered.

**RECOMMENDATION:**

Having considered all the information provided, it is the recommendation of this Committee that Council deny Ordinance No. O-38-2020.

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



**LEGAL DESCRIPTION**

**ANNEXATION OF 83.356 ACRES TO THE CITY OF TROY, OHIO**

SITUATE IN THE NORTHEAST QUARTER OF SECTION 12, TOWN 1, RANGE 10, STAUNTON TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at the northeast corner of the northeast corner of Section 12;

thence, North 85°-14'-11" West, 801.20 feet, along the north line of said Section 12 to a Mag nail found on the centerline of Troy-Urbana Road;

thence, South 75°-27'-17" West, 863.66 feet, along the centerline of Troy-Urbana Road to a Mag nail found at the northwest corner of a tract of land owned by Michael E. and Donna Deweese, Co-Trustees as conveyed in 2019OR-03804 and being the principal place of beginning of the tract herein conveyed;

thence, South 14°-32'-43" East, 350.00 feet, along the west line of said Deweese tract to an iron pin found, passing for reference an iron pin found at 30.00 feet;

thence, North 75°-27'-17" East, 821.73 feet, along the south line of said Deweese tract and it's extension to an iron pin found at the southeast corner of a 1.473-acre tract of land owned by DH Investments Group, LLC. as conveyed in 2018OR-11959;

thence, North 14°-32'-43" West, 136.90 feet, along the east line of said DH Investments Group, LLC. tract to an iron pin found at the southwest corner of a tract of land owned by Billy C. Wright as conveyed in Deed Book 688, Page 613;

thence, South 85°-14'-11" East, 439.26 feet, along the south line of said Wright tract to an iron pin found on the west line of a tract of land owned by MSW Land Development, LLC. as conveyed in Official Record 148, Page 553;

thence, South 05°-07'-33" West, 2433.09 feet, along the west line of said MSW Land Development tract to an iron pin with cap set on the north line of a tract of land owned by Stager Properties, LLC. as conveyed in 2015OR-11540;

thence, North 84°-21'-51" West, 1480.35 feet, along the north line of said Stager Properties tract to an iron pin found at the southeast corner of a 0.255-acre tract of land owned by Neil D. and Laura A. Nehring as conveyed in 2020OR-07637;

thence, North 08°-26'-33" East, 272.71 feet, along the east line of said 0.255-acre Nehring tract to an iron pin found;

thence, on a curve to the left with a radius of 725.00 feet, an arc distance of 40.22 feet, a delta angle of 3°-10'-42", and a chord bearing North 83°-08'-48" West, 40.22 feet, along the north line of said 0.255-acre Nehring tract to an iron pin found;

thence, North 84°-44'-09" West, 122.31 feet, along the north line of said 0.255-acre Nehring tract and it's extension to an iron pin found at the northwest corner of a 0.710-acre tract of land owned by Neil D. and Laura A. Nehring as conveyed in Official Record 477, Page 408;

thence, North 04°-50'-34" East, 1941.67 feet, along the east line of said Hunters Ridge Section Two and it's extension to a Mag nail set at the northeast corner of Hunters Ridge Section 3-A as shown on Plat Book 22, Page 43-43b and being on the centerline of Troy-Urbana Road, passing for reference an iron pin with cap set at 2182.34 feet;

thence, North 75°-27'-17" East, 373.65 feet, along the centerline of Troy-Urbana Road to the place of beginning.

Containing 83.356 acres more or less and all being subject to any legal highways and easements of record.

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

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, and dated July 8, 2020 and shown on Miami County Recorder's Record of Plats, Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."

*Wesley D. Goubeaux*  
Wesley D. Goubeaux, PS #8254



7/08/2020  
Date

**MUNICIPAL SERVICES**

ANNEXATION OF:

83.356 ACRES, MORE OR LESS, STAUNTON TOWNSHIP LIBERTY LOT SALES, LLC ANNEXATION

PETITIONER:

Liberty Lot Sales, LLC  
By: Frank Harlow, Manager

AGENT FOR PETITIONERS:

Frank Harlow  
701 N. Market Street  
Troy, Ohio 45373

The Ohio Revised Code requires that a municipal corporation shall adopt, by ordinance or resolution, a statement indicating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation. Under the ORC Section that the Liberty Lot Sales, LLC Annexation was filed, the statement of services must be approved by Council and filed with the County not later than 20 days after the annexation petition was filed with the County.

Such statement is as follows:

That immediately upon the effective date of the annexation of the 83.356 acre territory, the City of Troy, Ohio will provide to the entire annexed territory such services as are otherwise provided to incorporated areas under the Code of Ordinances of the City of Troy, Ohio in accordance with applicable contemporary law, practice, custom, regulation, rates and resources. The services of the City of Troy currently include, but are not limited to: police, fire, emergency medical service, refuse collection, repair and maintenance of publicly dedicated streets, access to existing municipal sewer and water lines, municipal zoning, municipal parks, municipal recreation, and general municipal government.

8-4-2020



**EXHIBIT A**

**LEGAL DESCRIPTION**

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thence, South 14°-32'-43" East, 350.00 feet, along the west line of said Deweese tract to an iron pin found, passing for reference an iron pin found at 30.00 feet;

thence, North 75°-27'-17" East, 821.73 feet, along the south line of said Deweese tract and it's extension to an iron pin found at the southeast corner of a 1.473-acre tract of land owned by DH Investments Group, L.L.C. as conveyed in 2018OR-11959;

thence, North 14°-32'-43" West, 136.90 feet, along the east line of said DH Investments Group, L.L.C. tract to an iron pin found at the southwest corner of a tract of land owned by Billy C. Wright as conveyed in Deed Book 688, Page 613;

thence, South 85°-14'-11" East, 439.26 feet, along the south line of said Wright tract to an iron pin found on the west line of a tract of land owned by MSW Land Development, L.L.C. as conveyed in Official Record 148, Page 553;

thence, South 05°-07'-33" West, 2433.09 feet, along the west line of said MSW Land Development tract to an iron pin with cap set on the north line of a tract of land owned by Stager Properties, L.L.C. as conveyed in 2015OR-11540;

thence, North 84°-21'-51" West, 1480.35 feet, along the north line of said Stager Properties tract to an iron pin found at the southeast corner of a 0.255-acre tract of land owned by Neil D. and Laura A. Nehring as conveyed in 2020OR-07637;

thence, North 08°-26'-33" East, 272.71 feet, along the east line of said 0.255-acre Nehring tract to an iron pin found;

thence, on a curve to the left with a radius of 725.00 feet, an arc distance of 40.22 feet, a delta angle of 2°-10'-42", and a chord bearing North 83°-08'-48" West, 40.22 feet, along the north line of said 0.255-acre Nehring tract to an iron pin found;

thence, North 84°-44'-09" West, 122.31 feet, along the north line of said 0.255-acre Nehring tract and it's extension to an iron pin found at the northwest corner of a 0.710-acre tract of land owned by Neil D. and Laura A. Nehring as conveyed in Official Record 477, Page 408;

thence, North 04°-50'-34" East, 1941.67 feet, along the east line of said Hunters Ridge Section Two and it's extension to a Mag nail set at the northeast corner of Hunters Ridge Section 3-A as shown on Plat Book 22, Page 43-43b and being on the centerline of Troy-Urbana Road, passing for reference an iron pin with cap set at 2182.34 feet;

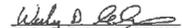
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Containing 83.356 acres more or less and all being subject to any legal highways and easements of record.

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

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, and dated July 8, 2020 and shown on Miami County Recorder's Record of Plats, Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."

  
Wesley D. Goubeaux, PS #8254



7/08/2020  
Date

**EXHIBIT B**

**MUNICIPAL ZONING REQUIRING BUFFERING**

ANNEXATION OF: 83.356 ACRES, MORE OR LESS, STAUNTON TOWNSHIP LIBERTY LOT SALES, LLC ANNEXATION

PETITIONER: Liberty Lot Sales, LLC  
By: Frank Harlow, Manager

AGENT FOR PETITIONERS: Frank Harlow  
701 N. Market Street  
Troy, Ohio 45373

The Ohio Revised Code requires that a municipal corporation shall adopt, by ordinance or resolution, a statement indicating that the municipal corporation shall require buffering of any incompatible uses developed on the newly annexed territory from existing uses on land remaining in the township. Under the ORC Section that the Liberty Lot Sales, LLC Annexation was filed, this statement must be approved by City Council not later than 20 days after the annexation petition was filed with the County.

Such statement is as follows:

If the 83.356 acres known as the Liberty Lot Sales, LLC Annexation is annexed and becomes subject to zoning by the City of Troy and that City of Troy zoning permits uses in the annexed area that the City of Troy determines are clearly incompatible with the uses permitted under current Miami County or Staunton Township Zoning Regulations in the adjacent land remaining within Staunton Township from which the territory was annexed, the Troy City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. For the purposes of this statement, "buffer" shall include open spaces, landscaping, fences, walls, and other structured elements; streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

8-4-2020

**RESOLUTION No. R-53-2020**

Dayken Legal Blank, Inc.

**RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 83.356 ACRES, MORE OR LESS, IN STAUNTON TOWNSHIP, TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY**

**WHEREAS**, a petition for the annexation of certain property in Staunton Township has been submitted under Ohio Revised Code Section 709.023, and

**WHEREAS**, the petition was not submitted under Ohio Revised Code Section 709.024, for a significant economic development project, and thus no reparation payments are required, and

**WHEREAS**, the property contained in the annexation petition shall remain in Staunton Township under specific State law provisions, and

**WHEREAS**, under state law, the City is required to consent or object to the proposed annexation within twenty-five (25) days,

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

**SECTION I:** That the City consents to the proposed annexation as applied for in the petition filed with the City of Troy, Ohio and described in Exhibit A.

**SECTION II:** That the Clerk of Council is authorized to provide this information to the Board of County Commissioners of Miami County, Ohio.

**SECTION III:** That this Resolution is an emergency measure necessary for the immediate preservation of the public, peace, health and safety of the City of Troy, Ohio, and for the further reason that this consent needs to be filed with the Board of County Commissioners of Miami County, Ohio immediately, NOW WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: \_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council Mayor

**EXHIBIT A**

**LEGAL DESCRIPTION**

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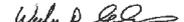
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Wesley D. Goubeaux, PS #8254



7/08/2020  
Date

1st Rd 7-20  
2nd Rd 8-3  
3rd

**ORDINANCE No.** O-37-2020

Dayton Legal Blank, Inc.

**AN ORDINANCE CHANGING THE ZONING OF INLOT 11368 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING CLASSIFICATION OF A-2, GENERAL AGRICULTURAL DISTRICT, TO A CITY OF TROY PLANNED DEVELOPMENT - RESIDENTIAL (PD-R)**

**WHEREAS**, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio by the owner of Inlot 11368 (formerly known as Parcel No. C06-064830), consisting of 22.515 acres, from the Miami County zoning classification of A-2, General Agricultural District, to a City of Troy Planned Development-Residential (PD-R).

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

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

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

**SECTION I:** That the zoning of Inlot 11368 (formerly known as Parcel No. C06-064830), consisting of 22.515 acres, from the Miami County zoning classifications of A-2, General Agricultural District, to a City of Troy Planned Development-Residential (PD-R) be approved.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

1st Rd 7-20  
for Ord 8-3  
and

CITY OF TROY, OHIO

**ORDINANCE No. O-38-2020**

Doyne Legal Blank, Inc.

**AN ORDINANCE CREATING A DESIGNATED OUTDOOR  
REFRESHMENT AREA KNOWN AS THE DOWNTOWN  
TROY DESIGNATED OUTDOOR REFRESHMENT AREA,  
AND ENACTING REGULATIONS**

**WHEREAS**, a municipality with a population of less than thirty-five thousand (35,000) is permitted to create a Designated Outdoor Refreshment Area (DORA) pursuant to the provisions of Section 4301.82 of the Ohio Revised Code; and

**WHEREAS**, on July 16, 2020, the Mayor and the Director of Public Service and Safety of the City of Troy, Ohio submitted an application to Troy City Council for approval of a DORA in a specified section of the City of Troy to establish the Downtown Troy Designated Outdoor Refreshment Area (the DORA Application). The DORA Application is attached and incorporated herein as Exhibit A; and

**WHEREAS**, pursuant to Section 4301.82(C) of the Ohio Revised Code, notice of the filing of the DORA Application was published in a newspaper of general circulation in the City of Troy, Ohio; and

**WHEREAS**, Section 4301.82(F)(1) requires the City to establish requirements that the City determines necessary to ensure public health and safety in the area and Section 4301.82(F)(2) of the Ohio Revised Code provides for notice of this proposed action to be published in a newspaper of general circulation once a week for two (2) consecutive weeks, such notice having been published on July 17, 2020 and July 24, 2020; and

**WHEREAS**, there was a public hearing as part of the August 3, 2020 meeting of Troy City Council, during which public testimony was solicited; and

**WHEREAS**, the DORA Application as submitted includes the premises of the permit holders located at the street addresses in Exhibit "A", attached hereto and made a part hereof, meets the requirements of Section 4301.82(B)(1 through 5) of the Ohio Revised Code, it being further clarified that the boundary of the DORA includes the premises of the permit holders located at the street addresses listed in Exhibit "A", attached hereto and made a part hereof; and

**WHEREAS**, approval of the Designated Outdoor Refreshment Area will serve to enhance the experiences of the patrons of the business establishments and special events within Downtown Troy Designated Outdoor Refreshment Area.

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

**SECTION I:** That this Council approves the DORA Application as having met the requirements of Section 4301.82(B)(1-5) of the Ohio Revised Code, and approves the establishment of a Downtown Troy Designated Outdoor Refreshment Area comprised of the area as depicted on Exhibit "A", attached hereto and made a part hereof, such area to include and encompass the premises of the permit holders located at the street addresses listed in Exhibit "A", as is required to be included pursuant to Section 4301.82(F)(1)(a) of the Ohio Revised Code.

**SECTION II:** That this Council determines that all public notice requirements of Section 4301.82 of the Ohio Revised Code prior to the passage of this Ordinance have been met.

**SECTION III:** That in order to ensure public health and safety and in accordance with Section 4301.82(F)(1)(b) of the Ohio Revised Code, the number, spacing, and type of signage designating the DORA boundary shall be as set forth in Exhibit "A", attached hereto and made a part hereof.

**SECTION IV:** That The DORA encompasses not fewer than four (4) qualified permit holders, all of which are identified in Exhibit "A", attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number. Also included in Exhibit "A", attached hereto and made a part hereof, and in accordance with Section 4301.82(F)(1)(c) of the Ohio Revised Code are the hours of operation for the DORA, which will apply to all activities within the DORA, only as may be limited or suspended by approval of special event planning or at the request of Troy City Council. Hours of operation shall be Wednesday through Friday from the hours of 5:00 PM to Midnight and Saturday through Sunday from the hours of 12:00 Noon to Midnight. The City shall have the right to suspend a qualified permit holder's ability to serve DORA beverages for any violation of the DORA rules.

**SECTION V:** That the Safety Plan as described in Exhibit "A", attached hereto and made a part hereof, is hereby approved as meeting the requirements of Section 4301.82 (F)(1)(d) of the Ohio Revised Code, including the manner in which the number of personnel needed to carry out the plan shall be determined.

**SECTION VI:** That the Sanitation Plan that will help maintain the appearance and public health of the area as described in Exhibit "A", attached hereto and made a part hereof, is hereby approved as meeting the requirements of Section 4301.82(F)(1)(e) and 4301.82(F)(1)(f) of the Ohio Revised Code, including the manner in which the number of personnel needed to carry out the plan shall be determined.

**SECTION VII:** That as is required by Section 4301.82(F)(1)(g) of the Ohio Revised Code, beer and intoxicating liquor shall only be served in plastic cups, which shall be provided by the qualified permit holders in a readily-identified container that identifies that the DORA approved labeling.

**SECTION VIII:** That the Clerk of Council is hereby instructed to forward a copy of this Ordinance to the Ohio Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with Sections 4301.82(C) and 4301.82(F)(3) of the Ohio Revised Code.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

EXHIBIT "A"

APPLICATION TO THE TROY CITY COUNCIL  
DOWNTOWN TROY  
DESIGNATED OUTDOOR REFRESHMENT AREA  
ORC 4301.82



The Office of the Director of Public Service and Safety for the City of Troy, Ohio respectfully submits the following application to the Troy City Council to approve and enact a Designated Outdoor Refreshment Area in Downtown Troy in accordance with ORC 4301.82.

Submitted: July 16, 2020

By: Roderick D. De Mayor

By: [Signature] Director of Public Service and Safety

I. INTRODUCTION AND SUBMITTAL OF APPLICATION

The Office of the Director of Public Service and Safety of Troy respectfully submits the following application to City Council of Troy, Ohio to approve and establish a Designated Outdoor Refreshment Area (hereinafter "DORA"), pursuant to Ohio Revised Code ("ORC") § 4301.82. The proposed application meets all the state requirements.

Effective April 30, 2017 Section 4301.82 of the Ohio Revised Code authorizes municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or "DORAs." A DORA is an area where the open carry restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in public, with certain restrictions. In order to consider the creation of a DORA, the City Manager must file an application with City Council which meets certain statutory requirements outlined below. The application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, City Council may approve or disapprove of the application by ordinance or resolution.

The Downtown business community in coordination with Troy Main Street submitted a letter on July 7, 2020 to the Troy City Council proposing the creation of a DORA in Downtown Troy. The creation of a DORA will provide additional economic enhancement for attracting patrons to Downtown Troy and highlight the area as a destination for dining and entertainment. Over the past three months, Troy Main Street and city staff have engaged the downtown community stakeholders for input and feedback on the DORA concept. The community engagement concluded with expressed general support for the concept to pursue the creation of DORA.

The purpose of this application is to request that the City Council create and approve a Designated Outdoor Refreshment Area (DORA) in the City of Troy. The application includes the following sections:

- SECTION II. BOUNDARY MAP OF THE PROPOSED DORA
- SECTION III. NATURE AND TYPES OF ESTABLISHMENTS
- SECTION IV. QUALIFIED PERMIT HOLDERS
- SECTION V. LAND USE AND ZONING
- SECTION VI. SAFETY PLAN
- SECTION VII. PUBLIC HEALTH PLAN
- SECTION VIII. SIGNAGE PLAN
- SECTION IX. DORA RULES OF OPERATION

II. BOUNDARY MAP OF THE PROPOSED DORA

In accordance with ORC 4301.82(B)(1)(b), the boundaries of the DORA are depicted in the map provided in **Exhibit A**. The map includes a list of establishments that have the required Class D liquor permits within the area. Currently, fourteen (14) establishments have been identified that qualify to be included in the DORA. The proposed DORA boundary encompasses 20.66 acres in size which is below the requirements

of the area being 150 acres or less. The following is the list of street addresses of real property included within the specific boundaries of the DORA.

<u>Street Name</u>	<u>Address Range</u>	<u>Even/Odd</u>
W. Water St.	9-111	Even & Odd
E. Water St.	3-301	Even & Odd
W. Main St.	2-220	Even & Odd
E. Main St.	2-121	Even & Odd
W. Franklin St.	1-19	Odd
E. Franklin St.	10-22	Even
N. Cherry St.	20	Even & Odd
S. Cherry St.	12-19	Even & Odd
N. Walnut St.	11-31	Even & Odd
S. Walnut St.	20	Even
N. Market St.	1-113	Even & Odd
S. Market St.	4-224	Even & Odd
NE Public Square	121	Odd
NW Public Square	101	Odd
SE Public Square	217-303	Odd
SW Public Square	319-405	Odd

### III. NATURE AND TYPES OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be within or adjacent to the DORA are primarily businesses in the retail, restaurant, entertainment and services sectors.

Within the DORA, the majority of the buildings have businesses consisting of retail, restaurants and commercial services on their first floor. The upper-level floors have a mixture of office space and residential units. There are also institutional uses typical of a historic downtown such as the Troy Historic Public Library, Troy City Hall, Troy Police Department, and city-owned park land.

Examples of the retail, restaurant, service, and institutional establishments located in the DORA:

<b>RETAIL</b>	
<b>Establishment</b>	<b>Address</b>
Echo Boutique	101 S. Market St.
Pachamama Market	116 S. Market St.
Poppy Boutique	103 S. Market St.
Three Weird Sisters	15 S. Market St.

<b>FINANCE/SERVICE COMMERCIAL</b>	
<b>Establishment</b>	<b>Address</b>
AllState Insurance	220 W. Main St.
Benefits Analysis Corporation	101 W. Water St.
Carr Insurance Group	115 S. Market St.
Edward Jones	101 Public Square

<b>DINING</b>	
<b>Establishment</b>	<b>Address</b>
Bakehouse Bread & Cookie Company	317 Public Square
Basil's on Market	18 N. Market St.
Submarine House	14 N. Market St.
The Caroline	5 S. Market St.

<b>INSTITUTIONAL/GOVERNMENT</b>	
<b>Establishment</b>	<b>Address</b>
Masonic Temple	107 W. Main St.
Troy City Hall	100 S. Market St.
Troy Police Department	124 E. Main St.
Historical Library	100 W. Main St.

Residential housing within the DORA is limited and consists primarily of urban apartments and the Metropolitan Housing Authority units which exists within the Central Business District. There are a limited number of single-family residential units along the periphery of the DORA.

### IV. QUALIFIED PERMIT HOLDERS

In accordance with ORC 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders as defined by ORC § 4301.82 (A). The City of Troy has identified 14 qualified permit holders that will likely be included in the DORA, which are identified as follows:

<b>PERMIT NO.</b>	<b>PERMIT HOLDER</b>	<b>DBA</b>	<b>ADDRESS</b>	<b>PERMIT CLASS</b>
6548218	111 W WATER LLC	DBA BREWERY 1ST & 2ND FL WESTSIDE ONLY	111 W. Water St.	D5
6551088	116 WEST MAIN LLC		116 W. Main St.	D1, D2, D3, D3A
08984010833	BPOE LODGE0833 TROY		17 W. Franklin St.	D4
41529790222	IORM TRIBE0222 TONQUAS		103 1/2 E. Main St.	D4
51274320005	LEOS LA PIAZZA INC		2 E. Main St.	D1, D2, D3, D6
6083150	MOJO ENTERPRISES LLC	DBA MOJOS BAR & GRILL 1ST FL & BSMT	107-109 E. Main St.	D5
6253015	MUSIC & SPIRITS LLC	DBA LEAF & VINE 1ST FL BSMT & MEZZANINE & PATIO	108 W. Main St.	D1, D2, D3, D3A
8311412	STEVE & MELANIE SMITH LLC	DBA THE CAROLINE 1ST FL PATIO & MEZZANINE	5 S. Market St.	D1, D2, D3, D6
8652655	STUDIO 14 CREATIVE ARTS CENTER LLC	DBA STUDIO 14 CREATIVE ARTS CENTER	8 N. Market St.	D2
86730300006	SUBMARINE TYME LLC	DBA SUBMARINE HOUSE NO 6	14 N. Market St.	D5, D6
8774977	TABERNACLE BREWING COMPANY LLC	DBA MOELLER BREW BARN	214 W. Main St.	A1A, A1C
9138509	TODD M UHLIR	DBA BASILS ON MARKET	18 N. Market St.	D5, D6
89587650005	TOKYO PEKING RESTAURANT INC	DBA TOKYO PEKING RESTAURANT 1ST FL & BSMT	3 N. Maket St.	D5
90626350005	TROJAN RENTALS INC	DBA ONE STOP DRIVE THRU	211 S. Market St.	C1, C2

## V. LAND USE AND ZONING

In accordance with ORC 4301.82(B)(4), the land uses within the DORA are zoned B-3 Central Business District (CBD), B-1 Local Retail District, B-2 General Business District, OR-1 Office-Residential District, R-7 Multiple Family District and M-2 Light Industrial District and are in accordance with the City of Troy Comprehensive Plan as provided for in **Exhibit B**.

The Troy Comprehensive Plan designates the CBD as the Downtown District with the primary focus to preserve and enrich Downtown Troy. This designation's objective is to maintain, enhance, and grow the Downtown District as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts, and entertainment uses. The Downtown District maintains a highly urban, pedestrian-focused environment through building and streetscape.

The 2017 Troy Downtown Riverfront Strategic Development Study identifies key initiatives to maintain and enhance the special character of Troy's downtown and riverfront corridor, protect its sense of place, encourage investments, and create a dynamic commercial and residential district by attracting residents and visitors to enjoy downtown by creating additional programs to enhance local businesses and existing events. The properties within the proposed DORA are located within, or surround, the Central Business District which exemplifies the mixed-use development pattern within Downtown Troy.

The creation of a DORA in downtown Troy aligns with the City's Comprehensive Plan and objective to define this area as a popular destination for dining and entertainment within the City. The DORA is focused around the Central Business District wherein restaurants, bars, taverns, brewpubs and microbreweries are permitted uses and may operate under the current regulations.

## VI. SAFETY PLAN

In accordance with ORC § 4301.82 (B)(5) and (F)(l)(d), a Safety Plan has been developed to ensure public safety in the DORA. A copy of which is attached hereto as **Exhibit C**. The Safety Plan can be executed with existing staff.

## VII. SANITATION PLAN

In accordance with ORC § 4301.82 (B)(5), (F)(l)(e), and (F)(l)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy is attached hereto as **Exhibit D**. The Sanitation Plan can be executed with existing staff.

## VIII. SIGNAGE PLAN

In accordance with the ORC § 4301.82 F(l)(b), a minimum of twenty-four (24) signs will be displayed throughout the boundary of the DORA. The signs will be located at street intersections along the boundary of the DORA. The location and spacing of the signs are shown on attached **Exhibit D**.

## IX. RULES OF OPERATION

### A. Hours of Operations

In accordance with ORC § 4301.82 (F)(l)(c), the hours of operation for the DORA will be Wednesday through Friday from 5:00p.m. to 12 a.m. (midnight) and Saturday through Sunday from 12:00 p.m. (noon) to 12:00 a.m. (midnight).

The applicant requests that City Council reserve the right to temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

### B. Official DORA Cup

In accordance with ORC § 4301.82 (F)(l)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in the specifically designated plastic cup approved by the City (the "Official Cup"). The Official Cup will be distinctly marked. No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder.

### C. Additional Requirements

In accordance with ORC § 4301.82 (B)(5), and in conjunction with other rules, standards and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

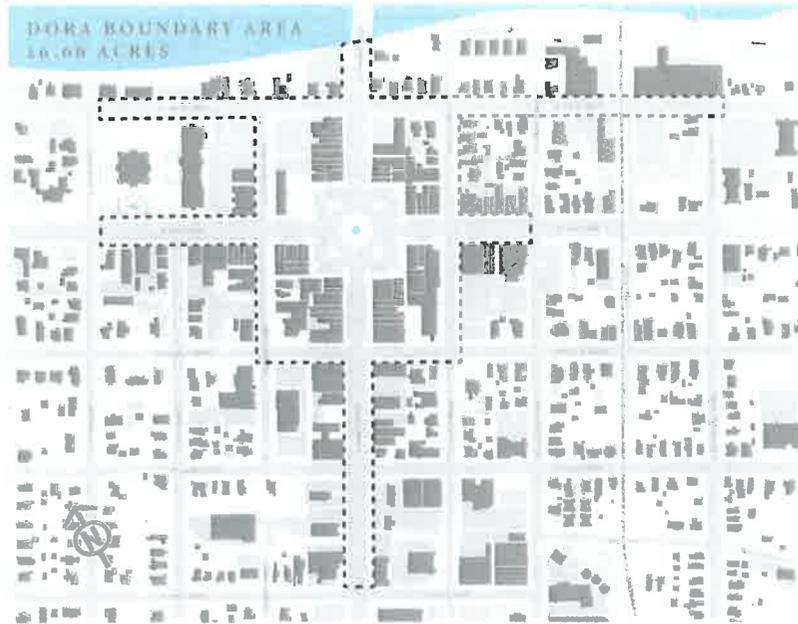
1. A person may have in the person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

- a. The permit holder's premises is located within the DORA; and
- b. The permit held by the permit holder has an outdoor refreshment area designation; and
- c. The open container consists of an official DORA cup.

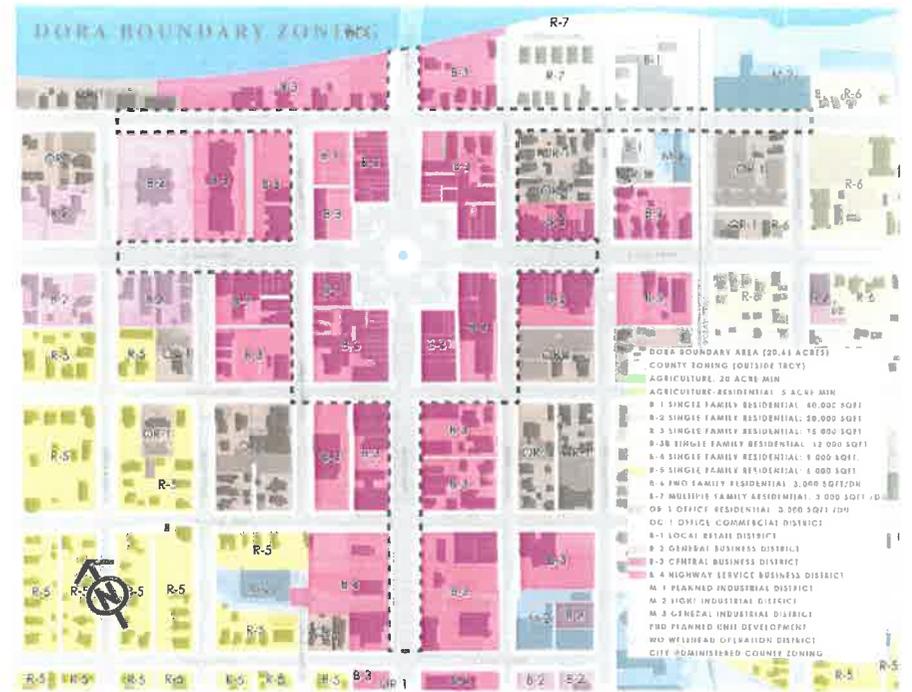
2. No person shall do any of the following:

- a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere, or
- b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC § 4301.62.

**EXHIBIT A: DORA BOUNDARY**



**EXHIBIT B: OFFICIAL ZONING MAP OF DORA**





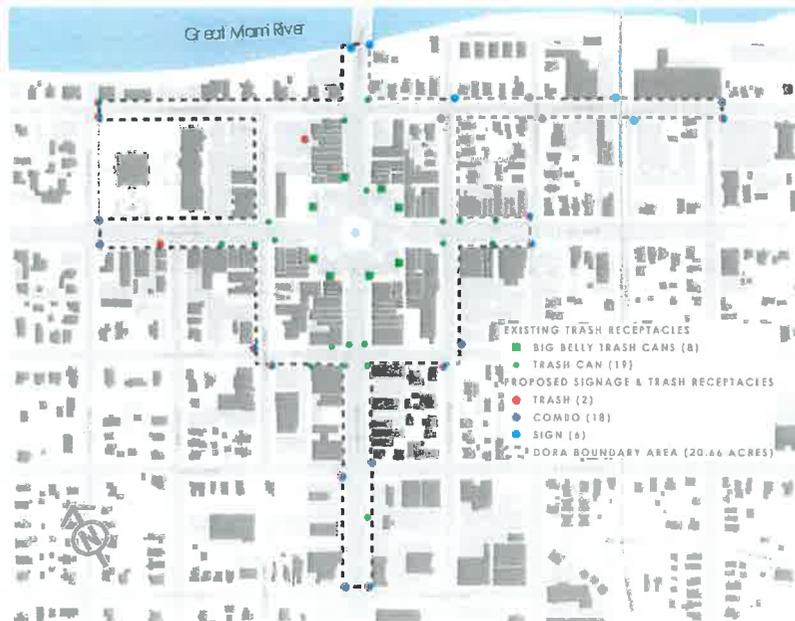
## EXHIBIT D

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health within the Designated Outdoor Refreshment Area (DORA) are as follows:

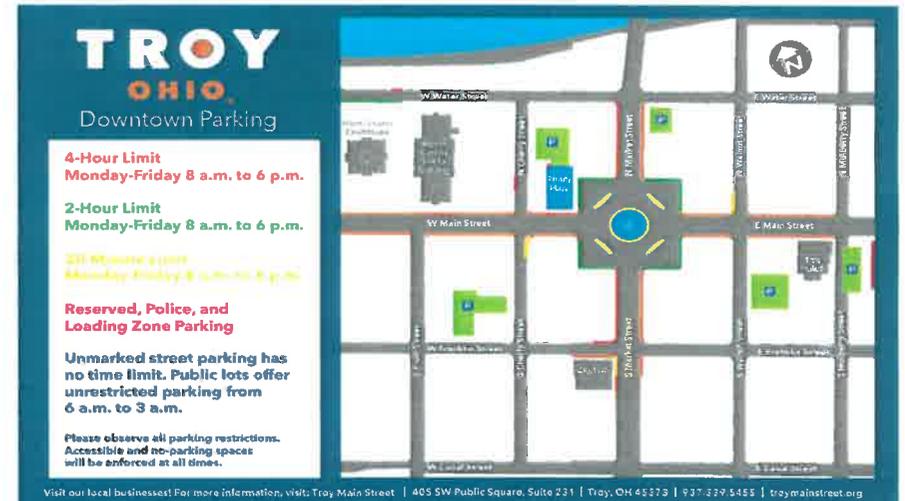
### SIGNAGE & SANITATION PLAN

City of Troy Public Works Department will be responsible for maintaining the appearance and public health within the DORA through trash collection, street sweeping, routine maintenance and signage placement.

Exhibit A shows that there are currently twenty-seven (27) permanent trash receptacles placed along throughout the DORA that are serviced multiple times per week (shown in green). The City is proposing the installation of two (2) new trash receptacles within the Designated Outdoor Refreshment Area (shown in red) and a combination of eighteen (18) trash cans with signage attached (eight additional signs will be placed throughout the DORA to mark the boundaries). This combination of existing and new receptacles and will allow for forty-seven (47) total trash receptacles. Additional collections will be done on an as-needed basis. The City's Street Department will monitor the receptacles and signs and coordinate additional collections and signs if needed.



## DOWNTOWN PUBLIC PARKING MAP



**OFFICIAL DORA CUPS, LOGO, RECEPTABLES, DECAL and SIGNS**



**ORDINANCE No.** O-42-2020

Dayton Legal Blank, Inc.

**ORDINANCE SUBORDINATING A MORTGAGE LIEN FOR  
FOUR SONS DEVELOPMENT LLC AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the City of Troy received a mortgage lien request on property located at 8 South Market Street as security for a loan to Four Sons Development LLC, and

**WHEREAS**, the property owner intends to refinance its existing private commercial bank loan with Greenville National Bank for a larger amount, which requires the City of Troy to resubordinate its existing loan to that of Greenville National Bank first position mortgage lien, and

**WHEREAS**, the property owner is current in loan repayments to 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 execute any documents necessary for the subordination of the mortgage dated July 31, 2019 from Four Sons Development LLC to the City of Troy, Ohio and recorded in Mortgage Record Instrument Number 2019OR-09125 in the Miami County Recorder's Office to that mortgage of Four Sons Development LLC to be executed in favor of Greenville National Bank, and an Assignment of Rents filed for record May 20, 2020, and recorded in Mortgage Record Instrument Number 2020OR-06431 in the Miami County Recorder's Office.

**SECTION II:** That the Law Director is hereby authorized and directed to cause the recording of any documents, to take any other action necessary, and to see that such subordination is properly filed and recorded.

**SECTION III:** That this Ordinance 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 the property owner wishes to obtain the private commercial bank loan as soon as possible, **NOW, WHEREFORE**, this Ordinance shall be effective immediately upon its adoption and approval by the Mayor.

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:** August 14, 2020

We are providing the following for your information:

- Recreation Director Ken Siler has provided the following:
  - Summer ice was removed on Thursday, August 13. Maintenance on the refrigeration system and building will be completed in preparation for the fall/winter season. The system will be started on September 7 for fall/winter ice.
  - The Troy Aquatic Park will close for the season on Sunday, August 16. Most pool staff are now leaving for college or begin staff in-service training at local school districts.
  - Staff is working on a modified plan for fall youth soccer due to the continued restrictions by the state on contact sports. Refunds are being handled for those who do not wish to play this fall.
  - Refunds are continuing for the Travis Tritt concert that has been postponed to March 2021.
  - The Irish Dance event scheduled for October 10-11 has been cancelled.
- Employment Update:
  - A ceremony was held on August 13 to recognize the promotions of Shawn McKinney to Chief of Police effective August 8 and Ryan Ormberg to Captain effective August 10.
- All City offices will be closed Monday, September 7 for the Labor Day Holiday. City refuse collection and curbside recycling will not be delayed and will be collected based on the usual schedule. The Dye Mill Road Facility will be closed on Labor Day.
- As a reminder, the County-wide Trick or Treat date is Thursday, October 29 from 6:00 p.m. to 8:00 p.m.

### Upcoming Events in Downtown Troy

Sept. 4      5:30 p.m.      Troy Main Street Chocolate Walk



**Calendar of Meetings**

Aug. 17	7:00 p.m.	Council
Aug. 18	4:00 p.m.	Board of Park Commissioners
Aug. 19	4:00 p.m.	Recreation Board
Aug. 20	6:30 p.m.	Human Relations Commission
Aug. 24	5:30 p.m.	Council Committee and Work Session
Aug. 26	3:30 p.m.	Planning Commission
Sept. 3	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



**Street/Solid Waste – Jerry Mullins, Foreman**

- Collected and transported 294 tons of residential trash since the last report of 280 tons
- Handled 11 trash complaints and nine recycling complaints
- Collected yard waste bags and bundled brush
- Mowed rights-of-way
- Painted downtown parking stalls and curbs
- Continued asphalt operations. We have repaired over 90 areas in the street marked for rehab, using 360 tons of asphalt.
- Continued to improve the new brine making system that will allow us to have over 20,000 gallons of brine in storage at all times. This will allow us to apply the pre-treatment more frequently and to brine more roads as weather dictates.
- EPA conducted its end of year inspection of our Dye Mill Road Compost Facility and staff is awaiting the final report
- Assessed alleyways for possible future paving program

**Electrical – Brian Ferree, Foreman**

- Completed Ohio Utilities Protection Service requests as needed
- Department updated the network setting on the downtown traffic controllers
- Repaired a damaged underground traffic box at South Market Street, West Market Street, and East West intersection
- Repaired a PED signal at the West Main Street and Ridge Avenue intersection
- Worked on the Phoenix software that runs the fuel system at the Maintenance Facility
- Repaired several lights at City Hall
- Department assisted with the installation of networking cable to power the downtown web camera

**Water Distribution/Sewer Maintenance – Tom Parsons, Foreman**

- Marked numerous Ohio Utilities Protection Service tickets
- Worked on numerous work orders for Billing and Collection
- Investigated numerous high consumption alerts
- Upgraded water services on Virginia Avenue, Dye Mill Road, and two on West Franklin Street
- Bacteria and pressure tested the new water line on Troy-Urbana Road
- Jetted and televised lines on Virginia Avenue, Race Drive, and Morehead Street
- Replaced a catch basin on South Oxford Street and on Mayfield Drive
- Televised lines on Morehead Street and Race Drive
- Mowed storm ditches
- Worked with the leak detection company
- Vacuumed and back-filled traffic box for the Electrical Department

### Wastewater Treatment Plant – Ken Parks

- Parkson Screen #2 has been rebuilt and is now back in service. We will be ordering a few repair parts for Parkson Screen #1 and replacing the motor and drive for the screw press. These repairs should keep Parkson Screen #1 in service until it is rebuilt in 2025.
- Plant staff conducted interviews to fill an open Wastewater Plant operator position on Thursday, August 13. We had eight applications submitted for this position.
- Plant maintenance staff have been very busy lately attending to several unexpected equipment failures - such as two motor drives failing, valve replacement, and the raw sludge tank blower motor.

### Water Treatment Plant – Jeff Monce

- For the month of July 2020, the WTP pumped a total of 136.399 million gallons (MG) to our distribution system and customers in West Milton and Miami County (avg. 4.40 MG/day). Total precipitation recorded at the WTP for July was 3.57". Respective totals for July in previous years were:

2019: 118.650 MG: 2.28"  
2018: 124.860 MG: 3.02"  
2017: 115.286 MG: 6.25"  
2016: 130.614 MG: 1.84"  
2015: 112.193 MG: 5.55"  
2014: 124.415 MG: 2.53"  
2013: 136.809 MG: 4.29"  
2012: 159.420 MG: 3.62"  
2011: 151.675 MG: 3.07"  
2010: 136.338 MG: 3.11"

- Eight bulk water account holders withdrew of total of 471,000 gallons from the Bulk Water Station during the month of July; revenue total was \$4,331.00.
- 19.21 million gallons were pumped to the Extra High Service pressure zone by the EHS Booster Station in July, for an average daily consumption in that zone of 640,000 gallons.
- Maintenance staff is removing the 25-year-old High Service Pump 2 for rehabilitation and repairs by the manufacturer in Cleveland, Ohio.
- Installation of protective line reactors for VFD-equipped distribution and well pumps is near completion. Virus shutdown by vendor delayed this project.
- Installation and testing of a new bulk water computer system is finished and upgrades to WTP SCADA computer system can now proceed without major risks to the plant control systems.

**Items of Interest  
Engineering Department  
August 14, 2020**

**PROJ #                      PROJECT TITLE    PROJECT STATUS**

**PUBLIC WORKS AND CITY FACILITY PROJECTS**

2015-10	Troy Recreational Trail Resurfacing (PID 100778)	Project is being closed out. Funding reimbursement is being requested.
2015-32	State Route 41 Interconnect Phase 2 (PID 103488)	Phase 2 of the interconnect project will provide communication of signals at Marybill Drive and Dorset Road. Right-of-way acquisition is complete, and right-of-way is certified by ODOT. Project will bid in Spring 2021.
2016-20	Dam Removal Feasibility Study	FlatLand Resources, LLC of Muncie, IN was authorized to perform the feasibility study. FlatLand is coordinating with Arcadis to understand how a potential removal would effect the west wellfield. A public meeting by FlatLand was a part of Council's workshop on June 8, 2020. US Fish and Wildlife Service is submitting a funding application to proceed with the project.
2018-10	Harrison - Atlantic Street Project	The City received the CDBG grant for completion of the waterline in the Harrison and Atlantic Street neighborhood. Sturm Construction Inc. was the contractor for the project. Punch list items are being completed by the contractor.
2018-12	West Main Street (SR 41) Corridor Improvements (PID 108662 and 110253)	Council authorized Strand Associates, Inc. to design improvements along West Main Street from Market Street (i.e. Public Square) to I-75. Both project phases have been awarded grant funding totaling \$5,508,383 and an additional \$860,000 for ODOT Urban Paving Program. Staff continues to work with DP&L to satisfy their requested upgrades and potential relocations. A pilot program of reverse angle parking is installed along North Short Street and East Main Street (from Walnut Street to Mulberry Street).
2018-15	Kidder Ditch Modeling & Rehabilitation	Council approved an agreement with Strand Associates, Inc. of Cincinnati, Ohio for the hydraulic and hydrologic modeling of Kidder Ditch Phase 1 improvements.
2019-02	Fire Station 1 Replacement	KZF Design, Inc. of Cincinnati, Ohio was awarded the design for the new fire station. Design is progressing with site design, rezoning, demolition of the existing building, and interior building layout. The contract for the demolition of the existing buildings has been awarded to Charles Jergens Construction of Dayton, Ohio.
2016-14; 2017-17	Riverside Drive Phase 3 & 4	Phase 3 will be from Orchard Drive through the Duke Park entrance; Phase 4 will be from the Duke Park entrance to the north property line of the park. Choice One Engineering is progressing with design of the street reconstruction, alignment and drive access(es) to Duke Park. OPWC funding has been authorized for Riverside 4.
2020-02	TI Harbor Dredging	US COE approved the dredging permit in the harbor. Harbor cleaning continues.
2019-25	South Market Street Signal Timing	Staff requested working with ODOT and DGL Consulting, LLC, an ODOT prequalified consultant for this type of project, to proceed with safety grant funding to review the traffic signals along South Market Street beginning at Water Street through Simpson Street. Council authorized the grant funding. Traffic counts will be completed once school starts in the fall.

**Items of Interest  
Engineering Department  
August 14, 2020**

PROJ #	PROJECT TITLE	PROJECT STATUS
2019-27	Madison Street Lift Station Pump Rehab	Staff prepared a CDBG Critical Infrastructure grant application for funding to assist with the costs of the repair/rehabilitation of the Madison Street Stormwater Lift Station. The grant application was submitted in June 2020.
2019-23	Traffic Signal - West Main Street and Kings Chapel Drive	ODOT awarded safety funding to the project; the scope and LPA agreement is being finalized with ODOT. Design continues and environmental review is progressing for the signal design.
2019-24	Drury Lane Storm Sewer Replacement	Staff utilizing Choice One Engineering has submitted a permit to CSX to replace a failing storm sewer under the CSX spur line at Drury Lane and Madison Street. Staff plans to proceed with bidding the work.
2020-03	WWTP Aeration Blower Replacement	Council has approved the agreement with Hazen & Sawyer for the analysis of the existing biological process at the Wastewater Treatment Plant. The consultant will also design the replacement of the existing blowers at the plant that are from the 1970's. A kickoff meeting occurred and the study of the aeration system is progressing.

**ANNUAL PROJECTS**

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

**Items of Interest  
Engineering Department  
August 14, 2020**

**PROJ #                      PROJECT TITLE    PROJECT STATUS**

**SUBDIVISION PROJECTS**

2019-04	The Reserve at Washington	The subdivision has intermediate asphalt installed.
2018-19	Halifax Villas	Clubhouse and housing construction continues.
2018-25 2019-14	Heritage at Troy Country Club Heritage Village at Troy Country Club	The Heritage and Heritage Village subdivisions have intermediate asphalt installed; home construction is ongoing.
2017-21; 2018-22; 2019-13	Fox Harbor	Contractor is working on punch list items in order to close out Section 4 and get the City's final acceptance. Sections 5 and 6 has intermediate asphalt installed; home construction is ongoing. Section 7 has been approved.
2017-15; 2018-02	Stonebridge Meadows	Sections 6 and 7 have intermediate asphalt installed. The contractor is repairing a couple of infrastructure deficiencies. Home construction is ongoing in Sections 6 and 7. Staff is working with the developer to finalize the outstanding items in the subdivision and the final course of asphalt.
2016-15; 2016-25; 2018-08; 2019-03	Halifax	Contractor is working on punch list items in order to close out Sections 2 and 3 and get the City's final acceptance. Section 4 has intermediate asphalt being installed; home construction is ongoing. Section 5 is beginning construction.
2015-35; 2017-12	Nottingham	Sections 9 and 10 escrow was released and entered into a one-year maintenance guarantee period.
2016-01	Edgewater	Section 8 escrow is being held during the one-year maintenance guarantee period.
2007-19	Pleasantview Estates	Section 3 street improvements are completed with final course of asphalt. Staff is not aware of proposed improvements being planned for the remaining land in the subdivision at this time.
2000-50	Oakmont	Section 5 is awaiting final punch list and final course of asphalt. Developer has paid Miami Valley Lighting for street lights and plans to get the punch list and asphalt completed to finish the plat.
2018-07	Villages of Concord	A revised preliminary plan has been approved by Planning Commission.





**MEMORANDUM**

**TO:** Patrick E.J. Titterington, Director of Public Service and Safety  
**FROM:** Tim Davis, Development Director  
**DATE:** August 14, 2020  
**SUBJECT:** *Items of Interest Report*

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I have attached two reports which summarize concerns that are being addressed by the Economic Development Department from July 29, 2020 to August 11, 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 25 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 13 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

July 29, 2020 - August 11, 2020

Project Address	Ward	Permit Type	Description	Assigned To	Permit Date	Total Fees
956 MAYFIELD DR	1	Fence Permit	FENCE	Robert Watson	8/3/2020	\$10.00
1228 COLE HARBOR	1	Zoning-Residential-New	SINGLE FAMILY RESIDENCE W/BASEMENT	Robert Watson	8/3/2020	\$109.09
604 FORREST LN	1	Fence Permit	FENCE PERMIT	Robert Watson	7/30/2020	\$10.00
1120 SCENIC CT	1	Zoning-Accessory-Residential	DETACHED GARAGE	Robert Watson	7/30/2020	\$25.00
1355 SHERIDAN CT	1	Zoning-Accessory-Residential	POOL & FENCE	Robert Watson	7/29/2020	\$25.00
1317 EAST MAIN STREET	2	Zoning-Residential Addition	SHED	Robert Watson	8/10/2020	\$26.00
836 ATLANTIC STREET	2	Zoning-Residential Addition	DECK	Robert Watson	8/9/2020	\$26.00
430 KIRK LANE	2	Change of Occupancy	OCCUPANCY - KIRK LANE CENTER	Robert Watson	8/6/2020	\$50.00
855 WEST BENTLEY CIRCLE	2	Zoning-Residential-New	SINGLE FAMILY RESIDENCE	Robert Watson	8/5/2020	\$77.10
1076 MEADOW LN	2	Zoning-Accessory-Residential	GARAGE	Robert Watson	8/4/2020	\$25.00
620 HAMSHAW COURT	2	Zoning-Residential-New	SINGLE FAMILY RESIDENCE W/BASEMENT	Robert Watson	7/31/2020	\$76.29
442 - 440 GRANT STREET	3	Change of Occupancy	MULTI-FAMILY HOME	Robert Watson	8/10/2020	\$52.00
720 E FRANKLIN ST	3	Fence Permit	FENCE	Robert Watson	8/3/2020	\$10.40
756 SEDGWICK WAY	4	Zoning-Accessory-Residential	POOL	Robert Watson	7/31/2020	\$25.00
2720 SOUTHSIDE DR	4	Zoning-Residential Addition	POOL	Robert Watson	7/30/2020	\$26.00
1024 W MAIN ST	5	Zoning-Accessory-Residential	DRIVEWAY	Robert Watson	8/10/2020	\$25.00
1385 STONYCREEK RD	5	Change of Occupancy	OCCUPANCY - HEALING YOUR MASSAGE	Robert Watson	8/7/2020	\$50.00
1017 W RACE ST	5	Zoning-Accessory-Residential	CAR PORT	Robert Watson	8/6/2020	\$26.00
2715 EXECUTIVE DR	6	Fence Permit	FENCE	Robert Watson	8/10/2020	\$10.00
1800 W MAIN ST	6	Change of Occupancy	OCCUPANCY--ADDRESS CHANGE FROM 1802	Robert Watson	8/7/2020	\$0.00
2514 GALWAY COURT	6	Fence Permit	FENCE	Robert Watson	8/4/2020	\$10.00
2730 EXECUTIVE DR	6	Fence Permit	FENCE	Robert Watson	8/4/2020	\$10.00
2638 EXECUTIVE DR	6	Zoning-Residential-New	SINGLE FAMILY RESIDENCE	Robert Watson	7/31/2020	\$69.12
2643 EXECUTIVE DR	6	Zoning-Residential-New	SINGLE FAMILY RESIDENCE	Robert Watson	7/31/2020	\$69.12
2697 EXECUTIVE DRIVE	6	Zoning-Residential-New	SINGLE FAMILY RESIDENCE	Robert Watson	7/31/2020	\$69.12

## Violation Activity Summary

July 29, 2020 - August 11, 2020

Case #	Case Date	Assigned To	Site Address	Ward	Type of Violation	Status	Description
20200436	8/7/2020	Robert Watson	20 S CRAWFORD ST	2	TALL GRASS/WEEDES	Open	8/7 RW, tall grass and weeds, Certificate mail, Follow up 8/28
20200427	8/4/2020	Robert Watson	9 N MARKET ST	2	PROPERTY MAINTENANCE	Open	8/3 RW, trash, litter, vines, downspouts and gutters, exposed wood.
20200428	8/4/2020	Robert Watson	14 N WALNUT ST	2	PROPERTY MAINTENANCE	Open	8/4 RW, trim, gutters, windows need addressed, Letter sent to owner. Follow-up 9/4/20
20200429	8/4/2020	Robert Watson	9 N MARKET ST	2	TRASH & DEBRIS	Open	8/4 RW, trash and debris in the alley, The Rec believes this is the tenant next door. They don't use the alley for trash.
20200422	7/30/2020	Robert Watson	514 W MAIN ST	2	TRASH & DEBRIS	Closed	7/30 RW, trash/ move out, more than city will take, Certificate mail. Follow Up 8/7. 8/7 RW, cleaned by owner, Closed.
20200424	8/3/2020	Robert Watson	1005 WALKER ST	3	TRASH & DEBRIS	Open	8/3 RW, Follow Up inspection for other case and found items in back yard, feces, metal, litter, and pallets in driveway. Sending Certificate mail Follow Up 8/14
20200425	8/3/2020	Robert Watson	1005 WALKER ST	3	OUTDOOR STORAGE	Open	8/3 RW, outdoor storage or trash, litter, pallets, rabbit feces
20200426	8/3/2020	Robert Watson	423 S WALNUT ST	3	TALL GRASS/WEEDES	Open	8/3 RW, tall grass and weeds, tree limbs overgrowing sidewalk. Sending Certificate Follow Up 8/14
20200423	7/30/2020	Robert Watson	522 S UNION ST	3	TRASH & DEBRIS	Closed	7/30 RW, trash, debris, move out pile not being picked up by City. Sending Certified, Follow Up 8/7. 8/7 Rw, Cleaned by owner, Closed.
20200430	8/4/2020	Robert Watson	1041 W MAIN ST	5	SHRUBBERY OVERGROWN	Closed	8/4 RW, talked with owner of property, they'll take care of in a few days. Follow Up 8/21. 8/6 RW, owner already has corrected. Closed .
20200431	8/4/2020	Robert Watson	414 LAKE ST	5	SHRUBBERY OVERGROWN	Open	8/4 RW, Trees and Shrubs growing into the alley. Sending Certificate, Follow Up 8/14
20200432	8/4/2020	Robert Watson	510 LAKE ST	5	SHRUBBERY OVERGROWN	Open	8/4 RW, Trees and shrubs growing into the alley, Sending Certificate, Follow Up 8/14
20200435	8/7/2020	Robert Watson	2404 ST ANDREWS	6	TALL GRASS/WEEDES	Open	8/7 Rw, tall grass and weeds, Certificate mail. Follow Up 8/21

Law Enforcement Activity Report  
07/01/2020 TO 07/31/2020

### Ordinance Cases Filed

Criminal	
Personal/Bradford	52
Piqua Code Enforcement	2
Piqua Police Department	6
Troy Police Department	4
	<b>64</b>
Traffic	
Covington Police Department	6
Huber Heights Police Department	1
Piqua Police Department	43
Tipp City Police Department	8
Troy Police Department	37
West Milton Police Department	2
	<b>97</b>

### State Cases Filed

Criminal	
Bethel/Sheriff	4
Bradford/Sheriff	2
Covington Police Department	9
Miami County Animal Shelter	13
ODNR Division of Water Craft	2
Ohio State Patrol	13
Personal	4
Piqua Police Department	77
Pleasant Hill / Sheriff	2
Sheriff's Department - Miami County	44
Tipp City Income Tax Department	1
Tipp City Police Department	23
Troy Police Department	93
West Milton Police Department	20
	<b>307</b>
Traffic	
Bethel/Sheriff	17
Covington Police Department	6
Huber Heights Police Department	1
Ohio State Patrol	274
Piqua Police Department	45
Pleasant Hill / Sheriff	5
Sheriff's Department - Miami County	98
Tipp City Police Department	12
Troy Police Department	32
West Milton Police Department	6
	<b>496</b>
<b>Grand Total:</b>	<b>964</b>

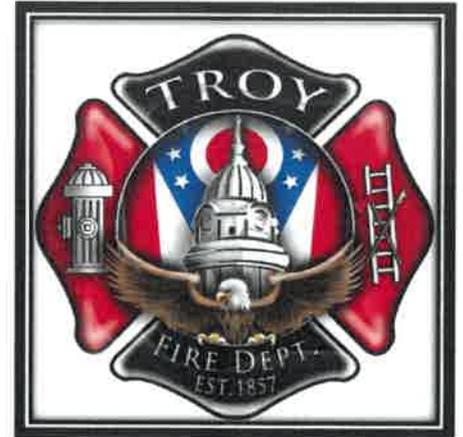
July 2020

# TROY FIRE DEPARTMENT

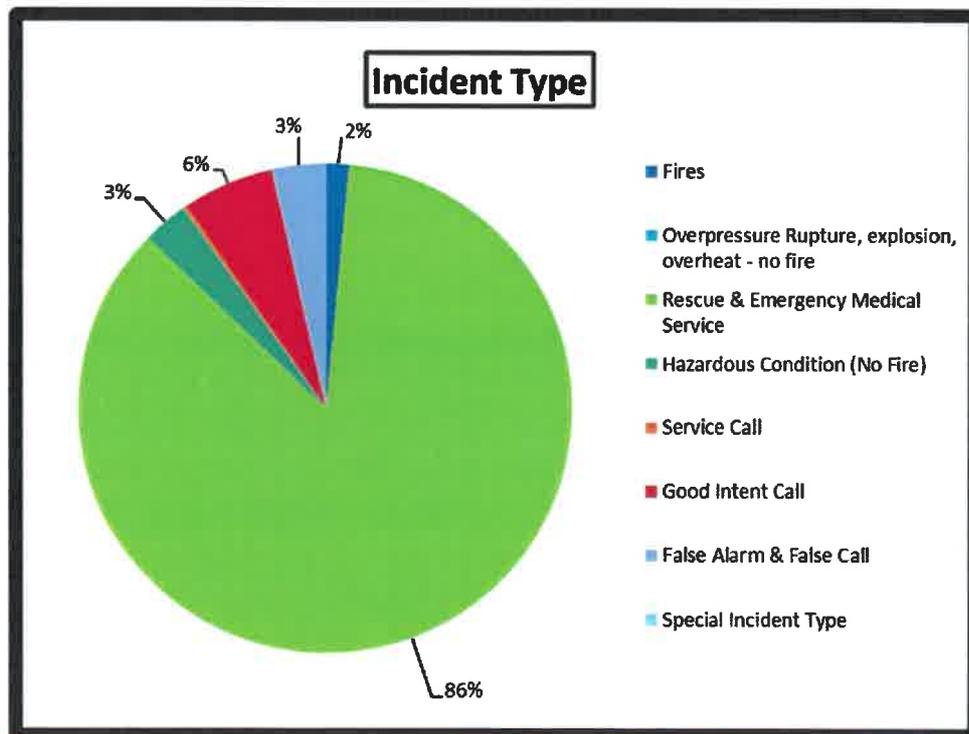
1528 North Market Street Troy, OH 45373

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

**"Exceeding the Expectations of Our Community"**



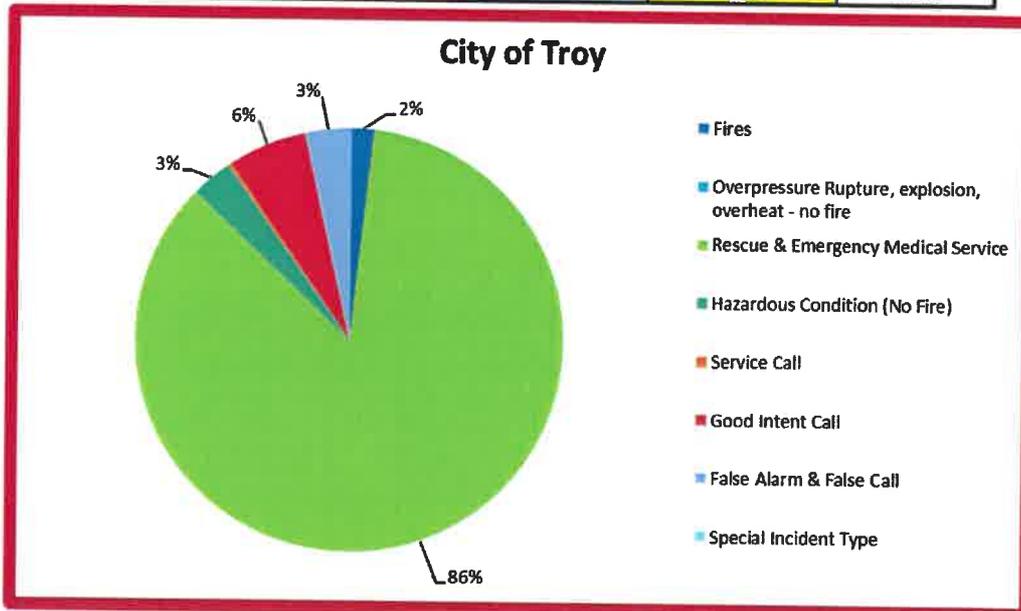
Monthly Incident Report							
Incident Type	Troy	Concord	Staunton	Lost Creek	Mutual Aid	Total	Incident %
Fires	6	0	0	0	0	6	2%
Overpressure Rupture, explosion, overheating - no fire	0	0	0	0	0	0	0%
Rescue & Emergency Medical Service	298	28	15	0	1	342	86%
Hazardous Condition (No Fire)	11	0	1	0	0	12	3%
Service Call	1	0	0	0	0	1	0%
Good Intent Call	17	5	2	0	0	24	6%
False Alarm & False Call	12	2	0	0	0	14	3%
Special Incident Type	0	0	0	0	0	0	0%
<b>Totals</b>	<b>345</b>	<b>35</b>	<b>18</b>	<b>0</b>	<b>1</b>	<b>399</b>	<b>100%</b>



Monthly EMS Response Report						
Unit	Troy	Concord	Staunton	Lost Creek	Mutual Aid	Totals
Medic-1	141	19	1	0	0	161
Medic-2	68	1	13	0	1	83
Medic-3	92	9	0	0	0	101
Medic-4	0	0	0	0	0	0
<b>Totals</b>	<b>301</b>	<b>29</b>	<b>14</b>	<b>0</b>	<b>1</b>	<b>345</b>

Monthly Fire Response Report						
Unit	Troy	Concord	Staunton	Lost Creek	Mutual Aid	Totals
Engine-1	78	12	3	0	0	93
Engine-2	15	0	1	0	0	16
Ladder-3	19	2	1	0	0	22
Tanker-1	0	1	0	0	0	1
Tower-1	0	0	0	0	0	0
Grass-1	0	0	0	0	0	0
Truck-8	5	0	1	0	0	6
<b>Totals</b>	<b>117</b>	<b>15</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>138</b>

City of Troy		# Incidents	% of Total
Fires		6	2%
Overpressure Rupture, explosion, overhear - no fire		0	0%
Rescue & Emergency Medical Service		298	86%
Hazardous Condition (No Fire)		11	3%
Service Call		1	0%
Good Intent Call		17	6%
False Alarm & False Call		12	3%
Special Incident Type		0	0%
<b>Totals</b>		<b>345</b>	<b>100%</b>



### Trip Count by Destination Facility

Date IS BETWEEN 07/01/2020 AND 07/31/2020

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	<u>ALS</u>	<u>BLS</u>	<u>Total</u>
<No Facility>	75	18	93
KHN Troy	123	14	137
UVMC	109	9	118
Total	307	41	348

# 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>	July 2020
<b>General Inspections</b>	<b>54</b>
<b>Re-Inspections</b>	<b>9</b>
<b>Plan Reviews</b>	<b>6</b>
<b>Fire Prevention Permits</b>	<b>8</b>
<b>Fire Investigations</b>	<b>2</b>
<b>Public Education Events</b>	<b>6</b>
<b>Attendance @ PE Events</b>	<b>322</b>

