

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, March 2, 2020, at 7:00 p.m. in Council Chambers.

Members Present: Allen, Phillips, Rozell, Schilling, Schweser, Severt and Snee.

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

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

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

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

PUBLIC HEARINGS:

1. At 7:04 p.m., Mr. Lutz declared open a public hearing on Resolution No. R-16-2020, Resolution Approving Application of Scherre H. Mumpower to Place Land in Agricultural District. There were no comments in this regard, and at 7:05 p.m. Mr. Lutz declared this public hearing closed.
2. At 7:05 p.m., Mr. Lutz declared open a public hearing on Ordinance No. O-8-2020, Amending the General Plan of the Halifax Villas Planned Development. The following commented in this regard:

-Cheryl Cosner, 171 Finsbury Lane, stated she is concerned about the maintenance of the appearance of the street opening to the clubhouse, that it be better than the current weeded area; the impact on Finsbury Lane residents by those coming and going to the clubhouse area; that the clubhouse area will be elevated, further increasing run off from the property; noise from those using the clubhouse with a pool and pickle ball court; and that she did not receive much notice about these plans.

-Steven Cosner, 171 Finsbury Lane, commented that he would like to see the road to the clubhouse completed with full pavement, curb, gutter and storm and sanitary sewers; the area being developed has a flood plain designation and he has observed the Kidder Ditch flooding in this area to about a 4' depth where the clubhouse is proposed for location; and he does not believe that just an asphalt paved driveway is appropriate.

-Diane Fisher, 153 Finsbury Lane, commented that she appreciates the changes the developer has made from what was seen a couple of years ago; her concern is that the proposed work passes FEMA guidelines and does not create a situation where she would have to pay for flood insurance

-Jennifer Jeminez, 166 Finsbury Lane, commented that the eight acres proposed for the clubhouse area was subject to a successful referendum a few years ago. She stated her concerns of one point of access off Nottingham Road to the clubhouse that will be used by those accessing the clubhouse and deliveries; even with a golf cart path there will be a negative traffic impact on the neighborhood that will not be served by the clubhouse; there are to be 280 addresses in the retirement community that will create traffic; and she asked if Council would have information from a hydraulic study by Choice One Engineering Corp. regarding the development meeting FEMA guidelines prior to voting.

There being no further comments in this regard, at 7:12 p.m., Mr. Lutz declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the February 18, 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:

Buildings & Utilities Committee: Mr. Allen, Chairman, reported that Committee recommends legislation be prepared authorizing acceptance of an additional 10' of utility easements located within an area of the roadway in the Villas of Halifax Patio Home Subdivision, which is part of the Halifax Villas Planned Development. Committee supports emergency legislation so that building within the development is not delayed. Report signed by Allen.

Community & Economic Development Committee: Mrs. Snee, Chairman, reported that Committee recommends legislation be prepared authorizing the submittal of a petition to the Miami County Board of Commissioners to commence the process of annexing a 2.446 acre of City-owned land adjacent to the Miami Shores Golf Course. Reports signed by Rozell and Snee.

Personnel Committee: Mr. Severt reported that Committee recommends legislation be prepared as follows:

1. Amend Salary Ordinance No. O-52-2018 to establish the position of Management Analyst 1 at the MGT-1 pay range in the Development Office. This will be in lieu of filling a second Assistant Development Director position.
2. Amend Salary Ordinance No. O-63-2018 to establish a Lead Operator position at the rate of \$32.65 per hour, which position would be in the Street Department. This will be a new position to provide an additional supervisory level.

Report signed by Allen and Severt.

Oral Report. Mr. Severt gave the oral report that the Mayor has requested Council to approve the appointment of Matthew Post to the Enterprise Zone Tax Incentive Review Council to fill the unexpired term of William Rozell. A motion was made by Mr. Severt, seconded by Mr. Phillips, to approve the appointment of Matthew Post to the Enterprise Zone Tax Incentive Review Council for a term commencing immediately and continuing through October 19, 2020. Motion passed by unanimous roll call vote.

Recreation & Parks Committee: Mr. Schilling, Chairman, reported as follows:

1. Committee considered a recommendation of the Board of Park Commissioners that the City convey park land at Hook School and Cookson School, the schools will establish ball fields to be scheduled and used by the City, and a possible transfer of surplus school playground equipment to the City. With two minor changes to a proposed Memorandum of Understanding, Committee recommends legislation be prepared authorizing the conveyance of the approximate 5.05 acres at Cookson School (aka Campbell Park) and the approximate 3.2 acres at Hook School (aka Hook Park) to the Troy City Schools Board of Education and authorizing the execution of the Memorandum of Understanding. Committee noted that the recommendation is conditioned on the approval of the School's bond levy on the March 17, 2020 ballot.
2. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to execute the Treasure Island Non-Ticketed Use Agreement for the August 1, 2020 concert at Treasure Island Park, the only concert planned that will include the sale of alcohol.

Reports signed by Phillips and Schilling.

3. Committee considered a recommendation of the Board of Park Commissioners that an approximately 1/10 acre of Archer Park, to the rear of 636 Shaftsbury Road, where the property owner placed structures beyond the property line, be declared surplus and offered for sale by public bid.

Majority Recommendation:

While the undersigned Committee Members agree that selling the parcel is rewarding inappropriate behavior of encroaching onto public park land, we support selling the parcel as the best method of resolving the situation. The undersigned Committee Members recommend that legislation be prepared to support of the recommendation of the Board of Park Commissioners, declaring as surplus approximately 1/10 acre to the rear of 636 Shaftsbury Road and that said area then be offered for sale.

Recommendation signed by Phillips.

Minority Recommendation:

The undersigned Committee Member does not believe that the encroachment onto this piece of City property should be handled by selling a piece of property and, therefore, does not support the recommendation of the Board of Park Commissions and recommends that Council does not sell the referenced portion of Archer Park.

Recommendation signed by Schilling.

Safety & Health Committee: Mr. Rozell reported that Committee reviewed information regarding supporting the One Ohio Memorandum of Understanding (MOU) which would permit collaboration between the State and Local Governments related to current opioid litigation. Success could result in Troy accessing funds from the prospective settlement for the purpose of covering expenses incurred by opioid abatement efforts. Committee recommends that legislation be prepared to support the MOU and to authorize the Director of Public Service and Safety to execute any related documents. Due to the March 6 deadline for participation, Committee supports emergency legislation.

Reports signed by Rozell and Schilling.

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

1. Committee recommends legislation be prepared authorizing bidding the 2020 Paving Program at a total cost not to exceed \$1,025,000.
2. Committee recommends legislation be prepared accepting easements related to the SR 41 Interconnect Project Phase 2, a project that will provide signal improvements at the Dorset Road/W. Main Street intersection and the Marybill Drive/W. Main Street intersection in 2021, and which is a project in cooperation with the Ohio Department of Transportation.

3. Committee recommends legislation be prepared regarding easements for completed projects as follows:
 - A. Accept a utility easement at 1262 Peters Road;
 - B. Vacate utility easements on two lots located on Creekwood Drive -- along the east property line of IL 10911 and along the west property line of IL 10912;
 - C. Authorize the execution or filing of any associated documents by the Director of Public Service and Safety.

As both are related to completed projects, Committee supports emergency legislation.

4. Committee recommends legislation be prepared consenting to the Ohio Department of Transportation (ODOT) project that will include ODOT resurfacing the existing ramp from SR 41 to Southbound I-75. Based on the format provided by ODOT, Committee supports emergency legislation.

Reports signed by Schilling, Snee and Phillips.

CITIZEN COMMENTS ON AGENDA ITEMS:

Christine Shafer, 636 Shaftsbury Road, commented regarding Ordinance No. O-13-2020, stating she has lived at 636 Shaftsbury Road for 15 years; that she was given verbal permission by the Park Superintendent to place a basketball court on park land behind her property; she has maintained that property; and she is now asking to purchase land that she has been using the last 15 years.

RESOLUTION NO. R-13-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2020 PAVING PROGRAM

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-14-2020

RESOLUTION TO ACCEPT THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-15-2020

A RESOLUTION AUTHORIZING CONSENT AND COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF THE RAMP FROM STATE ROUTE 41 TO SOUTHBOUND INTERSTATE 75 WITHN THE RIGHT-OF-WAY OF THE CITY OF TROY, OHIO AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-16-2020
RESOLUTION APPROVING APPLICATION OF SCHERRE H. MUMPOWER TO PLACE LAND IN AGRICULTURAL DISTRICT

This Resolution was given Public Hearing and first title reading.

ORDINANCE NO. O-8-2020
ORDINANCE AMENDING THE GENERAL PLAN OF THE HALIFAX VILLAS PLANNED DEVELOPMENT (PD-R) IN THE CITY OF TROY, OHIO AND REZONING AN 8.015 ACRE PARCEL ADDED TO THE HALIFAX VILLAS PLANNED DEVELOPMENT AS A PART OF THE AMENDED GENERAL PLAN, FROM A-R, AGRICULTURAL RESIDENTIAL ZONING DISTRICT, TO A RESIDENTIAL PLANNED DEVLEOPMENT

This Ordinance was given first title reading on February 18, 2020.
Given Public Hearing and second title reading.

ORDINANCE NO. O-9-2020
ORDINANCE AMENDING ORDINANCE NO. O-63-2018, FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

Mr. Severt moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.
Yes: Rozell, Phillips, Schilling, Allen, Severt, Schweser and Snee.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mrs. Snee.
Yes: Phillips, Schilling, Allen, Severt, Schweser, Snee and Rozell.
No: None.

ORDINANCE ADOPTED

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

This Ordinance was given first title reading.

Mr. Schweser moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.
Yes: Schilling, Allen, Severt, Schweser, Snee, Rozell and Phillips.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mrs. Snee.
Yes: Allen, Severt, Schweser, Snee, Rozell, Phillips and Schilling.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-11-2020
ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO PETITION THE BOARD OF COMMISSIONERS OF MIAMI COUNTY, OHIO FOR ANNEXATION OF REAL PROPERTY TO THE CITY OF TROY

This Ordinance was given first title reading.

Mr. Rozell moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.
Yes: Severt, Schweser, Snee, Rozell, Phillips, Schilling and Allen.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mr. Schilling.
Yes: Schweser, Snee, Rozell, Phillips, Schilling, Allen and Severt.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-12-2020

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EXECUTE A TREASURE ISLAND NON-TICKETED USE AGREEMENT FOR A 2020 EVENT AT TREASURE ISLAND PARK

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE O-13-2020

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

This Ordinance was given first title reading.

Mr. Lutz stated that this item is being referred back to the Recreation and Parks Committee for further review.

ORDINANCE NO. O-14-2020

ORDINANCE DECLARING MUNICIPALLY OWNED REAL PROPERTY AS SURPLUS AND NO LONGER NEEDED FOR MUNICIPAL PURPOSES; CONVEYING SAID SURPLUS PROPERTY TO THE TROY CITY SCHOOLS BOARD OF EDUCATION; AND AUTHORIZING THE BOARD OF PARK COMMISSIONERS AND THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TROY CITY SCHOOLS BOARD OF EDUCATION RELATED TO THE CONVEYENCE OF SAID PROPERTY AND REFLECTING FUTURE EDUCATION AND RECREATIONAL OPPORTUNITIES

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-15-2020

ORDINANCE ACCEPTING EASEMENTS RELATED TO THE SR 41 (WEST MAIN STREET) TRAFFIC SIGNAL INTERCONNECT PROJECT PHASE 2 IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-16-2020

ORDINANCE ACCEPTING A UTILITY EASEMENT IN THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.
Yes: Schweser, Snee, Rozell, Phillips, Schilling, Allen and Severt.
No: None.
Mr. Phillips moved for adoption. Motion seconded by Mr. Schweser.
Yes: Snee, Rozell, Phillips, Schilling, Allen, Severt and Schweser.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-17-2020
ORDINANCE APPROVING THE VACATION OF UTILITY EASEMENTS AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Schweser moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.
Yes: Rozell, Phillips, Schilling, Allen, Severt, Schweser and Snee.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mrs. Snee.
Yes: Phillips, Schilling, Allen, Severt, Schweser, Snee and Rozell.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-18-2020
ORDINANCE ACCEPTING THE DEDICATION OF ADDITIONAL UTILITY EASEMENTS FOR THE VILLAS OF HALIFAX PATIO HOMES SUBDIVISION, PART OF THE HALIFAX VILLAS PLANNED DEVELOPMENT, WITHIN THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Severt moved for suspension of rules requiring three readings. Motion seconded by Mr. Phillips.
Yes: Schilling, Allen, Severt, Schweser, Snee, Rozell and Phillips.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mrs. Snee.
Yes: Allen, Severt, Schweser, Snee, Rozell, Phillips and Schilling.
No: None.

ORDINANCE ADOPTED

PRESENTATION: A presentation was made by Shelly Calvert, Executive Director of the non-profit, We Love Birthday Parties. Ms. Calvert stated that the mission of the organization is to spread love through the simple joy of birthday parties for children who might not otherwise be celebrated, and noted that the organization also provides take home "birthday boxes" to CASA/GAL and foster children through the organization Seeds of Hope to provide a way for families with limited opportunities to have the tradition of a birthday party in their home. She stated that the parties are held through local organizations that serve youth, with the area served from Piqua to South Dayton. Ms. Calvert commented that the most important element is that the child is recognized and remembered. She stated funding is by donations and grants, and the organization can use donations.
-In response to Mr. Phillips regarding the age of the youth served, Ms. Calvert advised that the birthday boxes are for ages 1-18; the parties currently are for grades K-4th grade; and she hopes parties can be expanded to include teenagers.

COMMENTS OF MAYOR ODA: Mayor Oda stated she was at Riverside of Miami County this date in recognition of Developmental Disabilities Month, and she encouraged Council to visit that facility.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented that the Dye Mill Road Facility has opened for the season.

COMMENTS OF MEMBERS OF COUNCIL: Mr. Phillips noted that the business Mendelson's in Dayton is closing and is willing to offer needed items to non-profit organizations that can document use for the items. Mr. Phillips also asked for a definition of the "mature related crashes" in the Police Department monthly report.

COMMENTS OF AUDIENCE MEMBERS:

-Lester Conard, 1210 S. Clay Street, asked about the City's preparation regarding the Coronavirus. Mr. Titterington commented that he will be participating in a phone conference with State officials; Miami County Public Health is the local health agency and they have been preparing; and travel would be in accordance with the advice of appropriate agencies. Mr. Conard asked if information from conversations will be shared. Mr. Lutz stated that it may be at the other agencies would be the ones to release any information.

-Christine Shafer, 636 Shaftsbury Road, asked about the next step regarding O-13-2020, and she was informed that a Committee Meeting will be held March 9, 6:00 pm, and she is most welcome to attend. Ms. Shafer also commented that she has maintained the area she wishes to have declared surplus and purchase since moving into her home, stating that the way her property abuts Archer Park it is very difficult for the Park Department to access the area for mowing.

-Greg Dixon, 8545 Laurel Road, Pleasant Hill, Ohio (former Director of Law) commented that he is one of the candidates for Miami County Commissioner.

There being no further business, the meeting adjourned at 8:13 pm.

Clerk of Council

President of Council