

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, November 6, 2023 at 7:00 p.m. in Council Chambers, City Hall.

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

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

Upon motion of Mr. Phillips, seconded by Mr. Whidden, Mr. Pierce, was excused from this meeting by unanimous roll call vote. (Note – at 7:06 p.m., Mr. Pierce was in attendance.)

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

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

PRESENTATION: Donnie Knight, US Fish & Wildlife, provided an update regarding the Great Miami River Dam Removal Project. He stated that work started on this project in 2016 to have restoration of the Great Miami River watershed. Project reasons are safety (low head dams can be dangerous to users of the river), water quality and aquatic life improvement, and recreational and economic opportunities. Mr. Knight explained that OEPA has designations regarding water quality and aquatic life, but the dams in the river at Troy and Piqua result in the water dropping to a warm water habitat. He also stated that anglers and those involved in paddle sports do not look for pools of water. Mr. Knight explained that, working with a consultant a feasibility study was performed, and then funding sought. He further commented that the plan is to improve the sediment transport that collects behind dams, increase fish passage, restore fish habitats, establish more natural conditions, restore the natural channel. He explained that the river flow along the concrete abutment is not optimum for aquatic life, and the oxbow around the Miami Shores Golf Course is a pinch point and issue for aquatic life and culverts can be installed that will allow water to flow through during heavy rains. He commented that since this project was first worked on, this is now the 9th public meeting held to provide information to the public, five of which were Troy specific, the others which were related to both the Troy and Piqua dam removal projects. Regarding the next steps, Mr. Knight stated that there are monthly meetings with representatives of OEPA, the City of Troy, and US Fish and Wildlife to recommend a consulting firm to design the project, that committee is looking at different design options to select that which is best for the City of Troy and for the river. He further commented that answers to some questions will not be known until the final design is determined.

In response to a question of Mr. Severt, Mr. Knight confirmed that the Treasure Island harbor remains a pool and any design will have it continue to be a pool for recreation use. He further commented that yet to be determined is the pool elevation and if there are opportunities to provide some flow through that pool to help keep some sediment from settling. In response to Mr. Phillips, it was stated the number of weirs is not yet known, but at a minimum it will be necessary to stabilize the stream bed at the area of each utility, so some areas of the dam may not be removed as parts could act as a natural stabilization. Mr. Knight also commented that the biggest change is the width of the river, the deepest part of the channel is thigh deep and that will continue, there will be varying depths, it is not a homogenic pool, and the goal is to improve river quality, with fishing, kayaking, canoeing, paddle boarding, etc., continuing. In response to Mr. Lutz, Mr. Knight indicated the City of Piqua has already contracted with a consultant, funding has been secured for both the Troy and Piqua projects at \$4 million of current available WRRAP funds, with both projects combined to be a larger scale project for additional funding that is expected to be announced shortly. Mr. Knight addressed the questions of Howard Wingert, 516 W. Water Street, regarding how the representational trail may appear when the project is completed. The presentation/discussion concluded at approximately 8:00 p.m.

MINUTES: The Clerk gave a summary of the minutes of the October 16, 2023, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Rozell, seconded by Mr. Whidden, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

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

1. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a sole-source agreement with ESRI for GIS software services for a three-year period at a cost not to exceed \$30,254 per year. This Committee supports emergency legislation as the company has requested the agreement be executed prior to the end of November.

2. Committee recommends legislation be prepared providing for an annual per month adjustment to the Stormwater Fund rates of 35 cents, with each increase effective February 1 of years 2024 through 2028. The proposed adjustments would fund major capital projects for years 2024 – 2028 and not create a negative Stormwater Fund balance. The proposed rate structure would be:

Year	Monthly Charge	\$ Increase
2024	\$6.00	\$0.35
2025	\$6.35	\$0.35
2026	\$6.70	\$0.35
2027	\$7.05	\$0.35
2028	\$7.40	\$0.35

Reports submitted by Phillips, Rozell and Severt.

Law & Ordinance Committee: Mrs. Snee, Chairman, reported as follows:

1. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a four-year agreement with the firm of Shipman, Dixon & Livingston Co., LPA for services related to Municipal Court Prosecution at a cost not to exceed \$195,000 per year. ORC Section 1901.34 requires the Director of Law to prosecute all cases brought before the municipal court for criminal offenses occurring within the City of Troy and the unincorporated areas of the County.
2. Committee recommends legislation be prepared that an Assessment Equalization Board meet on November 28, 2023 at 5:30 p.m. and that the Board members be Rena Gumerlock, Roberta Jacobs and John Terwilliger. Such Board will hear an appeal regarding the completion of Oakmont Creek Subdivision Phase 5. Based on the date the AEB will be meeting, the Committee supports emergency legislation.

Reports submitted by Phillips, Severt and Snee.

Safety & Health Committee: Mr. Whidden reported as follows:

1. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an amended agreement with the Lostcreek Township Board of Trustees for the Troy Fire Department to provide Emergency Medical Services to the entirety of Lostcreek Township for the period 2024 – 2027 with the Township paying the following amounts: 2024 - \$66,668, 2025 - \$68,001, 2026 - \$69,361, 2027 - \$70,748. The City had been serving only a portion of the Township, but Christiansburg will no longer be providing the service to the balance of the Township.
Discussion: Mrs. Marshall asked if Fire Department was fully staffed at this time, and was advised there are three vacancies. She asked if there was concern about being able to serve the most distant part of Lostcreek Township and not have a negative impact on service to Troy residents. Assistant Chief Dexter stated that there was no concern in this regard.
2. Committee recommends legislation be prepared to approve the 2024 funding to the Miami County Health District for public health services for Troy citizens in the amount of \$403,542.89. Troy's payment is funded from the General Fund. The 2024 funding would be \$403,542.89, an increase of approximately 8.8% from the 2023 funding.

Reports submitted by Marshall, Whidden and Twiss.

Committee of the Whole Regarding Workshop Regarding the Update of the Comprehensive Plan and the Zoning Code. Council President Lutz reported that all members of Council and the President of Council participated in an October 23, 2023 workshop session with representatives of American Structurepoint, the consultant that will be assisting with the update of the Comprehensive Plan and the Zoning Code. The consultant stated that the update to the Comprehensive Plan will take about 12 months, and will include an on-line community survey and a number of meetings with other groups (stakeholder groups). Council members participated in an exercise to indicate their answers to questions about Troy. This exercise will be conducted with stakeholder groups as well, with that information compiled by the consultant to assist in the update of the plan. Additional information will be provided in the future. It was stated that the update to the Zoning Code will be done concurrent with the update to the Comprehensive Plan, but will be completed later. No recommendation was to be provided as a result of this workshop.

Report submitted by Marshall, Pierce, Phillips, Rozell, Schilling, Severt, Snee, Twiss and Whidden.

Citizen comments on Agenda items: None.

RESOLUTION NO. R-53-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH ESRI, A SOLE-SOURCE VENDOR, FOR GIS SOFTWARE SERVICES, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Rozell, Snee, Phillips, Severt, Whidden, Schilling, Pierce and Marshall.

No: None.

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

Yes: Snee, Phillips, Severt, Whidden, Schilling, Pierce, Marshall and Rozell.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-54-2023

A RESOLUTION ESTABLISHING THE BASE RATE FOR THE STORMWATER MANAGEMENT UTILITY SERVICE CHARGE AS AUTHORIZED BY THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO

This Resolution was given first title reading.

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

Yes: Phillips, Severt, Whidden, Schilling, Marshall, Rozell and Snee.

No: Pierce.

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

Yes: Severt, Whidden, Schilling, Marshall, Rozell, Snee and Phillips.

No: Pierce.

RESOLUTION ADOPTED

RESOLUTION NO. R-55-2023

RESOLUTION AUTHORIZING THE PROVISION OF LEGAL SERVICES FOR THE CITY OF TROY, OHIO

This Resolution was given first title reading.

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

Yes: Whidden, Schilling, Pierce, Marshall, Rozell, Snee, Phillips and Severt.

No: None.

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

Yes: Schilling, Pierce, Marshall, Rozell, Snee, Phillips, Severt and Whidden.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-56-2023

RESOLUTION APPOINTING ASSESSMENT EQUALIZATION BOARD AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Pierce, Marshall, Rozell, Snee, Phillips, Severt, Whidden and Schilling.

No: None.

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

Yes: Marshall, Rozell, Snee, Phillips, Severt, Whidden, Schilling and Pierce.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-57-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AMENDED AGREEMENT WITH THE LOSTCREEK TOWNSHIP BOARD OF TRUSTEES

This Resolution was given first title reading.

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

Yes: Snee, Phillips, Severt, Whidden, Schilling, Pierce and Marshall.

No: Rozell

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

Yes: Snee, Phillips, Severt, Whidden, Schilling and Pierce

No: Marshall and Rozell.

RESOLUTION ADOPTED

RESOLUTION NO. R-58-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH THE MIAMI COUNTY GENERAL HEALTH DISTRICT FOR HEALTH SERVICES

This Resolution was given first title reading.

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

Yes: Phillips, Severt, Whidden, Schilling, Pierce, Marshall, Rozell and Snee.

No: None.

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

Yes: Severt, Whidden, Schilling, Marshall, Rozell, Snee and Phillips.

No: Pierce.

RESOLUTION ADOPTED

ORDINANCE NO. O-48-2023

AN ORDINANCE CHANGING THE ZONING OF 58.093 ACRES OF INLOT 11550, PARCEL NO. D08-107388, IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO A PLANNED DEVELOPMENT – RESIDENTIAL (PD-R) AND APPROVING THE GENERAL PLAN OF THE SOMERSET RESERVE SUBDIVISION PLANNED DEVELOPMENT – RESIDENTIAL

This Ordinance was given first title reading.

COMMENTS OF THE PRESIDENT OF COUNCIL: Council President Lutz provided a reminder that November 7 is an election day.

AUDIENCE COMMENTS:

-Pauline Emerick commented in support of the Right to Amend movement to prevent large corporations, such as the gun industry, and special interest groups from having the same rights as people.

-Deedee Wiseman, 2503 Renwick Way, spoke in favor of the Right to Amend movement.

-Deb Hogshead, 421 S. Plum Street, spoke in favor of the Right to Amend movement.

-Sara Kampfe, 100 Winchester, spoke regarding Ordinance No. O-48-2023, which will have a public hearing at the Nov. 20 meeting. She stated concerns including house and lot size, speeding, cost of homes, and asked about a recent traffic study.

-In regard to the traffic study mentioned by Mrs. Kampfe, Mr. Titterington stated he would check to see if the study was complete and results available.

There being no further business, Council adjourned at 8:45 p.m.

Clerk of Council

President of Council