MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, December 18, 2023 at 7:00 p.m. in Council Chambers, City Hall.

Members Attending: Marshall, Phillips, Pierce, Rozell, Schilling, Severt and Snee
Upon motion of Mr. Schilling, seconded by Mr. Severt, Mr. Twiss was excused from this meeting by unanimous roll call vote.
Upon motion of Mrs. Snee, seconded by Mr. Severt, Mr. Whidden was excused from this meeting by unanimous roll call vote.

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

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Council President Lutz, followed by the Pledge of Allegiance led by Boy Scout Henry Lutz of Troop 1033.

PRESENTATION TO CITY AUDITOR: Mr. Joe Braden from the State Auditor's Office presented City Auditor John Frigge with the Ohio Auditor of State's Award With Distinction.

MINUTES: The Clerk gave a summary of the minutes of the December 4, 2023, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Phillips, seconded by Mr. Rozell, these minutes were approved by unanimous roll call vote

COMMITTEE REPORTS:
BUILDINGS & UTILITIES COMMITTEE: Mrs. Marshall, Chair, reported:

1. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an amendment and extension to the Intergovernmental Agreement between the City of Dayton and the City of Troy for bulk pebble lime for the Water Treatment Plant. Under the agreement, the City purchases lime from the City of Dayton and Dayton cleans out the City's lime sludge lagoons. The 2024 agreement has a cost increase of 34%, with Committee noting that the cost of lime under this agreement is less than the City purchasing lime on the open market, with the cleaning of the lime sludge lagoon an additional savings. The renewed and extended agreement will be for a five-year period with up to three five-year mutually agreeable extensions. As the current agreement expires at year end, Committee supports emergency legislation so that the agreement amendment and extension is in place.
2. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an amendment to the professional services agreement with Hazen and Sawyer of Cincinnati, Ohio to include design services for the RAS/WAS Pump replacements and Sludge Holding Tank blower and Pump Replacement at the Wastewater Treatment, at an additional cost of $407,480, with a total not to exceed design cost of $1,657,140, and to authorize the Director of Public Service and Safety to execute any necessary agreements for funding of the design and construction of this project. Following completion of the design, pricing would be requested from Peterson for a construction contract change order. This will be done within the original Council authorization of $14,000,000 for the total construction improvements at the plant. So that the agreement amendment can be executed to be encumbered from 2023 budget savings, Committee supports emergency legislation.

Reports submitted by Twiss, Whidden and Marshall.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE : Mr. Schilling, Chairman, reported:

1. Committee supports the recommendation of the Loan Review Committee and recommends that legislation be prepared to approve the proposed guidelines revision to the Residential Exterior Housing Improvement Revolving Loan Fund to provide a low-interest option to applicants for the program.
2. Committee supports the recommendation of the Troy Planning Commission and the findings of staff and recommends that Ordinance No. O-52-2023, the rezoning of 1304 W. Main Street from R-4 to OR-1, be adopted.
3. Committee supports the recommendation of the Loan Review Committee and recommends that legislation be prepared to approve the proposed revised guidelines for both the Small Business Revolving Loan Fund and the Community Development Block Grant Economic Development Revolving Loan Fund to provide for low interest options.

Reports submitted by Pierce, Snee and Schilling.

4. Regarding Ordinance No. O-51-2023, the rezoning of part of the Swank Annexation located at 2980 W. Fenner Road, Committee submitted a Majority Report and Minority Report:

Majority Report: The Majority of the Committee recommends that Ordinance No. O-51-2023 be approved, supporting the recommendation of the Troy Planning Commission and the findings of staff, that total 52.955 acres of the Swank Annexation, Inlot 11560 (20.017 acres), Inlot 11561 (22.931 acres), and Inlot 11562 (10.007 acres), located at 2980 W. Fenner Road, from the County zoning of A-2, General Agriculture, to the City Zoning of R-4, Single-Family Residential District.
Majority Report submitted by Pierce and Snee.
Minority Report: It is the recommendation of Committee Chair Schilling that Council not adopt Ordinance No. O-51-2023 to rezone the property to R-4 under traditional zoning, and that rather this property be rezoned to the City Agriculture-Residential (A-R) zoning.
Minority Report submitted by Schilling.

Discussion. Mr. Schilling commented that when he submitted the Minority Report, he preferred that this land be given the same consideration as the Somerset Planned Development, with sidewalks and recreation trails included in the approved plan even though there are no other City subdivisions nearby, and he wanted to be assured the developer would build infrastructure as properties are brought into the City. Mr. Schilling noted that the Washington Reserve Subdivision was not required to provide curb, sidewalk or an additional lane for traffic on Washington Road. Mr. Titterington commented that requiring such items was not considered appropriate for the Washington Reserve Subdivision. Mr. Schilling stated that he does now support the majority recommendation on Ordinance No. O-51-2023.
-In response to Mrs. Snee, Mr. Titterington stated that the developer will be required to meet the City's Subdivision Regulations.

FINANCE COMMITTEE: Mr. Severt, Chairman, reported:

1. Committee recommends legislation be prepared to support the recommendation of the Loan Review Committee that Council approve a modification to the 2023 Community Development Block Grant Economic Development Revolving Loan Fund (CDBG ED RLF) loan to A. M. Scott Distillery, LLC. This will offset an agreement that the City not pay utility bills associated with a public restroom located at 9 W. Main Street.
2. Committee considered a recently completed compensation study for non-bargaining unit positions. To standardize pay ranges and scales, it was recommended that there be a 14-grade scale, including six steps within each range for hourly non-exempt positions. If approved, each position would then be placed in the pay grade closest to the current pay, without a negative impact to any position. This change will have a minimal budget impact. It was also recommended that effective January 1, the non-bargaining positions be increased by an additional 2% (in addition to the 3% adjustment on January 1) in an effort to maximize retention and minimize recruitment costs. This was accounted for in the 2024 budget. We were advised that the recommendations are supported by all appointing authorities. An additional 2% adjustment will also be reviewed with the City's bargaining unit representatives as the City will be offering to commence contract negotiations early in 2024 as bargaining unit agreements expire at the end of 2024. Committee recommends legislation be prepared authorizing adjusting the 2024 wages of non-bargaining unit employees retroactive to January 1, 2024 to implement the new 14-step pay range and the additional 2% adjustment.

Reports submitted by Phillips, Rozell and Severt.
Discussion. In response to Mr. Pierce, Mr. Titterington advised that approximately 100 non-bargaining unit positions will be impacted by the recommendation.

3. Mr. Phillips, member, reported that Committee members Phillips and Rozell recommend that legislation be prepared authorizing the Director of Public Service and Safety to enter into a professional services agreement with The Mannik & Smith Group, Inc. of Maumee, Ohio to provide services for the assessment and remediation for the abandoned gas station cleanup grant implementation for the property at 100 W. Market Street, at a total cost not to exceed $250,000. The cost will be totally covered by a Ohio Abandoned Gas Station (AGS) Grant. The consultant will be responsible for hiring a contractor to remove the USTs and remediate the site; as well as, completing the required BUSTR environmental reports. The project does not include the area of the building at the address. Chairman Severt recused himself from this meeting and recommendation to avoid the appearance of a conflict of interest.

Report submitted by Phillips and Rozell.

LAW & ORDINANCE COMMITTEE: Mrs. Snee, Chairman, reported that Committee legislation be prepared amending Chapter 171, Municipal Income Tax, of the Codified Ordinances to comply with municipal income tax provisions included in HB 33 (the State Budget Bill). As the provisions must be in place January 1, 2024, for the 2023 tax year, Committee supports emergency legislation.
Report submitted by Phillips, Severt and Snee.

RECREATION & PARKS COMMITTEE: Mr. Rozell, member, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a professional services agreement with Burgess & Niple, Inc. of Columbus, Ohio to perform design and construction services associated with the removal of the low head dam and other river improvements at a cost not to exceed $1,216,634. (Committee noted that the City was recently notified of approval of a $6,990,000 grant for the project construction, currently estimated at $7.4 Million.) Committee supports emergency legislation so that the design agreement can be encumbered from the 2023 appropriation.
Report submitted by Rozell, Schilling and Whidden.
Discussion. In response to Mr. Schilling, Mr. Titterington stated that the design will also include the design of the recreational trail, and that the design will include one of three or four possible access points to West Water Street.

Citizen comments on Agenda items: None.

RESOLUTION NO. R-64-2023
RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY AND THE PRESIDENT OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF TROY, OHIO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TROY CITY SCHOOLS REGARDING FUTURE EDUCATIONAL AND RECREATIONAL OPPORTUNITIES FOR RESIDENTS WITHIN THE TROY CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY

This Resolution was given first title reading on December 4, 2023.
Given second title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Pierce.
Yes: Rozell, Severt, Phillips and Schilling.
No: None.
Abstain: Marshall and Snee (to avoid the appearance of a conflict of interest as they are employed by the Troy City Schools) and Pierce (to avoid the appearance of a conflict of interest as his wife is employed by the Troy City Schools). RESOLUTION FAILED SUSPENSION

RESOLUTION NO. R-66-2023
RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO A SECOND AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH HAZEN AND SAWYER FOR THE EXPANSION OF THE WASTEWATER TREATMENT PLANT AND TO EXECUTE AGREEMENTS RELATED TO THE FUNDING OF THE PLANT EXPANSION DESIGN AND CONSTRUCTION PROJECT, 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. Pierce.
Yes: Phillips, Schilling, Marshall, Rozell, Snee, Pierce and Severt.
No: None.
Mr. Severt moved for adoption. Motion seconded by Mrs. Snee.
Yes: Schilling, Marshall, Rozell, Snee, Pierce, Severt and Phillips.
No: None. RESOLUTION ADOPTED

RESOLUTION NO. R-67-2023
RESOLUTION AMENDING RESOLUTION NO. R-39-2021, TO REVISE THE GUIDELINES FOR THE RESIDENTIAL EXTERIOR HOUSING IMPROVEMENT REVOLVING LOAN PROGRAM

This Resolution was given first title reading.

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

RESOLUTION NO. R-68-2023
RESOLUTION AMENDING RESOLUTION NO. R-19-2022 TO REVISE THE GUIDELINES FOR THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND AMENDING RESOLUTION NO. R-13-01 TO INCLUDE THE REVOLVING LOAN GUIDELINES FOR THE CDBG ECONOMIC DEVELOPMENT REVOLVING LOAN FUND

This Resolution was given first title reading.

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

RESOLUTION NO. R-69-2023
RESOLUTION AMENDING LOAN REPAYMENT CONDITIONS OF A. M. SCOTT DISTILLERY, LLC FOR THE LOAN FROM THE CDBG ECONOMIC DEVELOPMENT REVOLVING LOAN FUND

This Resolution was given first title reading.

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

RESOLUTION NO. R-70-2023
RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH BURGESS & NIPLE, INC. OF COLUMBUS, OHIO FOR THE DESIGN OF THE LOW HEAD DAM AND RIVER IMPROVEMENT PROJECT, 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. Phillips.
Yes: Schilling, Marshall, Rozell, Snee, Pierce, Severt and Phillips.
No: None.
Mr. Phillips moved for adoption. Motion seconded by Mr. Pierce.
Yes: Marshall, Rozell, Snee, Pierce, Severt, Phillips and Schilling.
No: None. RESOLUTION ADOPTED

RESOLUTION NO. R-71-2023
RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE MANNIK & SMITH GROUP, INC. OF MAUMEE, OHIO FOR ENVIRONMENTAL SERVICES FOR THE INVESTIGATION AND CLEANUP OF THE ABANDONED GAS STATION PROPERTY AT 100 WEST MARKET STREET, TROY, OHIO

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.
Yes: Rozell, Snee, Pierce, Phillips, Schiling and Marshall.
No: None.
Abstain: Severt (to avoid the appearance of a conflict of interest as he is associated with the property owner).
RESOLUTION FAILED SUSPENSION

ORDINANCE NO. O-51-2023
AN ORDINANCE CHANGING THE ZONING OF INLOT NUMBERS 11560, 11561, AND 11562 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF R-4, SINGLE FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading on November 20, 2023.
Given Public Hearing and second title reading on December 4, 2023.
Given third title reading.

Mr. Phillips moved for adoption. Motion seconded by Mr. Pierce.
Yes: Snee, Pierce, Severt, Phillips, Schilling, Marshall and Rozell.
No: None. ORDINANCE ADOPTED

ORDINANCE NO. O-52-2023

AN ORDINANCE CHANGING THE ZONING OF PARCEL NO. D08-096100, IN THE CITY OF TROY, OHIO FROM R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO OR-1, OFFICE-RESIDENCE DISTRICT

This Ordinance was given first title reading on November 20, 2023.
Given Public Hearing and second title reading on December 4, 2023.
Given third title reading.

Mrs. Snee moved for adoption. Motion seconded by Mr. Pierce.
Yes: Pierce, Phillips, Schilling, Marshall, Rozell and Snee.
No: None.
Abstain: Severt (to avoid the appearance of a conflict of interest as he represents one of the property owners).
ORDINANCE ADOPTED

ORDINANCE NO. O-56-2023

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO A FIRST AMENDMENT AND EXTENSION TO THE INTERGOVERNMENTAL AGREEMENT REGARDING THE PURCHASE OF LIME FROM THE CITY OF DAYTON, 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: Severt, Phillips, Schilling, Marshall, Rozell, Snee and Pierce.
No: None.
Mr. Severt moved for adoption. Motion seconded by Mr. Pierce.
Yes: Phillips, Schilling, Marshall, Rozell, Snee, Pierce and Severt.
No: None. ORDINANCE ADOPTED

ORDINANCE NO. O-57-2023

AN ORDINANCE AMENDING CHAPTER 171 OF THE CITY OF TROY, OHIO CODIFIED ORDINANCES REGARDING MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY

This Ordinance was given first title reading

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

ORDINANCE NO. O-58-2023

ORDINANCE FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

PRESENTATION BY SHANE CARTER, EXECUTIVE DIRECTOR OF LINCOLN COMMUNITY CENTER: Mr. Carter summarized activities at Lincoln Community Center and the programs and services provided for people of all ages. He noted the partnership with Miami County Educational Center, working with students who have been expelled from regular schools and working with those students to get them back into the school system; programs for approximately 400 senior citizens; the partnership with Dayton Children's Hospital for students that need additional support; working to close the academic gap for students in need of tutors for year round help; that with special needs that need additional support; serving approximately 450 meals at the annual Thanksgiving dinner; that volunteers are needed for many of the programs offered; and he encouraged elected officials to visit the Center at any time and to attend the upcoming Black History events. Mr. Carter noted that the Center has become more of a regional hub with persons from outside Troy and Miami County now becoming members.

EXECUTIVE SESSION:
A motion was made by Mr. Phillips, seconded by Mrs. Snee, that Council recess into executive session to confer with legal counsel concerning disputes that are the subject of pending or imminent court action.
MOTION APPROVED BY UNANIMOUS ROLL CALL VOTE
At 7:59 p.m. Council recessed into Executive Session.
A motion was made by Mr. Phillips seconded by Mr. Schilling, that Council return to regular session.
MOTION APPROVED BY UNANIMOUS ROLL CALL VOTE
At 8:24 p.m. Council returned to regular session.

RECOGNITION OF COUNCIL PRESIDENT LUTZ: Mayor Oda presented Mr. Lutz with a plaque, thanking him for his years of service on Troy City Council. (President of Council, January 1, 2020 - December 31, 2023; Councilmember-at-Large, January 1, 2018 - December 31, 2019)
-Elected Officials and Members of Council expressed their appreciation to Mr. Lutz for his service on Council and leadership as President of Council, and wished him well in the future.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted:
-City offices will be closed December 25 and 26 for the Christmas Holiday and January 1 for the New Year's Day Holiday, with refuse collections delayed one day the weeks of December 24 and December 30.
-The final leaf collection has started.
-The City will be collecting live Christmas Trees through January.

COMMENTS OF THE DIRECTOR OF LAW: Mr. Kerber thanked Mr. Lutz for his service on Council.

COMMENTS OF MEMBERS OF COUNCIL:
- Members of Council expressed their appreciation to Mr. Lutz for his service on Council and leadership as President of Council, and wished him well in the future.
-Members of Council wished Mark Wendling, Assistant Director of Public Service and Safety, well in his new position. Mr. Wendling is resigning his position with the City at the end of December.

There being no further business, Council adjourned at 8:30 p.m.

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Clerk of Council President of Council