

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Tuesday, January 16, 2024 at 7:00 p.m. in Council Chambers, City Hall.

[Note for the Record: January 5, 2024, the Oath of Office was administered to Council Member Samuel Pierce by Director of Law Grant Kerber.]

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

Upon motion of Mr. Whidden, seconded by Mr. Phillips, Mrs. Westfall was excused from this meeting by unanimous roll call vote.

Presiding Officer:	William G. Rozell	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

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

MINUTES: The Clerk gave a summary of the minutes of the January 2, 2024, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Phillips, seconded by Mr. Schilling, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Buildings & Utilities Committee: Mr. Pierce, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for proposals from qualified entities and enter into a professional services agreement for a Construction Management at Risk (CMAR) Pre-construction and Construction Services Agreement for the Valve Replacement Project at a cost not to exceed \$250,000. Report submitted by Phillips, Snee and Pierce.

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

1. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to release all mortgage liens associated with the loan from the Exterior Home Repair Program for the property at 115 E. Water St. as the loan has been paid in full. Committee supports emergency legislation so that the mortgage liens can be released without delay.
2. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to implement three months deferral of loan payments of principal and interest, with no compounded penalties, to commence on February 1, 2024 and end on April 30, 2024, to the 18 active business Loan Agreements located within the Historic District, based on the borrower's approval. This is based on some of the loan holder may have been impacted by recent road closures. So that the deferred loan payments can be implemented by February 1, emergency legislation is supported.
Report submitted by Schilling and Severt. (Committee member Westfall abstained due to a conflict of her family being a loan holder within the Historic District.)

Report submitted by Schilling, Westfall and Severt.

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

1. Committee reported that staff recommended Ordinance Section 521.07 Fences be amended to comply with the 2024 Edition of the International Property Maintenance Code (IPMC) to include an exemption that private swimming pools with certain power safety covers do not have to be enclosed by a fence. Committee did not support including this exemption in the City's Ordinance.
2. Committee recommended that legislation be prepared adopting the 2024 Edition of the International Property Maintenance Code including the changes recommended by staff, amending Section 1307.99 of the Codified Ordinances, Penalty, and enacting new Section 521.98, Appeals.

Reports submitted by Marshall, Twiss and Whidden.

Recreation & Parks Committee: Mr. Whidden reported that Committee recommends legislation be prepared authorizing the Recreation Board to advertise for bids and enter into contracts for the Duke Park Softball Field and Duke Park Football Field Concession operations.
Report submitted by Marshall, Whidden and Westfall.

Personnel Committee:

1. A motion was made by Mrs. Snee, seconded by Mr. Phillips, that Council consents to the request of Mayor Oda for the following reappointments to the Community Improvement Corporation (CIC) for new one-year terms commencing 1-1-2024 and ending 12-31-2024: Bradley Bixler, Joseph Graves, Gary Fischer, Edward Westmeyer, and Kathy Vukovic. Motion passed by unanimous roll call vote.
Discussion.
-In response to Mr. Rozell, Mayor Oda stated that there had not been any citizen applications expressing interest in serving on the CIC.
-Mr. Schilling asked if those being reappointed are asked to resubmit an application to again serve on the CIC. Mayor Oda commented that if an appointee already serving indicates a willingness to be reappointed, she requests that person be reappointed, and no application is requested.
2. A motion was made by Mrs. Snee, seconded by Mr. Phillips, that Council consents to the request of Mayor Oda for the following reappointments to the Human Relations Commission for new three-year terms commencing 1-1-2024 and ending 12-21-2026: Marvin Major and Todd Severt. Motion passed by unanimous roll call vote.

CITIZEN COMMENT ON AGENDA ITEMS: None.

RESOLUTION NO. R-2-2024

RESOLUTION AUTHORIZING THE RECREATION BOARD OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE OPERATION OF CONCESSIONS AT THE PAUL G. DUKE PARK SOFTBALL FIELDS AND THE PAUL G. DUKE LITTLE LEAGUE FOOTBALL FIELD

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-3-2024

RESOLUTION DEFERRING LOAN PAYMENTS RELATED TO CITY OF TROY, OHIO COMMUNITY DEVELOPMENT BLOCK GRANT AND SMALL BUSINESS DEVELOPMENT LOANS MADE TO PROPERTIES IN THE DOWNTOWN HISTORIC DISTRICT, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-4-2024

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR PROPOSALS AND ENTER INTO A CONSTRUCTION MANAGEMENT AT RISK PRE-CONSTRUCTION AND CONSTRUCTION SERVICES AGREEMENT FOR THE DESIGN OF THE WATER TREATMENT PLANT VALVE REPLACEMENT PROJECT

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-2-2024

ORDINANCE RELEASING MORTGAGE LIEN FOR KENDRA (BAKER) FOX 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. Twiss.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-3-2024

ORDINANCE REPEALING CHAPTER 1307 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO AND ENACTING NEW CHAPTER 1307 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO REGARDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND ENACTING NEW SECTION 521.98 OF THE CODIFIED ORDINANCES OF 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 Mrs. Snee.

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

No: None.

Discussion.

In response to Mr. Schilling, Mr. Titterington confirmed that based on the Council Committee discussion, there is no change in the code regarding the City continuing to require that private swimming pools be fenced.

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

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

No: None.

ORDINANCE ADOPTED

PRESENTATION: MaryLynn Lodor, General Manager, Miami Conservancy District (MCD), provided a presentation regarding Readjustment of the Appraisal of Benefits. Ms. Lodor commented that the MCD is to make sure that communities are safe from flooding; the three missions of the MCD are protection, preservation and promotion; 100 years ago, after the 1913 flood, the MCD constructed an unparalleled flood protection system by raising \$2 Million; today, the MCD system protects \$474 Million in property values; 99 miles of recreation trails have been constructed on the levees along the Great Miami River that also serve to bring people into the communities; the first mile of those trails started in Troy 50 years ago; funding for each of the MCD missions is kept separate; there has been no revenue increase since 2012 for repairs and habitation of the flood protection system to help in reducing the risk of failure of the system; and there are more needs than resources to further address risk reduction. Ms. Lodor provide a scenario of what would happen in the event of a major rain event with a dam failure. She commented that the MCD has been in the process of identifying areas of risk and there are \$140 million in estimated needs; the MCD has received some PDAC funding; the MCD is seeking other grants and funding for improvements; they are three years behind in getting a readjustment to the benefits; the property lines and boundaries flooded in 1913 are protected by the MCD and pay annual individual assessments; five counties and 21 communities pay unit assessments; readjustments may only be performed every six years; to ensure that there is a fair share allocation of the costs, the 2023 County Auditor property values will be used to calculate new flood protection benefits; new assessment amounts will be collected in 2025; three examples of impact of the readjusted figures were given showing increases of \$3 - \$33 a month for residents/businesses in additional assessments based on protection determination; all parties in the flood protection area will be notified of the increases; the formula for the City of Troy shows an increase from \$100,195 to \$165,900 for the annual maintenance assessment an assessment for capital costs from 0 to about \$60,000; and there would then not be an increase for at least eight years.

Discussion.

-In response to Mrs. Snee, Ms. Lodor noted that the entire assessment for capital needs is \$34.5 Million and \$11.5 Million for maintenance.

-In response to a question of Steven Hendriksen, Ms. Lodor confirmed that cities, and not just residents, will also have a readjustment of the benefit costs and those properties not impacted by the 1913 flood to not pay a MCD assessment.

-Ms. Lodor noted that a public open house to discuss the readjustment of the appraisal of benefits will be held at the Bravo Room, Hobart Arena, on March 14.

COUNCIL COMMENTS: Mr. Pierce thanked those who planned the January 15 Dr. Martin Luther King, Jr. commemoration events.

COUNCIL PRESIDENT COMMENTS: In regard to a further question regarding Mayoral appointments to boards and commissions, Mayor Oda indicated that if there is a vacancy and an incumbent is not wishing to be reappointed, others who expressed interest in an appointment may be considered; however, submitting a form indicating interest in a board or commission does not mean a person will be appointed.

AUDIENCE COMMENTS: Ben Sutherly, President of the Troy Historic Preservation Alliance (THPA) provided an update regarding the building at 12-18 W. Main Street. Mr. Sutherly commented that THPA purchased the building; THPA is under a deadline to have the building stabilized by 4-30-2024 to have W. Main Street opened; that work will be funded by donations and no expenditure of tax dollars; THPA requests that the building now be referred to as IOOF – Old Miami Courthouse Building or just IOOF Building; there will be stamped drawings by a structural engineer submitted by 1-31-2024; THPA is confident that funds will be raised for all the work on the structure; there is interest in the end use of the building; THPA understand the City has deadlines; THPA would like to see the City more supportive in the W. Main Street updates issued; THPA has obtained 501.3 (c) non-profit status; and the organization will be providing future updates.

Discussion.

-Mr. Phillips asked why none of this occurred in the last 2.5 years. Mr. Sutherly indicated the organization did not have an option to purchase the building then, other offers to purchase the building at full price were not taken, and THPA would like to focus on going forward.

-In response to Mr. Severt, Mr. Sutherly stated that pledges for funding are welcome.

There being no further business, Council adjourned at 8:21 p.m.

Clerk of Council

President of Council