

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, June 3, 2024, at 7:00 p.m. in Council Chambers, City Hall.

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

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
 John E. Frigge Auditor

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 May 20, 2024, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Twiss, seconded by Mr. Severt, the minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mr. Schilling, Chairman, reported as follows:

1. Committee recommends that legislation be prepared authorizing the Director of Public Service and Safety to submit applications to the Ohio Department of Development (ODOD) for \$150,000 of PY 2024 CDBG Community Allocation Program funds for the projects outlined in the detailed report and for \$750,000 of PY 2024 CDBG Neighborhood Revitalization Program (NRP) funding for the Crawford Street Pedestrian Pathway Project and the Herrlinger Park Improvement Project. As the ODOD has established a June 12, 2024, deadline for both applications, this Committee supports emergency legislation. Committee further noted that as the Crawford Street Pedestrian Pathway Project is estimated to cost in excess of \$1.7 Million, the City will be seeking additional grants and as identified other funding including CDBG ED RLF funding as well as Stormwater, Water and General Funds. Committee noted that funds have been identified to come from the General Fund/Park Department to assist with the estimated cost of the Herrlinger Park Improvement Project.
Discussion: A discussion ensued regarding elements of the project, including if the shared path needs to be 10' wide; if a shared path is a safer mechanism for non-vehicles to use to travel to Herrlinger Park; if more funding could be spent on needed improvements to Herrlinger Park and less on the roadway; the need for emergency legislation; liability for a shared path; and that Council members would like to have input during the design process. It was stated that the NPR funding must meet three objectives (street improvements, sidewalk improvements, and park and recreation facilities) and there is some flexibility to move between those objectives; that the legislative question before Council at this meeting is the authorization for applying for the grant funding; the project has not been designed and would not be unless the grants are approved; if the grants are approved, the project would need Council's authorization to be bid; a 10' wide path is not being committed to as part of the application and a final path could be less wide, but the size needs to safely accommodate walkers as well as items such as strollers and scooters; some infrastructure improvement on Crawford Street that would be part of the project would be necessary before some of the desired future improvements at Herrlinger Park could be made (i.e., permanent restroom in the future); staff held six public meetings, two of which were required public hearings in order to discuss the project with those in the project area; timing is due to the application deadline (June 12), only receiving the NPR guidelines in mid-May, meeting the public hearing requirements, and the date of the Council meeting prior to the application deadline; connecting Herrlinger Park to the river and to the downtown and to the recreational path system was identified as part of the MKSK Study; the shared path will not encroach into the yards further than existing sidewalks and the path would be maintained by the City; the City does have recreational immunity in regard to use of facilities such as shared paths; the City will be seeking other grant funding to perform other parts of the project including further improvements to Herrlinger Park;
2. Committee recommends that legislation be prepared authorizing the Director of Public Service and Safety to execute the attached Ohio Department of Development (ODOD) Anti-Displacement and Relocation Assistance Plan. ODOD now requires this plan to be reviewed and approved every two years. As this is part of the City's CDBG application that has to be submitted by June 12, Committee supports emergency legislation.
3. Committee recommends that legislation be prepared accepting the recommendation of the Troy Planning Commission that Council accepts the Final Plat of Fox Harbor Subdivision Section 10 and the dedication of Right-of-Way.

4. Regarding the ELC, LLC and Pour Annexation from Concord Township (107.559 acres located on the west side of Wilson Road) filed a Type II Expedited Annexation, Committee recommends that the three legislative items required by state law (regarding Statement of Services, Buffering Requirements, and Consent) be prepared. To meet the timeline of the state law for an expedited annexation, the Committee supports emergency legislation.

Reports submitted by Pierce, Snee and Schilling.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared approving the preliminary consent legislation for the ODOT safety improvements to the I-75 and SR 41 Interchange and constructing pedestrian facilities on SR 41. Based on the ODOT format and to meet the date to return legislation to ODOT, this Committee supports emergency legislation.

Report submitted by Schilling, Westfall and Phillips.

CITIZEN COMMENTS ON AGENDA ITEMS:

Regarding the CDBG application for funds related to the Crawford Street and Herrlinger Park Projects:

-Kelly Moran, 24 Union Street, stated she hoped this would be a project to place curbs but found it was about a pathway; thought the invitation to meetings would be to a broader area; asked if there is a pedestrian bridge; asked about a buffer between pedestrians and motorized bikes, and commented about the cost; asked for more notice about meetings; and indicated her opinion that this area was not looked at for improvement until the City wanted to have development along the river. She was advised that there is not a pedestrian bridge and that the funding being sought will only fund a portion of the total work to be done.

-Megan Gerard, 501 E. Franklin Street, stated that she feels the shared path is a path to nowhere and does not benefit the neighborhood; she is concerned about liability of property owners with the path; she is offended that the project is stated to be for the neighborhood and the neighbors have no input. It was stated that the shared path will be on property of the City and the City has certain immunities.

-Darlene Brewer, 240 S. Crawford Street, asked if some property owners who are now being assessed for recent sidewalks will have to pay a second assessment; she is excited about the new curbing and path; and would like to see drainage work and new sidewalks on Race. It was stated that there will not be an extra assessment for replacement sidewalks.

-Bonita Pearson, 317 Race Drive, commented that she attended meetings where it sounded like the Herrlinger Park work is just to have the Crawford Street work; she would like to see more focus on the park improvements. Mr. Titterington commented that there will be a long-range plan for additional improvements at Herrlinger Park.

RESOLUTION NO. R-25-2024

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 107.559 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-26-2024

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 107.559 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-27-2024

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 107.559 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-28-2024

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO FILE AN APPLICATION FOR THE USE OF PY 2024 COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION FUNDS AND FOR PY 2024 COMMUNITY DEVELOPMENT BLOCK GRANT NEIGHBORHOOD REVITALIZATION PROGRAM FUNDS FOR THE CRAWFORD STREET PEDESTRIAN PATHWAY PROJECT AND THE HERRLINGER PARK IMPROVEMENT 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: Pierce, Marshall, Phillips, Twiss, Snee, Whidden and Severt.

No: Schilling and Westfall.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-29-2024

A RESOLUTION AUTHORIZING PRELIMINARY PARTICIPATORY CONSENT AND COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR SAFETY IMPROVEMENTS AT THE INTERSTATE 75 AND STATE ROUTE 41 INTERCHANGE AND THE CONSTRUCTION OF PEDESTRIAN FACILITIES ON STATE ROUTE 41 WITHIN THE CORPORATION LIMIT OF 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. Pierce.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-22-2024

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EXECUTE THE OHIO DEPARTMENT OF DEVELOPMENT RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN RELATED TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-23-2024

ORDINANCE ACCEPTING THE FINAL PLAT OF THE FOX HARBOR SUBDIVISION SECTION 10 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. Twiss.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF MAYOR ODA: The Mayor commented that nearly all the legislation on Council's agenda was enacted as emergency measures and that the reasons for legislation being considered as emergency measures are usually out of Council's control. She noted that three Resolution involved an annexation and there are specific statutory requirements when the City must provide the County with information when an annexation is filed; there is a deadline for CDBG applications for funding with hearings required prior to Council consideration; and legislation in cooperation with ODOT follows time lines provided by ODOT.

The Mayor also noted that a concert on the roof of the Mayflower Building will be held June 8, which is being provided by The Troy Foundation as part of its 100th Anniversary celebration.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented:

-Five fire apprentices were recently appointed; that while the intent of the program was to appoint two per year and have a total of six such positions filled, the appointment of apprentices as firefighters created vacancies so that five could be appointed at the same time.

-The Miami Conservancy District (MCD) has determined to postpone reassessments while a study is taking place regarding MCD Funding, with there being a modest increase in the interim to meet revenue requirements.

COMMENTS OF THE COUNCIL PRESIDENT: Mr. Rozell stated his appreciation for those who organized the Memorial Day ceremonies and for the quick cleanup following the Strawberry Festival.

COMMENTS OF COUNCIL MEMBERS:

-Mr. Severt complimented the Troy Strawberry Festival Chair on a successful festival.

-Regarding the decision related to requesting CDBG funding that will provide funds to start to make some improvements to Herrlinger Park, Mr. Severt mentioned that former Council President Carol Hastings would remind Council that Council's decisions must often look for the benefit years in the future and not just for the current time.

-Mr. Severt announced that the At-Large Members of Council will host an open meeting on July 13, 9:00 a.m., Troy Senior Citizens Center.

-Mrs. Marshall commented that Council's decision regarding the CDBG funding application was a hard decision for some members and she hopes that the comments of Council will be taken into consideration for the design process (of paths to Herrlinger Park and improvements to Crawford Street) and that Council has some input into what the design will look like.

-Mr. Twiss congratulated the Troy Christian School baseball team on playing in the state regional finals.

There being no further business, Council adjourned at 8:36 p.m.

Clerk of Council

President of Council

