



**TROY CITY COUNCIL  
COMMITTEE MEETING  
COUNCIL CHAMBERS, CITY HALL  
100 S. Market Street, Troy, Ohio**

***Revised 1-8-2024 to amend the request under the Buildings & Utilities Committee***

**MONDAY, JANUARY 8, 2024, 6:00 PM**

**Buildings & Utilities Committee**

**(Pierce [Chm.], Phillips, Snee)**

1. Provide a recommendation to Council regarding authorizing the Director of Public Service and Safety to advertise for proposals and enter into a professional services agreement for Construction Management at Risk (CMAR) Pre-construction and Construction Services Agreement for the Valve Replacement Project at the Water Treatment Plant (WTP) at a cost not to exceed \$250,000.

**Finance Committee**

**(Severt [Chm.], Schilling, Westfall)**

1. Provide a recommendation to Council regarding 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 eighteen active business Loan Agreements located within the Historic District, based on the borrower's request. So that the deferred loan payments can be implemented by February 1, consideration of emergency legislation is requested.
2. Provide a recommendation to Council regarding authorizing the Director of Public Service and Safety to release all mortgage liens associated with the 2000 loan from the Exterior Home Repair Program for the property at 115 East Water Street as the loan has been paid off. Consideration of emergency legislation is requested so that the mortgage lien can be released without delay

**Law & Ordinance Committee**

**(Whidden [Chm.], Marshall, Twiss)**

1. Provide a recommendation to Council regarding consideration of adopting an amendment to Codified Ordinance Section 521.07 Fences to comply with the International Property Maintenance Code regarding fences for swimming pools, spas and hot tubs.
2. Provide a recommendation to Council regarding adopting the 2024 edition of the International Property Maintenance Code with some enacting new Section 521.98 Appeals, and amending Section 1307.99 Penalty.

**Recreation & Parks Committee**

**(Westfall [Chm.], Marshall, Whidden)**

1. Provide a recommendation to Council regarding the recommendation of the Troy Recreation Board that the Board be authorized to advertise for bids and enter into agreements for the Duke Park Softball Field and Duke Park Football Field concession operation.

Other Committees/Items may be added.

~~1-5-2024~~ 1-8-2024

Cc: Council  
Mayor  
Mr. Titterington, Mr. Kerber  
Mr. Frigge, Departments, Media

## **BUILDINGS & UTILITIES COMMITTEE**



Patrick E. J. Titterington  
Director of Public Service & Safety  
937-335-1725  
Patrick.Titterington@troyohio.gov

#### MEMORANDUM

TO: Mr. Rozell, President of Council

FROM: Patrick E. J. Titterington, Director of Public Service and Safety 

DATE: January 8, 2024

SUBJECT: **AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ADVERTISE FOR PROPOSALS FOR CMAR PRE-CONSTRUCTION & CONSTRUCTION SERVICES FOR THE WATER TREATMENT PLANT VALVE REPLACEMENT PROJECT**

#### RECOMMENDATION:

That Council authorizes 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 the Water Treatment Plant (WTP) at a cost not to exceed \$250,000.

#### BACKGROUND:

The Valve Replacement Project was precipitated by a 2022 filter media cleaning incident in which chemicals escaped through leaking valves on the filters. Valves were operated to bypass the clearwell but the extensions broke. These 48" valves are approximately 35 feet deep and have ground water infiltration that must be handled safely. Due to the depth of excavation, the size of the valves and the ground water in the area, staff believe this project would benefit utilizing the Ohio Revised Code Construction Management at Risk (CMAR) process to reduce time and costs associated with the project. The project scope includes the preparation of the plans, design specifications, the RFP for CMAR contractor selection process, providing a guaranteed maximum price (GMP) for CMAR, and construction inspection.

The first step is to authorize the Director of Public Service and Safety to advertise for proposals/enter into a professional services agreement for pre-construction and construction services. Following that process, an agreement authorization with the selected company will be requested with that company providing the guaranteed maximum price (GMP) granted by the CMAR process. Once the preconstruction is completed a request will be made to Council to move forward with the cost of the parts and installation equipment and at that time a GMP will be provided.

#### REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council 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 the Water Treatment Plant (WTP) at a cost not to exceed \$250,000.



## FINANCE COMMITTEE



Patrick E. J. Titterington  
Director of Public Service & Safety  
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## MEMORANDUM

To: Mr. Rozell, President of Council

From: Patrick E. J. Titterington, Director of Public Service and Safety 

Date: January 2, 2024

Subject: **DEFERMENT OF SMALL BUSINESS DEVELOPMENT LOAN AND COMMUNITY DEVELOPMENT BLOCK GRANT LOAN PAYMENTS**

### RECOMMENDATION:

That the Director of Public Service and Safety is authorized to allow for three months deferral on loan payments of principal and interest with no compounded penalties, from February through April 2024, to the 18 Small Business Development (SBD) and Community Development Block Grant (CDBG) loans issued in the downtown Historic District, based on the borrower's request.

### BACKGROUND:

In the spring of 2023, the City of Troy made major improvements to Main Street (State Route 41), from the Public Square to Ridge Avenue. As a result of this project, lane closures and area of roads were closed while improvements were being constructed. Since June 24, 2023, West Main Street between Plum and Cherry Streets has been closed due to the grave concerns of collapse of the Tavern Building. The closure was the result of the Miami County Chief Building Official's (CBO) Adjudication Order and Affidavit of Compliance, as well as the CBO's and Troy Fire Chief's certification that the Tavern Building is unsafe and dangerous. Recently, the City signed a settlement agreement which targets the street to be open no later than April 30, 2024.

Businesses located within the downtown historic district may have been negatively affected by these disruptions. The City of Troy has eighteen active loans to businesses located within the City of Troy Historic District. A listing of those loans is attached, all of which are current.

In order to minimize the effect on these businesses, staff requests three months deferral of loan payments, including principal and interest, with no compounded penalties, commencing on February 1, 2024 through April 30, 2024. Three months deferral of loan payments should help ease the burden placed on local businesses as a result of the West Main Street Improvement Project and street closures.

### REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council 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 eighteen active business Loan Agreements located within the Historic District, based on the borrower's request. So that the deferred loan payments can be implemented by February 1, consideration of emergency legislation is requested.

encl.



### COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REVOLVING LOANS

| Applicant Name                      | Business                    | Fund | Original Loan Amount | 10/31/23 - Loan Balance | Monthly Payment | 3 Months Deferment |
|-------------------------------------|-----------------------------|------|----------------------|-------------------------|-----------------|--------------------|
| A. M. SCOTT DISTILLERY, INC         | A. M. SCOTT DISTILLERY, INC | 230  | \$300,000.00         | \$300,000.00            | \$4,834.72      | \$14,504.16        |
| BOYLE ACQUISITIONS, LLC             | MOJOS BAR AND GRILLE        | 230  | \$35,910.00          | \$18,328.19             | \$200.00        | \$600.00           |
| CHACRES #1 (BLDG/P&C ASSIGN)        | HARENS MARKET               | 230  | \$151,700.00         | \$92,339.94             | \$643.00        | \$1,929.00         |
| CHACRES #2 (ROOF/P&C ASSIGN)        | HARENS MARKET               | 230  | \$37,675.00          | \$7,178.46              | \$364.00        | \$1,092.00         |
| HARRIS - ACQ / \$328 PRIN ONLY      | 1-EARTH GRAPHICS            | 230  | \$71,000.00          | \$2,438.21              | \$360.70        | \$1,082.10         |
| HARRIS - RENO / \$233               | 1-EARTH GRAPHICS            | 230  | \$53,000.00          | \$26,828.63             | \$256.30        | \$768.90           |
| SPEAKEASY RAMEN LLC                 | MISO                        | 230  | \$300,000.00         | \$260,344.03            | \$4,104.77      | \$12,314.31        |
| STEMELCAR, LLC (MEDALLION ASSIGNED) | THE CAROLINE                | 230  | \$380,000.00         | \$268,027.98            | \$1,095.00      | \$3,285.00         |
| TABERNACLE BREWING CO, LLC          | MOELLER BREW BARN           | 230  | \$253,807.00         | \$137,253.09            | \$3,528.00      | \$10,584.00        |
| TROY COMMUNITY WORKS!               | TROY COMMUNITY WORKS!       | 230  | \$175,200.00         | \$148,648.15            | \$648.00        | \$1,944.00         |
| WESTFALL #1 (HARBOR TRUST)          | FOUR SONS DEVELOPMENT #1    | 230  | \$206,000.00         | \$109,774.42            | \$875.00        | \$2,625.00         |
| Totals                              |                             |      | \$1,964,292.00       | \$1,371,161.10          | \$16,909.49     | \$50,728.47        |

### SMALL BUSINESS DEVELOPMENT REVOLVING LOANS - COMMERCIAL

| Applicant Name                   | Business                            | Fund | Original Loan Amount | 10/31/23 - Loan Balance | Monthly Payment | 3 Months Deferment |
|----------------------------------|-------------------------------------|------|----------------------|-------------------------|-----------------|--------------------|
| 107 W MAIN LLC                   | 107 W. MAIN STREET, LLC             | 245  | \$100,000.00         | \$95,104.81             | \$529.90        | \$1,589.70         |
| ALLEN FINANCIAL GROUP            | ALLEN FINANCIAL GROUP               | 245  | \$141,000.00         | \$116,399.98            | \$1,390.81      | \$4,172.43         |
| CHACRES #1 (HARENS) \$100K       | HARENS MARKET                       | 245  | \$100,000.00         | \$93,062.41             | \$515.00        | \$1,545.00         |
| CHACRES #2 (HARENS) \$125K       | HARENS MARKET                       | 245  | \$125,000.00         | \$84,907.70             | \$800.00        | \$2,400.00         |
| CRAFTED & CURED                  | CRAFTED & CURED                     | 245  | \$150,000.00         | \$137,616.03            | \$1,569.43      | \$4,708.29         |
| FOUR SONS DEVELOPMENT (LOCK BOX) | FOUR SONS DEVELOPMENT #4            | 245  | \$250,000.00         | \$216,654.20            | \$1,646.00      | \$4,938.00         |
| INTEGRITY SERVICES AES #2        | REU JUICERY                         | 245  | \$47,562.00          | \$2,745.20              | \$887.00        | \$2,661.00         |
| KEYSTONE REAL ESTATE GROUP       | KEYSTONE REAL ESTATE GROUP, LLC     | 245  | \$125,000.00         | \$52,148.75             | \$2,534.00      | \$0.00             |
| SK MOLD                          | SK MOLD & TOOL                      | 245  | \$94,400.00          | \$20,089.90             | \$1,248.00      | \$0.00             |
| SLIMLINE SURGICAL DEVICES #1     | CANYON RUN ENGINEERING TECHNOLOGIES | 245  | \$77,099.40          | \$39,236.04             | \$745.00        | \$0.00             |
| SMITH'S BOATHOUSE                | SMITHS' BOATHOUSE RESTAURANT        | 245  | \$188,017.25         | \$147,395.82            | \$1,816.00      | \$0.00             |
| TOTALS                           |                                     |      | \$1,398,078.65       | \$1,005,360.84          | \$13,681.14     | \$22,014.42        |

**Notes:**

Gray shaded loans are located with the Historical District



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*Fin*

## MEMORANDUM

To: Mr. Rozell, President of Council

From: Patrick E. J. Titterington, Director of Public Service and Safety *PJT*

Date: January 2, 2024

Subject: **RELEASE OF MORTGAGE LEIN – KENDRA (BAKER) FOX – 115 EAST WATER STREET**

### RECOMMENDATION:

That the Director of Public Service and Safety is authorized to release all mortgage liens associated with the loan from the Exterior Home Repair Program for the property at 115 East Water Street.

### BACKGROUND:

In 2000, the City of Troy established an Exterior Home Repair Program in the City's Historic District. This one-time program allowed for deferred loan payments until the time of the sale of real estate. A loan was made to Kendra (Baker) Fox in the amount of \$15,000 to repair her property at 115 East Water Street. Mrs. Fox recently sold the real estate and paid her loan in full. The mortgage liens associated with the loan need to be released.

Recent loans that have been made from City loan funds have included a provision in the legislation that when the loan is paid in full the release of the mortgage is authorized without further legislative action. Older loans, such as this one, did not include that provision and require authorization from City Council to release mortgage liens.

### REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council 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 East Water Street. Consideration of emergency legislation is requested so that the mortgage lien can be released without delay.



**LAW & ORDINANCE  
COMMITTEE**



**MEMORANDUM**

TO: Mr. Rozell, President of Council  
FROM: Patrick E. J. Titterington, Director of Public Service and Safety   
DATE: January 2, 2024  
SUBJECT: **AMENDMENTS TO CODIFIED ORDINANCE SECTION 521.07 FENCES**

**RECOMMENDATION:**

That Troy City Council adopts the recommended amendments to Codified Ordinance Section 521.07 Fences.

**BACKGROUND:**

The 2024 edition of the International Property Maintenance Code (IPMC) has added an exemption for enclosures surrounding private swimming pools that contradict Troy Codified Ordinance Section 521.07 Fences. Staff recommends that Troy's Ordinance Section be amended to include the wording to comply with the IPMC, which is shown in red text as follows:

**"521.07 FENCES.**

(p) Swimming Pools, Spas and Hot Tubs. Private swimming pools, hot tubs and spas containing water more than twenty-four (24) inches in depth shall be completely surrounded by a fence or barrier at least four (4) feet in height above the finished ground level measured on the side of the barrier away from the pool. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, and all gates or doors opening through such enclosure shall be designed to permit locking and shall be kept locked when the pool is not in actual use or is left unattended. This requirement shall be applicable to all new swimming pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of twenty-four inches of water. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. Above-ground swimming pools with ladders/steps that can be removed or locked to prohibit access shall be exempt from the provisions of subsection (p). Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of subsection (p). **Private swimming pools equipped with a power safety cover that complies with ASTM F 1346 and is in working condition using the control switch shall be exempt from the provisions of subsection (p).**"

**REQUESTED ACTION:**

It would be appreciated if you would assign to a Committee of Council consideration of adopting the proposed amendment to Codified Ordinance Section 521.07 (p) as outlined above.





L-10

**MEMORANDUM**

TO: Mr. Rozell, President of Council  
FROM: Patrick E. J. Titterington, Director of Public Service and Safety   
DATE: January 2, 2024  
SUBJECT: **International Property Maintenance Code Update**

**RECOMMENDATION:**

That Troy City Council adopts the 2024 Edition of the International Property Maintenance Code (IPMC) with the recommended changes, enacts new Section 521.98 of the Codified Ordinances of the City of Troy, and amends Section 1307.99 of the Codified Ordinances of the City of Troy.

**BACKGROUND:**

In 2022, Council adopted the 2021 edition of the International Property Maintenance Code as the property maintenance and housing code for the City for regulating and governing the condition and maintenance of properties, buildings and structures. That code is periodically updated, and a 2024 edition has been published. Planning Staff has recommended that the 2024 edition be approved so that staff will follow the latest edition. The major changes from the current 2021 code include:

- Relocation of various sections for ease of use.
- IPMC 101.2.1 Appendices. Provides standards for the appendices of this chapter.
- Reorganization of various sections IPMC Section 105 – 111
- IPMC 102.6 Structural Analysis. Explains the standards for when a structural analysis may be required.
- IPMC 105 Duties and Powers of the Code Official. Update to the standards that the code official must follow when enforcing the provisions of the code.
- IPMC 111.1 Demolition. Additional standards have been added for demolitions.
- IPMC 202 Added definitions for an Approved Agency, Dangerous, Peer Review, Power Safety Cover, Safety Cover, and a Storm Shelter.
- IPMC 301.2 Responsibility. Added standards to the responsibility of the owner of a property or premise.
- IPMC 303 Swimming Pools, Spas, and Hot Tubs. Added exceptions to when a barrier is required surrounding a pool, spa, or hot tub.
- IPMC 305.1.1 Potentially unsafe conditions. Updated standards to unsafe conditions.
- IPMC 307 Handrails and Guards. New height and guard requirements have been added.
- IPMC 310 Accessibility and 311 Storm Shelters new sections have been added to address building accessibility and storm shelters.

Planning Staff is also recommending the following changes of the code from the 2024 International Property Maintenance Code:

- Section 101.1 Insert: City of Troy and delete "[NAME OF JURISDICTION]"
- Section 103.1 Insert: Development Department and delete "[NAME OF DEPARTMENT]"
- Section 106 remove "Board of Appeals" and insert "Local Codes Appeal Board" throughout.
- Section 302.4 Insert: 10 Inches and delete "[HEIGHT IN INCHES]"
- Section 304.14 Insert April 15 to October 15 and delete "[DATE IN TWO LOCATIONS]"
- Section 602.3 Delete entirety and insert "Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms."
- Section 602.4 Delete entirety and insert "Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied."





- Appendix B Means of Appeal remove “Board of Appeals” and insert “Local Code of Appeals Board” throughout.
- Section B101.3 remove: “[INSERT NUMBER OF YEARS]” and insert “five (5) years”.
- Section B101.3 remove “five” and insert “minimum of three”.
- Section B101.5.3 remove “five” and insert “all three”.

As recommended by the Director of Law, Staff is proposing amending Codified Ordinance Section 1307.99 and the enacting Codified Ordinance Section 521.98 (below).

**“521.98 Appeals.**

(j) Appeals. The Local Codes Appeal Board shall act as the Board of Appeals for items concerning Troy Codified Ordinance 521.08, 521.11, and 521.12, and shall hear and decide upon appeals where it is alleged there is an error in any written decision made by the Director of Public Service and Safety or his/her Designee in the enforcement of this Code.

- (1) A complete written appeal shall be filed by the appellant within 10 days of the written decision of the Director of Public Service and Safety or his/her Designee or the appeal shall become void. The appeal shall be filed with the Local Codes Appeal Board. The written appeal shall:
  - A. Cite specific provisions of Troy Codified Ordinance 521.08, 521.11, and 521.12 that are alleged to have been interpreted in error or the specific action being appealed and the grounds on which the appeal is being made;
  - B. Include any application fee in an amount set by City of Troy, Ohio;
  - C. Include such other information as may be required to render a reasonable decision;
  - D. A statement as to why the appellant has standing as an aggrieved party to pursue the appeal.
- (2) An aggrieved party, the City of Troy, Ohio Director of Public Service and Safety or his/her designee, may appeal the Board of Appeals decision in accordance with Chapter 2506.
- (3) The Board of Zoning Appeals shall not be required to hear any case that has been the subject of an appeal during the previous 12 months, unless substantial new evidence, critical to the case, becomes available.”

**“1307.99 Penalty.**

Whoever violates any provisions of this chapter, including the Housing Code adopted by reference, or ~~falls~~ **fails** to comply with any of the requirements thereof or erects, **maintains**, constructs, alters or repairs a building, structure or associated service equipment in violation of an approved plan or directive of the Code official or of a permit or certificate issued under the provisions of this code, shall upon conviction thereof, be guilty of a misdemeanor of the third degree. For any subsequent violations in a 24-month period, whoever violates any provisions of this chapter, including the Housing Code adopted by reference, shall be guilty of a misdemeanor of the second-degree subject to a maximum fine of seven hundred and fifty dollars (\$750.00). Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, and without positive action by the owner to correct the illegal action, shall be deemed a separate offense. “

**REQUESTED ACTION:**

It would be appreciated if you would assign to a Committee of Council consideration of adopting the 2024 edition of the International Property Maintenance Code including the noted changes, enacting new Section 521.98 and amending Section 1307.99.



# RECREATION & PARKS COMMITTEE



R + P

**MEMORANDUM**

TO: Mr. Rozell, President of Council  
FROM: Patrick E. J. Titterington, Director of Public Service and Safety  
DATE: January 4, 2024  
SUBJECT: **DUKE PARK CONCESSION AGREEMENTS**

*[Signature]*

**RECOMMENDATION:**

That Troy City Council authorizes the Recreation Board to advertise for bids and enter into agreements for the Duke Park Softball Fields and the Duke Park Football Field concession operations.

**BACKGROUND:**

The current concession agreements expired at year end. The Recreation Board approved a motion that the agreements be bid for two years (2024-2025) with the option of two additional one-year extensions.

**REQUESTED ACTION:**

It would be appreciated if you would assign to a Committee of Council consideration of authorizing the Recreation Board of the City of Troy, Ohio to advertise for bids and enter into agreements for the concession operations at the Duke Park Softball Fields and the Duke Park Football Field as recommended by the Recreation Board.

cc: K. Siler, Recreation Director

