



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

MONDAY, AUGUST 26, 2024, 6:00 PM

Community Partnerships Committee

(Marshall [Chm.], Severt, Twiss)

1. Provide a recommendation to Council regarding the recommendation of the Board of Park Commissioners that Council authorize the Director of Public Service and Safety to execute a transfer agreement to implement the MOU referenced herein. So that the Troy City Schools can comply with the October deadline, consideration of emergency legislation is requested.

Recreation & Parks Committee

(Westfall [Chm.], Marshall, Whidden)

1. Provide a recommendation to Council regarding the recommendation of the Board of Park Commissioners that Council authorizes the sale of Brukner Park to the Troy-Miami County Public Library in the amount of \$100,000 with certain terms and conditions

Streets & Sidewalks Committee

(Phillips [Chm.], Schilling, Westfall)

1. Provide a recommendation to Council regarding the authorization for the 2024 paving program be increased from \$1,500,000 to \$1,518,656.65. Consideration of emergency legislation requested as the work has been completed.

8-23-2024

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

COMMUNITY
PARTNERSHIPS
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: August 20, 2024

SUBJECT: **RECOMMENDATION OF BOARD OF PARK COMMISSIONERS THAT COUNCIL AUTHORIZES EXERCISING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY, BOARD OF PARK COMMISSIONERS AND THE TROY CITY SCHOOLS RELATED TO THE SCHOOL BUILDING PROJECT**

RECOMMENDATION:

That Council authorizes the Director of Public Service and Safety to execute a transfer agreement with the Board of Park Commissioners and the Troy City Schools that captures all conditions of the January 7, 2024, Memorandum of Understanding (MOU) between the City, Board of Park Commissioners, and the Troy City Schools related to the School Building Project.

BACKGROUND:

In January 2024, Council approved the attached MOU between the City/Schools/Board of Park Commissioners related to the transfers of various properties between the City/Board of Park Commissioners and the Troy City Schools related to the school building project approved by the voters in the November election. The Troy City Schools has requested the transfer of the properties known as Hook Park and Campbell Park at Cookson School in October to meet the deadlines established by the Ohio School Facilities Commission.

The Board of Park Commissioners recommended the transfer at its August 19, 2024, meeting.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council accepting the recommendation of the Board of Park Commissioners and authorizing the Director of Public Service and Safety to execute a transfer agreement to implement the MOU referenced herein. So that the Troy City Schools can comply with the October deadline, consideration of emergency legislation is requested.

encl.



MEMORANDUM OF UNDERSTANDING

The following agreement shall constitute a Memorandum of Understanding (MOU) between the City of Troy, the Troy Board of Park Commissioners (hereinafter 'City of Troy'), and Troy City Schools (henceforth, TCS), reflecting the parties' desire to support future educational and recreational opportunities for residents within the Troy City Schools District. To that end,

- I. The City shall:
 1. Subject to Troy City Council approval, convey to TCS^{h0} later than December 31, 2024, the properties known as Hook and Campbell Parks, representing approximately 8.25 acres;
 2. Schedule and manage any new ballfields constructed by TCS, as listed in Section II.1 below; and
 3. Draft an 'Interagency Operating Agreement' between TCS and the City that outlines on-going operating and maintenance responsibilities of the new ballfields identified in Section II.1 below.
- II. The Troy City Schools (TCS) shall:
 1. Provide four (4) to six (6) youth-sized ballfields, including backstops and dirt infields to the same specifications as exist currently at Archer Park on the properties owned by TCS (exact locations on said sites to be determined based on detailed design and City engineering input) and identified in the appendix attached hereto and made a part herewith:
 - a. One (1) backstop and dirt infield on the property identified as 'East Elementary School' aka Cookson Elementary School site;
 - b. One (1) backstop and dirt infield on the property identified as 'North Elementary School' aka the Hook Elementary School site;
 - c. One (1) to two (2) backstops and dirt infields on the property identified as 'West Elementary School' aka the McKaig/Arthur Road site;
 - d. One (1) to two (2) dirt infields on the property identified as 'South Middle School' aka the Swailes Road site;
 2. Remediate and demolish Van Cleve, Heywood and Kyle School buildings and convey all vacant properties in 'shovel-ready condition' with clean titles, including Van Cleve parking lot and accessory parcels to the City by general warranty deed no later than by the end of 2027;
 3. Agree to allow the City to utilize the ballfields listed in II.1 above for youth-related baseball and softball programs until such time as the TCS long-term plans dictate the reuse of said property, provided the initial agreement, barring unforeseen circumstances beyond the parties' control, shall be for a minimum of seven (7) years. TCS shall provide the City with notice of at least twenty-four (24) months of its intent to reuse the property and shall support efforts to relocate any displaced ballfields; and,
 4. Transfer to the City any playground equipment identified by TCS to be surplus.

This MOU is only an expression of mutual intent concerning some aspects of the proposed transactions previously described. It is expressly understood that all of the material terms of the proposed transactions are not yet agreed upon between the parties and must still be agreed upon to their mutual satisfaction. It is further understood that this MOU is not intended to constitute a legally binding contract and the parties intend to proceed to negotiate to their mutual satisfaction terms, provisions, and conditions of all exhibits for a proposed sales agreement, but any binding legal obligations of any nature between the parties shall be only those set forth in a final executed transfer agreement. Further, neither party may claim any legal rights against the others by reason of the execution of this MOU or by taking any action in reliance thereon.

Memorandum of Understanding, page 2

This MOU shall have no force and effect in the event that the 2023-2024 Troy City Schools Bond Levy does not pass.

Signed and witnessed on this 7th day of February, 202~~3~~⁴ by:


City of Troy, Director of Public
Service & Safety


Troy Board of Park Commissioners
President


Troy City Schools, Superintendent

Witness:

Appendix: Proposed New Ballfield Sites



East Elementary School (PK-4) - Proposed Site Plan

Facility Master Plan





North Elementary School (PK-4) - Proposed Site Plan

Facility Master Plan





West Elementary School (PK-4) - Proposed Site Plan
Facility Master Plan





South Middle School (5-6) - Proposed Site Plan

Facility Master Plan



**RECREATION &
PARKS COMMITTEE**



MEMORANDUM

TO: Mr. Rozell, President of Council

FROM: Patrick Titterington, Director of Public Service and Safety 

DATE: August 19, 2024

SUBJECT: **RECOMMENDATION OF THE BOARD OF PARK COMMISSIONERS FOR THE SALE OF BRUKNER PARK TO THE TROY-MIAMI COUNTY PUBLIC LIBRARY**

RECOMMENDATION:

That Council accepts the recommendation of the Board of Park Commissioners to authorize the sale of Brukner Park to the Troy-Miami County Library at a price of \$100,000, based on the restrictions and details included in the Board's recommendation, including that such sale be accomplished by December 31, 2025.

BACKGROUND:

At the August 19 meeting of the Board of Park Commissioners, the Board approved a motion regarding the sale of Brukner Park to the Troy-Miami County Public Library. Brukner Park, a parcel of approximately 0.46 acres, Parcel No. D09-250190, located at 400 West Water Street.

In 1977, Clayton J. Brukner donated the land known as Brukner Park to the City of Troy. The Troy Rotary Club and The Troy Foundation provided funds to assist with the development of the park. The park was designed in 1977 and dedicated in Clayton Brukner's memory by the Troy Rotary Club in 1981 in recognition of Mr. Brukner's philanthropic work in Troy and his passion for aviation. Mr. Brukner was a past president of the Troy Rotary Club.

The Ohio Revised Code provides that a municipal corporation may, by ordinance, transfer, lease, or permit the use of any property, real or personal, suitable for library purposes, to the board of trustees of any free public library or any library association rendering free library service to the inhabitants of the municipal corporation, upon such lawful terms as are agreed upon between the municipal corporation and the trustees of such library or library association.

In early 2021 the Troy-Miami County Library requested that the City consider selling the park property to the library for use as greenspace and a potential future library expansion. This never came to fruition and the issue was dropped until early 2024 when the library contacted the City to reopen the discussion. The City agreed to conduct an appraisal of the property in February of 2024, which came back at a value of \$140,000. Because the City requested that deed restrictions be included in any potential sale of this property, it seemed appropriate to establish a purchase price of \$100,000, a discounted amount below the appraised value.

By unanimous vote, the Board of Park Commissioners is recommending that Troy City Council authorize the sale of Parcel No. D09-250190, known as Brukner Park, to the Troy-Miami County Public Library based on the following details and deed restrictions:

- 1) That the library shall compensate the City of Troy in the amount of \$100,000, with full payment made no later than December 31, 2025.

- 2) That the property shall be used for the use and purpose of promoting non-profit, library, educational, extra-curricular and interscholastic activities and other uses incidental and related thereto, but for no other purposes whatsoever, except as specifically provided herein, and in the case said premises shall cease to be used or occupied for such purposes, then said property will revert to and be vested in the City of Troy.
- 3) Should the library ever change locations/relocate their facility, they have agreed to provide the City with right of first refusal to purchase the land at fair market value.
- 4) That the library shall provide the City with any Rotary memorabilia for relocation.
- 5) That the wrought iron fence surrounding the park is included in the sale. However, the City shall remove two five (5) foot sections to keep for historical preservation.

The library will work to assemble the necessary funds for the purchase of the property, with the understanding that all details must be completed by December 31, 2025.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council the recommendation of the Board of Park Commissioners regarding the sale of Brukner Park to the Troy-Miami County Library based on the restrictions and details outlined above, including that such sale be accomplished by December 31, 2025, and the net proceeds being deposited into Fund 228 (Park & Recreation Capital Improvement Fund).

STREETS & SIDEWALKS COMMITTEE



TROY
OHIO

SJS

Patrick E. J. Titterington
City Director
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MEMORANDUM

To: Mr. William Rozell, President of Council
From: Patrick E. J. Titterington, Director of Public Service and Safety *PJT*
Date: August 21, 2024
Subject: REQUEST FOR ADDITIONAL AUTHORIZATION - 2024 PAVING PROGRAM

RECOMMENDATION:

That Council amends Resolution No. R-11-2024 to increase the authorization for the 2024 Paving Program from \$1,500,000 to \$1,518,656.65.

BACKGROUND:

On February 20, 2024, Council approved Resolution No. R-11-2024, authorized bidding and contracting for the 2024 Paving Program at a cost not to exceed \$1,500,000. Bids were opened on March 20, 2024, and a contract was awarded to the John R. Jurgensen Company of Springfield, Ohio, the only bidder, in the amount of \$1,489,726.50. The paving is complete and 13.6 lane miles of 31 streets were resurfaced. The contractor has advised the City that due to some field adjustments and quantity changes the final cost was \$1,518,656.65, which exceeds the authorization by \$18,656.65.

Staff reviewed and confirmed the contractor's work and calculations. The additional funds are available within the fund balance of the Capital Improvement Fund, Fund 441.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council consideration of increasing the authorization for the 2024 Paving Program to the amount of to \$1,518,656.65. Consideration of emergency legislation is requested as the work has been completed and payment is due to the contractor.

