



AGENDA, TROY CITY COUNCIL
MONDAY, MARCH 21, 2011, 7:00 P.M.
COUNCIL CHAMBERS, CITY HALL

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTION: THS State Championship Bowling Team

SUMMARY OF MINUTES March 7, 2011 Meeting (motion, second, roll call vote)

COMMITTEE REPORTS

Citizen comments on committee reports or agenda items – two minute limit

RESOLUTIONS:

- R-13-2011 Bid modifications to traffic signal at N. Market/Staunton Road, \$30,000 1st reading
- R-14-2011 Final Resolution, pave SR 41 Square to Broadford Bridge, payment to ODOT of City share of \$80,740, to be paid by 4-15 EMERGENCY 1st reading

ORDINANCES:

- O-2-2011 Zoning of parcels known as Honey Creek 5th reading
- O-4-2011 Subordination of Lien for Stillwater Technologies, Inc. EMERGENCY 1st reading
- O-5-2011 Rezone Inlots 123 & 128, at 119 Jackson Street from M-2 to R-5, Single-Family Residential District PUBLIC HEARING 4-4 1st reading

COMMUNICATIONS/ANNOUNCEMENTS

COMMENTS: Mayor, Director of Public Service & Safety, Director of Law, Auditor, Council President

COMMENTS: Council

COMMENTS: Staff

COMMENTS: Audience

ADJOURN

NOTE: Committee meetings may take place prior to or following Council meeting

CITY OF TROY MISSION STATEMENT:

Through sound and prudent leadership, the City of Troy is committed to sustaining its continued prominence as a regional hub by providing a well-balanced community for its residents, businesses and visitors, consisting of a vibrant downtown, growing economic base, strong educational environment, and plentiful recreational opportunities strengthened by public/private cooperation and grounded in financial stability.

March 7, 2011

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, March 7, 2011, at 7:00 p.m. in Council Chambers.

Members Present: Clark, Harrah, Hutchinson, Phillips, Schweser and Stubbs.

Upon motion of Mr. Harrah, seconded by Mr. Schweser, Mr. Kendall was excused from this meeting by unanimous roll call vote.

| | | |
|--------------------|-----------------------------|---------------------------------------|
| Presiding Officer: | Martha A. Baker, | President of Council |
| Others Present: | Michael L. Beamish, | Mayor |
| | Patrick E. J. Titterington, | Director of Public Service and Safety |
| | Grant D. Kerber, | Director of Law |
| | Richard L. Cultice, | City Auditor |

INVOCATION: An invocation was given by Council Member Clark.

PUBLIC HEARING ON O-2-2011. At 7:02 p.m., Mrs. Baker declared open a public hearing on O-2-2011.

Speaking in favor of the rezoning were:

- Deborah Jung, 975 Oak Hill Court, commented that if the rezoning gives the City more control over the property and protects her property rights and value, she supports the rezoning. Mrs. Jung asked a series of questions about if certain uses could exist under County zoning.
- Denny Wannemacher, 1335 Greenfield Drive, asked if 5 acre lots would make it almost impossible to develop and could this be considered a taking by the City, is the owner in favor of this rezoning, and asked for some clarification regarding uses. Mr. Kerber commented he understands the owner is in favor of some City zoning.
- Debra Stichter, 467 W. Staunton Road, commented that she felt the acreage was not stated correctly in the notice. It was stated that the entire area of Honeycreek is proposed for A-R zoning. Mrs. Stichter commented that it seems that Council is writing the legislation to come up with something Council and the Service Director agree on, rather than Council being reactive.

Speaking in opposition of the rezoning were:

- Lester Conard, 1210 S. Clay Street, commented he feels Council should listen to the people who do not want development and commented about Troy having a number of restaurants and liquor establishments, houses are too expensive, and with cost of services for citizens he would like to see more agricultural land as he can eat agricultural more than housing developments.
- Charles Domagalski, 1509 Troy-Urbana Road, stated he is against the development. He commented that he realizes tax revenues are down due to valuations and unemployment has caused loss of tax revenues, he has lived here 25 years and appreciates Troy and making any approach at this time to gain tax revenues to make ends meet, but he feels this development is a hard way to go as people are not moving around. He asked that Council makes sure Troy stays a quality City, and does not believe attempts to bring in multiple types of housing would lend itself to the type of care Troy is known for.
- Michael Burkholder, 465 Staunton Road, commented that a representative of the owner did not speak earlier, and he suggests that Council do not zone this property and wait until the owners have a specific plan that be considered on its specifics and not on speculation as to what may happen.

There being no further comments, Mrs. Baker declared this public hearing closed at 7:22 p.m.

It was noted that the Law & Ordinance Committee will meet on O-2-2011 at 7:00 p.m. on March 16.

MINUTES: The Clerk gave a summary of the minutes of the February 22, 2011, meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Harrah, seconded by Mr. Clark, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Finance Committee: Mr. Stubbs reported that Committee recommends that Enterprise Zone Agreement #31 with Clopay Building Products be extended. Committee had previously recommended it be terminated, as recommended by the Enterprise Zone Tax Incentive Review Council (EZTIRC) as such Agreement currently has no value to the company. However, Clopay has asked that it be continued. Committee recommends that R-11-2011 be amended to reflect the continuation and then be adopted.

Report signed by Schweser and Stubbs.

Law & Ordinance Committee: Mr. Schweser, Chairman, reported that Committee recommends legislation be prepared to amend Ordinance Sections 749.13(a)(3)(H), 749.11(d)(3)(H), 749.10(d)(3)(H), and the first sentence of Section 749.11(d)(4)(A) to include that "Colors of Illumination shall be one color and shall be red, white or amber." This was inadvertently left out of part of the last sign code revision. As the sign code provisions are currently not consistent, Committee supports emergency legislation to make this change. Report signed by Phillips and Schweser.

COMMENTS REGARDING COMMITTEE REPORTS OR AGENDA ITEMS:

- Michael Burholder 465 W Staunton Road, stated he does not feel emergency legislation should apply to O-3-2011. Mr. Kerber advised that the Ohio Supreme Court had determined that issues such as explained for O-3-2011 do fit.
- Deborah Stichter, 467 W. Staunton Road, regarding O-2-2011, commented that she feels Council is at the 4th reading and there is not a clue as to what is going on, and she feels how this was brought forward was done too swiftly.

RESOLUTION NO. R-11-2011

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL

This Resolution was given first title reading on February 22, 2011.
Given second title reading.

AMENDMENT: A motion was made by Mr. Stubbs, seconded by Mr. Phillips, to amend R-11-2011 to continue Enterprise Zone Agreement #31 with Clopay Building Products.

MOTION TO AMEND PASSED, UNANIMOUS ROLL CALL VOTE

Mr. Clark moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Hutchinson, Phillips, Clark, Harrah, Schweser and Stubbs.

No: None.

Mr. Harrah moved for adoption. Motion seconded by Mr. Phillips.

Yes: Phillips, Clark, Harrah, Schweser, Stubbs and Hutchinson.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-12-2011

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE TROY TOWNE PARK TIF

This Resolution was given first title reading on February 22, 2011.
Given second title reading.

Mr. Clark moved for suspension of rules requiring three readings. Motion seconded by Mr. Stubbs.

Yes: Clark, Harrah, Schweser, Stubbs, Hutchinson and Phillips.

No: None.

Mr. Harrah moved for adoption. Motion seconded by Mr. Hutchinson.

Yes: Harrah, Schweser, Stubbs, Hutchinson, Phillips and Clark.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-2-2011

ORDINANCE CHANGING THE ZONING DESIGNATION FOR VARIOUS PARCELS OF PROPERTY LOCATED IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading on January 18, 2011.
Given second title reading on February 7, 2011.
Given third title reading on February 22, 2011.
Given fourth title reading.

ORDINANCE NO. O-3-2011

AN ORDINANCE AMENDING CHAPTER 749 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Schweser, Stubbs, Hutchinson, Phillips, Clark and Harrah.

No: None.

Mr. Clark moved for adoption. Motion seconded by Mr. Hutchinson.

Yes: Stubbs, Hutchinson, Phillips and Clark, Harrah and Schweser.

No: None.

ORDINANCE ADOPTED

MAYOR

Mayor Beamish commented that a number of events are planned for August, including National Night Out, the Festival of Nations, the Mayors Concert, and a concert by the Air Force Band of Flight.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington commented that all of the comments pro and con tonight really reinforced why the recommendation has been made regarding zoning of the Honey Creek property. He further commented that with two Ordinances, there has been eight or nine readings related to the rezoning, this land was taken out of an earlier City-wide zoning Ordinance so it would not be perceived as being acted on too quick, to delay until there is a development plan is counter to what staff has been concerned about, and there is no plan that is driving his rezoning. He commented that the zoning is being driven by concerns of how the land could be developed under the current county zoning as the City has no control over the development. A-R zoning improves the position of the City over the current zoning.

COUNCIL COMMENTS:

Mr. Schweser congratulated Water Plant Superintendent Tim Ray, who has been named as Secretary of the Year for Masonic Lodges.

COUNCIL PRESIDENT COMMENTS:

Mrs. Baker noted that information from the Hayner Cultural Center had been provided to members of Council.

There being no further business, the meeting adjourned at 7:52 p.m.

Clerk of Council

President of Council

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council
DATE: March 16, 2011

FROM: Buildings, Streets & Sidewalks Committee

SUBJECT: ODOT FINAL LEGISLATION, PAVING E MAIN (SQUARE TO BROADFORD BRIDGE)

SUMMARY: *(to be read at Council meeting)*

Committee members Kendall and Phillips met March 16 to review the request for final legislation and payment to the Ohio Department of Transportation (ODOT) for Troy's share of the project to pave E. Main Street from the Public Square to the Broadford Bridge. Troy's 20% share of the project cost is currently estimated at \$80,740, \$80,000 is budgeted. We were advised that the final cost will be dependent on the bids and construction. So that the bid opening is scheduled as soon as possible, all documents and Troy's contribution are to be returned to ODOT by April 15, 2011.

RECOMMENDATION: *(to be read at Council meeting)*

It is the recommendation of this Committee that the legislation provided by ODOT be approved, including payment of \$80,740. To meet ODOT's April 15 date, we support emergency legislation.

Respectfully submitted,

Thomas M. Kendall

Bobby W. Phillips

Jarrod W. Harrah Chairman
Buildings, Streets & Sidewalks Committee

DETAILED REPORT:

On March 16, 2011, Committee members Kendall and Phillips met to review the request for final legislation and payment to the Ohio Department of Transportation (ODOT) for Troy's share of the project to pave E. Main Street from the Public Square to the Broadford Bridge. Also attending the meeting were: Mayor Beamish, Council President Baker, Council Members Schweser and Stubbs, the Director of Law, the Director of Public Service and Safety, members of the City staff, and citizens.

The City had approved the preliminary consent legislation for this project. \$80,000 is included in the 2011 budget from the Capital Improvement Fund for Troy's 20% share of the cost. Based on ODOT's current estimate, Troy's is requested to pay \$80,740 as the share cost. Based on the final bid and construction amount, Troy could receive a refund or have a final balance payment. So that the bid opening is scheduled as soon as possible, all documents and Troy's contribution are to be returned to ODOT by April 15, 2011.

RECOMMENDATION:

It is the recommendation of this Committee that the legislation provided by ODOT be approved, including payment of \$80,740. As requested by ODOT, to meet the April 15 date, we support emergency legislation.

Cc: Council
Mayor Beamish
Mr. Kerber
Mr. Cultice
Mr. Titterington
Clerk
staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council DATE: March 16, 2011
FROM: Buildings, Streets & Sidewalks Committee
SUBJECT: SIGNAL UPGRADE AT N. MARKET STREET/STAUNTON ROAD

SUMMARY: *(to be read at Council meeting)*

Committee members Kendall and Phillips met March 16 to review additional improvements to the traffic signal at N. Market Street and Staunton Road to aid traffic flow, especially with traffic changes that will result from the Adams Street Bridge Replacement project. The requested authorization for the signal upgrade is \$30,000. That would include funds for contingency and pedestrian movements not included as part of the \$20,000 budgeted. The additional funds would come from fund balances.

RECOMMENDATION: *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety of the City of Troy, Ohio, to advertise for bids and enter into a contract for modifications to the traffic signal at the intersection of North Market Street and Staunton Road at a cost not to exceed \$30,000.

Respectfully submitted,

Thomas M. Kendall

Bobby W. Phillips

Jarrold W. Harrah Chairman
Buildings, Streets & Sidewalks Committee

DETAILED REPORT:

On March 16, 2011, Committee members Kendall and Phillips met to review the request to recommend bidding authorization for the traffic signal upgrade at the intersection of N. Market Street and Staunton Road. Also attending the meeting were: Mayor Beamish, Council President Baker, Council Members Schweser and Stubbs, the Director of Law, the Director of Public Service and Safety, members of the City staff, and citizens.

In 2010, a left turn arrow was added to the northbound side of the intersection of North Market Street and Staunton Road in anticipation of the traffic flow changes that will occur as part of the Adams Street Bridge Replacement project. Additional modifications were planned for 2011 to further improve the traffic flow at this intersection. In order to fully provide for the traffic that will occur at this intersection it is necessary to make this intersection completely actuated using cameras for the detection. \$20,000 for this work was included in the 2011 Electrical Division Budget. However, that estimate did not include the pedestrian movements. To accommodate these movements as part of the modification project, we considered an authorization of \$30,000 to provide for the pedestrian movements and contingency funds. The contingency dollars would only be expended if necessary. We were advised that the additional fund would come from fund balances.

RECOMMENDATION:

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety of the City of Troy, Ohio, to advertise for bids and enter into a contract for modifications to the traffic signal at the intersection of North Market Street and Staunton Road at a cost not to exceed \$30,000.

Cc: Council
Mayor Beamish
Mr. Kerber
Mr. Culfice
Mr. Titterington
Clerk
staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: March 16, 2011

FROM: Finance Committee

SUBJECT: SUBORDINATION OF LIEN FOR STILLWATER TECHNOLOGIES, INC.

SUMMARY: *(to be read at Council meeting)*

This Committee met March 16. As Stillwater Technologies, Inc. is changing banks, Stillwater requested the City to approve a subordination of lien to Fifth Third Bank associated with the Small Business Development (SBD) Revolving Loan to Stillwater Technologies, Inc. The subordination would have no impact at all on the City's SBD Loan, the terms of which are current. The subordination would continue the status that Troy's lien is second to that of the bank.

RECOMMENDATION: *(to be read at Council meeting)*

We support the request of Stillwater Technologies and Fifth Third Bank and recommend that legislation be prepared authorizing the subordination of the lien for Stillwater Technologies, Inc. The bank wishes to close on this loan on March 28. So that the closing is not delayed, we support emergency legislation.

Respectfully submitted,

John W. Schweser

James R. Stubbs

Thomas M. Kendall, Chairman
Finance Committee

DETAILED REPORT:

On March 16, 2011, this Committee met to consider a request for the subordination a UCC lien to Fifth Third Bank for Stillwater Technologies, Inc. associated with the Small Business Development Revolving Loan to Stillwater Technologies, Inc. Also attending the meeting were: Mayor Beamish, Council President Baker, Council Member Phillips, the Director of Law, the Director of Public Service and Safety, members of the City staff, and citizens.

This is requested as Stillwater Technologies is in the process of changing banks to Fifth Third Bank. Stillwater is current on their loan with the City, the terms of which are interest only payments the first year. The subordination would not change the loan with the City, and only continue the status that Troy's lien is second to that of the bank.

RECOMMENDATION:

We support the request of Stillwater Technologies and Fifth Third Bank and recommend that legislation be prepared authorizing the subordination of the lien for Stillwater Technologies, Inc. The bank wishes to close on this loan on March 28. So that the closing is not delayed, we support emergency legislation.

Cc: Council
Mayor Beamish
Mr. Kerber
Mr. Cultice
Mr. Titterington
Clerk
staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: March 16, 2011

FROM: Law & Ordinance Committee

SUBJECT: Rezoning of Parcels D45-002548 & D45-002550, Ordinance No. O-2-2011

SUMMARY: (to be read at Council meeting)

On March 16, 2011, this Committee met to provide a recommendation to Council regarding the rezoning of two parcels, D45-002548 & D45-002550, commonly known as Honey Creek, which are located at the Northeast Corporate Limits. The detailed report and the power point presentation given at the Committee meeting set forth the history of plans to establish a City zoning for this land over several years.

We recognize that prior planned unit development zoning efforts, which were driven by specific development plans, have not been accepted by the voters. However, this Committee concurs that a City zoning should be established for this parcel of land that is within the City to provide protections for the City and for the citizens of the community, without giving the landowners any advantages or disadvantages over current County zoning.

MAJORITY RECOMMENDATION: (to be read at Council meeting)

It is the recommendation of the undersigned that O-2-2011 be amended to reflect:

- OC-1, Office-Commercial Zoning, for approximately 47 acres of Parcel D45-002548 on the west side of Troy-Piqua Road.
- R-4, Single-Family Residential District, for approximately 43 acres of Parcel D45-002548 on the west side of Troy-Piqua Road.
- A-R, Agricultural-Residential Zoning, for the balance of the land, approximately 176 acres of Parcel D45-002548 and approximately 21 acres of parcel D45-002550 located on the east side of Troy-Piqua Road.

Respectfully submitted,

Bobby W. Phillips, Member,

John W. Schweser, Chairman, Law & Ordinance Committee

MINORITY RECOMMENDATION: (to be read at Council meeting)

It is the recommendation of the undersigned that O-2-2011 be amended to reflect:

- OC-1, Office-Commercial Zoning, for approximately 47 acres of Parcel D45-002548 on the west side of Troy-Piqua Road.
- A-R, Agricultural-Residential Zoning, for the balance of the land, approximately 219 acres of Parcel D45-002548 and approximately 21 acres of parcel D45-002550 located on the east side of Troy-Piqua Road.

Respectfully submitted,

Thomas M. Kendall, Member, Law & Ordinance Committee

COMMITTEE REPORT
PAGE TWO

DETAILED REPORT:

On March 16, 2011, this Committee met to provide a recommendation to Council regarding the rezoning of two parcels, D45-002548 & D45-002550, commonly known as Honey Creek, which are located at the Northeast Corporate Limits. Also attending the meeting were: Mayor Beamish, Council President Baker, Council Member Stubbs, the Director of Law, the Director of Public Service and Safety, the property owner, members of the City staff, and citizens.

History:

- This property has been annexed to the City of Troy, but previous efforts to approve a City zoning have been overturned by referendums.
- The zoning is City-Administered County Zoning of Agricultural. City-Administered County Zoning does not give any controls to the City or provide protections for the City or citizens that would exist under standard City zoning.
- As part of the Comprehensive Plan update, recently this land was included in the rezoning of a number of City parcels. At that time, the proposed zoning was a mix of R-2 and R-4, Single-family Residence Districts, and OC-1, Office Commercial District. Following a public hearing on that zoning and comments, it was determined that these Honey Creek parcels should be considered separately. That zoning was then presented in O-2-2011. The proposed zoning in that legislation is that both parcels (for a total of approximately 287 acres) be zoned Agricultural-Residential District (A-R), which most closely follows the County zoning, and which would not result in a dense development of the land.
- A public hearing on O-2-2011 was held at the March 7 meeting of Council.

There was a power point presentation at the Committee meeting, a copy of which will be attached to the original Committee Report. The power point provides more detail of the history of the land and the proposed zoning. All statements within the power point regarding County zoning have been verified with Miami County zoning officials.

During the Committee Meeting, there was discussion between staff and Committee members regarding how the land could be developed without City zoning, including possible uses, uses allowed by the proposed City A-R zoning, the development process under City zoning, and the process should the owner later seek a rezoning from A-R. It was also noted that the owner's representative had requested that the parcel on the west side of Troy-Piqua Road (parcel D45-002548) be rezoned OC-1 and that the other parcel remain with the City-Administered County Zoning. That request, however, did not address important protections for the City and citizens that can only be in place with a City zoning.

There were citizen comments at the Committee session. One indicated that there was no financial gain for the citizens with the proposed rezoning and that growth would not bring high paying jobs but would result in increased traffic and criminal activities. Another took exception with information provided by staff. The owner's representative, Ray Kiser than asked Council to consider a zoning of OC-1 for approximately 47 acres on the west side of Troy-Piqua Road and of R-4 for approximately 43 acres on the west side of Troy Piqua-Road, and that the balance of the land known as Honey Creek be zoned A-R. It was noted that R-4, with minimum lot size of 9,000 square feet, is the zoning of the Nottingham Subdivision, which the land Mr. Kiser suggested be zoned R-4 abuts. It was noted that the development of the area suggested as R-4 could result in a planned and needed second access to Troy-Piqua Road for the Nottingham Subdivision. There was a citizen comment that if the Committee wishes to endorse Mr. Kiser's proposal, it seemed that Council may be drafting legislation as part of the discussion and perhaps there should be another public hearing that would include showing the location of each proposed zoning. Members of City staff indicated they did not see an issue with Mr. Kiser's verbal proposal.

We recognize that prior planned unit development zoning efforts, which were driven by specific development plans, have not been accepted by the voters. However, this Committee concurs that a City zoning should be established for this parcel of land that is within the City to provide protections for the City and for the citizens of the community, without giving the landowners any advantages or disadvantages over current County zoning.

MAJORITY RECOMMENDATION:

It is the recommendation of the undersigned that O-2-2011 be amended to reflect:

- OC-1, Office-Commercial Zoning, for approximately 47 acres of Parcel D45-002548 on the west side of Troy-Piqua Road.
- R-4, Single-Family Residential District, for approximately 43 acres of Parcel D45-002548 on the west side of Troy-Piqua Road.
- A-R, Agricultural-Residential Zoning, for the balance of the land, approximately 176 acres of Parcel D45-002548 and approximately 21 acres of parcel D45-002550 located on the east side of Troy-Piqua Road.

Respectfully submitted,

Bobby W. Phillips
John W. Schweser

MINORITY RECOMMENDATION:

It is the recommendation of the undersigned that O-2-2011 be amended to reflect:

- OC-1, Office-Commercial Zoning, for approximately 47 acres of Parcel D45-002548 on the west side of Troy-Piqua Road.
- A-R, Agricultural-Residential Zoning, for the balance of the land, approximately 219 acres of Parcel D45-002548 and approximately 21 acres of parcel D45-002550 located on the east side of Troy-Piqua Road.

Respectfully submitted,

Thomas M. Kendall

Cc: Council
Mayor Beamish
Mr. Kerber
Mr. Cultice
Mr. Titterington
Clerk
File, staff

RESOLUTION No. R-14-2011

Dayton Legal Blank, Inc.

FINAL RESOLUTION AUTHORIZING THE IMPROVEMENT OF STATE ROUTE 41 (AREA OF PUBLIC SQUARE TO BROADFORD BRIDGE) WITHIN THE CITY OF TROY, BY THE OHIO DEPARTMENT OF TRANSPORTATION, AUTHORIZING THE PAYMENT OF TROY'S SHARE OF THE PROJECT, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EXECUTE RELATED DOCUMENTS, AND DECLARING AN EMERGENCY

PID No. 80874

FINAL RESOLUTION

The following Final Resolution enacted by the City of Troy, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on 20th day of March, 2006, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The work proposed by this project consists of pavement planning and resurfacing of State Route 41 within the City of Troy; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

Also, the City agrees to assume and bear the entire expense of the installation and/or repair curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act.

The share of the cost of the LPA is now estimated in the amount of Eighty Thousand Seven Hundred Forty and - - - 00/100 Dollars, (\$80,740.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum of Eighty Thousand Seven Hundred Forty and - - - 00/100 Dollars, (\$80,740.00), is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that Director of Public Service and Safety be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Troy, Ohio, and for the further reason that it is necessary to expedite the highway project and to promote highway safety; and to provide the final documents and payment to the Ohio Department of Transportation by April 15, 2011, NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____ President of Council

Approved: _____

Attest: _____ Mayor
Clerk of Council

ORDINANCE No. 0-4-2011

Dayton Legal Blank, Inc.

ORDINANCE SUBORDINATING LIEN FOR STILLWATER TECHNOLOGIES, INC., AND DECLARING AN EMERGENCY

WHEREAS, the City of Troy, Ohio issued a Small Business Development Loan to Stillwater Technologies, Inc. in February 2010, and

WHEREAS, Stillwater Technologies, Inc. is current with payment to the City of Troy, Ohio, and

WHEREAS, Stillwater Technologies, Inc. is in the process of reorganizing its debt with Fifth Third Bank and Fifth Third Bank has requested the City of Troy, Ohio to subordinate its loan to that of Fifth Third Bank.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the Director of Public Service and Safety is hereby authorized to execute any documents necessary for the subordination of the lien from Stillwater Technologies, Inc. to the City of Troy, Ohio to that of Fifth Third Bank.

SECTION II: That the Law Director is hereby authorized and directed to cause the recording of any documents, to take any other action necessary, and to see that such subordination is properly filed and recorded.

SECTION III: That this Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Troy, Ohio, and for the further reason that the property owner wishes to refinance as soon as possible, **NOW, WHEREFORE** this Ordinance shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____
President of Council

Approved: _____

Attest: _____
Clerk of Council Mayor

ORDINANCE No. 0-5-2011

Dayton Legal Blank, Inc.

ORDINANCE CHANGING THE ZONING OF INLOTS 123 AND 128 IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT TO R-5, SINGLE-FAMILY RESIDENTIAL DISTRICT

WHEREAS, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone Inlots 123 and 128 in the City of Troy, and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

WHEREAS, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the zoning of Inlots 123 and 128 be changed from M-2, Light Industrial District to R-5, Single-Family Residential District.

SECTION II: That this Ordinance shall be effective at the earliest date allowed by law:

Adopted: _____

President of Council

Approved: _____

Attest: _____
Clerk of Council

Mayor



MEMORANDUM

TO: Mrs. Baker, President, Troy City Council

FROM: Sue Knight, for the Troy Planning Commission

DATE: March 8, 2011

SUBJECT: REPORT OF THE PLANNING COMMISSION ON A REZONING APPLICATION – INLOTS 123 AND 128, 119 JACKSON STREET, TROY, OHIO, FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO R-5, SINGLE-FAMILY RESIDENTIAL DISTRICT

On February 23, 2011, the Troy Planning Commission considered the rezoning of Inlots 123 and 128. This is the address of 119 Jackson Street, and is a parcel of 0.14 acres. The owners/applicants are Mark J. and Mary N. McCormick.

This property had been rezoned from residential to M-2 in 2008. The property is a 1,000 square foot metal Lustron structure. The off-street parking requirements, which are more intense for industrial zoning, could not be met and a variance request to the BZA was tabled. At this time the property is vacant and is for sale.

The owners wish to return the property to residential zoning. The original rezoning request was for R-7, Multiple Family Residence District. City staff had discussed with the owners a rezoning to R-5, Single Family Residential District, to further protect a significant historic structure into two units by a future owner, which would be allowed under R-7 zoning. At the February 23 meeting of the Commission, Mrs. McCormick verbally amended the requested rezoning to R-5, Single Family Residential District.

The Troy Planning Commission determined not to hold a public hearing on this requested zoning change.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Inlots 123 and 128 be rezoned from M-2, Light Industrial District, to R-5, Single-family Residential District based on findings of:

- o The proposed zoning is consistent with the Comprehensive Plan.
- o The proposed rezoning is compatible with surrounding zoning and uses.

This recommendation is forwarded herewith for action by Troy City Council. Attached is the Information reviewed by the Commission.

A Public Hearing on this rezoning has been scheduled for the Council meeting of Monday, April 4, 2011.

encl.
cc: Mr. Kerber

Recommendation
Staff recommends that Planning Commission recommend that City Council approve the rezoning of Inlots 123 and 128 (0.14 acres), located at 119 Jackson Street, from M-2 Light Industrial to R-7 Multi-Family Residential (as requested) or consider rezoning it to R-5, Single Family Residential to further protect a significant historic structure from potential conversion into two units in the future.

Note Amended to R-5 at TC mtg.

INTERDEPARTMENTAL CORRESPONDENCE

Date: February 23, 2011
 To: Troy Planning Commission
 From: Planning Staff
 Subject: Rezoning Request – 119 Jackson Street - from M-2, Light Industrial to R-7, ~~Single~~ *Multi* Family Residential

Background Summary

Mark J. and Mary N. McCormick have submitted a request to rezone parts of Inlot 123 and 128 (0.140 acres), located at 119 Jackson Street, from M-2 Light Industrial District to R-7 Multi Family District. The rezoning is being requested so that the property can return to its original classification and consistent with surrounding properties.

On June 2008, the property owners requested to change the zoning of the R-7 property to M-2 for using the property as an eating establishment. The off street parking requirements for a more intense use was not met and a variance request was tabled. The property unoccupied and is in the market at present. The owners strongly feel reverting back to the original zoning will be best suited for this property.

The property includes a 1,000 square feet metal Lustron home on a 6,098 square feet lot. It includes a cinder block lower level garage and the two floors are not internally connected. The requested change will allow one single family home with a two unit maximum as it satisfies the 3000 square feet lot area minimum required per unit.

Discussion

Surrounding land uses include recreational (Great Miami River to the north), an electrical substation to the east, a parking lot to the south, and a lumber yard to the west. Surrounding zoning districts are R-7 Multiple Family Residence to the east and M-2 Light Industrial to the north, south and west. The Comprehensive Plan projects multi-family residential land use for this property.

With the recent changes in the Zoning Code, M-2 district no longer allows eating places or offices as permitted use, nor does it allow any residential use of the property. The size of the lot is inadequate to meet off street parking requirements for a more intense non-residential use. Market demand indicates that prospective buyers are interested in using the property as a single family residence. The rezoning will be consistent with the surrounding districts. The Comprehensive plan projects the property as residential.

While staff supports the request made by the applicant, we would also like to suggest that the Planning Commission consider rezoning the property to R-5, Single Family Residential. This will limit the use of the property to a single unit thus reducing potential increase in density. Goal #2: Neighborhoods and Housing, of the Comprehensive Plan stresses the need to have a ratio of owner occupied housing and rental housing equal to or better than the state and national statistics. An R-5 designation would ensure conservation of the property as a single unit. It will also protect and safeguard (Goal #4) a historically significant (Lustron) residence in Troy which was constructed for single family use.

Due to the small size of the property and the fact that it is reverting back to its original zoning designation of 2008, staff would recommend that the Planning Commission not hold a public hearing on this matter.



City of Troy

ITEMS OF INTEREST

TO: Mayor Beamish
Mrs. Baker, President of Council
Council Members

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

A handwritten signature in black ink, appearing to be "P. Titterington", written over the printed name.

DATE: March 18, 2011

We are providing the following for your information:

- The following concession contracts were awarded by the Recreation Board at their monthly meeting on March 17:
 - ◊ Duke Park Softball Concession – was awarded to Troy American Legion Softball for three years based on an annual payment of \$750 plus services totaling \$6,450 at the end of the three year contract, which is approximately the same as the expiring contract.
 - ◊ Little League Football Concession – was awarded to Troy Little League Football for three years based on an annual payment of \$100, which is the same as the expiring contract.
- The bid for opening for the cleaning of the West Lime Sludge Lagoon is scheduled for March 24.
- On April 1, Star Ex, Inc., the contractor operating the Dye Mill Road Facility, will open the facility for the season. The contractor has set the hours for the Dye Mill Road Facility as follows:

| | |
|----------|------------------------|
| Monday | 12:00 noon – 8:00 p.m. |
| Friday | 12:00 noon – 8:00 p.m. |
| Saturday | 9:00 a.m. – 3:00 p.m. |
- Permission has been granted to the First United Methodist Church to hold a Palm Sunday walk on Sunday, April 17. This will start at Franklin and Cherry Streets and go east on Franklin Street to Walnut Street, south on Walnut Street to Canal Street, west on Canal Street to Cherry Street, then north on Cherry Street and ending at Franklin Street.
- The Tri-Troyathlon is scheduled for Sunday, April 17 starting at 7:57 a.m. This event is in cooperation with the Treasure Island Adventure Series and will include a canoe race starting at 7:57 a.m., followed by a bike race, and ending with a run on areas of the bike path.

- The City of Troy will hold the annual "Spring Neighborhood Clean-Up Week" from April 18 through April 22. During this week, residents will be permitted to exceed the standard five-bag limit for household refuse. During this time, residents are encouraged to engage in and promote spring clean-up in their neighborhoods.
- The Flight Air Force Band of Flight is scheduled to perform on Prouty Plaza on Saturday, August 27 starting at 7:00 p.m. We are grateful to have them perform again this year.
- A current listing of the special events for 2010 is attached.
- Other information provided by City departments is attached.

Upcoming Events at Hobart Arena

| | |
|---------------------------|---|
| March 21, 2011 | Jordan World Circus |
| April 6-9 and 13-16, 2011 | Winterguard International Practice Site |
| April 12, 2011 | Tree City USA Awards Ceremony |
| April 30, 2011 | Troy Area Chamber Not for Profit Expo |
| May 5, 2011 | The Band Perry – Concert |
| May 14, 2011 | Higgins-Madewell - Concert |
| May 20, 2011 | Strawberry Festival Concert – One – A Celebration of U2 |
| May 21, 2011 | All American Youth Activities Cheer Competition |
| May 24, 2011 | Troy High School Awards Assembly |
| May 26, 2011 | Upper Valley JVS Graduation |
| May 27, 2011 | Miami East Graduation |
| May 28, 2011 | Troy High School Graduation |
| May 29, 2011 | Covington High School Graduation |

Calendar of Meetings

| | | |
|----------------|-------------------------------|-------------------------------|
| March 21, 2011 | 7:00 p.m. Council | City Hall Council Chambers |
| March 22, 2011 | 3:30 p.m. BZA | City Hall Council Chambers |
| March 23, 2011 | 3:30 p.m. Planning Commission | City Hall |
| April 4, 2011 | 7:00 p.m. Council | City Hall Council Chambers |

If you have any questions, please do not hesitate to contact this office.

Enclosure

cc: Department Heads

CITY OF TROY, OHIO -- SPECIAL EVENTS - 2011

| DATE | EVENT | LOCATION | TIME | SPONSOR |
|----------------|--|-----------------------------------|---------------------|--------------------------------|
| JANUARY 1 | 5K RUN | FRANKLIN ST – BIKE PATH & BACK | 10 AM | FIRST UNITED METHODIST CHURCH |
| JANUARY 17 | MARTIN LUTHER KING PARADE | SQUARE TO METHODIST CHURCH | MORNING | KING TEAM |
| MARCH 5 | TROY SCHOOLS 5K | DUKE PARK | 9 AM – 10 AM | TROY SCHOOLS |
| APRIL 17 | PALM SUNDAY WALK | FRANKLIN/CHERRY & BACK | 9:45-10:15 AM | METHODIST CHURCH |
| APRIL 17 | TROY TRIATHLON | | | |
| MAY 7 | SCULPTURES ON THE SQUARE GALA | MONROE STREET | EVENING | TROY MAIN STREET |
| MAY 8 – SEPT 6 | SCULPTURES ON THE SQUARE | DOWNTOWN | | TROY MAIN STREET |
| MAY 11 | CONCERT – 7 TH GRADE BAND, PICNIC ON PROUTY | PROUTY PLAZA | 11:45 AM – 12:30 PM | TMS/SCHOOLS |
| MAY 13 | CONCERT – 8 TH GRADE BAND, PICNIC ON PROUTY | PROUTY PLAZA | 11:45 AM – 12:30 PM | TMS/SCHOOLS |
| MAY 14 | TROY CHRISTIAN SCHOOLS 5K RUN | TROY CHRISTIAN - HOBART NAT. PRES | 9 AM | TROY CHRISTIAN SCHOOLS |
| MAY 23 | CONCERT – THS JAZZ BAND, PICNIC ON PROUTY | PROUTY PLAZA | 11:30 AM – 12:30 PM | TMS/SCHOOLS |
| MAY 27-29 | TROY HOVERCRAFT CHAMPIONSHIP | RIVER BETWEEN BRIDGES | | HOVERCRAFT OF AMERICA |
| MAY 29 | CONCERT – TROY CIVIC BAND | PROUTY PLAZA | 7:00 PM | TROY CIVIC BAND |
| MAY 30 | MEMORIAL DAY PARADE/CEREMONIES | PARADE THROUGH SQUARE | 9:15 – 10:30 AM | VETERANS ORGANIZATIONS |
| JUNE 3,4,5 | STRAWBERRY FESTIVAL | DOWNTOWN AND LEVEE | | TROY STRAWBERRY FESTIVAL, INC. |
| JUNE 10 | CONCERT – THE FRIES | PROUTY PLAZA | 7:30 PM | TROY MAIN STREET |
| JUNE 17 | CONCERT – | | 7:30 PM | HAYNER |
| JULY 1 | CONCERT - CINCINNATI SYMPHONY | PROUTY PLAZA | 8 – 9:30 PM | TROY FOUNDATION/CITY |
| JULY 4 | JULY 4 TH PARADE | | | 7-4 PARADE COM. & CITY |
| JULY 4 | FIREWORKS | LEVEE | EVENING | |
| JULY 8 | CONCERT – | | 7:30 PM | HAYNER |
| JULY 15 | CONCERT – TICKET TO RIDE | PROUTY PLAZA | 7:30 PM | TROY MAIN STREET |
| JULY 17 | CONCERT – TROY CIVIC BAND | PROUTY PLAZA | 7:00 PM | TROY CIVIC BAND |
| JULY 22 | CONCERT – | | 7:30 PM | HAYNER |
| JULY 29 | CONCERT – RED HOT RHYTHM REVIEW | PROUTY PLAZA | 7:30 PM | TROY MAIN STREET |
| AUGUST 2 | NATIONAL NIGHT OUT | COMMUNITY PARK | 5:30 – 9 PM | CITY OF TROY |
| AUGUST 5 | CONCERT - | | 7:30 PM | HAYNER |
| AUGUST 12 | CONCERT – | | 7:30 PM | HAYNER |
| AUGUST 14 | CONCERT – TROY CIVIC BAND | PROUTY PLAZA | 7:00 PM | TROY CIVIC BAND |
| AUGUST 20 | FESTIVAL OF NATIONS | LEVEE AREA | 4-9 PM | FESTIVAL OF NATIONS |
| AUGUST 21 | MAYORS CONCERT-DAYTON PHILHARMONIC CONCERT BAND | PROUTY PLAZA | 7:00 PM | MAYORS CONCERT COM. |
| AUGUST 27 | CONCERT – AIR FORCE BAND OF FLIGHT | | 7:00 PM | CITY |
| SEPTEMBER 5 | CONCERT – TROY CIVIC BAND | PROUTY PLAZA | 7:00 PM | TROY CIVIC BAND |
| SEPTEMBER 17 | TASTE OF TROY | | 10 AM – 5 PM | TROY MIAN STREET |
| NOVEMBER 25 | HOLIDAY TREE LIGHTING CEREMONY | PUBLIC SQUARE | EVENING | CITY |



Operations
Items of Interest
March 18, 2011

Street – Including Solid Waste – Jerry Mullins, Foreman

- Collected and transported 228 tons of residential waste for disposal since the last report of 238 tons transported.
- Delivered recycling bins.
- Sign shop has been making and replacing high intensity signs across the river and in the southeast end of town.
- Made and repaired barricades.
- Salted for snowstorms.
- Assisted sign shop with sign replacement.
- Placed cold mix in pot holes.
- Cleaned and repaired snow equipment.
- Collected limbs from ice storms.
- Placed concrete around storm drains at Maintenance Facility.
- Collected leaves that were plowed into yards during snow storms.
- Made a list of curbs and yards to be repaired from snow plow damage.
- Cleaned up the North Market Street ball field parking lot.
- Repaired water main breaks with cold mix.
- Picked up a number of animals killed on the roadways.

Electrical – Brian Ferree, Foreman

- A parking lot light was repaired outside and four lights were repaired inside the Police Department.
- We completed Ohio Utilities Protection Service requests as needed.
- Several lights were repaired at Fire Station #2.
- A tree outlet was repaired downtown.
- A bollard light was repaired downtown.
- An underground electrical fault has been repaired at the Barnhart Water Tower. The fault was part of DP&L's service and they made the repair.
- An underground electrical problem has been identified at Well 4 East. A damaged feeder wire needs to be replaced. Parts have been ordered.

Scott Walter's quote: "Some people succeed because they are destined to, but most people succeed because they are determined to."

Maintenance Shop – Jeff Sweigart

- Contractor completed transmission repairs to the Golf Course One Ton Dump Truck.
- Contractor completed transmission repairs to the Street Division Dump Truck.
- Contractor completed engine repairs to the Street Department Refuse Packer.
- Contractor completed fuel line replacement on Fire Department ENG-1.
- Took the Street Department John Deere Tractor to contractor for repairs.

- Repaired and maintained city vehicles, and equipment.
- Performed daily police vehicle safety inspections.
- Contractor repaired the rear suspension on the Street Department Dump Truck.

Water Distribution/Sewer Maintenance – Tom Parsons, Utilities Foreman

- Completed the weekly non-pay shut-offs and reconnects.
- Replaced three catch basins in the Maintenance Facility parking lot.
- Repaired a curb stop on South Market Street.
- Investigated numerous high consumption alerts.
- Filled, flushed, and collected bacteria samples from the new water line on Dye Mill Road. After this line passed the pressure test, it was put into service.
- Unplugged a catch basin at the intersection of Adams Street and Water Street.
- Repaired a fire hydrant hit by a truck on Olive Street.
- Installed a new water service on South Clay Street.
- Jetted the sewer line on Jefferson Street.

Water Treatment Plant – Tim Ray

- Distribution Pump HS #6 was re-installed on March 14 by WTP maintenance staff after repairs were made. Contractor personnel can now complete the installation of the Variable Frequency Drive (VFD) units on HS #6 and HS #4 distribution pump motors over the next 2 weeks.
- The Consumer Confidence Report for 2010 has been completed by WTP Staff and sent to the printer; it will be inserted with water bills in April and May. A copy of this report has been sent to Miami County Sanitary Engineering and to the Village of West Milton, both of which are satellite customers of the Troy Water System.
- Staff has continued to work closely with City Engineer Debbie Swan and engineers from a contractor on the update of our Water System Model and on preliminary design suggestions and cost estimations for system improvements that would be needed to supply water to Piqua.
- Staff viewed two webcast sessions from the Ohio EPA relating to Approved Capacity regulations and the effects of those regulations.
- An OEPA Survey Officer completed a Risk Management Plan (RMP) survey of the WTP and our RMP documentation on March 9. The survey proceeded well, and a report will be forthcoming.
- Staff supplied requested system and source water information on March 10 to a firm contracted to perform work related to the East Troy Contaminated Aquifer clean-up project.
- Staff will be attending both the quarterly Governing Board meeting of the Ohio AWWA as well as the OAWWA Water Utility Council meeting in Columbus on March 18.
- The Low Service Distribution Pump #3 motor was sent to a contractor for some preventive maintenance work, and re-installed on March 15.
- A fault/break occurred in the 480-V supply line from the transformer to Well #4E in the East Wellfield the weekend of March 5. City electricians have ordered replacement wiring, and will pull that through the conduit later this week. Once checked, this well will be placed back in production rotation.

- Staff will be focused on completing detailed preliminary work on the OEPA-required 20-year Needs Survey. Staff will be working with an OEPA SW District representative on this project.
- Annual performance evaluations will be completed by March 31.

Waste Water Treatment Plant – Tim Snider

- Rebuilt and installed dissolved oxygen probes in aeration tanks.
- Received the report from Contractor outlining proposals for plant SCADA feasibility study, Biological Nutrient Removal (BNR) modeling and long term WWTP capital improvement plan.
- Removed, inspected and replaced pump #2 at Kirk Lane pump station.
- Replaced faulty pump at Dorset Road pump station.
- Staff met with contractor representatives concerning belt slippage at the Madison Street pump station.
- Cleaned grease from C&D building, Dorset Road & Nottingham pump stations.
- Completed employee review of annual performance evaluations.
- Maintenance staff completing required preventive maintenance work orders.
- Average Daily Effluent Flow, February, 2011, 5.32 million gallons per day (mgd).
- Average Daily Effluent Total Suspended Solids, February, 2011, 11.5 mg/l with 93.9% removal efficiency.
- Average Daily Effluent C-BOD5, February, 2011, 8.5 mg/l with 94.0% removal efficiency.

| Items of Interest | |
|--|--|
| Engineering Department and Planning Department | |
| March 17, 2011 | |
| Project | Status |
| ACTIVE PROJECTS | |
| 2010 Catch Basins | Many of the catch basins have been completed, and the contractor has moved back in to finish the remaining catch basins. If weather cooperates, this project could be completed by mid-April. |
| Complete Streets | Staff has been working with MVRPC to develop a policy for Complete Streets. This would encourage access on new projects receiving federal funding to look at pedestrian, bicycle, and handicap access on all projects. Once adopted by MVRPC the City will be asked to adopt our own policy. |
| Comprehensive Plan Update | The final phase of this project is the zoning map. City Council has approved the rezoning of all properties presented except for two. Those two are now working their way through City Council. |
| Downtown Streetscape Maintenance | Work on the painting of the clock is complete. Other items have been ordered and will be placed as soon as they arrive. Trash Cans have been delivered and stored at Duke Park to be placed out in the spring. |
| Dye Mill Road Improvements | The waterline is now installed and operational. The bid opening for the roadway portion will be handled next. Grant funding is in place. |
| Experiment Farm Road Design | Work on this project was awarded to Finrock Construction at a cost of \$658,000. Work is underway with completion expected at the end of May, 2011. |
| Facilities Planning Area | OEPA has required all communities to review the Facility Planning Area (FPA). This is the area that we expect to be serving in the next 20 years for sanitary sewers. Staff is working with MVRPC and other communities in Miami County to determine any changes necessary in our FPA. Map revisions have been submitted to MVRPC. |
| Maplecrest Bridge Deck | Staff is working to improve the watertightness of several bridges. |
| Sidewalk Program 6A | Work is complete. The next step will be bringing forward action for the Ordinance of Assessment. |
| Sidewalk Program 6B | Work is now complete and final measurements are being prepared. |
| Sidewalk Program 7 | Staff will present documentation to begin this project as soon as sidewalk can be checked. |

| Items of Interest | |
|--|---|
| Engineering Department and Planning Department | |
| March 17, 2011 | |
| Project | Status |
| Sidewalk, Sewer, and Sump Inspections | Inspections are continuing to be completed when requested. |
| Terry Drive Bridge | Work has begun on this project. It is expected that the bridge will reopen as soon as asphalt plants open in April, depending on the weather. |
| OTHER PROJECTS | |
| Adams Street Bridge | Bids will be opened at ODOT's Central Office in Columbus on April 21. |
| Bicycle Friendly Community | Staff submitted the application for Bicycle Friendly Community. On April 28, 2010 the League of American Bicyclists announced that Troy was one of the 2010 Honorable Mentions for this designation. This is a very difficult nation-wide competition and there are not too many communities that receive the Bicycle Friendly Community award. Troy will continue to submit applications under this program. |
| FEMA | FEMA is updating the local flood plain maps. Community meetings have been scheduled with FEMA for April. |
| General Specifications and Information | A draft of the revision has been submitted to the Service Director's Office. |
| GPS Data Collection | This outdoor work continues as time and weather permit. |
| Cemetery Sidewalk | Staff is working with Cemetery Department Staff regarding the possibility of sidewalk ramps to provide handicap accessibility to the Chapel and the Mausoleum. |
| Railroad Crossings | Staff is also pushing the railroad to complete repairs to crossings on N. Market and S. Market Streets. It is important to complete the repairs to the N. Market Street crossing prior to the Adams Street Bridge demolition. |
| Safete-Lu (CMAQ and STP) | Staff has submitted two (2) applications for funding. Traffic Signal interconnection on SR 41 from Dorset to Marybill and Turn lane improvements on SR 55 at Dorset/Archer Drive. We have been notified that the signal reconnection project will receive funding. Staff will be working with ODOT to program this project. |
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| Items of Interest | |
|--|--|
| Engineering Department and Planning Department | |
| March 17, 2011 | |
| Project | Status |
| SUBDIVISION STATUS | |
| Nottingham 5 | Construction activities are complete until final asphalt. |
| Hawk's Nest Section 2 | The plat has been approved. Construction has not yet begun. |
| Pleasantview Estates Section 4 | This plat has been approved. Construction has not yet begun. |
| Stonebridge Meadows PD | City Council approved the Planned Development. |
| | |

MEMO

To: Patrick Titterington, Director of Public Service and Safety

From: Tim Davis, Planning & Zoning Manager

Date: March 16, 2011

Subject: Planning Division Update

I have attached two reports which summarize concerns that are being addressed by the Planning Division from March 2, 2011 to March 16, 2011. The first report shows all permits that were issued by the Planning Division. The report contains the address and type of permit and separates the information by each ward. There were 14 permits issued during this time period.

The second report contains the address, type of concern, and a summary of the current status of on-going issues. Both open and closed concerns are listed and are separated by each ward.

As in the past, all costs associated with the removal of trash and elimination of noxious weeds will be passed on to the property owner. If the property owner does not pay the bill, the cost will be assessed to the property taxes.

CITY OF TROY
PERMIT WORK TYPE STATISTICS REPORT
03/02/2011 TO 03/16/2011

PRNTWKTP
03/16/2011
08:28:09

| SUBTOTALS | PERMITS | FEES | EST. COST |
|----------------------------|---------|------------|-----------|
| F FENCE | 1 | 10.00 | 0 |
| S REFACE | 1 | 25.00 | 0 |
| ST SEWER TAP - RES | 1 | 1,200.00 | 0 |
| T COMMERCIAL | 1 | 50.00 | 0 |
| TU TEMPORARY GARDEN CENTER | 1 | 50.00 | 0 |
| WT WATER TAP-RES | 1 | 2,000.00 | 0 |
| Z COMMERCIAL | 1 | 164.00 | 0 |
| Z DECK | 2 | 128.00 | 0 |
| Z GARAGE-ATTACHED | 1 | 25.00 | 0 |
| Z INGROUND POOL | 1 | 25.00 | 0 |
| Z SHED | 2 | 50.00 | 0 |
| Z SINGLE FAMILY W/BASMNT | 1 | 108.12 | 0 |
| GRAND TOTAL | 14 | \$3,835.12 | |

CITY OF TROY - Ward One
PERMIT REPORT
03/02/2011 TO 03/16/2011

03/16/2011
08:20:55

| | | | | |
|----------|----------|------------------|--------------------------|--------|
| 2011007Z | 3/8/2011 | 1311 MARKET ST N | FRANCIS, BRYAN AND TARAH | 0 |
| SHED | | N/A | 1311 MARKET ST N | 25.00 |
| | | N/A | | LV 0 |
| | | SHED - 3/8/11 | TROY, OH 45373- | NL 144 |
| | | N/A | 0/ 0.00/ | |

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CITY OF TROY - Ward Two
PERMIT REPORT
03/02/2011 TO 03/16/2011

03/16/2011
08:20:55

No Permits Issued During This Time Period

CITY OF TROY - Ward Three
PERMIT REPORT
03/02/2011 TO 03/16/2011

03/16/2011
08:20:55

| | | | | |
|------------|-----------|--|-----------------|-------|
| 2011002T | 3/14/2011 | 508 MAIN ST W | DUNAWAY, SANDY | 0 |
| COMMERCIAL | | N/A | 508 MAIN ST W | 50.00 |
| | | N/A | | LV 0 |
| | | DUNAWAYS-TENT-UP 3/16-DOWN 3/18 - 3/8/11 | TROY, OH 45373- | NL 0 |
| | | | 0/ 0.00/ | |

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| | | | | |
|----------|-----------|------------------------|--------------------|-------|
| 2011023S | 3/15/2011 | 1590 MAIN ST W | GIANT DAYTON, LLC | 0 |
| REFACE | | D08058790 | 1806 N FRANKLIN ST | 25.00 |
| | | N/A | | LV 0 |
| | | REFACE FS SIGN 3-14-11 | TAMPA, FL 33602- | NL 0 |
| | | WESTBROOK 6 | 0/ 0.00/ | |

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| | | | | |
|------------|-----------|------------------------------------|-------------------------|---------|
| 2011012Z | 3/10/2011 | 1750 MAIN ST W | LOGAN'S ROADHOUSE, INC. | 0 |
| COMMERCIAL | | N/A | 3011 ARMORY DR, #300 | 164.00 |
| | | N/A | | LV 6505 |
| | | LOGAN'S ROADHOUSE-NEW BLDG.-3/8/11 | NASHVILLE, TN 37204- | NL 0 |
| | | | 0/ 0.00/ | |

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| | | | | |
|----------|-----------|--------------------|--------------------------|-------|
| 2011005F | 3/10/2011 | 599 NORTH POINT CT | WINAND, JOHN AND BARBARA | 0 |
| FENCE | | N/A | 599 NORTH POINT CT | 10.00 |
| | | 9588 | | LV 0 |
| | | FENCE - 3/7/11 | TROY, OH 45373- | NL 0 |
| | | WILLOW POINT | 0/ 0.00/ | |

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| | | | | | |
|---------------|-----------|------------------------|--------------------------|-------|-----------------------|
| 2011010Z | 3/10/2011 | 599 NORTH POINT CT | WINAND, JOHN AND BARBARA | 0 | KNICKERBOCKER POOLS . |
| INGROUND POOL | | N/A | 599 NORTH POINT CT | 25.00 | |
| | | 9588 | | LV | 0 |
| | | INGROUND POOL - 3/7/11 | TROY, OH 45373- | NL | 0 - - |
| | | WILLOW POINT | 0/ 0.00/ | | |

| | | | | | |
|-----------------|-----------|------------------|--------------------------|-------|-----|
| 2011013Z | 3/14/2011 | 2541 WINFIELD CT | AUZENNE, TONY AND STELLA | 0 | |
| GARAGE-ATTACHED | | D08102718 | 2541 WINFIELD CT | 25.00 | |
| | | N/A | | LV | 0 |
| | | GARAGE - 3/10/11 | TROY, OH 45373- | NL | 432 |
| | | WILLOWCREEK2 | 0/ 0.00/ | | |

CITY OF TROY - Ward Four
 PERMIT REPORT
 03/02/2011 TO 03/16/2011

03/16/2011
 08:20:55

| | | | | | |
|----------|-----------|--------------------|-----------------------------|-------|-----|
| 2011009Z | 3/10/2011 | 1005 CRAWFORD ST S | BRANSON, SAMUEL AND REBECCA | 0 | |
| DECK | | N/A | 1005 S CRAWFORD ST | 25.00 | |
| | | N/A | 005 S CRAWFORD ST | LV | 0 |
| | | DECK - 3/9/11 | TROY, OH 45373- | NL | 160 |
| | | | 0/ 0.00/ | | |

| | | | | | |
|-------------------------|-----------|--|-----------------------------|-------|---|
| 2011002TU | 3/10/2011 | 751 MARKET ST W | KROGER LIMITED PARTNERSHIP | 0 | |
| TEMPORARY GARDEN CENTER | | D08101136 | 130 TRI COUNTY PARKWAY #324 | 50.00 | |
| | | N/A | | LV | 0 |
| | | KROGERS-SEASONAL SALES (GARDEN)-3/4/11 | CINCINNATI, OH 45246- | NL | 0 |
| | | | 0/ 0.00/ | | |

| | | | | | |
|----------|----------|------------------|------------------|--------|-----|
| 2011006Z | 3/7/2011 | 2331 MARKET ST W | DR. GUPTA | 0 | |
| DECK | | N/A | 2331 MARKET ST W | 103.00 | |
| | | N/A | | LV | 0 |
| | | DECK - 3/3/11 | TROY, OH 45373- | NL | 312 |
| | | | 0/ 0.00/ | | |

| | | | | | |
|-----------------|----------|-----------------------------------|-----------------------|---------|----------------------|
| 2764ST | 3/9/2011 | 678 ROSECREST DR | HARLOW BUILDERS, INC. | 0 | HARLOW BUILDERS |
| SEWER TAP - RES | | NA | 678 ROSECREST DR | 1200.00 | 405 PETERS AVE |
| | | 10174 | | LV | 2806 TROY, OH 45373- |
| | | 5/8" SEWER TAP-RESIDENTIAL-3/9/11 | TROY, OH 45373- | NL | 2791 937-339-9944 |
| | | STONEBRIDGE ESTATES FIVE | 0/ 0.00/ | | |

| | | | | | |
|---------------|----------|------------------|-----------------------|---------|-----------------|
| 1023WT | 3/9/2011 | 678 ROSECREST DR | HARLOW BUILDERS, INC. | 0 | HARLOW BUILDERS |
| WATER TAP-RES | | NA | 678 ROSECREST DR | 2000.00 | 405 PETERS AVE |

10174
1" WATER TAP-RESIDENTIAL-3/9/11
STONEBRIDGE ESTATES FIVE

TROY, OH 45373-
0/ 0.00/

LV 2806 TROY, OH 45373-
NL 2791 937-339-9944

20110112 3/10/2011
SINGLE FAMILY W/BASMNT

678 ROSECREST DR
NA
10174
SGL FAM W/BASEMENT - 3/9/11
STONEBRIDGE ESTATES FIVE

HARLOW BUILDERS, INC.
678 ROSECREST DR
TROY, OH 45373-
0/ 0.00/

0 HARLOW BUILDERS
108.12 405 PETERS AVE
LV 2458 TROY, OH 45373-
NL 3354 937-339-9944

2011008Z 3/10/2011
SHED

43 VINCENT AVE
N/A
N/A
SHED - 3/8/11
N/A

WYRICK, SAMUEL RICHARD
43 VINCENT AVE
TROY, OH 45373-
0/ 0.00/

0
25.00
LV 0
NL 96

CITY OF TROY - Ward One
VIOLATIONS BY REASON CODE
03/02/2011 TO 03/16/2011

03/16/2011
08:29:25

20110116 3/3/2011 1077 STONYRIDGE AVE
JUNK VEHICLE
HERITAGE HILL 8
3-3-11 sb Red Chevy Venture van, tags expired 9-10. Certified,
3-9-11 sb Green card dated 3-5-11. Follow up 3-14-11. Vehicle moved.

20110115 3/3/2011 917 FRONTIER DR
TRASH & DEBRIS
N/A
3-3-11 sb Tree limbs all over back yard. Certified, follow up
3-10-11. Tree limbs still not removed. Turing into contractor should be
removed 3/21/11.

20110139 3/9/2011 412 OHIO AVE
ZONING PROBLEMS NO VIOLATION
CULBERTSON HEIGHTS
3-11-11 sb Portable tarp carport in rear yard. Sending certified,
follow up 4-11-11
3-15-11 sb James Bergman tel. He has a permit for the portable
garage. Told him to disregard letter. Close.

20110140 3/11/2011 407 CONCORD ST
JUNK VEHICLE
N/A
3-11-11 sb Blue Chrysler van expired 2/11, flat front driver
tire. Certified, follow up 3-21-11.

20110141 3/11/2011 1275 HILLTOP CIR
TRASH & DEBRIS
N/A
3-11-11 sb Brush and limbs laying all over front yard. Certified,
Follow-up 3-17-11.

20110142 3/11/2011 1427 SARATOGA DR
JUNK VEHICLE
N/A
3-11-11 sb Maroonish mustang on grass with front end missing.
Certified, copy resident. Follow up 3-21-11.

CITY OF TROY - Ward Two
VIOLATIONS BY REASON CODE
03/02/2011 TO 03/16/2011

03/16/2011
08:29:25

20110113 3/2/2011 1465 MAIN ST W
PROPERTY MAINTENANCE VIOLATION
N/A
Top of an automobile stored in the front yard of this corner lot.
Friendly letter sent 3/2/11 to remove or store it in an enclosed

area. Reinspect 3/16/11.

20110126 3/8/2011 1513 BROOKFIELD LN
STREET PROBLEMS
BROOK PARK NORTH 1

Complaint that there is an oil spill from a car on the street in front of 1513 Brookfield.

3/7/11 spoke to the owner and asked her to clean up the spots with kitty litter. We also informed that if the City has to clean up the owner may be responsible for the cost. She informed that it is from an occasional visitor to her house and agreed to clean up. Closed.

CITY OF TROY - Ward Three
VIOLATIONS BY REASON CODE
03/02/2011 TO 03/16/2011 03/16/2011
08:29:25

20110117 3/3/2011 12 MONROE ST S
PROPERTY MAINTENANCE

N/A

3-3-11 sb House unoccupied with a broken window and several open windows. Sent work orders and emergency board up letter by certificate, follow up 4-5-11 .

3-7-11 sb Susan Fogt tel. Very upset she got letter about broken window. Told her I would give a week to get fixed. Follow up 3-14-11.

20110118 3/3/2011 1590 MAIN ST W
SIGN VIOLATIONS

WESTBROOK 6

3-3-11 sb Temp signs without permit on pole. Certified, follow up 3-18-11.

20110122 3/7/2011 1110 SUMMIT AVE
HOME OCCUPATIONS NO VIOLATION

N/A

Complaint that a business is being run out of home. Contacted the owners, the owner informed that her husband is sick and home health care people and Hospice nurses are at her house at various hours. A note was also provided stating the information. Closed.

20110143 3/11/2011 1102 MAIN ST W
FENCE PROBLEMS

3-11-11 sb West fence surrounding property has fallen over and is leaning against the building. Certified, copy Family Video, follow up 4-11-11.

CITY OF TROY - Ward Four
VIOLATIONS BY REASON CODE
03/02/2011 TO 03/16/2011

03/16/2011
08:29:25

20110144 3/11/2011 715 MAIN ST E
PROPERTY MAINTENANCE

Barn in rear of the property is beyond repair. Sent Cert. letter to owner stating demolition is required. Owner responded with letter asking for an extension until beginning of May when the weather improves.

20110112 3/2/2011 1206 CLAY ST S
TRASH & DEBRIS TRASH REMOVED
N/A

Scattered trash on alley side. Letter sent 3/3/11. Trash cleaned up. Closed.

20110124 3/7/2011 301 WATER ST E
JUNK VEHICLE

Police complaint on two jeeps with no plates.
Green card signed 3/11/11. Check 3/21/11.

20110127 3/8/2011 254 UNION ST S
GARAGE SALES-EXCESSIVE
N/A

Complaint by Gloria Kittle about too many garage sales. Stopped by and handed the regulations to the tenant. She reacted saying that the regulation is not fair and may contact the council person regarding her dislike. Garage sales have stopped. Close.

20110138 3/10/2011 912 CANAL ST E
TRASH & DEBRIS

Complaint about open trash bags, tires, lawn mower bikes...etc. in the rear yard.
Complaint about tires stored in porch, which is not a violation. Letter sent for open and scattered trash on alley side. Reinspect three days after letter is signed for.

20110149 3/14/2011 911 CANAL ST E
TRASH & DEBRIS

Scattered trash, open trash bag, tire on alley side. Letter sent 3/15/11.

20110147 3/14/2011 930 FRANKLIN ST E
TRASH & DEBRIS

Mattress on ally side & other broken furniture, pile of debris near detached garage close to the side street. Letter sent 3/15/11.

20110146 3/14/2011 19 MULBERRY ST S
TRASH & DEBRIS

Trash department complaint regarding scattered trash, bricks, junk equipment. Letter mailed 3/11/11. Owner hiring private trash hauling and cleaning up the property on 3/16/11. Will follow-up 3/16/11.

20110148 3/14/2011 1011 CRAWFORD ST S
TRASH & DEBRIS

Sofa by detached garage on alley side. Letter sent 3/15/11.

20110150 3/14/2011 928 CANAL ST E
TRASH & DEBRIS

Mattress on ally side. Letter sent 3/15/11.

20110123 3/7/2011 222 OAK ST
JUNK VEHICLE NO VIOLATION
N/A

Police Dept. complained about a vehicle parked on lawn bordering on
alley. Inspection showed gravel underneath the location the car is parked. No
violation.

20110137 3/10/2011 1555 WINDRIDGE PL
EXCREMENT PROBLEM COMPLETED
WINDRIDGE PLACE 1

Complaint on dog excrement from apt C.
green card signed 3/7/11. Tenant called 3/8/11 and informed she
will clean up after her dog. Closed.