



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

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Excuses by motion/second/roll call vote

SUMMARY OF MINUTES

October 17, 2011 Meeting

(motion, second, roll call vote)

COMMITTEE REPORTS

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

RESOLUTIONS

None

ORDINANCES

O-22-2011

Bond Refinancing Legislation

EMERGENCY

1<sup>st</sup> reading

COMMUNICATIONS/ANNOUNCEMENTS

PRESENTATION: Shane Carter, Executive Director, Lincoln Community Center

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.*

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, October 17, 2011, at 7:00 p.m. in Council Chambers.

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

Upon motion of Mr. Schweser, seconded by Mr. Harrah, 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
	John D. Stickel,	City Auditor

INVOCATION: An invocation was given by Council Member Harrah.

PRESENTATION: Mayor Beamish presented a plaque to former member of Council James R. Stubbs in recognition of his service on Council. Mrs. Baker presented Mr. Stubbs with his name plate.

MINUTES: The Clerk gave a summary of the minutes of the October 3, 2011, meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Clark, seconded by Mr. Schweser, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Buildings, Streets & Sidewalks Committee: Mr. Harrah, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to file an application with MVRPC for Transportation Enhancement (TE) Funds in the amount of \$300,000 to help fund Phase 3B (both sides of E. Main Street from Walnut Street to Mulberry Street) of the Streetscape Program. The total estimated cost of Phase 3B is \$700,000.
- 2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the installation of a sidewalk along the south side of the SR41/I-75 interchange and to install decorative fencing along the Mayors Park at an increased authorization for the project of \$185,000.

Reports signed by Phillips and Harrah.

Finance Committee: Mr. Schweser reported as follows:

- 1) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to purchase fuel items during 2012 on the open market and to advertise for bids and enter into contracts for supplies and materials for 2012 (lime not to exceed \$257,400; limestone not to exceed \$46,700; and asphalt materials not to exceed \$42,000).
- 2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for a used boom truck at a cost not to exceed \$100,000. Committee noted that this is not budgeted, but will be obtained from the budget funds for a jet vac that will not be purchased in 2011.

Reports signed by Schweser and Tremblay.

Safety & Health Committee: Mr. Clark, Chairman, reported that Committee recommends legislation authorizing a contract with the Miami County Health District for public health services for Troy citizens in 2012 in the amount of \$313,096.39. Committee noted that as this is a cost to the General Fund, which has reduced revenues, other options to fund this service will be explored.

Report signed by Harrah, Hutchinson and Clark.

Utilities Committee: Mr. Clark reported as follows:

- 1) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an agreement with ARCADIS, U.S., Inc. in the amount of \$187,000 to design a SCADA system for the Wastewater Treatment Plant. Committee noted this would be a system that would permit the plant to be automated for two of the current three shifts, which would be a savings. If the system is implemented, there is a minimum 5 ½ year payback. It was noted that with a potential of four retirements from the plant staff next year, staff reductions will be by attrition.
- 2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to file an application for 100% loan funds from the Ohio Public Works Commission for two projects:
  - A sewer lining project in the area of the Kirk Lane Pump Station for a \$100,000 loan.
  - Water line replacements in the areas of Drury Lane and Scott, Williams and Oak Streets for a \$175,000 loan.

Reports signed by Harrah, Schweser and Hutchinson.

**COMMENTS REGARDING COMMITTEE REPORTS OR AGENDA ITEMS:**

Lester Conard, 1210 S Clay Street, asked if the City had determined how old of a boom truck would be purchased so there is not an issue with parts and repairs. Mr. Titterington advised that a specific year of a vehicle has not been determined as the City will evaluate bids based on use, mileage, repair history and inspection, but will take the age of the vehicle into account. Mr. Conard asked if a specific cap for Health District funding of \$300,000 had been previously set. Mr. Titterington advised that the amount has fluctuated from year to year as it is based on property values, and the 2012 amount is less than 2011 as property values have decreased.

**RESOLUTION NO R-50-2011**

**RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO MAKE APPLICATIONS FOR OHIO PUBLIC WORKS COMMISSION (OPWC) FOR LOANS FOR UTILITY UPGRADE PROJECTS**

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

**RESOLUTION ADOPTED**

**RESOLUTION NO R-51-2011**

**RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO SUBMIT AN APPLICATION FOR TRANSPORTATION ENHANCEMENT FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION FOR PHASE 3B OF THE STREETScape PROGRAM**

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

**RESOLUTION ADOPTED**

**RESOLUTION NO R-52-2011**

**RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CERTAIN SUPPLIES FOR THE YEAR 2012**

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.  
Yes: Hutchinson, Schweser, Tremblay, Phillips, Harrah and Clark.  
Mr. Clark moved for adoption. Motion seconded by Mr. Phillips.  
Yes: Schweser, Tremblay, Phillips, Harrah, Clark and Hutchinson.  
No: None.

RESOLUTION ADOPTED

RESOLUTION NO R-53-2011

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AGREEMENTS FOR THE PURCHASE OF GASOLINE AND DIESEL FUEL AFTER BIDDING ON THE OPEN MARKET AND AWARDING CONTRACTS ON A LOWEST AND BEST BID BASIS

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.  
Yes: Tremblay, Phillips, Harrah, Clark, Hutchinson and Schweser.  
No: None.  
Mr. Harrah moved for adoption. Motion seconded by Mr. Clark.  
Yes: Phillips, Harrah, Clark, Hutchinson, Schweser and Tremblay.  
No: None.

RESOLUTION ADOPTED

RESOLUTION NO R-54-2011

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE INSTALLATION OF A SIDEWALK ALONG SR41/I-75

This Resolution was given first title reading.

Mr. Clark moved for suspension of rules requiring three readings. Motion seconded by Mr. Phillips.  
Yes: Harrah, Clark, Hutchinson, Schweser, Tremblay and Phillips.  
No: None.  
Mr. Schweser moved for adoption. Motion seconded by Mr. Hutchinson.  
Yes: Clark, Hutchinson, Schweser, Tremblay, Phillips and Harrah.  
No: None.

RESOLUTION ADOPTED

RESOLUTION NO R-55-2011

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH ARCADIS, U.S., INC.

This Resolution was given first title reading.

Mr. Hutchinson moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.  
Yes: Hutchinson, Schweser, Tremblay, Phillips, Harrah and Clark.  
Mr. Clark moved for adoption. Motion seconded by Mr. Harrah.  
Yes: Schweser, Tremblay, Phillips, Harrah, Clark and Hutchinson.  
No: None.

RESOLUTION ADOPTED

RESOLUTION NO R-56-2011

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR A USED BOOM TRUCK

This Resolution was given first title reading.

Mr. Harrah moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.  
Yes: Tremblay, Phillips, Harrah, Clark, Hutchinson and Schweser.  
No: None.  
Mr. Schweser moved for adoption. Motion seconded by Mr. Harrah.  
Yes: Phillips, Harrah, Clark, Hutchinson, Schweser and Tremblay.  
No: None.

RESOLUTION ADOPTED

RESOLUTION NO R-57-2011

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH THE MIAMI COUNTY GENERAL HEALTH DISTRICT FOR HEALTH SERVICES

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

COMMENTS OF THE MAYOR:

Mayor Beamish commented as follows:

- Make a Difference Day will be held the morning of Oct. 22 and volunteers are welcome to assist with projects throughout the community.
- October 29 will be the Halloween Parade for Children, with other events downtown.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington commented that a Council member asked about the spending history for the routine supplies covered by Resolutions R-52-2011 and R-53-2011. He noted that other than a slight inflation factor, the costs are fairly consistent. The amount of lime used is dependent on some weather factors that dictate water usage and the City's cost for fuels have varied as prices have risen and fallen with the economy.

COUNCIL COMMENTS:

- Mr. Schweser commented that there are a lot of leaves in the SW Historic District where there is limited off street parking, and he hopes there will be frequent leaf collection in that area.
- Mr. Clark noted that the volunteers of Operation Cloverleaf, who take care of the I-75/SR 41 interchange, devoted a day last week to further enhancing that area.
- Mr. Phillips asked about a repair on a transmitter at the Herrlinger Water Tower, and was advised that was a routine repair that had been made to a transmitter not connected with the tower maintenance contract. Regarding the lime sludge lagoon cleaning, Mr. Titterington advised that weather has impacted the work and the contractor is expected back on the job this week. Mr. Phillips asked about the bark park, and was advised there have not been private donations and ODNR has not yet announced if the grant application for the bark park was funded.

CITIZEN COMMENTS:

Lester Conard, 1210 S. Clay Street, commented that Mr. Clark attended a performance at the Mayflower Theater over the weekend and hopes more officials attend if the performer returns.

There being no further business, the meeting adjourned at 7:37 p.m.

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Clerk of Council

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President of Council

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: October 28, 2011

FROM: Finance Committee

SUBJECT: REFUNDING OF CERTAIN BONDS

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

On October 28, Committee members Tremblay and Kendall met to consider information related to the refunding (refinancing) of bonds issued in 2002. By refunding and reissuing these bonds at a lower rate of interest, it is possible to save an average of approximately \$15,450 annually in debt service payments through 2022, for an approximate total savings of \$170,000. Most of the savings would be to the Bond Retirement Fund.

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

It is the recommendation of this Committee that legislation be prepared authorizing the refunding of certain bonds and the issuance of new bonds at a lower interest rate, which will result in lower debt service payments. The legislation would be as an emergency to immediately issue the new bonds and secure the lower favorable interest rates now available.

Respectfully submitted,

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John W. Schweser

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Douglas W. Tremblay

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Thomas M. Kendall, Chairman  
Finance Committee

**DETAILED REPORT:**

On October 28, 2011, Committee members Tremblay and Kendall met to consider information related to the refunding (refinancing) of certain bonds issued in 2002. Also attending the meeting were the Director of Law, the City Auditor, the Director of Public Service and Safety, and a member of City staff.

By refunding and reissuing these bonds at a lower rate of interest, it is possible to save an average of approximately \$15,450 annually in debt service payments through 2022, for an approximate total savings of \$170,000. These bonds are related to the water line extension to West Milton and the improvements to the Troy Memorial Stadium. Thus, the savings would be in the Water Fund and the Bond Retirement Fund, which is primarily supported by the General Fund. Most of the savings would be to the Bond Retirement Fund.

**RECOMMENDATION:**

It is the recommendation of this Committee that legislation be prepared authorizing the refunding of certain bonds and the issuance of new bonds at a lower interest rate, which will result in lower debt service payments. The legislation would be as an emergency to immediately issue the new bonds and secure the lower favorable interest rates now available.

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

**ORDINANCE No.** 0-22-2011

Dayton Legal Bank, Inc.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,350,000 FOR THE PURPOSE OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF (I) IMPROVING THE WATER DISTRIBUTION SYSTEM OF THE CITY BY CONSTRUCTING A WATER LINE TO PROVIDE WATER SERVICE TO THE VILAGE OF WEST MILTON, OHIO, MIAMI COUNTY, OHIO AND OTHER USERS OF THE WATER DISTRIBUTION SYSTEM OF THE CITY, TOGETHER WITH ALL RELATED APPURTENANCES AND (II) IMPROVING THE PARKS AND RECREATION FACILITIES OF THE CITY BY RENOVATING AND IMPROVING MEMORIAL STADIUM, INCLUDING THE CONSTRUCTION OF NEW RESTROOMS, CONCESSION AREAS, STORAGE AREAS, LOCKER ROOMS, MULTIPURPOSE ROOMS AND THE RELOCATION OF RELATED WATER LINES, TOGETHER WITH ALL RELATED APPURTENANCES, AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Ordinances No. O-23-02 and No. O-24-02, each passed May 6, 2002 (collectively, the "2002 Bond Ordinance"), bonds in the aggregate principal amount of \$4,075,000, dated as of July 1, 2002 (the "2002 Bonds"), were issued for the purpose of paying the costs of (i) improving the water distribution system of the City by constructing a water line to provide water service to the Village of West Milton, Ohio, Miami County, Ohio and other users of the water distribution system of the City, together with all related appurtenances (the "Water Purpose") and (ii) improving the parks and recreation facilities of the City by renovating and improving Memorial Stadium, including the construction of new restrooms, concession areas, storage areas, locker rooms, multipurpose rooms and the relocation of related water lines, together with all related appurtenances (the "Stadium Purpose"); and

**WHEREAS**, this Council finds and determines that it will be in the City's best interest to issue general obligation bonds in accordance with Chapter 133 of the Ohio Revised Code in the maximum principal amount of \$2,350,000 (the "Bonds") in order to refund at a lower rate of interest all or a portion of the 2002 Bonds maturing on December 1 in the years 2012 through 2022 (collectively, the "Refunded Bonds") and to pay the financing costs with respect to the Bonds; and

**WHEREAS**, this Council has requested that the City Auditor, as fiscal officer of this City, certify the estimated life or period of usefulness of each component of the Improvement (as defined in Section 2) and the maximum maturity of the Bonds described in Section 2; and

**WHEREAS**, the City Auditor has certified to this Council that the estimated life or period of usefulness of each component of the Improvement (as defined in Section 2) is at least five (5) years and that the maximum maturity of the Bonds is (i) December 1, 2042 with respect to the portion of the Bonds allocable to the Water Purpose and (ii) December 1, 2027 with respect to the portion of the Bonds allocable to the Stadium Purpose;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Miami County, Ohio, that:

**SECTION I. Definitions and Interpretation.** In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means the denomination of \$5,000 or any integral multiple in excess thereof.

"Bond proceedings" means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section V.

"Bond Registrar" means a bank or trust company authorized to do business in the State of Ohio and designated by the City Auditor in the Certificate of Award pursuant to Section IV as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"Bonds" means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository or its designated agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"*Certificate of Award*" means the certificate authorized by Section VI, to be executed by the City Auditor, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

"*Closing Date*" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"*Code*" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"*Continuing Disclosure Agreement*" means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the City Auditor in accordance with Section IX(c).

"*Depository*" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"*Escrow Agreement*" means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and executed by the City Auditor in accordance with Section X.

"*Escrow Fund*" means the City of Troy, Ohio – Series 2011B Refunding Escrow Fund created pursuant to the Escrow Agreement.

"*Interest Payment Dates*" means June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

"*Mandatory Redemption Date*" shall have the meaning set forth in Section III(b).

"*Mandatory Sinking Fund Redemption Requirements*" shall have the meaning set forth in Section III(e)(i).

"*Original Purchaser*" means the purchaser of the Bonds specified in the Certificate of Award.

"*Participant*" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

"*Principal Payment Dates*" means December 1 in each of the years from and including 2012 to and including 2022; *provided* that the first Principal Payment Date and the last Principal Payment Date for any of the component Purposes may be advanced or deferred in such manner as to be in the best interest of and financially advantageous to the City (provided that in no case shall the final Principal Payment Date of the portions of the Bonds issued for either of the component Purposes exceed the maximum maturity limitations referred to in the preambles hereto), all of which determinations shall be made by the City Auditor in the Certificate of Award.

"*Purchase Agreement*" means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the City Auditor in accordance with Section VI.

"*Registrar Agreement*" means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the City Auditor in accordance with Section IV.

"*Regulations*" means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

"*Rule*" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"*SEC*" means the Securities and Exchange Commission.

"*Serial Bonds*" means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

"*Term Bonds*" means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

**SECTION II. Authorized Principal Amount and Purpose; Application of Proceeds.** This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$2,350,000 (the "*Bonds*") for the purpose of refunding bonds previously issued by the City for the purpose of paying the costs of (a) Improving the water distribution system of the City by constructing a water line to provide water service to the Village of West Milton, Ohio, Miami County, Ohio and other users of the water distribution system of the City, together with all related appurtenances and (b) Improving the parks and recreation facilities of the City by renovating and improving Memorial Stadium, including the construction of new restrooms, concession areas, storage areas, locker rooms, multipurpose rooms and the relocation of related water lines, together with all related appurtenances (collectively, the "*Improvement*"). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, this Ordinance and the Certificate of Award.

The aggregate principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the City Auditor in the Certificate of Award to be the aggregate principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section II, taking into account the costs of refunding the Refunded Bonds, estimates of the financing costs and the interest rates on the Bonds. The principal maturities of the Refunded Bonds to be refunded shall be those determined by the City Auditor in the Certificate of Award to be the maturities the refunding of which will be in the best interest of and to the financial advantage of the City.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. The Certificate of Award and the Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of financing costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any financing costs identified in the Certificate of Award) shall be used to pay costs of refunding the Refunded Bonds and/or be paid into the Bond Retirement Fund, with such determination being made by the City Auditor in the Certificate of Award. Any portion of those proceeds received by the City representing accrued interest shall be paid into the Bond Retirement Fund.

**SECTION III. Denominations; Dating; Principal and Interest Payment and Redemption Provisions.** The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) **Interest Rates and Payment Dates.** The Bonds shall bear the rate or rates of interest per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the City Auditor, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the City Auditor in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the City Auditor shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "Mandatory Redemption Date") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing on the Bond Register at the close of business on the 15<sup>th</sup> day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the City Auditor, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "Mandatory Sinking Fund Redemption Requirements").

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the City Auditor, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the City Auditor, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the City Auditor, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the City Auditor, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds (if any) of the interest rates and maturities specified in the Certificate of Award may be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the City Auditor in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the City Auditor to the Bond Registrar, given upon the direction of this Council by adoption of a resolution or passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities, and interest rate or rates selected by the City. If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate, and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15<sup>th</sup> day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections III(d) and V, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds; *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

**SECTION IV. Execution and Authentication of Bonds; Appointment of Bond Registrar.**

The Bonds shall be signed by the Mayor and the City Auditor, in the name of the City and in their official capacities; *provided* that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the City Auditor, shall be numbered as determined by the City Auditor in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

The City Auditor is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The City Auditor shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Auditor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The City Auditor shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the City Auditor on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

**SECTION V. Registration; Transfer and Exchange; Book Entry System.**

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections III(d) and IX(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the City Auditor determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent, which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the City Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the City Auditor does not or is unable to do so, the City Auditor, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The City Auditor is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the City Auditor determines to be necessary in connection with a book entry system for the Bonds.

**SECTION VI. Sale of the Bonds.** The City Auditor is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the City Auditor in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the City Auditor with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, the provisions of this Ordinance and the Purchase Agreement. The City Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The City Auditor shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The City Auditor shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Auditor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the City Auditor, the Director of Law, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

**SECTION VII. Provisions for Tax Levy.** There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year, to the extent net revenues from the City's municipal water system are available for the payment of the debt charges on the portion of the Bonds issued for the Water Purpose and are appropriated for that purpose, the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent money from the municipal income tax is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, and to the extent not paid from net revenues of the City's municipal water system, the amount of the tax shall be reduced by the amount of such money so available and appropriated with the covenant hereinafter set forth. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

**SECTION VIII. Federal Tax Considerations.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City Auditor or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to ensure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The City Auditor or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

**SECTION IX. Official Statement, Rating, Bond Insurance and Continuing Disclosure.**

(a) **Primary Offering Disclosure – Official Statement.** The Mayor and the City Auditor are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) **Application for Rating or Bond Insurance.** If, in the judgment of the City Auditor, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the City Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The City Auditor is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the City Auditor determines to be necessary in connection with the obtaining of that bond insurance.

(c) **Agreement to Provide Continuing Disclosure.** For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Auditor is authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Auditor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The City Auditor is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the City Auditor shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the City. The City Auditor, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

**SECTION X. Call for Redemption; Escrow Trustee; Escrow Agreement; Escrow Fund.**  
To provide for the payment of the principal of and interest on the Refunded Bonds, the City Auditor is hereby authorized and directed for and in the name of the City and on its behalf to execute and deliver to a bank or trust company located in Ohio, designated by the City Auditor as escrow trustee (the "Escrow Trustee"), the Escrow Agreement substantially in the form now on file with the Clerk of Council. The Escrow Fund provided for in the Escrow Agreement is hereby created. The form of Escrow Agreement is approved with such changes therein as are not inconsistent with this Ordinance and not substantially adverse to the City and shall be approved by the officer executing the Escrow Agreement. Approval of such changes and that such changes are not substantially adverse to the City shall be conclusively evidenced by the execution of the Escrow Agreement by that official.

Acting pursuant to the 2002 Bond Ordinance which authorized the 2002 Bonds, the Refunded Bonds, as determined by the City Auditor in the Certificate of Award to be refunded and called for redemption, are hereby called for redemption on the earliest practicable date as set forth in the Certificate of Award (the "Redemption Date") at the required redemption price of the principal amount thereof, and the City Auditor is hereby authorized and directed to cause those Refunded Bonds to be called for redemption on the Redemption Date and arrange for the notice of redemption to be given in accordance with the applicable provisions of the 2002 Bond Ordinance. For informational purposes, a certified copy of this Ordinance shall be sent by the City Auditor to the current bond registrar for the Refunded Bonds.

In order to provide for the payment of (a) the interest on the Refunded Bonds on each June 1 and December 1 following the Closing Date and through the Redemption Date, (b) the principal (if any) of the Refunded Bonds maturing on or prior to the Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on the Redemption Date, the City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of the Escrow Agreement to carry out such payments. The City will provide from the proceeds of the Bonds and other available funds in accordance with this Ordinance, moneys and investments sufficient to pay in full (a) the interest on the Refunded Bonds on each June 1 and December 1 following the Closing Date and through the Redemption Date, (b) the principal (if any) of the Refunded Bonds maturing on or prior to the Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on the Redemption Date. The City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of this Ordinance, Section 133.34, Ohio Revised Code, and the Escrow Agreement to carry out such payments so that the Refunded Bonds are not deemed to be outstanding.

There shall be delivered to the Escrow Trustee for the Escrow Fund proceeds to be received from the sale of the Bonds and other available funds which shall be invested in United States Treasury Obligations ("Treasury Securities"), State and Local Government Series ("SLG Securities") or other direct obligations of or obligations guaranteed as to both principal and interest of the United States as defined in Section 133.34, Ohio Revised Code, of the United States of America (direct obligations and guaranteed obligations together with the SLG Securities, collectively, the "Securities") and which Securities shall be certified by an independent public accounting firm of national reputation in a written report (the "Verification Report") to be of such maturities or redemption dates and interest of payment dates, and to bear such interest, as will be sufficient together with any moneys in the Escrow Fund to be held in cash as contemplated by the Verification Report without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, to cause the Refunded Bonds to be deemed to be not outstanding as provided for in Section 133.34, Ohio Revised Code, and the balance of those proceeds, less any amount thereof, contemplated by the Verification Report to be held in cash in the Escrow Fund, shall be used for the payment of costs related to the refunding and the issuance of the Bonds, and of financing costs.

At the direction of the City Auditor, the Escrow Trustee or the Original Purchaser is authorized to apply and subscribe for SLG Securities on behalf of the City. Further, if the City Auditor determines that it would be in the best interest and to the financial advantage of the City to purchase Treasury Securities for deposit into the Escrow Fund, the City Auditor is authorized and directed to solicit, or cause the solicitation, of bids for such Treasury Securities.

Any such Securities, and moneys, if any, in addition thereto contemplated by the Verification Report to be held in cash, shall be held by the Escrow Trustee in trust and committed irrevocably to the payment of the principal of and interest and redemption premium (if any) of the Refunded Bonds.

**SECTION XI. Bond Counsel.** The legal services of the law firm of Squire, Sanders & Dempsey (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The City Auditor is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

**SECTION XII. Certification and Delivery of Ordinance and Certificate of Award.** The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance and a copy of the Certificate of Award to the County Auditor of Miami County, Ohio.

**SECTION XIII. Satisfaction of Conditions for Bond Issuance.** This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section VII) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

**SECTION XIV. Compliance with Open Meeting Requirements.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

**SECTION XV. Effective Date.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to take advantage of favorable interest rates and realize a savings in interest costs by refunding the Refunded Bonds; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Adopted: \_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council  
Mayor



## 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 read "Patrick E. J. Titterington".

**DATE:** November 4, 2011

We are providing the following for your information:

- The following the bid openings have been scheduled:
  - Pre-owned Boom Truck - November 10, Council authorized \$100,000 for this purchase.
  - West Main Street Curb and Sidewalk Over I-75 Phase 1 - November 16, Council authorized \$185,000 for this project.
- Ken Siler, Recreation Director reported that the Third Day concert at Hobart Arena on October 20 had nearly 2,100 people in attendance, and the CMT/Luke Bryan concert at Hobart Arena on October 22 was sold out with 3,000 people in attendance. Both events were successful and staff did a great job. Staff at Hobart Arena is now making preparations for the REO Speedwagon show on November 11. Currently over 1,900 tickets have been sold, and it is anticipated that over 2,200 people will be in attendance for this show.
- The annual leaf collection program is progressing on schedule. The second round of the program will begin on Monday, November 7. A copy of the schedule for round two is attached.
- The Community Christmas Tree, which was donated by Mr. & Mrs. John Permenter of 835 Meadow Lane, is scheduled to be placed on the Public Square on Tuesday, November 8 or Thursday, November 10, depending on the weather. Once again, Piqua Steel Corp. will be assisting City crews with cutting, transporting and placing the tree. Once the tree has been set, City crews will commence the decorating process so that the Christmas Tree and all the holiday lighting will be ready for the ceremony on Friday, November 25, at approximately 7:00 a.m. Prior to the Christmas Tree Lighting ceremony there will be a Christmas parade led by Mayor and Mrs. Beamish along with other elected officials, the Mayor's Youth Council, Mrs. Claus and Santa Claus.

- Veterans Day ceremonies will take place on November 11, 2011 at Veterans Memorial Park (Riverside Cemetery) at 11:00 a.m.
- City Offices will be closed on Thursday and Friday, November 24 and 25, for the Thanksgiving holiday. Trash collection will be delayed one day beginning Thursday, November 24. Recycling will follow the same schedule as regular trash pick up. Trash pick up will be back on regular schedule on Monday, November 28.
- The metal street light poles on North Market Street between Water Street and Staunton Road are scheduled to be repainted by DP&L during November as weather permits. This includes the light poles on the North Market Street Bridge.
- Fiscal Manager Michelle Jordan has submitted her notice of retirement effective November 30, 2011. In her nearly four years with the City of Troy, Ms. Jordan has been responsible for implementing many projects and programs to the benefit of the Income Tax Office and Billing & Collection Office and the benefit of the City. We wish Michelle the very best.
- Other information provided by City departments is attached.

**Upcoming Events at Hobart Arena**

November 5, 2011	Mardi Gras Cheer Competition
November 11, 2011	REO Speedwagon – Concert

**Calendar of Meetings**

November 7, 2011	7:00 p.m. Council	City Hall Council Chambers
November 9, 2011	3:30 p.m. Planning Commission	City Hall
November 17, 2011	9:00 a.m. Rec Board	Hobart Arena
November 21, 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



**NEWS RELEASE**  
**CITY OF TROY, OHIO**  
**2011 LEAF SCHEDULE – ROUND TWO**

On Monday, November 7, the City of Troy will commence the second round of leaf pick-up.

As with the first collection, the leaf pick-up will be by zones. The description of the zones and dates for each are as follows:

- ZONE 1:** The area bound on the east by the Corporation line and Ridge Avenue, on the north and west by the Corporation line and on the south by West Main Street, south on I-75 and the Corporation line. Pick-up scheduled for Monday, Nov. 7 through Wednesday, Nov. 9.
- ZONE 2:** Area bound by Ridge Ave. and Peters Road on the East, to include Pleasant View and Premwood; to the South Corporation line and West Corporation line to include Willowcreek. Pick-up scheduled for Thursday, Nov. 10 through Friday, Nov. 11.
- ZONE 3:** Area between Ridge Ave. on the West, Peters Road on the South, South Market Street, Canal Street, Monroe Street and Miami River on the East and the Corporation line on the north. Pick-up scheduled for Monday, Nov. 14 through Tuesday, Nov. 15.
- ZONE 4:** Area between South Market and CSX Railroad, south of Canal St. to include Southview. Pick-up scheduled for Wednesday, Nov. 16 through Friday, Nov. 18.
- ZONE 5:** Remainder of East end of town, from CSX Railroad east. Pick-up scheduled for Monday, Nov. 21 through Wednesday, Nov. 23.
- ZONE 6:** Sherwood area and Culbertson Heights area. Pick-up scheduled for Monday, Nov. 28 through Tuesday, Nov. 29.
- ZONE 7:** Remaining sections of Northeast Troy--Meadow Lawn, Heritage Hills, Gaslight Village and Northbrook. Pick-up scheduled for Wednesday, Nov. 30 through Thursday, Dec. 1.

**DOWNTOWN AREA:** Leaves in this area will be picked up intermittently as time permits.

Where possible, residents are asked to rake leaves one foot out of the gutter onto the street to allow drainage in the gutter. Vehicles should be removed from the streets during collection dates. Residents are reminded that foreign objects, limbs, etc. should be kept out of the leaves since they will damage collection equipment and slow the collection process.

This schedule is to be considered tentative, subject to weather and equipment delays.

If there are questions on the leaf collection schedule, please call the City of Troy Central Maintenance & Service Facility at 335-1914 between the hours of 7:00 am – 3:30 pm. Monday through Friday.



**Operations**  
**Items of Interest**  
November 4, 2011

**Street – Including Solid Waste – Jerry Mullins, Foreman**

- Collected and transported 236 tons of residential waste for disposal since the last report of 228 tons transported.
- Delivered recycling bins.
- Repaired 18 road areas and alleyways with Dura-Patcher.
- Asphalted 5 main breaks and 6 areas marked for repair.
- Mowed rights-of-way and ditches.
- Picked up brush.
- Assisted the sign shop in making and replacing signs in various parts of town.
- Assisted the sign shop in painting parking stalls, stop bars, and crosswalks on our recently paved roads.
- Crack-sealed manholes and patches.
- Picked up T-bags.
- Swept the streets according to schedule and route.
- Began the first round of leaf collection.

**Electrical – Brian Ferree, Foreman**

- The monthly safety report was completed for the Maintenance Facility.
- We completed Ohio Utilities Protection Service tickets as needed.
- Worked on preparing the downtown for Christmas.
- Several concerts at Hobart Arena were tied into the show panels.
- Repaired the little league football lights at Duke Park.
- Assisted with installing new filter controls at the Water Plant.
- Repaired several lights at the Sewer Plant.
- Repaired a soffit light at the Maintenance Facility.
- Repaired a couple of lights at City Hall.

**Scott Walter's quote: "Every season requires faith to get us through it."**

**Maintenance Shop – Jeff Sweigart**

- Performed daily police vehicle safety inspections.
- 2012 International Dump Truck taken to vendor for snow plow installation.
- Repaired and maintained city vehicles and equipment.
- Vendor ordered parts for fuel dispensing system.
- Replaced tires on the Sewer Maintenance vac-truck (SEM-19).
- Prepared and repaired the leaf removal equipment as needed.

**Water Distribution/Sewer Maintenance – Tom Parsons, Utilities Foreman**

- Installed new services on South Walnut Street and on South Oxford Street.
- Installed an 8" Inserta-valve at West Race Street and South Mulberry Street.
- Installed two 6" Inserta-valves on South Elm Street.
- Installed a 4" Inserta-valve at East Franklin Street and Morehead Street.
- Completed non-pay shut-offs and reconnects.
- Completed a number of work orders for Billing and Collection.

- Cleaned sewers in Heritage Hills area.
- Cleaned sewer line on East Franklin Street from Walnut Street to Counts Street for the EPA inspection
- Rebuilt meters and spanners.
- Marked numerous Ohio Utilities Protection Service tickets.
- Investigated numerous high consumption alerts.
- Remediated soil in areas where water repairs were made.
- Re-installed storm water lift pump behind the DP&L sub-station.

### **Water Treatment Plant – Tim Ray**

- For the month of October 2011, the WTP pumped a total of 14.239 million gallons (MG) to our distribution system and customers in West Milton and parts of Miami County (avg. 3.685 MG/day). Total precipitation recorded at the WTP for Oct. was 3.43". Respective totals for October in previous years are:
  - 2010: 117.066 MG; 1.07"
  - 2009: 105.329 MG; 4.31"
  - 2008: 117.058 MG; 1.40"
  - 2007: 121.331 MG; 3.94"
  - 2006: 111.426 MG; 4.73"
  - 2005: 143.575 MG; 2.37"
  - 2004: 154.845 MG; 1.92"
  - 2003: 152.773 MG; 2.66"
- Nine bulk water account holders withdrew a total of 121,220 gallons from the WTP Bulk Water Station during the month of October, which results in a revenue of \$803.27.
- A total of 8,251,789 gallons were pumped to the Extra High Service pressure zone in northwest Troy by the EHS Booster Station during the month of October, for an average daily consumption in that zone of 0.295 MG.
- Vendor staff continues to work on the plant SCADA processes and filter controls, and are on schedule.
- Contractor continues to repair a section of discharge pipe on production well #18, which has been cleaned and the pump/motor re-installed. A post-clean flow test will be conducted once the new section is installed, and the well will be put back into rotation.
- The 3,000 gallon-per-minute (gpm) trash pump has been returned from the repair facility and replaced in the storm water lift station. The collection pit there has been cleaned by Sewer Maintenance staff. Both 3,000 gpm pumps are now online and operational.
- Shift operators Jeff Denius and Steve Welker will sit for the Ohio EPA Class III Water Supply Exam in Columbus on November 4.
- WTP staff and City staff continue to work with contractor to complete the cleaning of the west lime sludge lagoon.

### **Waste Water Treatment Plant – Tim Snider**

- Vendor completed the re-caulking project on equalization basin #1, and they also completed patching and repairing the failed concrete at various locations around the plant site.
- Cleaned debris from pump #1 and #2 at the Kirk Lane pump station, and also replaced electrical switch for pump #2.
- Completed semi-annual pump lubrication at Kirk Lane and Southview pump stations.
- Cleaned leaves and debris from the inlet screens of both pumps at Race Drive storm water pump station.
- Cleaned debris from pump #2 at Dorset Road pump station.

- Replaced both check valves at primary clarifier sludge room sump well.
- Electrical Division made necessary repairs to lights on the second floor of the headworks building and replaced lights in administration building 2<sup>nd</sup> floor restroom.
- Contractor completed painting the steel staircases in the sludge handling building.
- Staff re-plumbed sump pumps in UV/disinfection building.

Items of Interest

Engineering Department and Planning Department

November 2, 2011

Project	Status
<b>ACTIVE PROJECTS</b>	
Adams Street Bridge	City staff continues to photograph the work on this project.
Boyer Park Recreational Trail Connector	Bids were opened with Coate Construction the low bid of about \$64,000. This is below the estimate of \$88,000. Work is nearly complete with final items to be completed by November 7 weather permitting.
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.
Dye Mill Road Improvements	Phases I, II, III, and V are complete. Finrock was the low bid for Phase IV and work is underway with completion expected before Thanksgiving, weather permitting.
Maplecrest Bridge Deck	Staff is working to improve the watertightness of several bridges.
Sidewalk Program 6B	Work is now complete and final measurements are being prepared.
Sidewalk Program 7	Property owners have obtained permits and Council has authorized bidding. Bids were opened and the contract was awarded to LJ DeWeese. They expect to begin the work in November.
Sidewalk Program 7B	Work by our contractor should begin this month.
Sidewalk, Sewer, and Sump Inspections	Inspections are continuing to be completed when requested.
ODOT Paving	Staff is working with ODOT for the paving along SR 55 on the west side of town as well as the traffic circle. Work is expected in SFY 2014 with the City's estimated share at \$78,201.20.
OPWC projects	Staff is working to get the notification for funding of the N. Market Street project. Staff is reviewing proposals from consultants and expects to complete this selection process in order to have a recommendation to Council soon.
Sidewalks along SR 41 at I-75	Plans have been approved by ODOT and Council has increased the authorization for bidding. Bids will be opened November 16 with construction starting in March of 2012.
SCADA at WWTP	We will be executing the contract to begin this project as soon as allowed. Design work will begin in November.
2012 Budget	2012 Budgets have been submitted.

**Items of Interest**

Engineering Department and Planning Department

November 2, 2011

<b>Project</b>	<b>Status</b>
Westbrook Sewers	Staff has submitted all paperwork to close out this project.
SR 55 at Archer/Dorset	Two proposals were received and staff will begin reviewing them in order to select a consultant for design.
SR41 Traffic Signal Interconnect	Staff is preparing an RFP for this project that is funded in part with a grant from MVRPC. The City is responsible for completing the design as part of that process. This project will be included in 2012 Budget so that we can execute a contract for design in January.
<b>OTHER PROJECTS</b>	
Bicycle Friendly Community	Troy was again named as an Honorable Mention Community. While we were hoping for better recognition, this is a great accomplishment.
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 has investigated the idea of installing a sidewalk ramp to provide handicap accessibility to buildings. CDBG funds are anticipated to fund this project.
Long Range Planning with MVRPC	Staff is working with MVRPC to put together Long Range transportation plans up to 2040.
<b>SUBDIVISION STATUS</b>	
Nottingham 5	Construction activities are complete until final asphalt.
Nottingham 6	City Council has approved this plat.
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: November 02, 2011

Subject: Planning Division Update

I have attached two reports which summarize concerns that are being addressed by the Planning Division from October 13, 2011 to October 27, 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 26 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  
 10/13/2011 TO 10/27/2011

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 11/01/2011  
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SUBTOTALS	PERMITS	FEES	EST. COST
D DEMOLITION-COMMERCIAL	1	14.80	0
F FENCE	1	10.00	0
OC RESTAURANT	1	50.00	0
OC RETAIL	1	50.00	0
S CANOPY/AWNING	1	31.00	0
S FREESTANDING SIGN	1	25.00	0
S PROJECTING SIGN	1	28.00	0
S REFACE	1	25.00	0
S WALL SIGN	3	155.00	0
ST SEWER TAP - RES	3	3,600.00	0
WT WATER TAP-RES	3	6,000.00	0
Z DRIVEWAY	2	50.00	0
Z PARKING LOT ADDTN-COMM	1	184.00	0
Z PATIO	1	25.00	0
Z PATIO COVER	1	25.00	0
Z SHED	3	75.00	0
Z SINGLE FAMILY W/BASMNT	1	97.87	0
=====			
GRAND TOTAL	26	10,445.67	

CITY OF TROY - Ward One  
PERMIT REPORT  
10/13/2011 TO 10/27/2011

11/01/2011  
03:12 PM

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2011127Z 10/17/2011 1433 MICHAEL DR ELY, MARVIN 0  
SHED N/A 1433 MICHAEL DR 25.00  
8049 LV 0  
SHED - 10/17/11 TROY, OH 45373- NL 200  
HUNTERS RUN 0/ 0.00/ BA 0  
/

CITY OF TROY - Ward Two  
PERMIT REPORT  
10/13/2011 TO 10/27/2011

11/01/2011  
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2011083S 10/27/2011 21 KINGS CHAPEL DR N ASSC TY LLC 0  
CANOPY/AWNING D08058000 7410 JAGER CT 31.00  
N/A LV 0  
EXTRA SPACE STORAGE-CANOPY-7/19/11 CINCINNATI, OH 45230- NL 0  
KINGS CHAPEL 1 0/ 0.00/ BA 0  
/

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2011082S 10/27/2011 21 KINGS CHAPEL DR N ASSC TY LLC 0  
REFACE D08058000 7410 JAGER CT 25.00  
N/A LV 0  
EXTRA SPACE STORAGE-REFACE-7/18/11 CINCINNATI, OH 45230- NL 0  
KINGS CHAPEL 1 0/ 0.00/ BA 0  
/

CITY OF TROY - Ward Three  
PERMIT REPORT  
10/13/2011 TO 10/27/2011

11/01/2011  
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2011079S 10/14/2011 10 DOTCOM DR REX RADIO & TELEVISION 0  
FREESTANDING SIGN D08103638 2875 NEEDMORE RD 25.00  
N/A LV 0  
SPIRIT HALLOWEEN (TEMP SIGN) - 10/13/11 DAYTON, OH 45414- NL 0  
0/ 0.00/ BA 0  
/

20110390C	10/14/2011	116 MAIN ST W	112 MAIN STREET LTD	0	
RESTAURANT		N/A	112 MAIN ST W	50.00	
		N/A		LV	0
		LEDOUX'S RESTAURANT (OC) - 10/11/11	TROY, OH 45373-	NL	0
		/	0/ 0.00/	BA	0
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20110400C	10/27/2011	120 MAIN ST W	AD ASTRA LLC	0	
RETAIL		N/A	124 MAIN ST W	50.00	
		N/A		LV	800
		ASHLEY'S BOUTIQUE (OC) 10/19/11	TROY, OH 45373-	NL	0
		/	0/ 0.00/	BA	0
-----					
2787ST	10/14/2011	690 ROSECREST DR	DENLINGER & SONS BUILDERS, INC	0	DENLINGER & SONS
SEWER TAP - RES		N/A	1291 ARCHER DR	1200.00	1291 ARCHER DRIVE
		10178		LV	2540 TROY, OH 45373-
		5/8" SEWER TAP-RESIDENTIAL-10/13/11	TROY, OH 45373-	NL	2146 937-335-9096
		N/A	0/ 0.00/	BA	1360
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1048WT	10/14/2011	690 ROSECREST DR	DENLINGER & SONS BUILDERS, INC	0	DENLINGER & SONS
WATER TAP-RES		N/A	1291 ARCHER DR	2000.00	1291 ARCHER DRIVE
		10178		LV	2540 TROY, OH 45373-
		1" WATER TAP-RESIDENTIAL-10/13/11	TROY, OH 45373-	NL	2146 937-335-9096
		N/A	0/ 0.00/	BA	1360
-----					
2011128Z	10/17/2011	690 ROSECREST DR	DENLINGER & SONS BUILDERS, INC	0	DENLINGER & SONS
SINGLE FAMILY W/BASMNT		N/A	1291 ARCHER DR	97.87	1291 ARCHER DRIVE
		10178		LV	2706 TROY, OH 45373-
		SGL FAM W/BASEMENT - 10/13/11	TROY, OH 45373-	NL	3655 937-335-9096
		N/A	0/ 0.00/	BA	1132
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1049WT	10/20/2011	2834 STONEBRIDGE DR	HARLOW BUILDERS, INC.	0	HARLOW BUILDERS
WATER TAP-RES		NA	405 PETERS AVE	2000.00	405 PETERS AVE
		10188		LV	2510 TROY, OH 45373-
		1" WATER TAP-RESIDENTIAL-10/20/11	TROY, OH 45373-	NL	896 937-339-9944
		STONEBRIDGE ESTATES FIVE	0/ 0.00/	BA	0
-----					
2788ST	10/20/2011	2834 STONEBRIDGE DR	HARLOW BUILDERS, INC.	0	HARLOW BUILDERS
SEWER TAP - RES		NA	405 PETERS AVE	1200.00	405 PETERS AVE
		10188		LV	2510 TROY, OH 45373-
		5/8" SEWER TAP-RESIDENTIAL-10/20/11	TROY, OH 45373-	NL	896 937-339-9944
		STONEBRIDGE ESTATES FIVE	0/ 0.00/	BA	0

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2011132Z	10/25/2011	1130 SUMMIT AVE	DAFFNER, DAN AND PAM		0
PATIO		D08094760	1130 SUMMIT AVE		25.00
		N/A		LV	0
		CONCRETE PATIO - 10/21/11	TROY, OH 45373-	NL	150
			0/ 0.00/	BA	0

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2011126Z	10/13/2011	1581 SURREY RD	IMLER, ROBERT		0
DRIVEWAY		N/A	1581 SURREY RD		25.00
		N/A		LV	0
		DRIVEWAY EXTENSION - 10/11/11	TROY, OH 45373-	NL	0
		N/A	0/ 0.00/	BA	0

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2011086F	10/13/2011	615 WILLOW POINT CT	DOUGLAS, PAUL/KELCHNER, SONIA	0	QUALITY LAWN, LANDSCAPE &
FENCE		N/A	801 MAPLECREST DR	10.00	1565 HUFFORD RD S
		9542		LV	0 CASSTOWN, OH 45312-
		FENCE - 10/12/11	TROY, OH 45373-	NL	0 937-339-0269
		WILLOW POINT	0/ 0.00/	BA	0

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CITY OF TROY - Ward Four  
 PERMIT REPORT  
 10/13/2011 TO 10/27/2011

11/01/2011  
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2011131Z	10/25/2011	723 DIXIE AVE	MARROLETTI, LYNN		0
SHED		D08032970	723 DIXIE AVE		25.00
		N/A		LV	0
		SHED - 10/19/11	TROY, OH 45373-	NL	60
			0/ 0.00/	BA	0

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2011130Z	10/19/2011	1450 EDINBURGH DR	MASON, PETER		0
SHED		N/A	1450 EDINBURGH DR		25.00
		N/A		LV	0
		SHED - 10/17/11	TROY, OH 45373-	NL	120
			0/ 0.00/	BA	0

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2011077S	10/13/2011	10 FRANKLIN ST E	DAVEY , ROB & HEATHER		0
WALL SIGN		N/A	1640 SURREY RD		25.00
		N/A		LV	0
		AWARD 1-WALL SIGN-10/6/11	TROY, OH 45373-	NL	0

	N/A		0/ 0.00/	BA	0	
-----						
2011078S	10/13/2011	10 FRANKLIN ST E	DAVEY , ROB & HEATHER		0	
PROJECTING SIGN	N/A		1640 SURREY RD		28.00	
	N/A			LV	0	
		AWARD 1-PROJECTING SIGN-10/6/11	TROY, OH 45373-	NL	0	
	N/A		0/ 0.00/	BA	0	
-----						
2011007D	10/15/2011	221 MAIN ST E	TROY COMMUNITY WORKS!		0	BOLNER ENTERPRISES
DEMOLITION-COMMERCIAL	N/A		315 PUBLIC SQ SW, STE 215		14.80	11942 ST RT 571
	N/A			LV	0	LAURA, OH 45337-
		DEMO - 10/14/11	TROY, OH 45373-	NL	0	937-947-1326
	N/A		0/ 0.00/	BA	0	
-----						
2011134Z	10/25/2011	2331 MARKET ST W	DR. GUPTA		0	
PATIO COVER	N/A		2331 MARKET ST W		25.00	
	N/A			LV	0	
		THE FILLING STATION (AWNING) - 10/14/11	TROY, OH 45373-	NL	672	
			0/ 0.00/	BA	0	
-----						
2011133Z	10/25/2011	2331 MARKET ST W	DR. SURESH GUPTA		0	
PARKING LOT ADDTN-COMM	N/A		2331 MARKET ST W		184.00	
	N/A			LV	0	
		THE FILLING STA-PARKING LOT EXT-10/17/11	TROY, OH 45373-	NL	8500	
			0/ 0.00/	BA	0	
-----						
1050WT	10/25/2011	2651 SHADY TREE DR	DENLINGER & SONS BUILDERS, INC		0	DENLINGER & SONS
WATER TAP-RES	N/A		1291 ARCHER DR		2000.00	1291 ARCHER DRIVE
	10263			LV	0	TROY, OH 45373-
		1" WATER TAP - RESIDENTIAL - 10/25/11	TROY, OH 45373-	NL	0	937-335-9096
	N/A		0/ 0.00/	BA	0	
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2789ST	10/25/2011	2651 SHADY TREE DR	DENLINGER & SONS BUILDERS, INC		0	DENLINGER & SONS
SEWER TAP - RES	N/A		1291 ARCHER DR		1200.00	1291 ARCHER DRIVE
	10263			LV	0	TROY, OH 45373-
		5/8" SEWER TAP - 10/25/11	TROY, OH 45373-	NL	0	937-335-9096
	N/A		0/ 0.00/	BA	0	
-----						
2011129Z	10/18/2011	1025 WALKER ST	STURGEON, ROGER		0	
DRIVEWAY		D08022340	1025 WALKER ST		25.00	
	N/A			LV	0	
		GRAVEL DRIVEWAY - 10/14/11	TROY, OH 45373-	NL	0	
			0/ 0.00/	BA	0	

2011081S	10/27/2011	12 MARKET ST S	FOUR SONS DEVELOPMENT LLC	0
WALL SIGN		N/A	2570 TROY SIDNEY RD	39.00
		N/A		LV 0
		UP AND RUNNING (WALL SIGN) 10/19/11	TROY, OH 45373-	NL 0
			0/ 0.00/	BA 0
		/		

2011080S	10/25/2011	850 MARKET ST S	MORRIS, ROD JOHN	0
WALL SIGN		N/A	354 YORKTOWN CIRCLE	91.00
		N/A		LV 0
		TRUE VALUE HARDWARD - WALL SIGN-10/24/11	COLD SPRING, KY 41076-	NL 0
			0/ 0.00/	BA 0
		/		
		/		

CITY OF TROY - WARD ONE  
VIOLATIONS BY REASON CODE  
10/13/2011 TO 10/27/2011

11/01/2011  
03:15:31 PM

=====

20111478	10/19/2011	410 MICHIGAN AVE
JUNK VEHICLE		VEHICLE MOVED
N/A		

10-19-11 sb Blue Intrepid with no tags and a car under a tarp.  
Certified, follow up 10-27-11  
10-25-11 sb Green card dated 10-24-11, follow up 10-31-11  
10-31-11 sb All cars gone from property. Close.

=====

20111485	10/19/2011	607 MICHIGAN AVE
ZONING PROBLEMS		
CULBERTSON HEIGHTS		

10-19-11 sb Added a gravel driveway extension with no permit, which isn't 4' from prop line and which isn't concrete or asphalt. Certified, follow up 11-21-11.  
10-24-11 sb Staci Metzger, called ticked off. Told me I can't tell her what to do on her property. She said she talked to a contractor and he told her that if she put gravel down, she didn't need a permit, only if she used concrete. Explained to her that new gravel is not permitted, has to be asphalt or concrete. She said that they put the gravel down to settle and then would put brick down. Explained our code allows asphalt or concrete. She asked what she needed to do, I told her she needs to remove the gravel. She asked how long she had. I told her technically 30 days, but I could work with her and give her until January 2, 2011. She didn't like that idea because cold weather was coming. I explained to her that I would give her until that date and that if she would have called the city to begin with, she wouldn't have to worry about removing gravel in the cold weather. She said she wants to appeal and asked what she needed to do. I told her that it is \$150.00 with no guarantees the board will approve it. Told her she has to show a hardship, meaning something that is so unique about her land that she needs this variance for a gravel drive. She stated that she doesn't like getting plowed in in the winter time and that the cars fly down her street and she doesn't like having to step out into the street to get in her car. Explained to her those were not hardships and that when she purchased the house, she knew she had to park on the street and would have to step into the street to get in the car. She said she would appeal and then hung up.  
10-26-11 sb Bill Metzger tel. He can't meet the 4' on the side setback for concrete so he is going to remove the gravel. I told him that if he gave me something in writing on when he may have this done I would work with him. I told him I could give him until spring because removing the gravel would create a mud hole, no grass will grow in the winter and would cause a problem with run off onto the street. He agreed and will e-mail me something.  
10-28-11 sb Bill Metzger tel (877-6093) He does believe he can still put down some concrete. Asking to still have until spring, I said he could as long as he gets his permits.

=====  
20111506 10/27/2011 813 MARKET ST N  
JUNK VEHICLE

10-27-11 sb Car on grass "for sale". Certified, follow up  
11-7-11.

CITY OF TROY - WARD TWO  
VIOLATIONS BY REASON CODE 11/01/2011  
10/13/2011 TO 10/27/2011 03:15:31 PM

-----  
20111451 10/14/2011 404 ELM ST N  
TALL WEEDS/GRASS TRASH REMOVED

A large pile of brushes in rear yard. Broken pieces of wood planks  
by detached garage. Letter sent 10/14/11. Items removed.

=====  
20111452 10/14/2011 406 ELM ST N  
TRASH & DEBRIS TRASH REMOVED

Property owner requested letters on bikes and trash in yard, tall  
grass and tree limbs. Inspection shows tree limbs pile by the  
alley, but grass was not over 10" and bikes are not in violation  
of any code. Trash letter sent for tree brunches and broken  
furniture piece.  
To Ozscape 10/21/11.  
10/31/11 trash removed.

=====  
20111450 10/14/2011 851 DARTMOUTH RD  
TALL WEEDS/GRASS GRASS HAS BEEN CUT  
N/A

Tall grass and mulch left from removal of a tree. Letter sent 10/15/11. Grass  
cut and mulch pile was reduced.

=====  
20111493 10/24/2011 819 ATLANTIC ST  
TRASH & DEBRIS TRASH REMOVED

Trash and debris on property. Letter sent 10/24/11. Trash removed.

=====  
20111503 10/26/2011 108 MERRY ROBIN RD  
JUNK VEHICLE  
SHERWOOD MANOR 1

Car parked mostly on grass off of driveway. Letter sent regarding vehicle.  
Reinspect 11/7/11.

=====  
20111465 10/15/2011 1741 MAIN ST W  
SIGN VIOLATIONS NO VIOLATION  
N/A

Obsolete sign. Property owner complained to Police dept notice mailed to property owner.  
Business owner called, said they never closed and are still in business. Our source was Police Dept saying the it is closed for non payment and the property owner asked the Police Dept to not let the business in. We apologized for notice. Close

CITY OF TROY - WARD THREE  
VIOLATIONS BY REASON CODE  
10/13/2011 TO 10/27/2011

11/01/2011  
03:15:31 PM

=====  
20111458 10/14/2011 313 LAKE ST  
TRASH & DEBRIS  
N/A

10-17-11 sb Trash all over rear yard. Certificate, follow up  
10-24-11  
10-25-11 sb Green card came back unclaimed.  
10-28-11 sb Filing into court for trash. Back fence padlocked and screwed shut. Follow up 11-4-11.

=====  
20111457 10/14/2011 313 LAKE ST  
ZONING PROBLEMS  
N/A

10-14-11 sb Fence inside a fence erected without permit, shed with no permit, addition to rear of house with no permit and wire fence along top of wood fence. Certified and certificate, follow up 11-17-11  
10-25-11 sb Certified came back unclaimed.

=====  
20111476 10/19/2011 1317 MC KAIG AVE  
TRASH & DEBRIS

10-19-11 sb Certificate for car part trash. Tires, bed of truck, etc. Follow up 11-3-11

=====  
20111479 10/19/2011 530 LAKE ST  
TRASH & DEBRIS TRASH REMOVED

10-19-11 sb Trash all over porch. Certificate, follow up  
10-24-11  
10-24-11 sb Send to OZ. Follow up 10-31-11  
10-28-11 sb Trash gone. Close, .

=====  
20111480 10/19/2011 1317 MC KAIG AVE  
JUNK VEHICLE TOWED VEHICLE

10-19-11 sb Certified and certificate, trailer on grass, has bed of truck sitting on trailer. Follow up 10-26-11  
10-27-11 sb Towed trailer, left bed of truck on grounds. Jim's, Richardson. Close.

=====  
20111477 10/19/2011 2471 FOXCHASE CT E  
JUNK VEHICLE COMPLETED  
KINGS CHAPEL 2

10-19-11 sb Chrysler New Yorker right front flat. Certified, follow up 10-27-11  
10-24-11 sb Green card dated 10-22-11, follow up 10-31-11  
10-31-11 sb Tire fixed. Close.

=====  
20111494 10/24/2011 10 STANFIELD RD S  
SIGN VIOLATIONS COMPLETED

10-24-11 sb Pennant signs on property. Certified, must remove by 10-31-11  
10-27-11 sb Green card dated 10-26-11  
10-31-11 sb Pennants gone. Close.

=====  
20111495 10/25/2011 206 MARKET ST S  
ZONING PROBLEMS

10-24-11 sb Outdoor storage of tires, Dumpster not enclosed. Certified, follow up 11-24-11  
10-27-11 sb Green card dated 10-26-11, follow up 11-26-11

=====  
20111496 10/25/2011 530 LAKE ST  
PROPERTY MAINTENANCE

10/17/11 received a report of a man living in the garage. Inspected property with Shannon, Therese and found the owner living in the garage. He opened the door to the house and it is in delporable condition. The County condemned the property in 2009 and our last order was a repair order.

10/24/11 Issued a Final Demolition Order against 530 Lake St. Letter sent Certificiate and certified. Reinspect 11/30/11.  
10/25/11 Angel & David Lucas called (owners daughter & husband) regarding their plans to obtain the property (through purchase or transfer) then they will provide us with a rescue plan regarding renovation of the property. I informed them we need evidence of the transfer and a rescue plan in writing two weeks before the order expires.

10-27-11 sb Green card dated 10-26-11, follow up 11-27-11  
11-1-11 sb david Lucas called for Tim. Wants to know what he has to do to stay the demolition. Explained to him he needs to talk to Tim about that. I also suggested he call Therese @ the Health Dept and also call the Bldg Dept. His number is 704-860-0511

11-1-11 sb Patricia Curl & Paul Dick in. Wanted to know what they could do to stay the demo order. Told them it was my understanding Angel Lucas was going to become the POA. Told

Patricia that before 11-30-11, we would need something in writing from Angel that states the materials they already have, what they are going to do and a time frame. She also stated Elaine Barge from Habit was to be calling us because Paul has the materials, but they don't have the manpower. She said Elaine needs to know the demo has been stayed before she will commit the manpower. Explained to Patricia, we can let Elaine know that once we receive something in writing addressing the issues. Paul also stated that when our contractor cleaned off the porch due to trash orders, there was a milk crate that was taken with \$176.00 in cash in the trash in the crate. He also stated that a brand new hot plate was trashed. Told him that he received ample warning to remove the trash; I sent a letter, which Dave and Gene Osborne saw along with myself on the day the porch was cleaned and I told him we also explained that he had 3 days to removed the trash the day that myself, Tim and Therese found him living in the garage. He asked how he could do that when he was told not to come on the property. I corrected him and told him that Therese told him he could come on the property to work, but could not live there. He had to be actively working on the property.

CITY OF TROY - WARD FOUR  
VIOLATIONS BY REASON CODE  
10/13/2011 TO 10/27/2011

11/01/2011  
03:15:31 PM

=====  
20111453 10/14/2011 20 MARKET ST W  
SIGN VIOLATIONS COMPLETED

Permit for one temp sign from 8/22/11 till 9/19/11 was issued. More than one Flu signs plus a huge banner has recently been added to the wall. 10/24/11 stopped at the store and gave a final verbal notice to remove offending signs before the end of the day. 10/27/11 signs removed.

=====  
20111461 10/15/2011 1560 HAWK CIR  
GARAGE SALES-EXCESSIVE NO VIOLATION  
HAWK COVE

Complaint regarding multiple garage sales at property. At time of reinspection, no garage was being conducted.

=====  
20111462 10/15/2011 1570 HAWK CIR  
TRASH & DEBRIS TRASH REMOVED  
HAWK COVE

Large pile of broken furniture and other trash one week after special trash. Bank called and said they have a loan on the property but the owner lives in Indiana. New address is 3966 Heritage Ct, New Palestine, IN 46163. Notice sent again on 10/18/11.

=====  
20111463 10/15/2011 525 COUNTS ST S  
TRASH & DEBRIS  
N/A

Complaint on mattress on alley side and several trash can without lid. Animal scatter trash all over. No scattered trash seen but trash letter sent for the mattress included language over complainant's concern.

=====  
20111464 10/15/2011 517 COUNTS ST S  
TRASH & DEBRIS

Trash by detached garage on property. Letter sent 10/15/11. Trash removed.

=====  
20111466 10/15/2011 410 WILLIAMS ST  
TRASH & DEBRIS TRASH REMOVED  
N/A

Tires by detached garage. Letter sent 10/15/11. Tires removed.

=====  
20111467 10/15/2011 117 WILLIAMS ST  
TRASH & DEBRIS TRASH REMOVED

Sofa on curbside week after special trash. Letter sent 10/15/11, Sofa removed.

=====  
20111468 10/15/2011 904 FRANKLIN ST E  
TRASH & DEBRIS TRASH REMOVED  
N/A

Sofa on curbside wee after special trash. Lady called 10/18/11 upset at getting letter as she had it scheduled for pick up and Trash dept didn't. Called Jerry 10/19/11 and he said they never scheduled but he will pick it up by 10/20/11.

=====  
20111469 10/15/2011 1136 CANAL ST E  
TRASH & DEBRIS COMPLETED  
CLOVERDALE

Complaint on bed frame in front yard over all mess in yard, tall grass. inspection showed yard mowed but weed growing between chain link fence gaps, bed frame on Floral Street side. This has been a routine complaint every two three months. Tenant called and said the bed frame is for planting flower but was informed that a bed frame is a piece of furniture and at this time there is no flowers so it must be removed. Also weed around fence needs cleaning. 10/24/11 frame removed and weed around chain link fence cleared.

=====  
20111475 10/18/2011 873 DARTMOUTH RD  
EXCESSIVE ANIMALS  
WESTBROOK 11  
Observed six dogs on property and animal shelter confirmed 4 licensed dogs in 2009. License not updated. Letter sent to homeowner and she is dog sitting for a friend, which will reduce the number down to four and they will remove one from property.

=====  
20111482 10/19/2011 304 CANAL ST E  
JUNK VEHICLE VEHICLE MOVED  
  
Anonymous complaint about a vehicle without plate, on jacks (inoperable)  
Owner called and informed that he has notified tenant to move the car. 10/24/11 car removed.

=====  
20111486 10/20/2011 1469 MARKET ST S  
SIGN VIOLATIONS COMPLETED  
N/A  
Complaint that a flashing open sign and strobe light has been observed after working hours. Stopped by and spoke to the store manager that the open sign must be static and no strobe light is permitted.  
10/19/11. complied.

=====  
20111492 10/24/2011 312 MULBERRY ST S  
TRASH & DEBRIS  
N/A  
Chair by curbside two weeks early. Letter sent to homeowner cert on 10/24/11. Reinspect 11/4/11.

=====  
20111501 10/26/2011 102 WEST ST E  
TRASH & DEBRIS  
N/A  
Complaint: furniture on curb-has been there for a while-cushions falling off couche into street.  
miscellaneous items behind house.  
10/26/11 no furniture on curbside found, grill behind house is not trash. Couch & few other items there is trash and notice sent out for those items.

=====  
20111502 10/26/2011 930 WALNUT ST S  
JUNK VEHICLE  
  
BMW with plate #EPC 9465 tag expired 09. Letter sent 10/26/11. Reinspect 11/7/11.

# TROY FIRE DEPARTMENT

Monthly Report to Council

**Fire**  
**October, 2011**

Locale	Present Month	Year to Date
Troy	33	763
Concord	8	145
Staunton		47
Other		6
<b>Total</b>	<b>41</b>	<b>962</b>

Type Call	Present Month				Year to Date			
	T	C	S	O	T	C	S	O
Dwellings	1				13	5	2	0
Educational					0	0	0	0
Institutional						0	0	0
Commercial					1	0	0	0
Industrial	1				2	0	0	0
Apartment	1				9	0	0	0
Assembly					0	0	0	0
Misc. Structures					1	1	0	0
Downed Wires	1				23	8	4	0
Motor Vehicles	2				12	2	2	0
Rubbish-Grass	1	2			21	8	4	0
False Alarms	14	2			113	17	6	1
Chemical Spills	1				19	4	1	0
Gas Leaks	1				15	5	0	0
CO Tests	4	1			25	5	0	1
Public Service	1				88	21	9	0
Ass. Ambulance					205	55	10	3
Investigation	4	2			73	13	9	0
Mutual Aid					0	0	0	1
Other					0	2	0	0
Hotels	1				1	0	0	0
Arson					0	0	0	0

Shift	Station	Present Month	Year to Date
1	1	7	285
2	1	11	244
3	1	9	268
1	2	1	31
2	2	2	19
3	2	1	23
1	3	2	33
2	3	6	35
3	3	2	24

Locale	Fire Loss	Auto Loss	Total Loss
Troy	\$ 15,450.00	\$ 700.00	\$ 16,150.00
Concord			\$ -
Staunton			\$ -
Other			\$ -
<b>Total</b>	<b>\$ 15,450.00</b>	<b>\$ 700.00</b>	<b>\$ 16,150.00</b>

Prevention Activities	Present Month	Year to Date
Permits Issued		0
Inspections	38	438
Re-Inspections	28	251
Fire Investigations	1	10
Fire Responses	13	45
Ambulance Responses	5	50
Lectures & Demonstrations	2,137	4095
Parking Tickets		0
Orders Issued		0
Other		0

**TROY FIRE DEPARTMENT**

Monthly Report to Council

**Ambulance  
October, 2011**

Locale	Present Month	Year to Date
Troy	305	2748
Concord	37	434
Staunton	16	109
Monroe	1	17
Lost Creek	5	19
Other (Washington)	2	7
<b>Total</b>	<b>366</b>	<b>3334</b>

Transported to	Present Month	Year to Date
Upper Valley MC	287	2627
Miami Valley	1	4
Dayton Heart		0
Good Samaritan		0
Childrens Hosp.		2
Dettmer Hospital		0
Wilson Memorial		2
Grandview Hospital		0
<b>Total</b>	<b>288</b>	<b>2635</b>

Runs Within One Hour	Year to Date
188	2144

Sex	Present Month	Year to Date
Males	135	1233
Females	155	1419

Type Call	Present Month	Year to Date
Heart	36	318
Respiratory	41	364
Auto Accident	9	92
Illness	75	656
Falls	29	295
Injury	15	134
Bleeding	2	29
Strokes	4	51
Assault	4	27
Overdose	5	54
Maternity	5	13
Miscellaneous	48	473
Unknown	4	54
No Removal	78	699
Poisoning		1
Mental	8	57
Att. Suicide	3	19
<b>Total</b>	<b>366</b>	<b>3334</b>

Shift	Station	Present Month	Year to Date
1	1	48	490
2	1	51	494
3	1	57	489
1	2	32	311
2	2	32	333
3	2	38	331
1	3	32	292
2	3	39	312
3	3	37	282

Law Enforcement Activity Report  
9/27/2011 TO 10/28/2011

RECEIVED

NOV 02 2011

AUDITOR'S OFFICE

**Ordinance Cases Filed**

<b>Criminal</b>	
Covington Police Department	1
Piqua City Health Department	1
Piqua Police Department	6
Troy Police Department	9
	<b>17</b>

<b>Traffic</b>	
Covington Police Department	5
Piqua Police Department	88
Tipp City Police Department	46
Troy Police Department	100
West Milton Police Department	4
	<b>243</b>




**State Cases Filed**

<b>Criminal</b>	
Bethel/Sheriff	2
Bradford/Sheriff	7
Covington Police Department	13
Dog & Kennel	7
Elizabeth Twp./Sheriff	3
Huber Heights Police Department	4
Miami County Health Board	2
Ohio State Patrol	7
Personal	1
Piqua Police Department	123
Pleasant Hill / Sheriff	1
Sheriff's Department - Miami County	68
Tipp City Police Department	32
Troy Police Department	122

Law Enforcement Activity Report  
9/27/2011 TO 10/28/2011

West Milton Police Department	13
Wildlife	1
	<hr/>
	406
	<hr/>
	<b>Traffic</b>
	<hr/>
Bethel/Sheriff	22
Bradford/Sheriff	1
Covington Police Department	8
Elizabeth Twp./Sheriff	5
Huber Heights Police Department	1
Ohio State Patrol	413
Piqua Police Department	31
Sheriff's Department - Miami County	87
Tipp City Police Department	27
Troy Police Department	94
West Milton Police Department	9
	<hr/>
	698
<b>Grand Total:</b>	<b>1,364</b>
	<hr/>

# November 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 11:00 a.m. Park Board	2	3	4	5
6  Don't forget to Spring Forward	7 7:00 p.m. Council	8	9 3:30 p.m. Planning Commission	10	11	12
13	14	15	16	17 9:00 a.m. Rec. Board @ Hobart Arena	18	19
20	21 7:00 p.m. Council	22 3:30 p.m. BZA	23 3:30 p.m. Planning Commission	24 Thanksgiving Holiday 	25 City Offices Closed 	26
27	28	29	30			

# November 2011

## Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																		
<table border="1" style="margin: auto;"> <tr><td colspan="7">October</td></tr> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr> <tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr> <tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr> <tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr> <tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td></tr> <tr><td>30</td><td>31</td><td></td><td></td><td></td><td></td><td></td></tr> </table>		October							S	M	T	W	T	F	S	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						<p style="text-align: center;"><b>1</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 3:00 PM - 3:45 PM FREESTYLE 4:00 PM - 5:30 PM JR CLUB 5:45 PM - 6:35 PM IP 6:45 PM - 7:35 PM MITE GD/BL 7:45 PM - 8:35 PM BANT GD/BL 8:50 PM - 9:50 PM HS HOCKEY</p>	<p style="text-align: center;"><b>2</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 4:00 PM - 5:45 PM HS HOCKEY 6:00 PM - 7:20 PM SQ BL/GD 7:30 PM - 8:50 PM PW BL/GD 9:00 PM - 9:50 PM MIDGET 10:00 PM - 11:00 PM YORK</p>	<p style="text-align: center;"><b>3</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 10:00 AM - 10:30 AM PRESCHOOL 3:00 PM - 3:45 PM FREESTYLE 4:00 PM - 5:30 PM JR CLUB 5:30 PM - 7:00 PM SKATE WAUS 7:10 PM - 8:00 PM BANTAM GOLD 8:10 PM - 9:00 PM BANTAM BLACK 9:15 PM - 10:15 PM HS HOCKEY</p>	<p style="text-align: center;"><b>4</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 10:30 AM GLASS OUT DURING DAY 2:30 PM - 7:30 PM FREESTYLE &amp; TSC 8:00 PM - 10:00 PM PUBLIC SKATE 10:30 PM START SETTING UP FOR CHEER COMPETITION</p>	<p style="font-size: 2em; font-weight: bold;">MARDI GRAS CHEER COMPETITION</p>	
October																																																								
S	M	T	W	T	F	S																																																		
2	3	4	5	6	7	8																																																		
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<p style="text-align: center;"><b>6</b></p> <p>9:00 AM - 10:00 AM THOMPSON 10:15 AM - 12:15 PM HS HOCKEY TRYOUTS 12:30 PM - 1:30 PM SQ BL GAME 2:00 PM - 4:00 PM PUBLIC SKATE 4:15 PM - 5:45 PM BANT GD GAME 8:30 PM - 7:30 PM HS HOCKEY TRYOUTS 8:00 PM - 10:30 PM CANES &amp; PUCKS</p>	<p style="text-align: center;"><b>7</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 2:30 PM - 5:30 PM FREESTYLE 5:30 PM - 6:30 PM SKATE WAUS 6:45 PM - 7:35 PM SQ BL/GD 7:45 PM - 8:35 PM PW BL/GD 8:45 PM - 9:45 PM MIDGETS</p>	<p style="text-align: center;"><b>8</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 3:00 PM - 3:45 PM FREESTYLE 4:00 PM - 5:30 PM JR CLUB 5:45 PM - 6:35 PM IP 6:45 PM - 7:35 PM MITE GD/BL 7:45 PM - 8:35 PM BANT GD/BL 8:50 PM - 9:50 PM HS HOCKEY</p>	<p style="text-align: center;"><b>9</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 4:00 PM - 5:45 PM HS HOCKEY 6:00 PM - 7:20 PM SQ BL/GD 7:30 PM - 8:50 PM PW BL/GD 9:00 PM - 9:50 PM MIDGET 10:00 PM - 11:00 PM YORK</p>	<p style="font-size: 2em; font-weight: bold;">SETTING UP FOR CONCERT</p>		<p style="text-align: center;"><b>11</b></p> <p>8:00 PM REO SPEEDWAGON CONCERT 9:45 PM START TEARDOWN FROM CONCERT</p>	<p style="text-align: center;"><b>12</b></p> <p>8:00 AM - 10:00 AM SUPER SATURDAY 10:15 AM - 12:15 PM TSC 12:30 PM - 11:00 PM SUPER SATURDAY</p>																																																	
<p style="text-align: center;"><b>13</b></p> <p>9:00 AM - 10:00 AM THOMPSON 11:50 AM - 1:20 PM MIDGET GAME 1:45 PM - 3:15 PM BANT BL GAME 4:15 PM - 5:15 PM PW GD GAME 8:45 PM - 7:15 PM HS HOCKEY PRESEASON GAME 8:00 PM - 10:30 PM CANES &amp; PUCKS</p>	<p style="text-align: center;"><b>14</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 2:30 PM - 5:30 PM FREESTYLE 5:30 PM - 6:30 PM SKATE WAUS 6:45 PM - 7:35 PM SQ BL/GD 7:45 PM - 8:35 PM PW BL/GD 8:45 PM - 9:45 PM MIDGETS</p>	<p style="text-align: center;"><b>15</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 3:00 PM - 3:45 PM FREESTYLE 4:00 PM - 5:30 PM JR CLUB 5:45 PM - 6:35 PM IP 6:45 PM - 7:35 PM MITE GD/BL 7:45 PM - 8:35 PM BANT GD/BL 8:50 PM - 9:50 PM HS HOCKEY</p>	<p style="text-align: center;"><b>16</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 4:00 PM - 5:45 PM HS HOCKEY 6:00 PM - 7:20 PM SQ BL/GD 7:30 PM - 8:50 PM PW BL/GD 9:00 PM - 9:50 PM MIDGET 10:00 PM - 11:00 PM YORK</p>	<p style="text-align: center;"><b>17</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 10:00 AM - 10:30 AM PRESCHOOL 3:00 PM - 3:45 PM FREESTYLE 4:00 PM - 5:30 PM JR CLUB 6:30 PM - 7:00 PM SKATE WAUS 7:10 PM - 8:00 PM BANTAM GOLD 8:10 PM - 9:00 PM BANTAM BLACK 9:15 PM - 10:15 PM HS HOCKEY</p>	<p style="text-align: center;"><b>18</b></p> <p>7:15 AM - 10:00 AM FREESTYLE 2:30 PM - 7:30 PM FREESTYLE &amp; TSC 8:00 PM - 10:00 PM PUBLIC SKATE</p>	<p style="text-align: center;"><b>19</b></p> <p>7:00 AM - 7:50 AM MITE GD/BL 8:30 AM - 10:00 AM MIDGET GAME 10:15 AM - 12:15 PM TSC 12:30 PM - 1:30 PM SQ GOLD GAME 2:00 PM - 4:00 PM PUBLIC SKATE 6:30 PM - 7:30 PM SQ BL GAME 8:00 PM - 10:00 PM PUBLIC SKATE</p>																																																		
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