

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, July 1, 2019, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Lutz, Oda, Phillips, Schweser, Severt and Terwilliger.  
Upon motion of Mr. Heath, seconded by Mr. Phillips, Mr. Twiss 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  
John E. Frigge Auditor  
Grant D. Kerber Director of Law

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Council Member Terwilliger, followed by the Pledge of Allegiance.

PUBLIC HEARING: At 7:02 p.m., Mrs. Baker declared open a public hearing on Resolution No. R-28-2019, the annual tax budget. There were no comments in this regard and at 7:03 p.m. Mrs. Baker declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the June 17, 2019, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Kendall, seconded by Mr. Heath, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Finance Committee: Mr. Kendall, Chairman, reported as follows:

- 1) Committee supports the recommendation of the Loan Review Committee that a loan be approved to Chacres, LLC in the amount of \$125,000 for work at 2 E. Main Street from the Small Business Development Revolving Loan Fund based on the terms recommended by the Loan Review Committee. Committee supports emergency legislation so that the loan can be processed without delay so that the building renovation can be completed.
- 2) Committee supports the recommendation of the Loan Review Committee that a loan be approved to Four Sons Development, LLC in the amount of \$250,000 for work at 8 S. Market Street from the Small Business Development Revolving Loan Fund based on the terms recommended by the Loan Review Committee supports emergency legislation so that the loan can be processed without delay so that the repairs/renovations continue.

Reports signed by Kendall, Schweser and Severt.

Law & Ordinance Committee: Mr. Schweser, Chairman, reported as follows:

- 1) Committee considered a request for the Troy Kroger Store for a D-1 TREX liquor permit and reviewed the current limit set on TREX permits. Committee recommends:
  - o There should not be a limit set on the number of TREX permits within the City as each TREX application must be individually reviewed by Council and a determination made as to whether or not the TREX application will be supported. Therefore, Committee recommend that legislation be prepared to repeal Ordinance No. O-14-2007.
  - o The Committee concurs that the investment made in the Troy Kroger store is an economic development investment. Committee recommends that a letter of support be submitted by the Director of Public Service and Safety for the D-1 TREX liquor permit application as requested by Kroger Limited Partnership I, #984 for the Troy Kroger Store at 731 W. Market Street. As this is not a matter of legislation, Committee asks that this recommendation to support the Kroger TREX application be accepted by Council so that the letter can be provided to be included in the application that Kroger will submit to the Division of Liquor Control.

A motion was made by Mr. Schweser, seconded by Mr. Phillips, that the recommendation of the Law & Ordinance Committee be approved that the Director of Public Service and Safety submit a letter of support for the D-1 TREX liquor permit application as requested by Kroger Limited Partnership I, #984 for the Troy Kroger Store. Mr. Severt suggested that the motion be conditioned on the approval of O-22-2019 (to repeal the limit of two TREX permits) and moved that the motion be amended to be conditional, seconded by Mr. Schweser.

Conditional motion passed by unanimous roll call vote.

- 2) Regarding the use of public property for the Tour De Donut and Donut Jam events, August 23 and 24, 2019, Committee recommends legislation be prepared to:
- o Authorize the Director of Public Service and Safety to enter into an agreement with Rocketship Sports, Inc. related to the Tour De Donut event.
  - o Authorize the Director of Public Service and Safety to enter into an agreement with Troy Main Street, Inc. related to the Donut Jam event.
  - o Include the standard notwithstanding legislation for such events.

Reports signed by Schweser, Phillips and Severt.

Utilities Committee: Mr. Terwilliger, Chairman, reported that Committee recommends legislation be prepared regarding the City's costs for oversizing of utility lines, traffic signal, and related roadway improvements for the Halifax Villas Planned Development as follows:

- o Water Line Oversizing payment in an amount not to exceed \$80,052.53;
- o Sanitary Sewer Line Oversizing/Elimination of a Pump Station payment in an amount not to exceed \$151,459.77;
- o Traffic Signal and Traffic Turning Improvements payment at a cost not to exceed \$165,000.00.

Report signed by Terwilliger and Lutz.

CITIZEN COMMENTS: None

RESOLUTION NO. R-28-2019

RESOLUTION ADOPTING THE BUDGET OF THE CITY OF TROY, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Kendall moved for suspension of rules requiring three readings. Motion seconded by Mr. Heath.

Yes: Oda, Terwilliger, Kendall, Heath, Schweser, Lutz, Phillips and Severt.

No: None.

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

Yes: Terwilliger, Kendall, Heath, Schweser, Lutz, Phillips, Severt and Oda.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-29-2019

RESOLUTION APPROVING THE APPLICATION OF FOUR SONS DEVELOPMENT, LLC FOR LOAN ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Kendall, Heath, Schweser, Lutz, Phillips, Severt, Oda and Terwilliger.

No: None.

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

Yes: Heath, Schweser, Lutz, Phillips, Severt, Oda, Terwilliger and Kendall.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-30-2019

RESOLUTION APPROVING THE APPLICATION OF CHACRES, LLC FOR LOAN ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Schweser, Lutz, Phillips, Severt, Oda, Terwilliger, Kendall and Heath.

No: None.

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

Yes: Lutz, Phillips, Severt, Oda, Terwilliger, Kendall, Heath and Schweser.

No: None.

RESOLUTION ADOPTED

## RESOLUTION NO. R-31-2019

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO MAKE PAYMENT TO HARLOW BUILDERS, INC. FOR THE CITY SHARE OF WATER LINE AND SANITARY SEWER LINE OVERSIZING COSTS AND FOR THE CITY TO PAY A SHARE OF THE COST OF A TRAFFIC SIGNAL AND OTHER TRAFFIC IMPROVEMENTS RELATED TO THE HALIFAX VILLAS PLANNED DEVELOPMENT

This Resolution was given first title reading.

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

Yes: Phillips, Severt, Oda, Terwilliger, Kendall, Heath, Schweser and Lutz.

No: None.

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

Yes: Severt, Oda, Terwilliger, Kendall, Heath, Schweser, Lutz and Phillips.

No: None.

RESOLUTION ADOPTED

## ORDINANCE NO. O-21-2019

ORDINANCE AMENDING ORDINANCE NO. O-53-2018, APPROPRIATING FUNDS NECESSARY FOR THE VARIOUS DEPARTMENTS AND OFFICES OF THE CITY OF TROY, OHIO, FOR THE YEAR 2019

This Ordinance was given first title reading.

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

Yes: Oda, Terwilliger, Kendall, Heath, Schweser, Lutz, Phillips and Severt.

No: None.

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

Yes: Terwilliger, Kendall, Heath, Schweser, Lutz, Phillips, Severt and Oda.

No: None.

ORDINANCE ADOPTED

## ORDINANCE NO. O-22-2019

ORDINANCE REPEALING ORDINANCE NO. O-14-2007 (RESTRICTING ADDITIONAL NUMBER OF LIQUOR PERMITS ALLOWED BY THE STATE LIQUOR CONTROL QUOTA SYSTEM)

This Ordinance was given first title reading.

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

Yes: Kendall, Heath, Schweser, Lutz, Phillips, Severt, Oda and Terwilliger.

No: None.

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

Yes: Heath, Schweser, Lutz, Phillips, Severt, Oda, Terwilliger and Kendall.

No: None.

ORDINANCE ADOPTED

## ORDINANCE NO. O-23-2019

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2019 TOUR DE DONUT EVENT, NOTWITHSTANDING CONFLICTING PROVISIONS OF THE TROY CODIFIED ORDINANCES, AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH ROCKETSHIP SPORTS, INC. THEREFOR

This Ordinance was given first title reading.

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

Yes: Schweser, Lutz, Phillips, Severt, Oda, Terwilliger, Kendall and Heath.

No: None.

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

Yes: Lutz, Phillips, Severt, Oda, Terwilliger, Kendall, Heath and Schweser.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-24-2019

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2019 DONUT JAM EVENT, NOTWITHSTANDING CONFLICTING PROVISIONS OF THE TROY CODIFIED ORDINANCES, AND FURTHER APPROVING THE USE OF AN AREA FOR THE SALE OF BEER AND WINE, SUBJECT TO THE ISSUANCE OF PROPER PERMITS BY THE STATE OF OHIO AND PROCUREMENT OF LIQUOR LIABILITY INSURANCE AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH TROY MAIN STREET, INC. THEREFOR

This Ordinance was given first title reading.

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

Yes: Phillips, Severt, Oda, Terwilliger, Kendall, Heath, Schweser and Lutz.

No: None.

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

Yes: Severt, Oda, Terwilliger, Kendall, Heath, Schweser, Lutz and Phillips.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-25-2019

AN ORDINANCE CHANGING THE ZONING OF PARCELS D08-250732, D08-048760, D08-250299, AND D08-250296 IN THE CITY OF TROY, OHIO FROM THE ZONING CLASSIFICATIONS OF R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT, R-5, SINGLE-FAMILY RESIDENTIAL DISTRICT, AND M-2, LIGHT INDUSTRIAL DISTRICT, TO A PLANNED DEVELOPMENT – RESIDENTIAL (PD-R)

This Ordinance was given first title reading.

COMMENTS OF THE MAYOR:

Mayor Beamish noted July 4 will have activities of a parade, concert and fireworks.

COMMENTS OF THE PRESIDENT OF COUNCIL:

Mrs. Baker congratulated Capt. Shawn McKinney on completing a ten-week course at the FBI Academy in Quantico, Virginia.

COMMENTS OF MEMBERS OF COUNCIL:

Mrs. Oda commented that Ordinance Numbers O-23-2019 and O-24-2019 included prohibitions of dogs at the events covered by the Ordinances, but she continues to see dogs at these events. Mr. Kerber commented that the City is permitted to include the prohibitions, but courts have made it very difficult for enforcement as an owner can claim that the animal is a "service animal" and exempt from the prohibition, but the owner does not have to provide proof thereof. Mrs. Oda commented that she hopes people who bring pets to these events realize how difficult they are making it for those that have actual "service animals."

There being no further business, Council adjourned at 7:35 p.m.

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Clerk of Council

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President of Council