

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, January 3, 2022 at 7:00 p.m. in Council Chambers, City Hall.

(Note: On December 29, 2022, the Oath of Office was administered by Director of Law Grant Kerber to the following elected officials for terms commencing January 1, 2022:

- William Lutz President of Council
- Jeffrey G. Whidden Council Member, 1<sup>st</sup> Ward
- Kristie Marshall Council Member, 2<sup>nd</sup> Ward
- Bobby W. Phillips Council Member, 4<sup>th</sup> Ward
- Jeffrey A. Schilling Council Member, 6<sup>th</sup> Ward
- William G. Rozell Council Member at Large
- Todd D. Severt Council Member at Large
- Lynne B. Snee Council Member at Large
- Melvin Shane City Treasurer

On January 3, 2022, prior to the Council Meeting, the Oath of Office was administered by Director of Law Grant Kerber to the following elected officials for terms commencing January 1, 2022:

- Samuel J. Pierce Council Member, 3<sup>rd</sup> Ward
- William C. Twiss Council Member, 5<sup>th</sup> Ward)

Members Attending: Marshall, Phillips, Pierce, Rozell, Schilling, Snee and Twiss.

Upon motion of Mr. Phillips, seconded Mrs. Snee, Mr. Severt was excused from this meeting by unanimous roll call vote.

Upon motion of Mr. Schilling, seconded Mr. Rozell, Mr. Whidden was excused from this meeting by unanimous roll call vote.

Presiding Officer: William Lutz President of Council

Others Present: Robin I. Oda Mayor  
 Patrick E. J. Titterington Director of Public Service and Safety  
 Grant D. Kerber Director of Law

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

ORDINANCE NO. O-1-2022

ORDINANCE EMPLOYING CLERK OF COUNCIL AND FIXING COMPENSATION

This Ordinance was given first title reading.

Mr. Schilling moved for suspension of rules requiring three readings. Motion seconded by Mr. Phillips.  
Yes: Schilling, Rozell, Pierce, Phillips, Marshall, Twiss and Snee.

No: None.

Mr. Rozell moved for adoption. Motion seconded by Mr. Schilling.

Yes: Rozell, Pierce, Phillips, Marshall, Twiss, Snee and Schilling.

No: None.

ORDINANCE ADOPTED

The Oath of Office then was administered to the Clerk.

ELECTION OF PRESIDENT OF COUNCIL PRO TEM. A motion was made by Mr. Twiss, seconded by Mrs. Snee, to elect Mr. Phillips as President of Council Pro Tem. Motion approved by unanimous roll call vote. Mr. Phillips elected President of Council Pro Tem.

ELECTION OF CLERK OF COUNCIL PRO TEM. A motion was made by Mr. Phillips, seconded by Mr. Twiss, to elect Mrs. Snee as Clerk of Council Pro Tem. Motion approved by unanimous roll call vote. Mrs. Snee elected Clerk of Council Pro Tem.

RULES OF COUNCIL. A motion was made by Mr. Phillips, seconded by Mr. Rozell, to approve the Rules of Council. Motion passed by unanimous roll call vote. (Copy of Rules attached to original minutes.)

INTRODUCTION: Mark T. Wendling, appointed as Assistant Director of Public Service and Safety effective January 3, 2022 was introduced. It was noted that Thomas Funderburg, Assistant Director of Public Service and Safety, will be retiring effective January 7, 2022.

MINUTES: The Clerk gave a summary of the minutes of the December 20, 2021 meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Rozell, seconded by Mr. Phillips, these minutes were approved by unanimous roll call vote.

**COMMITTEE REPORTS:**

Personnel Committee: Mr. Pierce, Chairman, gave an oral report that the Mayor requested approval of the appointment of Kenny Block to the Human Relations Commission. A motion was made by Mr. Pierce, seconded by Mr. Rozell, to approve the appointment of Kenny Block to the Human Relations Commission, with a term that would commence immediately and run through Dec. 31, 2024. Motion passed by unanimous roll call vote.

COMMENTS ON AGENDA ITEMS: None.

**RESOLUTION NO. R-1-2022**

RESOLUTION AUTHORIZING THE SALE DURING CALENDAR YEAR 2022 OF MUNICIPALLY-OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION PURSUANT TO OHIO REVISED CODE SECTION 721.15 (D)

This Resolution was given first title reading.

Mr. Twiss moved for suspension of three readings. Motion seconded by Mr. Rozell.

Yes: Schilling, Rozell, Pierce, Phillips, Marshall, Twiss and Snee.

No: None.

Mr. Rozell moved for adoption. Motion seconded by Mr. Schilling.

Yes: Rozell, Pierce, Phillips, Marshall, Twiss, Snee and Schilling.

No: None.

RESOLUTION ADOPTED

**ORDINANCE NO. O-72-2021**

AN ORDINANCE REPEALING TITLE THREE, PART ELEVEN, SUBDIVISION REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, AND ENACTING NEW TITLE THREE, PART ELEVEN, SUBDIVISION REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading on December 20, 2022 (and failed suspension of the rules and failed a motion to amend).

Given second title reading.

DISCUSSION. Mr. Schilling provided a statement concerning the word "morals" that is contained in the proposed Ordinance, commenting that the word is not defined by the Ohio Revised Code or Troy's Codified Ordinances, that he has not found the word used in the Subdivision Regulations of any nearby community, and suggested "prosperity" be used in the Subdivision Regulations instead as he does not believe Council should be addressing the morals of the residents of a subdivision and does not believe the citizens believe that is the responsibility of Council.

Mr. Phillips moved for suspension of three readings. Motion seconded by Mr. Rozell.

Yes: Phillips, Marshall, Twiss, Snee and Rozell.

No: Pierce and Schilling.

MOTION FAILED FOR SUSPENSION OF RULES

**ORDINANCE NO. O-2-2022**

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBER D08-099763, INLOT 7392, IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO B-1, LOCAL RETAIL DISTRICT

This Ordinance was given first title reading.

COMMENTS OF THE MAYOR: Mayor Oda provided New Year's greetings. The Mayor's Annual Report was distributed (copy attached to original minutes).

**COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:**

-Mr. Titterington commented that refuse collection will be on schedule the week of the January 16 when offices are closed for the Dr. Martin Luther King Holiday.

-Mr. Titterington thanked Mr. Funderburg for his 15 years of service to the City, and wished him the best in retirement.

COMMENTS OF THE DIRECTOR OF LAW: Mr. Kerber commended Mr. Funderburg for his service to the City. The Director of Law's Annual Report was distributed (copy attached to original minutes).

COMMENTS OF MEMBERS OF COUNCIL: Members of Council thanked Mr. Funderburg for his service to the City.


COMMENTS OF THE PRESIDENT OF COUNCIL: Council President Lutz announced the following Committees/members for 2022-2023:

Committee	Chair	Member	Member
Buildings & Utilities Committee	Mrs. Marshall	Mr. Twiss	Mr. Whidden
Community & Economic Development Committee	Mr. Schilling	Mr. Pierce	Mrs. Snee
Community Partnerships Committee	Mr. Rozell	Mr. Schilling	Mr. Severt
Finance Committee	Mr. Severt	Mr. Phillips	Mr. Rozell
Law & Ordinance Committee	Mrs. Snee	Mr. Phillips	Mr. Severt
Personnel Committee	Mr. Pierce	Mrs. Marshall	Mr. Twiss
Recreation & Parks Committee	Mr. Whidden	Mr. Rozell	Mr. Schilling
Safety & Health Committee	Mr. Twiss	Mrs. Marshall	Mr. Whidden
Streets & Sidewalks Committee	Mr. Phillips	Mr. Pierce	Mrs. Snee

COMMENTS OF AUDIENCE MEMBERS:

-Brad Boehringer, 180 Crestwood Drive, asked about the demolition moratorium status and if the City had ever considered a Comprehensive Plan. Mr. Titterington advised that staff is working on the moratorium, any public comment would be at a public hearing if held, and the City has approved Comprehensive Plans for years with the most recent update within the last few years.

There being on further business, Council adjourned at 7:30 p.m.

  
 Clerk of Council

  
 President of Council



Grant D. Kerber  
Director of Law  
215 W. Water Street  
Troy, OH 45373  
Telephone: (937) 339-1500  
Email: [grant.kerber@troyohio.gov](mailto:grant.kerber@troyohio.gov)  
[www.troyohio.gov](http://www.troyohio.gov)

December 28, 2021

Troy City Council  
c/o Sue Knight, Clerk of Council  
100 South Market Street  
Troy, Ohio 45373

Re: 2021 Annual Report

Dear Council Members:

The following represents the Law Director's annual report for 2021 to be presented at the January 3, 2022, council meeting. This is presented as part of my statutory obligation to provide City Council, at the first Council meeting in January, this annual report for the Office of Law Director of the City of Troy, Ohio for the calendar year 2021.

Any and all monies collected by my office in 2021 were paid to the proper city officials or office.

With Troy being the county seat of Miami County, it is the Troy Law Director's duty to prosecute most cases in the Miami County Municipal Court. This applies to offenses committed in the unincorporated areas of Miami County as well as those committed within the city limits of Troy. Most of the criminal and traffic cases coming before the Municipal Court involve misdemeanors. My office also prosecutes cases for state and local agencies for crimes occurring in Troy and the unincorporated areas of Miami County. My office is also responsible for the prosecution of felonies arising within the same areas, at the preliminary hearing stage of the proceedings, and for handling administrative license suspension appeals. Leneé Brosh serves as the Chief Municipal Court Prosecutor, Andrew Johnston serves as a second municipal court prosecutor and Jared B. Chamberlain, as the third municipal court prosecutor. Christina Bruner is the full-time secretary in our Municipal Court Prosecutors' office.



**LAW DIRECTOR'S  
OFFICE**

Grant D. Kerber  
Director of Law  
215 W. Water Street  
Troy, OH 45373  
Telephone: (937) 339-1500  
Email: [grant.kerber@troyohio.gov](mailto:grant.kerber@troyohio.gov)  
[www.troyohio.gov](http://www.troyohio.gov)

My office was responsible for prosecuting thousands of cases filed in the Miami County Municipal Court by the City of Troy, the Miami County Sheriff's Office, the Ohio Highway Patrol, the Miami County Department of Health, the Animal Shelter, and other agencies in 2021. My office also provided representation to these agencies for felonies at the preliminary hearing stage.

Additionally, the prosecutors provided legal counsel and advice to law enforcement agencies, state agencies, the Miami County Health Department, and other agencies regarding criminal activity in Troy and Miami County.

These prosecutors are compensated with funds partially provided by the County under a contract with the City; which in turn passes those funds through to the prosecutors' law firm, under a City contract with that firm. As you know, I am a partner with that firm, but I had no personal interest in nor did I receive any personal benefit from that contract.

In 2018, some efforts were made to change the prosecutorial responsibilities of the Troy City Law Director.

As of today's date, the Ohio State Legislature has not taken any formal action to amend the City of Troy's Law Director's responsibility in the unincorporated areas of Miami County. Any such amendment will negatively impact the cost savings accomplished with the current arrangement. As you know, the Miami County Commissioners made a request to State representative Powell to initiate such a change in the state law. The Miami County Commissioners seek to reduce services by only employing a part-time prosecutor to prosecute crimes in the unincorporated areas of Miami County. Any efforts at the state level will be vigorously opposed.

The City was involved in the following litigation during 2021:

The City of Troy and the Troy Strawberry Festival were both sued by a festivalgoer for a slip/fall incident. Annually, the City and the Strawberry Festival enter into a contract prior to each year's Strawberry Festival. Because of this contract, the Troy Strawberry Festival is responsible for the legal defense and any sums obtained through settlement or litigation.



Grant D. Kerber  
Director of Law  
215 W. Water Street  
Troy, OH 45373  
Telephone: (937) 339-1500  
Email: [grant.kerber@troyohio.gov](mailto:grant.kerber@troyohio.gov)  
[www.troyohio.gov](http://www.troyohio.gov)

Late in 2020, a City employee filed suit in federal court. The lawsuit involves allegations of discrimination employment practices. MVRMA is providing a defense and this matter remains pending.

Finally, litigation was recently commenced in the Miami County Common Pleas Court. Adjoining property owners of the "Tavern" building are alleging that the City's Planning Commission and Board of Zoning Appeals improperly approved a Certificate of Appropriateness for its proposed demolition.

This year, as last year, I also reviewed and prepared various legal documents such as deeds, options to purchase agreements, easements, and contracts. Additionally, I assisted and coordinated the purchase and sale of real estate to and from the City. I have researched and provided advice to various officials, department heads, boards, and employees of the City concerning a wide array of issues.

In addition to overseeing the prosecution of criminal offenses and the litigation described, I am also responsible for preparing legislation on behalf of the City. For the year 2021, this involved the preparation of 140 ordinances and resolutions.

The preparation of legislation and attendance at meetings may be the most visible work but the legal research and advice that is provided to various city officials, departments and boards as well as the litigation support consume most of my time and efforts. I reviewed multiple contracts and consulted with numerous City employees regarding best practices. I also provided guidance to the Planning Commission, Board of Zoning Appeals, and the Recreation Board. Additionally, I submitted applications to exempt City real estate from property taxation.

I have given presentations to Leadership Troy and Teen Leadership Troy concerning the duties and responsibilities of the Law Director's office and I have also served as an advisor to the Mayor's Youth Council. My office has also provided training to the Troy Police Department.

The COVID-19 situation also presented various challenges to the City administration. I assisted various departments with legal guidance with these issues.

Also, as part of my duties, I have attended various seminars and training sessions. I am a member of the Municipal Records Commission and Troy's Board of Tax Appeals.



**LAW DIRECTOR'S  
OFFICE**

Grant D. Kerber  
Director of Law  
215 W. Water Street  
Troy, OH 45373  
Telephone: (937) 339-1500  
Email: [grant.kerber@troyohio.gov](mailto:grant.kerber@troyohio.gov)  
[www.troyohio.gov](http://www.troyohio.gov)

I have enjoyed working with Mayor Oda and Mr. Titterington, City Council, Mr. Lutz, Mrs. Knight, Mr. Frigge, Chief McKinney and all of the other City employees and department heads and I look forward to another productive year in 2022.

Very truly yours,

A handwritten signature in blue ink, appearing to read "G. Kerber".

Grant D. Kerber

cc: Mayor  
President of Council  
Auditor  
Director of Public Service and Safety



January 3, 2022

Mr. William Lutz, President of Council  
Members of Troy City Council  
City Hall  
Troy, Ohio

Dear Mr. Lutz and Council Members:

Please find below a look-back at 2021 from the Mayor's perspective.

2021 was somewhat easier than 2020, but still had its own ups and downs, most of which continues into 2022.

In general, we saw the continued successes of our downtown businesses, retailers and manufacturers city-wide. Ribbon-cuttings have continued at a brisk pace which is always a welcome activity and indicator of those wanting to locate and do business in Troy.

At the same time, we have seen some of our businesses struggle with staffing and financial issues. 2022 will continue to shed light on those that are able to pull through, and those that may still struggle. I am hopeful that this time will only be seen as a rough patch and that there will be/is light at the end of the tunnel.

Manufacturing in the City of Troy continues to grow and expand. ConAgra, NovaCel (formerly Troy Laminating & Coating), Peak Foods, F&P, and RayMath have all expanded or are in the process of expansion. We also welcome C-Squared Industrial and Brightworks to Troy!

My schedule remains busy. I regularly attend our city staff meetings and Economic Development/Troy Development Council meetings here at City Hall, as well as representing the city on numerous boards/committees every month. Mr. Titterington and I also meet regularly with the administrations of Kettering Health Troy and Premier Health UVMC. Meetings in and out of City Hall, phone calls, emails, hand-written communications... all of these continue into 2022.

Each fall I sit in on budget meetings with our department heads. While much of what I do is enjoyable, these particular meetings are tedious and sometimes difficult. I so appreciate what our department heads do and how they work with our administration to come up with a workable budget every year. Kudos to each and every one!

In 2021, my office continued working with Troy School Board member, Sue Borchers, on developing video field trips about city/county services and departments for teachers to use in their classrooms.

Also in 2021, the city saw a smaller version of the Troy Strawberry Festival, the Strawberry Jam, which was very successful. The TSF plans to return in full force in June 2022, and meetings with city staff should begin soon.





## **2021 Annual Report**

The Summer Concert Series on Prouty Plaza saw a full schedule in 2021, and I am looking forward to another full summer of downtown concerts, along with a few at Treasure Island. I look forward to continuing our partnership with Troy Main Street on these and many other city events.

Sculptures on the Square had a very successful and exciting showing this summer, and is always a draw for our downtown area and businesses. The SOS will return in 2023. The Painted Pianos were also very popular and we also expect a repeat of this event.

The city hosted the always successful GOBA (Greater Ohio Bicycle Adventure) in June, albeit a smaller version known as WOBA, along with the Tour de Donut in August. They are both expecting to repeat in full force in 2022, and city staff is already in planning meetings with organizers.

Hobart Arena returned to full, in-person concerts and activities, for which we are very thankful, and we look forward to an even busier slate of events and activities in 2022.

We were so very pleased to partner with the Miami Valley Veterans Services and Selena Loyd, Director, as well as our County Commissioners, the Miami County Visitors Bureau and other sponsors, to bring the Tunnels-2-Towers 9-11 exhibit to the city for a long weekend remembering the 9-11 tragedy.

2021 was also a year in which we honored philanthropists and long-time champions of the City of Troy – Thom & Pat Robinson. The property has been dedicated, and we look forward to the Robinson Reserve at Duke Park becoming a reality in 2022.

Finally, my office continues with efforts to bring transparency and the communication of information to our residents and taxpayers. Our website was redesigned and we are continually looking to improve it and to make more information readily and easily available. Staff has worked diligently to put together a new resident information folder which is handed out to new residents when they move into the city. These efforts will continue in all areas.

I look forward to the next year and what will be accomplished. I and the city administration will continue to work with City Council and department heads to continue the success that Troy already is for our residents and our region. After all we've been through in the last two years, Troy continues to be a thriving, successful city, and a desirable location for residential and business growth. I'm happy to be a part of that and honored to serve.

Sincerely,

Robin I. Oda  
Mayor