

June 7, 2021

## MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, June 21, 2021, at 7:00 p.m. in Council Chambers, City Hall.

Members Attending: Phillips, Rozell, Schilling, Schweser, Severt, Snee, Terwilliger, Twiss and Whidden.

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

Presiding Officer:	William Lutz	President of Council
Also Attending:	Robin I. Oda	Mayor
	Patrick E. J. Titterington	Director of Public Service and Safety
	Grant D. Kerber	Director of Law
	John E. Frigge	City Auditor

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

MINUTES: The Clerk gave a summary of the minutes of the May 17, 2021 meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mrs. Snee, seconded by Mr. Twiss, these minutes were approved by unanimous roll call vote.

### COMMITTEE REPORTS:

Buildings & Utilities Committee: Mr. Whidden, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the replacement of the HVAC heat pump at the Police Department at a cost not to exceed \$100,000 to address a humidity issue. Report submitted by Terwilliger, Twiss and Whidden.

Community & Economic Development Committee: Mrs. Snee, Chairman, reported:

- 1) Committee recommends legislation be prepared to accept the Final Plat of the Fox Harbor Subdivision Section 8 and dedication of right-of-way, as recommended by the Troy Planning Commission.
- 2) Committee recommends legislation be prepared authorizing the acceptance of utility easements associated with the WACO Warehouse for water and sewer mains on 1250 and 1260 Archer Drive, and further authorizing the Director of Public Service and Safety to execute any documents related thereto.
- 3) Committee supports the recommendation of the Troy Planning Commission and recommends that legislation be prepared to approve the Revised Final Record Plan of Phase 3 of the Villas of Halifax Subdivision and Patio Homes Planned Development – Residential, which conforms to the approved Revised approved Revised General Plan and Revised Final Development Plan.
- 4) Committee recommends legislation be prepared to provide for the three legislative items required by state law (statement regarding services; statement related buffering requirements; and consent) to the Strayer Farms, Inc. Annexation of 8.140 acres from Concord Township. To meet the timeline of the state law for an expedited annexation, Committee supports emergency legislation.

Reports submitted by Rozell, Twiss and Snee.

Community Partnerships Committee: Mr. Rozell, Chairman, reported that Committee recommends legislation be prepared to:

1. Authorize the Director of Public Service and Safety to enter into an agreement with Can't Stop Running, Co. related to the Tour De Donut event August 27 and 28.
2. Authorize the Director of Public Service and Safety to enter into an agreement with Troy Main Street, Inc. related to the Donut Jam event August 27 and 28.
3. Include the standard notwithstanding legislation for such events.

Report submitted by Schweser, Whidden and Rozell.

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

- 1) Committee recommends legislation be prepared estimating the aggregate maximum amount of public funds to be awarded as deposit. Committee noted that bidding for deposit of funds is required by the Ohio Revised Code to be done every five years.
- 2) Committee recommends legislation be prepared, as recommended by the Loan Review Committee, authoring a subordination agreement for the Slimline Surgical Devices, dba Canyon Run Engineer Technologies Small Business Development Loan to facilitate the company obtaining a commercial loan for additional improvements. Committee noted that the City's loan will still be adequate secured. So that the commercial loan can be closed without delay, Committee supports emergency legislation.

- 3) Committee recommends legislation be prepared, as recommended by the Loan review Committee, authorizing a new \$30,000 Small Business Development loan to Smith's Boathouse Restaurant, LLC and combine that loan with the balances due on two existing loans so there is just one Small Business Development (SBD) loan. Committee supports emergency legislation so that the loan can be closed without delay.
- 4) Committee recommends legislation be prepared, as recommended by the Loan Review Committee, authorizing a \$100,000 Small Business Development Revolving Loan to 107 W. Main LLC. Committee supports emergency legislation so the loan can be processed without delay and the improvements to 107 W. Main Street continue.

Reports submitted by Phillips, Severt and Schweser.

Streets & Sidewalks Committee: Mr. Schilling reported that:

- 1) Committee recommends legislation be prepared authorizing the final assessment for Phase 12 of the Sidewalk Improvement Program. This will allow for property owners for which the City performed the sidewalk repairs to pay the cost of the repairs or have the cost placed on the property taxes for a 5-year period.
- 2) Committee recommends legislation be prepared to approve the petition to vacate a portion of Arlington Avenue located west of S. Dorset Road, which was petitioned by 100% of the adjacent property owners and recommended by the Troy Planning Commission.

Reports submitted by Schilling, Snee and Phillips.

Personnel Committee: Mr. Twiss, Chairman, gave an oral report that the Mayor has requested approval of several reappointments and a new appointment to the City Beautification Committee. A motion was made by Mr. Twiss, seconded Mr. Schweser, to approve the following for the City Beautification Committee for terms effective 7-1-2021 through June 30, 2023:

- Reappointments: Barbara Redick, Cindy Wingert, Wanda Tremblay, Barrie VanKirk, Phillis Dawkins, and Mary Davis
- Appointment: Peggy Wolke

Motion passed by unanimous roll call vote.

COMMENTS ON AGENDA ITEMS: NONE

RESOLUTION NO. R-18-2021

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 POLICE DEPARTMENT BUILDING OUTSIDE AIR UNIT REPLACEMENT PROJECT

This Resolution was given first title reading.

Mr. Schweser moved for suspension of three readings. Motion seconded by Mr. Schilling.

Yes: Rozell, Twiss, Schweser, Whidden, Severt, Terwilliger, Schilling and Snee.

No: None.

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

Yes: Twiss, Schweser, Whidden, Severt, Terwilliger, Schilling, Snee and Rozell.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-19-2021

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 8.140 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Schweser moved for suspension of three readings. Motion seconded by Mrs. Snee.

Yes: Schweser, Whidden, Severt, Terwilliger, Schilling, Snee, Rozell and Twiss.

No: None.

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

Yes: Whidden, Severt, Terwilliger, Schilling, Snee, Rozell, Twiss and Schweser.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-20-2021

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 8.140 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Severt, Terwilliger, Schilling, Snee, Rozell, Twiss, Schweser and Whidden.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Terwilliger.  
Yes: Terwilliger, Schilling, Snee, Rozell, Twiss, Schweser, Whidden and Severt.  
No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-21-2021

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 8.140 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Rozell moved for suspension of three readings. Motion seconded by Mr. Severt.  
Yes: Schilling, Snee, Rozell, Twiss, Schweser, Whidden, Severt and Terwilliger.  
No: None.

Mr. Rozell moved for adoption. Motion seconded by Mr. Whidden.  
Yes: Snee, Rozell, Twiss, Schweser, Whidden, Severt, Terwilliger and Schilling.  
No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-22-2021

RESOLUTION ESTIMATING AGGREGATE MAXIMUM AMOUNT OF PUBLIC FUNDS TO BE AWARDED AS DEPOSITS

This Resolution was given first title reading.

Mr. Rozell moved for suspension of three readings. Motion seconded by Mr. Terwilliger.  
Yes: Rozell, Twiss, Schweser, Whidden, Severt, Terwilliger, Schilling and Snee.  
No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Schilling.  
Yes: Twiss, Schweser, Whidden, Severt, Terwilliger, Schilling, Snee and Rozell.  
No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-23-2021

RESOLUTION APPROVING THE APPLICATION OF SMITH'S BOATHOUSE RESTAURANT, LLC FOR ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mrs. Snee moved for suspension of three readings. Motion seconded by Mr. Twiss.  
Yes: Schweser, Whidden, Severt, Terwilliger, Schilling, Snee, Rozell and Twiss.  
No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Whidden.  
Yes: Whidden, Severt, Terwilliger, Schilling, Snee, Rozell, Twiss and Schweser.  
No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-24-2021

RESOLUTION APPROVING THE APPLICATION OF 107 W MAIN LLC FOR LOAN ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Rozell moved for suspension of three readings. Motion seconded by Mr. Severt.  
Yes: Severt, Terwilliger, Schilling, Snee, Rozell, Twiss, Schweser and Whidden.  
No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Whidden.  
Yes: Terwilliger, Schilling, Snee, Rozell, Twiss, Schweser, Whidden and Severt.  
No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-34-2021

ORDINANCE ACCEPTING THE FINAL PLAT OF THE FOX HARBOR SUBDIVISION SECTION 8 IN THE CITY OF TROY, OHIO AND DEDICATING RIGHT-OF-WAY

This Ordinance was given first title reading.

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

Yes: Schilling, Snee, Rozell, Twiss, Schweser, Whidden, Severt and Terwilliger.

No: None.

Mrs. Snee moved for adoption. Motion seconded by Mr. Whidden.

Yes: Snee, Rozell, Twiss, Schweser, Whidden, Severt, Terwilliger and Schilling.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-35-2021

ORDINANCE ACCEPTING DEDICATION OF UTILITY EASEMENTS ALONG ARCHER DRIVE

This Ordinance was given first title reading.

Mr. Schweser moved for suspension of three readings. Motion seconded by Mr. Schilling.

Yes: Rozell, Twiss, Schweser, Whidden, Severt, Terwilliger, Schilling and Snee.

No: None.

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

Yes: Twiss, Schweser, Whidden, Severt, Terwilliger, Schilling, Snee and Rozell.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-36-2021

ORDINANCE ACCEPTING THE REVISED FINAL RECORD PLAN OF PHASE 3 OF THE VILLAS OF HALIFAX SUBDIVISION AND PATIO HOMES PLANNED DEVELOPMENT – RESIDENTIAL

This Ordinance was given first title reading.

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

Yes: Schweser, Whidden, Severt, Terwilliger, Schilling, Snee, Rozell and Twiss.

No: None.

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

Yes: Whidden, Severt, Terwilliger, Schilling, Snee, Rozell, Twiss and Schweser.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-37-2021

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2021 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 CAN'T STOP RUNNING CO THEREFOR

This Ordinance was given first title reading.

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

Yes: Severt, Terwilliger, Schilling, Snee, Rozell, Twiss, Schweser and Whidden.

No: None.

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

Yes: Terwilliger, Schilling, Snee, Rozell, Twiss, Schweser, Whidden and Severt.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-38-2021

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2021 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. Rozell moved for suspension of three readings. Motion seconded by Mrs. Snee.

Yes: Schilling, Snee, Rozell, Twiss, Schweser, Whidden, Severt and Terwilliger.

No: None.

Mrs. Snee moved for adoption. Motion seconded by Mr. Rozell.

Yes: Snee, Rozell, Schweser, Whidden, Severt, Terwilliger and Schilling.

No: Twiss. (Mr. Twiss stated he did not oppose the event, but did oppose the sale/consumption of alcohol on public property.)

ORDINANCE ADOPTED

ORDINANCE NO. O-39-2021

ORDINANCE SUBORDINATING A UCC BLANKET LIEN FOR SLIMLINE SURGICAL DEVICES LLC AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Schweser moved for suspension of three readings. Motion seconded by Mr. Schilling.

Yes: Rozell, Twiss, Schweser, Whidden, Severt, Terwilliger, Schilling and Snee.

No: None.

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

Yes: Twiss, Schweser, Whidden, Severt, Terwilliger, Schilling, Snee and Rozell.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-40-2021

ORDINANCE LEVYING ASSESSMENTS FOR PHASE 12 OF THE SIDEWALK IMPROVEMENT PROGRAM

This Ordinance was given first title reading.

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

Yes: Schweser, Whidden, Severt, Terwilliger, Schilling, Snee, Rozell and Twiss.

No: None.

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

Yes: Whidden, Severt, Terwilliger, Schilling, Snee, Rozell, Twiss and Schweser.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-41-2021

AN ORDINANCE VACATING A PORTION OF ARLINGTON AVENUE, LOCATED WEST OF SOUTH DORSET ROAD, BETWEEN INLOTS 4956 AND 11283, IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

Yes: Severt, Terwilliger, Schilling, Snee, Rozell, Twiss, Schweser and Whidden.

No: None.

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

Yes: Terwilliger, Schilling, Snee, Rozell, Twiss, Schweser, Whidden and Severt.

No: None.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR:

Mayor Oda commented that she is glad that Council Meetings are again being held in Council Chambers.

COMMENTS OF MEMBERS OF COUNCIL:

-Mrs. Snee asked where to refer a citizen call regarding stray cats; with Mr. Titterington advising that the citizen should call the Planning Department.

-Mr. Severt announced that there will be a Juneteenth event in Troy on June 19, with events sponsored by the Human Relations Committee that will include a walk from the Troy-Miami County Public Library to McKaig-Race Park, speakers, youth activities, and food, with the public invited to attend. He commented that Juneteenth commemorates the emancipation of those who had been enslaved in the United States.

AUDIENCE COMMENTS:

-Christopher Harshbarger, 2717 Southside Drive, asked that City Council enact legislation similar to that approved in Lebanon, Ohio, to prohibit abortions from taking place in Troy and make Troy a sanctuary city for the unborn.

-Ed Sheridan, 1525 Troy-Sidney Road asked for an update on the annexation of properties on Troy-Sidney Road and that the City take steps to stop persons from driving through the Riverside Drive construction area.

There being no further business, the meeting adjourned at 7:51 p.m.

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Clerk of Council

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President of Council

