

June 15, 2020

MINUTES OF COUNCIL

A regular session of Troy City Council was held remotely on Monday, June 15, 2020, at 7:00 pm via Zoom. (Note R-22-2020 allowed for remote meetings to be held during the state of emergency due to the COVID-19 Pandemic.)

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

Presiding Officer: Bobby W. Phillips President of Council Pro Tem

Others Attending: 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 Member Rozell, followed by the Pledge of Allegiance.

PUBLIC HEARING:

At 7:04 p.m. Mr. Phillips declared open a public hearing on Ordinance No. O-31-2020, the rezoning of Parcels D08-026290, D08-026300 (6 N. Madison) R-6 to OC-1. No comments had been received in this regard, and at 7:05 p.m., Mr. Phillips declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the June 1, 2020 meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Terwilliger, seconded by Mr. Rozell, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mrs. Snee, Chairman, reported that Committee recommends Ordinance No. O-28-2020, rezoning of Parcel No. D08-057920 (430 Kirk Lane) from R-4 to OC-1 be approved.

Report signed by Rozell, Twiss and Snee.

Community Partnerships Committee: Mr. Rozell, Chairman, reported that Committee recommends legislation be prepared authorizing Director of Public Service and Safety to enter into an agreement with Pink Ribbon Girls related to an event on public property on July 3, 2020, and that the legislation include the standard notwithstanding legislation for such events. Based on the stated time frame for the Pink Ribbon Girls to confirm the event, Committee supports emergency legislation. Committee noted that the event being held is subject to the organization obtaining a temporary liquor permit.

Report submitted by Allen, Schweser and Rozell.

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

- 1) Committee recommends legislation be prepared authorizing the refinancing of two bond issues that would result in savings to the City of approximately \$1.1 million over 20 years. Committee supports emergency legislation as the issuance of bonds is time sensitive.
- 2) Committee recommends legislation be prepared establishing protocols for the City related to the CARES Act based on the guidelines provided. The CARES Act is related to the City submitting for reimbursement of direct expenditures related to the COVID-19 Pandemic. Committee supports emergency legislation so that the Resolution can be submitted without delay.

Reports submitted by Philips, Severt and Schweser.

Recreation & Parks Committee. Mr. Schilling, Chairman, reported that Committee recommends Council adopt the Policy Guidelines – Approval of Declaring Surplus City/Board of Park Commissioners Property. (Copy of Policy Guidelines attached to original minutes.)

Report submitted by Phillips, Terwilliger and Schilling.

A motion was made by Mr. Schilling, seconded by Mr. Schweser to approve the Policy Guidelines – Approval of Declaring Surplus City/Board of Park Commissioners Property. Motion passed by unanimous roll call vote.

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

- 1) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to submit an application to the Ohio Department of Transportation for ODOT Safety Funds, enter into a LPA Agreement with ODOT, and execute any later documents required for a new traffic signal at W. Main Street and Kings Chapel intersection. Based on timing of the project, and the ODOT format, Committee supports emergency legislation.
- 2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to submit an application to the Ohio Department of Transportation for ODOT funding for a signal timing analysis along S. Market Street from Simpson Street to Water Street, and to executed any later documents required. Based on timing of the project, and the ODOT format, Committee supports emergency legislation.

Reports submitted by Schilling, Snee and Phillips.

CITIZEN COMMENTS ON AGENDA ITEMS: No comments by e-mail had been received. (Note: email comments are to be received by noon the day of the meeting.)

RESOLUTION NO. R-39-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING FUNDING FOR A SOUTH MARKET STREET SIGNAL TIMING ANALYSIS PROJECT AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-40-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO SUBMIT AN APPLICATION FOR FUNDING AND ENTER INTO AN LPA AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ASSOCIATED WITH A NEW TRAFFIC SIGNAL, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-41-2020

RESOLUTION ESTABLISHING PROTOCOLS FOR THE CITY OF TROY, OHIO RELATED TO THE CORONAVIRUS AID, RELIEF, AND ECONOMY SECURITY ACT, 116 PUBLIC LAW 136 (THE CARES ACT), AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-42-2020

RESOLUTION URGING GOVERNOR DEWINE AND THE OHIO DEPARTMENT OF HEALTH FOR A WHOLLY OPEN ECONOMY AND DECARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

Discussion:

-Mr. Schilling commented that he understood Council would have an opportunity to discuss the language as he found it convoluted and did not know that Council could state that certain statements in the Resolution were true, and he asked the origin of the wording.

-Mr. Titterington stated that it was modeled after one enacted by the City of Mason.

-Mrs. Snee asked if Mr. Schilling had a proposed amendment.

-Mr. Schilling commented that he felt the Governor was aware of the impact of COVID-19 on citizens, that the Governor has 50 years' experience as an elected official and was elected to look after the health and welfare of all citizens, he questions if enacting the Resolution will make a difference, he does not know if there are Troy businesses not open, and he does not know what Troy will gain by the legislation.

-Mr. Rozell asked Mr. Titterington to discuss if there are businesses not open.

-Mr. Titterington noted that the title refers to a "wholly open economy", and while the businesses may be open, there are restrictions on use of space and other restrictions that does not mean wholly open. He also noted that regulations or directions received by the City, businesses and citizens vary and contradict themselves at times, including that currently the Ohio educational systems do not know what can be done in the fall to open the schools.

-Mr. Phillips mentioned that he spoke with a business owner who related her difficulty in getting questions answered from the Office of the Governor about having her business completely open.

-Mr. Severt suggested that what is being asked of the Governor and Department of Health is best noted in the Sections at the end of the Resolution, including wording regarding an individual's right to make choices.

-Mr. Schilling suggested wording urging the Governor to open the economy prudently, and commented that he believes there are situations where a health department can supersede an individual's rights, and he would like to see the wording of the Resolution reviewed by a committee.

-Mrs. Snee called the question on the motion to adopt, as she did not hear a motion to refer this Resolution to a Committee.

-Mr. Kerber advised that based on Council Rule X, calling the question is to be in the form of a motion, and needs a second.

Motion to call the question seconded by Mr. Rozell.

Vote on calling the question:

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

No: None.

MOTION APPROVED

Vote on motion to adopt R-42-2020:

Yes: Phillips, Severt, Snee, Terwilliger, Allen, Twiss, Schweser and Rozell.

No: Schilling.

RESOLUTION ADOPTED

ORDINANCE NO. O-28-2020

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBER D08-057920 IN THE CITY OF TROY, OHIO FROM THE ZONING CLASSIFICATION OF R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT

This Ordinance was given first title reading on May 18, 2020.

Given Public Hearing and second title reading.

Given third title reading.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-31-2020

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBERS D08-026290 AND D08-026300 IN THE CITY OF TROY, OHIO FROM THE ZONING CLASSIFICATION OF R-6, TWO-FAMILY RESIDENTIAL DISTRICT, TO OC-1, OFFICE COMMERCIAL DISTRICT

This Ordinance was given first title reading on June 1, 2020.
Given public hearing and second title reading.

ORDINANCE NO. O-32-2020

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$14,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF (A) IMPROVING THE (I) MUNICIPAL SANITARY SEWER SYSTEM, INCLUDING BY LINING EXISTING SANITARY SEWER LINES AND MANHOLES, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO AND (II) MUNICIPAL WATER SYSTEM, INCLUDING THE INSTALLATION OF NEW WATER DISTRIBUTION LINES AND THE REPLACEMENT OF EXISTING WATER DISTRIBUTION LINES, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO AND (B) IMPROVING THE RIVERFRONT DEVELOPMENT PROJECT, INCLUDING HOBART ARENA AND TREASURE ISLAND PARK, BY CONSTRUCTING, REHABILITATING, REFURBISHING AND EQUIPPING THE SAME, TOGETHER WITH ALL INCIDENTAL WORK AND RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-33-2020

PINK RIBBON GIRLS EVENT, NOTWITHSTANDING CONFLICTING PROVISIONS OF THE TROY CODIFIED ORDINANCES, AND FURTHER APPROVING THE USE OF AN AREA FOR THE SALE OF BEER 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 PINK RIBBON GIRLS, INC. THEREFOR, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

Yes: Allen, Schweser, Rozell, Phillips, Severt, Snee, Terwilliger and Schilling.

No: Twiss.

ORDINANCE ADOPTED

ORDINANCE NO. O-34-2020

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBER D08-106648 IN THE CITY OF TROY, OHIO FROM THE ZONING CLASSIFICATION OF I-2, GENERAL INDUSTRIAL DISTRICT, TO THE CITY ZONING OF M-3, GENERAL INDUSTRIAL DISTRICT

This Ordinance was given first title reading.

COMMENTS OF THE MAYOR: The Mayor commented that over 100 applications were received by persons wanting to serve on the Human Relations Commission, she is in the process of reviewing the applications, and will be forwarding to Council a request for the for approval of the selected appointees.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented:

-July 3 is a holiday (for July 4) and City offices will be closed

-With information just received from OEPA, utility shutoffs for non-payment will again commence effective July 10.

-With assistance from The Troy Foundation, for those customers making appointments related to built-up delinquent bills due to COVID-19, assistance may be available for up to 80% of the delinquent amount.

-The City continues to work with Miami County Public Health regarding events around the July 4th Holiday:

- o June 26 concert at Treasure Island Park
- o July 3 concert and event in the downtown area
- o July 4 parade, concert at Treasure Island Park, and fireworks.

COMMENTS OF COUNCIL PRESIDENT PRO TEM:

Mr. Phillips provided a reminder that there is a form on the City's website that can be used for commenting regarding the reverse angle parking pilot programs, with the City asking that responders first try the parking.

There being no further business, the meeting adjourned at 7:58 p.m.

Clerk of Council

President of Council

