

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, August 15, 2022 at 7:00 p.m. in Council Chambers, City Hall.

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

Presiding Officer:	William Lutz	President of Council
Others Present:	Robin I. Oda	Mayor
	John E. Frigge	Auditor
	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 Schilling, followed by the Pledge of Allegiance.

PUBLIC HEARING:

At 7:03 p.m., Council President Lutz declared open a public hearing on Ordinance No. O-42-2022, Amending Sections 1127 and 1143 of the Zoning Code Related to the Historic Preservation Overlay District.

-Brad Boehringer, 105 Crestwood Drive, thanked staff for undertaking the review of the zoning code. He commented that the code allows for an applicant to meet some of the criteria to obtain a Certificate of Appropriateness for a demolition, which he said was cherry picking as an applicant could choose those that could easily be met, and suggested that a condition of receiving a Certificate of Appropriateness is that all criteria be met.

-Ben Sutherly, 5474 E. SR 41, president of the board of the Troy Historic Preservation Alliance (which advocates for the preservation, restoration and repurposing of Troy's historic places) and president of the board at the Overfield Tavern Museum, commented that members of the Alliance collaborated with Troy Main Street and Troy Community Works to survey Ohio communities and to discuss best practices that could be implemented in the downtown. They built consensus around a range of incentives, educational initiatives, and common-sense regulatory reforms to strengthen this culture of stewardship and developed a document endorsed by the boards of all three nonprofit organizations and the boards of the Troy Historical Society and the Overfield Tavern Museum. Mr. Sutherly further commented that the proposed changes to the Zoning Code would limit the ability of interested stakeholders to file appeals of decisions to demolish historic properties in the downtown; significant subjectivity remains in the Zoning Code; the new code calls for a Historic Preservation Overlay design manual to be put in place, and questioned how would the updated regulations be administered if the design manual is not in place with an effective date of a new code; and there is concern about the ability of the Planning Commission to relax or waive requirements under 1132.22 n 1 B 5, with it asked that the Council require a supermajority of the Planning Commission to relax or waive the rules. Mr. Sutherly asked for clarification of some sections. He further commented that the Planning Commission membership does not include a member that lives or works within the Historic District, while the City's comprehensive plan calls for representation of historic property owners on the Commission, and the membership does not include an architect.

-Jessica Minesinger, co-owner of 4 W. Main Street with an office address of 7 S. Plum Street, stated there would be more transparency and less subjectivity by the Planning Commission if membership included adequate representation of downtown business owners or residents.

-There being no further comments in this regard, at 7:19 p.m., Mr. Lutz declared this public hearing closed.

At 7:20 p.m., Council President Lutz declared open a public hearing on Ordinance No. O-44-2022, the rezoning of IL 8386 from M-2 to a Planned Development – Industrial, with the property located at 2601 W. Main Street. There were no comments in this regard, and at 7:21 p.m., Mr. Lutz declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the August 1, 2022, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Schilling, seconded by Mr. Rozell, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mr. Pierce reported that Committee supports the recommendation of the Troy Planning Commission that Council adopt Ordinance No. O-39-2022, the rezoning of the property known as the Sheridan Annexation, Inlot 11513, from the County zoning of R-1AAA, One-Family Residential, to the City zoning of R-4, Single-Family Residential District, as supported by the findings of staff. Report submitted by Pierce, Snee and Schilling.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared authorizing the final assessments for Phase 13 of the Sidewalk Replacement Program. Report submitted by Pierce, Snee and Phillips.

Law & Ordinance Committee: Mrs. Snee, Chairman, gave an oral report that the Ohio Division of Liquor Control has transmitted the notice of transfer of the existing D1, D2, D3, D3A, and D6 permits from the name of Strawberry Wings Inc., dba BW3 Buffalo Wild Wings, 2313 W. Main Street, to Troy Wing Comp LLC, dba Buffalo Wild Wings, of the same address.

COMMENTS ON AGENDA ITEMS: NONE

RESOLUTIONS: NONE

ORDINANCE NO. O-39-2022

AN ORDINANCE CHANGING THE ZONING OF INLOT 11513 IN THE CITY OF TROY, OHIO, FROM THE MIAMI COUNTY ZONING OF R-1AAA, ONE FAMILY RESIDENTIAL, TO THE CITY ZONING OF R-4, SINGLE FAMILY RESIDENCE DISTRICT

This Ordinance was given first title reading on July 18, 2022.
Given Public Hearing and second title reading on August 1, 2022.
Given third title reading.

Mr. Phillips moved for adoption. Motion seconded by Mr. Twiss.
Yes: Schilling, Snee, Whidden, Marshall, Pierce, Severt, Twiss, Rozell and Phillips.
No: None. ORDINANCE ADOPTED

ORDINANCE NO. O-42-2022

AN ORDINANCE AMENDING SECTION 1137 AND SECTION 1143 OF THE ZONING CODE OF THE CITY OF TROY, OHIO RELATED TO THE HISTORIC PRESERVATION OVERLAY DISTRICT

This Ordinance was given first title reading on August 1, 2022.
Given Public Hearing and second title reading.

ORDINANCE NO. O-44-2022

AN ORDINANCE CHANGING THE ZONING OF INLOT 8386 IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO A PLANNED DEVELOPMENT – INDUSTRIAL (PD-I)

This Ordinance was given first title reading on August 1, 2022.
Given Public Hearing and second title reading.

ORDINANCE NO. O-45-2022

ORDINANCE LEVYING ASSESSMENTS FOR PHASE 13 OF THE SIDEWALK IMPROVEMENT PROGRAM

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Rozell.
Yes: Snee, Whidden, Marshall, Pierce, Severt, Twiss, Rozell, Phillips and Schilling.
No: None.
Mr. Phillips moved for adoption. Motion seconded by Mr. Schilling.
Yes: Whidden, Marshall, Pierce, Severt, Twiss, Rozell, Phillips, Schilling and Snee.
No: None. ORDINANCE ADOPTED

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented that: City offices will be closed September 5 for the Labor Day Holiday, refuse and recycling collections will be on schedule, and Council will meet September 6.

COUNCIL COMMENTS:

- Mr. Severt congratulated Mr. Pierce on obtaining his BA degree.
- Mr. Twiss thanked the members of the Police and Fire Departments for participating in National Night Out (Aug. 2).
- Mr. Phillips asked if Council would receive staff responses to the questions posed during the public hearing, with Mr. Titterington stating that would be done.

CITIZEN COMMENTS:

Brad Boehringer, 105 Crestwood Drive, commented that he does not think the traffic lights should have been removed at Cherry Street and Cedar Street as part of the West Main Street Project and suggested the decision be reconsidered.

Jessica Abel, 2900 Corporate Drive, commented that she was not present for the public hearing on Ordinance No. O-44-2022, and asked what the owner plans if the rezoning is approved. Mr. Titterington commented that the plan is to construct storage units.

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

Clerk of Council

President of Council

