

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, November 1, 2021, at 7:00 p.m. in Council Chambers, City Hall.

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

Upon motion of Mr. Twiss, seconded by Mr. Phillips, Mr. Schweser 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 Whidden, followed by the Pledge of Allegiance.

MINUTES: The Clerk gave a summary of the minutes of the October 18, 2021 meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Phillips, seconded by Mr. Twiss, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

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

1. Committee recommends that legislation be prepared to provide for the three legislative items (statement of services, buffering requirements, consent) required by state law related to the Sheridan Annexation of 0.652 acres at 1525 N. Troy-Sidney Road from Staunton Township. To meet the timeline of the state law for an expedited annexation to approve these items, the Committee supports emergency legislation.
2. Committee recommends legislation be prepared accepting the recommendation of the Troy Planning Commission that Council approve the Revised Final Record Plan for the Troy Christian Schools Education and Performing Arts Center Planned Development-Residential. This would be the final step of a major revision of a Planned Development that started when Council approved Ordinance No. O-43-2021, which revised the General Plan.

Reports submitted by Rozell, Twiss and Snee.

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

1. Committee recommends legislation be prepared to realign the six wards of the City based on the 2020 Certified Census of 26,305, with the wards "substantially equal in number" and following the standard boundaries (streets, alleys, etc.).
2. Committee recommends legislation be prepared authorizing the Director of Law and the Director of Public Service and Safety to file necessary paperwork for the appropriation of the following parcels:
 - 0.012 acres of 0.492 acres Parcel D08-058828 in the name of RC Hemm Investments, LLC
 - 0.058 acres of a 0.321 acres Parcel D08-004920 in the name of Valvoline, LLC
 - 0.007 acres of the 0.238 acres Parcels D08-005220 and D08-005240 in the name of Ridi Reio, LLC
 - 0.028 acres of the 0.688 acre Parcel D08-105306, in the name of Tim Donut US Limited, Inc.
 - 0.028 acres of 0.558 acres Parcel D08-102044 in the name of RC Hemm Investments, LLCThese are the parcels remaining from about 60 for the West Main Street Improvements Project Phase I for which easements have not yet been obtained. As it is imperative that the City be in a position to proceed with any action to finalize the easements required so that the utilities can be relocated to meet the timeline for bidding to receive funding, emergency legislation is supported.

Reports submitted by Snee and Severt.

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 grant applications for the North Elm Street and the East Main Street Resurfacing projects through the Miami Valley Regional Planning Commission for FAST Act Grant funding for resurfacing projects on a portion of North Elm Street and a portion of East Main Street, with the City committing to pay a portion of the project cost if funding is approved. As applications were filed to meet the October 7 deadline, Committee supports emergency legislation that can be filed with MVRPC in support of the grant applications.

2. Committee recommends legislation be prepared authorizing an increase in the authorization of \$160,000 for the water meter supply for 2021 by an additional \$50,000. This is due to a supply chain issue with the delivery of the initial meters to permit the City to purchase a supply of alternate meters for \$50,000 to suffice until the original order can be delivered. Committee supports emergency legislation as meters are needed to meet the demand due to new construction and replacement of meters as they may become defective.

Reports submitted by Snee and Phillips.

COMMENTS ON AGENDA ITEMS: NONE

RESOLUTION NO. R-44-2021

RESOLUTION ADJUSTING FEES RELATED TO VARIOUS SERVICES OF THE CITY OF TROY, OHIO

This Resolution was given first title reading on October 18, 2021.

Given second title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-45-2021

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EMPLOY COUNSEL FOR THE PURPOSES OF NEGOTIATIONS/COLLECTIVE BARGAINING AND EMPLOYMENT RELATED SERVICES, AND DECLARING AN EMERGENCY

This Resolution was given first title reading on October 18, 2021.

Given second title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-46-2021

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH THE MIAMI COUNTY PUBLIC DEFENDER'S COMMISSION FOR 2022

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-47-2021

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 0.652 ACRES, MORE OR LESS, IN STAUNTON TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-48-2021

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 0.652 ACRES, MORE OR LESS, IN STAUNTON 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 Mr. Terwilliger.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-49-2021

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 0.652 ACRES, MORE OR LESS, IN STAUNTON TOWNSHIP, TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

Ms. Snee moved for adoption. Motion seconded by Mr. Twiss.

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-50-2021

RESOLUTION INCREASING THE AUTHORIZATION FOR THE SUPPLY OF WATER METERS FOR 2021 AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-51-2021

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FEDERAL FAST Act FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION FOR THE NORTH ELM STREET RESURFACING PROJECT, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Rozell,

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-52-2021

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FEDERAL FAST Act FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION FOR THE EAST MAIN STREET RESURFACING PROJECT, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-54-2021

ORDINANCE REPEALING SECTIONS 103.01 THROUGH 103.07 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, AND ENACTING NEW SECTIONS 103.01 THROUGH 103.07 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-55-2021

ORDINANCE ACCEPTING THE REVISED FINAL RECORD PLAN OF THE PLANNED DEVELOPMENT – RESIDENTIAL, PARCEL ID D08-250296 ON S. DORSET ROAD, FOR THE TROY CHRISTIAN SCHOOLS EDUCATION AND PERFORMING ARTS CENTER

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-56-2021

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 8.140 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-57-2021

AN ORDINANCE AUTHORIZING THE FILING OF A PETITION FOR APPROPRIATION OF CERTAIN REAL PROPERTY AND DECLARING AN EMERGENCY

(Parcel D08-058828, RC Hemm Invest)

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-58-2021

AN ORDINANCE AUTHORIZING THE FILING OF A PETITION FOR APPROPRIATION OF CERTAIN REAL PROPERTY AND DECLARING AN EMERGENCY

(Parcel D08-004920, Valvoline, LLC)

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-59-2021

AN ORDINANCE AUTHORIZING THE FILING OF A PETITION FOR APPROPRIATION OF CERTAIN REAL PROPERTY AND DECLARING AN EMERGENCY

(Parcels D08-005220 & D08-005240, Ridi Reio, LLC)

This Ordinance was given first title reading.

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

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

No: None.

A motion was made by Mr. Phillips that Ordinance No. O-59-2021 be POSTPONED INDEFINITELY in that the City has reached settlement with the Property Owner. Motion seconded by Mr. Schilling.

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

No: None.

MOTION APPROVED; ORDINANCE POSTPONED INDEFINITELY

ORDINANCE NO. O-60-2021

AN ORDINANCE AUTHORIZING THE FILING OF A PETITION FOR APPROPRIATION OF CERTAIN REAL PROPERTY AND DECLARING AN EMERGENCY

(Parcel D08-105306, Tim Donut US)

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-61-2021

AN ORDINANCE AUTHORIZING THE FILING OF A PETITION FOR APPROPRIATION OF CERTAIN REAL PROPERTY AND DECLARING AN EMERGENCY

(Parcel D08-102044, RC Hemm Invest)

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR:

Mayor Oda:

-Thanked the Troy Noon Optimist Club for hosting the Children's' Halloween Judging/Parade and Troy Main Street for arranging the Downtown Merchants' Trick or Treat on October 30.

-Noted that the Community Christmas Tree will be placed on November 8, and thanked Piqua Crane & Steel for their assistance to City crews in cutting/transporting/placing the tree and AES for helping to place the tree.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

-Mr. Titterington commented the map will be on the City Website showing the new wards that will be established January 1.

COMMENTS OF THE PRESIDENT OF COUNCIL:

-Mr. Lutz noted that November 2 is election day. He commented that voters in Ward 3, Precinct 2C now vote at Lincoln Community Center and will have an opportunity to see the new facility.

COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Twiss asked about extending leaf pickup. It was commented that there will be further collections.

-In response to Mr. Twiss regarding the completing of the traffic signal installation at Main Street/Kings Chapel, staff advised that some components will have a delayed delivery and it may be early 2022 for project completion.

CITIZEN COMMENTS:

-Brad Boehringer, 105 Crestwood Drive, asked about prior comments about a moratorium on new parking lots, with Mr. Lutz advising that would be a discussion subject at the November 8 Committee Meeting. Mr. Boehringer questioned a Facebook posting of Mayor Oda of a letter of Bruns Realty and he said he had questions about the content.

-Tim Kroger, Tipp City, Ohio, stated he runs a recovery program at a location neat the proposed DORA boundary and is concerned about the impact of the DORA on persons attending the program.

-David Pinkerton, 2315 McKaig Road, expressed his concern that there would be a negative impact on Troy should the DORA be approved by voters.

There being no further business, the meeting adjourned at 7:56 p.m.

Clerk of Council

President of Council