

MINUTES OF COUNCIL

A special session of Troy City Council was held on Monday, October 31, 2022, at 5:30 p.m. in Council Chambers, City Hall.

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

Presiding Officer: William Lutz President of Council

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

READING AND ACKNOWLEDGEMENT OF NOTICE OF SPECIAL MEETING OF TROY CITY COUNCIL: The Notice of Special Meeting was read and signed by all members of Council, said notice that "there will be a special meeting of the City Council of The City of Troy, Ohio, at the Council Chamber in said city, on Monday the 31st day of October, 2022, at 5:30 P.M. for the purpose of adjourning into Executive Session for the purpose of a conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action; returning to regular session and considering the following legislation: R-68-2022 - Authorize an Agreement for 2022 with legal counsel Jackson Lewis PC; R-69-2022 - Authorize an Agreement for 2022 with legal counsel Buckley King; and R-70-2022 – Authorize the filing of a Notice of Appeal only if another party files a Notice of Appeal related to Case No. 21 CV 378 (Tavern Bldg.). This Special Meeting of Council has been established to address the emergency legislation that is date sensitive.

This meeting is called by Council President Lutz pursuant to Rule XXV of the Troy City Council Rules for procedure." The original notice is attached to original Council Minutes.

EXECUTIVE SESSION: A motion was made by Mr. Phillips, seconded by Mr. Twiss, that Council adjourn into Executive Session for the purpose of a conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Motion passed by unanimous roll call vote.

-At 5:35 p.m. Council adjourned into Executive Session, with attorney Steve Bacon of Buckley King.

-A motion was made by Mr. Phillips, seconded by Mr. Rozell, that Council return to the special session. Motion passed by unanimous roll call vote. At 6:50 p.m. Council returned to the special session.

MOTION ON PERMITTING COMMENTS: A motion was made by Mr. Phillips, seconded by Mr. Severt, that comments on agenda or committee reports would be permitted at this Special Meeting as they are permitted at regular meetings. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Law & Ordinance Committee. Mrs. Snee, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to:

- Enter into an agreement with the law firm of Jackson Lewis P.C. for employment related services for 2022.
- Enter into an agreement with the law firm of Buckley King for legal services for 2022.
- File a Notice of Appeal only in the event another party files a Notice of Appeal regarding the Trial Court's decision regarding the Certificate of Appropriateness for the Tavern Building.

So that the City is in a position to make payment to the legal firms and time requirements related to appeals, the Committee supports emergency legislation.

Report submitted by Phillips, Severt and Snee.

COMMENTS ON AGENDA ITEMS:

-Ben Sutherly, 110 ½ W. Main Street, President of the Troy Historic Preservation Alliance (THPA) – it is an embarrassment to the community that the sidewalk in front of the Tavern Building (112-118 W. Main Street) has remained closed and parking places taken for the fencing around the building; that the City is allowing demolition by neglect; and that the historic significance of the building, where in 1846 over 400 freed persons had to register at this building, is being ignored.

-Loraine Wyatt, 118 S. Walnut Street, member THPA - this is regarding citizens being willing to fight for one of the most historic buildings in the City; that the condition of the building is a collective failure of ownership and stewardship; the City is spending money saying it is to support the Board of Zoning Appeals; if Council votes to continue the appeal, it is not standing on the right side of history; and ask that everyone put their collective energy into solutions.

-Martin Stewart, 1486 Cheshire Road – the Director of Public Service & Safety indicted there were efforts of the City to market the Tavern Building; and asked about the City exploring tax credit programs that may be available to the Tavern Building.

-Julia Carter, 17 E. Water Street, THPA member – in a message to the Executive Director of Heritage Ohio, the City indicated that it had rigorously enforced the property maintenance code; however, this is not the case.

-Chris Manning, 6 Lafayette Street, Casstown, Ohio, Executive Director of the Overfield Tavern Museum and member of THPA -- spoke to the Mayor that now is time to be leader and a unifying force to address the gaps regarding the Tavern Building; that THPA member Scott McMiller has offered to prepare the building parapet at no cost to the property owner so the sidewalk can be opened to residents; and suggested the owner needs to commit to restoration and not demolition.

-Sonia Holycross, 44 S. Cedar Street, THPA member – Council needs to show leadership, and apply critical thinking; the City did not win the appeal so Council needs to keep an open mind as to what is being said and represent the interest of the citizens of Troy and not the interests of those who do not live here.

RESOLUTION NO. R-68-2022

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EMPLOY COUNSEL FOR THE PURPOSE OF EMPLOYMENT RELATED SERVICES, 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. Phillips.

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

No: Whidden.

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

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

No: Whidden.

RESOLUTION ADOPTED

RESOLUTION NO. R-69-2022

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EMPLOY LEGAL COUNSEL OF BUCKLEY KING, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Pierce, Phillips, Twiss, Snee, Severt and Schilling.

No: Marshall, Whidden and Rozell.

RESOLUTION FAILED SUSPENSION

RESOLUTION NO. R-70-2022

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO FILE A NOTICE OF APPEAL TO THE DECISION AND JUDGMENT ENTRY OF THE COMMON PLEAS COURT OF MIAMI COUNTY, OHIO IN REFERENCE TO CASE NO. 21 CV 378 AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Pierce.

Yes: Phillips, Snee, Severt, Schilling and Pierce.

No: Marshall, Whidden, Twiss and Rozell.

RESOLUTION FAILED SUSPENSION

COMMENTS OF PRESIDENT OF COUNCIL:

Mr. Lutz noted that in accordance with Rule I of the City Council Rules for Procedure: "The presiding officer shall avoid any appearance of partisanship on any question. He/she is solely to see that the business properly brought before Council is conducted in an orderly manner, and that the members of Council observe the rules of procedure adopted by Council." However, noting that it has been 1,024 days since a tornado damaged the Tavern Building, he believes he must comment: tonight marked the first time the Mayor or Director of Public Service and Safety sought Council's action regarding the Tavern Building and that had not been part of any of the decisions made regarding the Tavern Building; that does not mean Council has not been proactive in related matters, including Mr. Schilling's efforts for a moratorium on demolitions, and he is proud of how Council responded to those related matters; one of the items requested of Council at this meeting was to authorize a blank check for legal counsel to continue to fight for demolition which seems to be in the financial interest of few select individuals; there has not been indication of any discussion with the BZA members as to if the BZA supports filing a Notice of Appeal; the treatment of the BZA regarding seeking guidance and advice now is an indication of how Council had been treated in not being asked for guidance and input; and he believes Council has now been placed in a most precarious position.

There being no further business, the meeting adjourned at 7:14 p.m.

