

MINUTES OF COUNCIL

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

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

Upon motion of Mr. Severt, seconded by Mrs. Snee, Mrs. Marshall was excused from this meeting by unanimous roll call vote.

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

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Council President Lutz, followed by the Pledge of Allegiance.

MINUTES: The Clerk gave a summary of the minutes of the October 17, 2022, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Twiss, seconded by Mr. Rozell, these minutes were approved by unanimous roll call vote.

The Clerk gave a summary of the minutes of the October 31, 2022, special meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Twiss, seconded by Mr. Schilling, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Finance Committee: Mr. Severt, Chairman, reported that Committee recommends that legislation be prepared approving the requested mortgage lien subordination for the SBD loan made to 107 W Main LLC and authorizing the Director of Public Service and Safety to sign a Subordination Agreement that will include the Mortgage and Assignment of Rents with Minster Bank regarding the property located at 107 W. Main Street. The subordination has been recommended by the Loan Review Committee to allow the owner to secure additional funding from Minster Bank to fund second floor renovations. The City's loan will be adequately secured. This does not commit any additional City funds. The Committee supports emergency legislation as the closing of the bank financing is pending and the approval of the subordination of the City's mortgage is required before the closing can take place.

Report submitted by Phillips, Rozell and Severt.

Law & Ordinance Committee: Mrs. Snee, Chairman, reported that Committee concurs that the TREX application of Shakti Petroleum, LLC would be an economic development project with the creation of five new jobs, and recommends that a letter of support be submitted by the Director of Public Service and Safety for the C-1 and C-2 TREX liquor permit application as requested by Shakti Petroleum, LLC for their new location at 959 N. Market Street, Troy, Ohio. As this is not a matter of legislation, this Committee asks that this recommendation to support the TREX application be accepted by Council so that a letter can be provided to be included in the application that the applicant will submit to the Division of Liquor Control.

Report submitted by Phillips, Severt and Snee.

A motion was made by Mrs. Snee, seconded by Mr. Phillips, that Council accepts the Law & Ordinance Committee Report regarding the TREX Application of Shakti Petroleum, LLC for the location at 959 N. Market Street. Motion passed by unanimous roll call vote.

REPORT OF OCTOBER 31, 2022 WORK SESSION OF TROY CITY COUNCIL REGARDING STREET SCAPE OPTIONS.

Mr. Lutz, President of Council, reported that on October 31, 2022, all members of Council met in a Work Session to hear a presentation by Eric Anderson of KZF Design regarding City of Troy Street Scape Options, and to discuss those options. The purpose of the work session was to provide Council with general information regarding options for the project scope and very preliminary cost estimates, and to seek Council direction and guidance for the project, which includes expansion of the street scape, renovation of the current street scape, and needed safety features. This project is to be designed in 2023 for construction in 2024-2025. Following the presentation, Council provided direction as discussed in the detailed report. (Copy of report attached to original minutes.)

Report submitted by Marshall, Pierce, Phillips, Rozell, Schilling, Severt, Snee, Twiss and Whidden.

COMMENTS ON AGENDA ITEMS: (Regarding Resolution Numbers R-69-2022 & R-70-2022/building at 112-118 W. Main Street)

- Ben Sutherly, President of Troy Historic Preservation Alliance, offices at 110 ½ W. Main Street – Asked about the property owner accepting an offer to repair the parapet of the building, about convening a meeting of stakeholders, and about parking requirements if there is a new structure built. Mayor Oda responded that the City is not willing to step into a private property owner's business.
- Derek Muncy, 116 W. Main Street, attorney for the property owner - Demolition of 112-118 W. Main is in the best interest of the stakeholders, two potential purchasers walked away from the project based on costs, and the owner is willing to discuss options to commemorate and reuse parts of the site that may be considered historic.
- Chris Manning, Executive Director of Overfield Tavern – Questioned if the City asked that the building not be repaired, and costs of legal fees.
- Jeremy Tomb, 124 W. Main Street - The Mayor has referred to the citizens supporting retaining the building bullies and finds that offensive. Mr. Tomb stated that he won the first court case regarding this building and he believes he will win the appeal.
- Brad Boehringer, 105 Crestwood Drive – Questioned why the City did not file on issues with the building.
- Steven Justice, Attorney, 210 W. Main Street – Stated his opinion that the City will be involved in the appeal because the case involves the City.
- Martin Stewart, 1486 Cheshire Road, THPA Member – Commented about the decision to restore the Miami County Courthouse a few years ago.
- Michael Fox, 312 W. Simpson Street – Commented about the importance of the building to those in the community who have memories of it.
- Duffy Garber, 133 Plum Street – Questioned why the sidewalk has not been re-opened and Mr. Severt and Mr. Titterington discussed the timeline of events after the tornado that damaged the building.
- Jessica Minesinger, 7 S. Plum Street business address - Suggested there would be benefit to the City to put together a stakeholder group with a desire/ability to redevelop the site.
- Tom Dumange, 2789 Southside Drive – Discussed that businesses locate downtown for the downtown charm.
- Tom Tweed, 3070 E SR 55 – Commented about him paying for property repairs that exceeded an insurance payment out of pride of ownership.

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 on October 31, 2022.

Given second title reading.

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

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

No: Rozell.

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

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

No: None.

RESOLUTION ADOPTED

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 on October 31, 2022.

Given second title reading.

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

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

No: Pierce, Whidden and Rozell.

RESOLUTION FAILED SUSPENSION

ORDINANCE NO. O-57-2022

ORDINANCE SUBORDINATING A MORTGAGE LIEN FOR 107 W MAIN LLC AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

ORDINANCE ADOPTED

ORDINANCE NO. O-58-2022

ORDINANCE AMENDING ORDINANCE NO. O-65-2021, AS AMENDED BY ORDINANCE NO. O-30-2022 AND ORDINANCE NO. O-56-2022, APPROPRIATING FUNDS NECESSARY FOR THE VARIOUS DEPARTMENTS AND OFFICES OF THE CITY OF TROY, OHIO, FOR THE YEAR 2022

This Ordinance was given first title reading.

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

ORDINANCE ADOPTED

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington noted:

- That with the delivery of a generator for the new Fire Station, an open house for Fire Station 11 is in the process of being set.
- The City received notice that the \$25,000 ODNR Urban Canopy Restoration Grant Application, that had been approved by Council, has been approved.

COMMENTS OF COUNCIL MEMBERS:

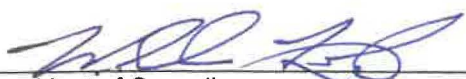
- Mr., Severt, regarding Resolution No. R-70-2022, commented that Council had not had an opportunity to talk about the issue, and it should be remembered that both the Planning Commission and BZA are composed of citizens who make decisions and law provides for both administrative appeals and a Court of Appeals. He stated that had the Resolution come to a vote, he would have voted no as he does not feel that would have an appropriate use of taxpayers' money.
- Mr. Twiss stated he would have voted no on Resolution No. R-70-2022 had it been voted upon.
- Mr. Phillips and Mrs. Snee separately commented regarding Mr. Lutz's comments at the prior Council Meeting, commenting that as Council President, Mr. Lutz should not have referred to the Rules of Council which stipulate his impartiality and then comment criticizing the Mayor and Director of Public Service and Safety in how they have handled matters relating to the building at 112-118 W. Main Street.

COMMENTS OF MEMBERS OF THE AUDIENCE:

- Mike Fox, 312 W. Simpson Street - Thanked Mr. Lutz for his comments at the prior Council Meeting.
- Steven Justice, 210 W. Main Street - Stated his belief that the City cannot avoid participation in the appeal (regarding 112-118 W. Main St.) as the City is a party to the underlying case and the City recently engaged in enforcement orders.
- Christy Shell, 1205 Hillcrest Drive, former President of Troy Community Works (TCW) - Discussed TCW's successful rehabilitation of the Coleman Allen Building, and suggested TCW could help with the W. Main St. building if the owner is willing to sell and, with funding, TCW could work with others to save the building.
- Scott McMiller, 2075 Swales Road - Commented that he offered to restore the bricks on the building at no cost so the sidewalk can be opened, and it will take only 200 bricks to make the repairs.
- Jessica Minesinger, business at 7 S. Plum Street - Suggested the building owner made a business decision when purchasing the building.
- Lorraine Wyatt, 118 S. Walnut Street - Noted that THPA is composed of persons from all over the country that have a concern about Troy and want to keep it historic and beautiful.
- Mike Fox, 312 W. Simpson Street - Questioned regarding insurance proceeds from any damage to the building.

There being no further business, the meeting adjourned at 8:05 p.m.


Clerk of Council


President of Council

REPORT – OCTOBER 31, 2022 WORK SESSION OF TROY CITY COUNCIL

TO: Mr. Lutz, President of Council
DATE: October 31, 2022
SUBJECT: REPORT REGARDING OCTOBER 31, 2022 WORK SESSION REGARDING STREET SCAPE OPTIONS

SUMMARY REPORT: *(to be read at Council meeting)*

Council President Lutz chaired a Council Work Session on October 31, 2022 to hear a presentation by Eric Anderson of KZF Design regarding City of Troy Street Scape Options, and to discuss those options. All members of Council participated in the Work Session.

The purpose of the work session was to provide Council with general information regarding options for the project scope and very preliminary cost estimates, and to seek Council direction and guidance for the project, which includes expansion of the street scape, renovation of the current street scape, and needed safety features. This project is to be designed in 2023 for construction in 2024-2025. Following the presentation, Council provided direction as discussed in the detailed report.

Respectfully submitted,

Kristie A. Marshall

Samuel J. Pierce

Lynne B. Snee

William G. Rozell

Jeffrey A. Schilling

William C. Twiss

Bobby W. Phillips

Todd D. Severi

Jeffrey G. Whidden

DETAILED REPORT:

Council President Lutz chaired a Council Work Session on October 31, 2022 to hear a presentation by Eric Anderson of KZF Design regarding City of Troy Streetscape Options. The work session was attended by all members of Council, Mayor Oda, the City Auditor, the Director of Public Service, staff, and citizens. The presentation is attached to the original Committee Report. The work session commenced at approximately 7:45 p.m. and concluded at 8:46 p.m.

It was stated that the presentation was to provide various redesign ideas for the pavers and concrete sidewalks, as well as adding important safety elements to the planned two-year streetscape renovation project. Those elements may include changing elevations in the quadrants, adding physical barriers around the square and crosswalks, and installing a system of removable, crash-rated bollards for use during times we close portions or all of the downtown streets. Even though the two-year project is planned for construction in the 2024-2026 time period, detail design work needs to begin in 2023, the cost of which will be included in the 2023 recommended budget. Therefore, Council direction is being sought at this time to give staff direction now, due to the fact that the West Main Street Improvement Phase I Project includes the extension of the streetscapes from Cherry Street to Short Street. In order to keep on schedule with Phase I, direction and guidance is needed to ensure that the contractor is not delayed in ordering materials and designing the improvements the way Council wants them.

Following the presentation, and a question/answer period, Council indicated support for the following:

- Stamped concrete preferred (vs. pavers)
- Stamped concrete shade of dark brown (to play off the colors of the Courthouse Plaza), with a complimentary shade to pop in the sidewalks and bump outs
- Crosswalks – colored to differentiate from asphalt
- Provide some more permanent knee-high seating/physical barriers, but not near the crosswalk areas
- Have refuge islands
- Utilize lower canopy trees
- Explore reducing the foot print of the kiosks, explore having just one integrated free standing kiosk instead of four
- Maintain curbs in the quadrants (vs. curb less)
- Install limited bollards, that have the capability of being moved

cc: Council, Mayor, Director of Law, Auditor
Director of Public Service and Safety, Clerk
staff, file