

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, December 19, 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:	Bobby W. Phillips	President of Council Pro Tem
Others Present:	William Lutz	Acting 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 Pastor Andy Warren of the Victory Church of Tipp City, followed by the Pledge of Allegiance.

PUBLIC HEARING: At 7:04 p.m., Council President Pro Tem Phillips declared open a public hearing on Ordinance No. O-60-2022. There were no comments 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 December 5, 2022, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Rozell, seconded by Mr. Twiss, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Community Partnerships Committee: Mr. Rozell, Chairman, reported as follows:

1. Committee recommends legislation be prepared to provide for the three legislative items (statement of services to be provided to annexed territory, statement of buffering, consent) required by state law related to the Swank Annexation of 58.798 acres from Concord Township, which land is located north of the Edgewater Subdivision. To meet the timeline of the state law for an expedited annexation, the Committee supports emergency legislation.
2. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a professional environmental services agreement with Burgess & Niple, Inc. of Columbus, Ohio to investigate and cleanup an abandoned gas station property located at 206 South Market Street, Troy, Ohio and submit a No Further Action (NFA) letter to the Bureau of Underground Storage Tank Regulations (BUSTR) at a cost not to exceed \$182,948. Committee noted that the entire cost will be covered by a \$250,000 Abandoned Gas Station grant.
3. Committee recommends legislation be prepared authorizing placing on the May 2023 ballot the question of approving an Opt Out Natural Gas Aggregation Program. Based on the date of when ballot items must be certified to the Board of Elections, Committee supports emergency legislation.

Reports submitted by Schilling, Severt and Rozell.

Law & Ordinance Committee: Mrs. Snee, Chairman, reported as follows:

1. Committee recommends legislation be prepared establishing a new Ordinance provision to address noxious overgrowth and tree trimming, with the process following that now used for noxious grass and high weeds.
2. Committee recommends that legislation be prepared, as provided by the ORC, authorizing the Director of Public Service and Safety to request the Director of the Ohio Department of Transportation (ODOT) to perform/review a study related to the speed limits of Peters Road between Archer Drive and Swalles Road and Riverside Drive between Adams Street and north of the Paul G. Duke Park, and that the City support that the Director then establish speed limits deemed appropriate and safe based on the study and the response of ODOT related to stabilizing the speed limits for those road portion areas.
3. Committee concurs that the TREX application of Fuel Seven, 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-2 TREX liquor permit application as requested by Fuel Seven, LLC for their new location at 809 S. 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.

Motion: A motion was made by Mrs. Snee, seconded by Mr. Rozell, that Council accepts the Law & Ordinance Committee Report regarding the TREX application of Fuel Seven, LLC for the location at 809 S. Market Street. Motion passed by unanimous roll call vote.

Reports submitted by Phillips, Severt and Snee.

Personnel Committee: Mr. Pierce, Chairman, provided oral reports on the following requests for Board reappointments:

Income Tax Board of Review by the Director of Public Service and Safety:

- Reappointment of Mark A. Douglas for a new two-year term that would end December 31, 2024.

A motion was made by Mr. Pierce, seconded by Mr. Twiss, to approve the reappointment of Mark A. Douglas to the Income Tax Board of review as requested. Motion passed by unanimous roll call vote.

Economic Development Revolving Loan Fund Loan Review Committee requested by Mayor Oda:

- Reappointment of William Wolke to a new four-year term that would end December 31, 2026.

A motion was made by Mr. Pierce, seconded by Mr. Twiss, to approve the reappointment of William Wolke to the Economic Development Revolving Loan Fund Loan Review Committee as requested. Motion passed by unanimous roll call vote.

Community Improvement Corporation requested by Mayor Oda:

- Reappointment of the following for new one-year terms that would end December 31, 2023: William E. Lukens, Bradley Bixler, Joseph Graves, Edward Westmeyer, Kathy Vukovic, and Gary Fisher.

A motion was made by Mr. Pierce, seconded by Mr. Twiss, to approve the reappointments of William E. Lukens, Bradley Bixler, Joseph Graves, Edward Westmeyer, Kathy Vukovic, and Gary Fisher to the Community Improvement Corporation as requested. Motion passed by unanimous roll call vote.

Human Relations Commission requested by Mayor Oda:

- Reappointment of Sonia Holycross, Jon Keller and Ruby Villalobos to new three-year terms that would end December 31, 2025.

A motion was made by Mr. Pierce, seconded by Mr. Twiss, to approve the reappointments of Sonia Holycross, Jon Keller and Ruby Villalobos to the Human Relations Commission as requested. Motion passed by unanimous roll call vote.

COMMENTS ON AGENDA ITEMS:

-Micky Hamer, 1160 Red Maple Drive, asked that the budget be amended to include a stop light at SR 718/Washington Road for the safety of the students attending Concord School, the increased number of residents of the area, and those who travel the roadways in that area.

-Stephen Henriksen, 975 Dickerson Drive, suggested that a budget summary would be easier for citizens to follow than the total budget document on the website.

RESOLUTION NO. R-84-2022

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 58.798 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-85-2022

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 58.798 ACRES, MORE OR LESS, IN CONCORD 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 rules requiring three readings. Motion seconded by Mr. Whidden.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-86-2022

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 58.798 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO, 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. Twiss.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-87-2022

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH BURGESS & NIPLE, INC, OF COLUMBUS, OHIO, FOR ENVIRONMENTAL SERVICES FOR THE INVESTIGATION AND CLEANUP OF THE ABANDONED GAS STATION PROPERTY AT 206 S. MARKET STREET, TROY, OHIO

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-88-2022

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO REQUEST THAT THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) PERFORM/REVIEW A STUDY RELATED TO THE SPEED LIMITS OF PETERS ROAD (FROM ARCHER DRIVE TO SWAILES ROAD) AND RIVERSIDE DRIVE (FROM ADAMS STREET TO NORTH OF THE PAUL G. DUKE PARK) AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ESTABLISH A SPEED LIMIT FOR THOSE ROADWAY AREAS BASED ON THE RESPONSE OF ODOT

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION IN MEMORIAM, RICHARD H. BURNS, 1930 – 2022 (Mr. Burns served as a member of Council 1978-1985 and later as a member of the Board of Zoning Appeals 2016 - 2022.)

Upon motion of Mr. Rozell, seconded by Mr. Twiss, the Resolution in Memoriam was approved by unanimous roll call vote.

ORDINANCE NO. O-60-2022

ORDINANCE AMENDING ORDINANCE NO. O-42-2022, TO MAKE A CORRECTION IN SECTION 1143.22 (m) (6) B

This Ordinance was given first title reading on December 5, 2022.

Given public hearing and second title reading.

ORDINANCE NO. O-61-2022

ORDINANCE APPROPRIATING FUNDS NECESSARY FOR THE VARIOUS DEPARTMENTS AND OFFICES OF THE CITY OF TROY, OHIO, FOR THE YEAR 2023

This Ordinance was given first title reading on December 5, 2022.

Given second title reading.

Discussion:

-Mr. Schilling commented that he voted against suspension at the prior meeting to allow more time for Council and citizens to review the 2023 Budget; while he is proud of the growth of the City, he believes that there should be a traffic light at Washington Road/SR 718; this item had been part of the capital plan in prior budgets but has been removed from the 2023 budget; the considerable growth in the area of Washington Road/SR 718 and Concord School would seem to warrant a signal; and he would like to see legislation that would require the budget being presented to Council before the 2nd Monday of November. He further commented that the 2023 budget should be adopted.

-Mr. Titterington commented that references to the traffic signal or a study were “under the line” in prior budgets, and not funded, as a “notice” that this project may be coming in the future; there was a 2016 study that indicated the warrants had not been met for a signal; it is not in the current five year capital plan as first Washington Road

needs to be realigned and it is not known what is being planned by the Troy Schools for the use of the school property on McKaig Road; and the signal should be planned with ODOT to possibly qualify for grant funding.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-63-2022

ORDINANCE ENACTING SECTION 521.12 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, REGARDING TREE TRIMMING AND NOXIOUS OVERGROWTH

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-64-2022

ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL COMPETITIVE RETAIL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE, DIRECTING THE MIAMI COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS 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. Twiss.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF ACTING MAYOR: Mr. Lutz provided holiday greetings. With winter weather, he reminded citizens that it would help if storm drains were kept clear of ice and snow. Mr. Lutz also thanked all those who assisted in having the Wreaths Across America Program (placing wreaths on the graves of veterans) at Riverside Cemetery on December 17.

COMMENTS OF THE DIRECTOR OF LAW: Mr. Kerber stated his appreciation for the working relationship with elected officials and the administration.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington noted:

-Refuse collection will be on schedule for the Christmas and New Year's Holidays.

-Non-artificial Christmas Trees will be collected December 27 - January 31, but the trees must be free of decorations, stands, or bags.

COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Severt, Chair of the Finance Committee, commented that the requests of Mr. Schilling will be taken under advisement; he thanked Mercer Group for the addition of the lighted TROY greenery around the fountain area; and he appreciated the update Council received regarding the Tavern Building (W. Main Street).

-Mr. Rozell thanked former Council Member Thomas Kendall and his grand-daughter Madison Maxson for bringing the Wreaths Across America Program to Riverside Cemetery, and thanked the Cemetery staff for their assistance.

There being no further business, the meeting adjourned at 8:00 p.m.

