

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, April 18, 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
Patrick E. J. Titterington Director of Public Service and Safety
Grant D. Kerber Director of Law
John E. Frigge Auditor

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Councilmember Snee followed by the Pledge of Allegiance.

The Mayor noted that Police Department staff members were recently recognized at the County-wide 2022 Law Enforcement Awards Ceremony:

- Sergeant Matt Mosier - Distinguished Service Medal,
- Officer Laura Blankenship – Distinguished Service Medal,
- Officer Adam Simpson – Chief's Commendation Medal
- Officer Scott Gates – Officer of the Year
- Clerk Terri Ray – Meritorious Service for service between September 2012 through 2021

Terri Ray, Officer Gates, and Sgt. Mosier were in attendance at this meeting and recognized.

MINUTES: The Clerk gave a summary of the minutes of the April 4, 2022, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Phillips, seconded by Mr. Rozell, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Buildings & Utilities Committee: Mrs. Marshall, Chairman, reported regarding the North Madison Street Storm Water Lift Station Rehabilitation Project, which project has only received a bid over the authorization, Committee recommends legislation be prepared to:

- Authorize the Director of Public Service and Safety to enter into an amendment to the professional services agreement with Strand Associates to increase the design costs by \$10,000, for a total cost not to exceed \$91,000.
- Authorize the Director of Public Service and Safety to advertise for bids and enter into a contract in an amount not to exceed \$1,000,000.
- Allocate up to an additional \$150,000 from the Community Development Grants from the City of Troy Economic Development Revolving Loan Fund (RLF) to this project.

So that the City is in a position to bid the project as soon as possible, Committee supports emergency legislation. Report submitted by Twiss, Whidden and Marshall.

Community & Economic Development Committee: Mr. Schilling, Chairman, reported as follows:

- 1) Committee recommends that Ordinance No. O-12-2022 be adopted, to apply the City Zoning classification of R-4, Single-family Residence District, to the Strayer Annexation property on Washington Road.
- 2) Committee recommends that legislation be prepared accepting the recommendation of the Enterprise Zone Tax Incentive Review Council (TIRC):
 - That the five current Enterprise Zone Agreements be continued.
 - That the Troy Towne Park TIF be continued.In that the City must file an annual report with the Ohio Development Services Agency by the end of April regarding the continuance of the Agreements and the TIF, Committee supports emergency legislation.

Reports submitted by Pierce, Snee and Schilling.

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

- 1) Committee recommends that legislation be prepared transferring Inlots 938-939, the property known as Fire Station 11, to the Community Improvement Corporation of the City of Troy, Ohio so that the CIC can proceed to utilize the services of a licensed realtor to market the property on behalf of the City. The Committee supports emergency legislation due to the timing of current Fire Station 11 becoming vacant.
- 2) Committee recommends that legislation be prepared authorizing the Director of Public Service and Safety to enter into an agreement with the Troy Strawberry Festival, Inc., for the 2022 Troy Strawberry Festival; provide for the standard notwithstanding legislation; and authorize the sale of beer within an enclosed area on the

lower levee on June 4 and 5; however, the DORA will not be suspended on June 4 as requested. The Committee supports the legislation being presented as an emergency measure as the Troy Strawberry Festival, Inc. must submit an application for a F-2 permit to the Ohio Division of Liquor Control without delay.

Reports submitted by Schilling, Severt and Rozell.

Discussion. In response to a question of Mr. Severt, Director of Law Kerber advised that the legislation before Council is the standard Notwithstanding Legislation, with the beer garden, and no reference to the DORA. He further commented that should Council wish to reconsider the request to suspend the DORA, that request could be separately considered.

Law & Ordinance Committee: Mrs. Snee, Chairman, reported that Committee recommends legislation be prepared to amend Codified Ordinance Chapter 721 related to Mobile Food Vendors to streamline the process for applicants and reduce costs related to the licensing.

Report submitted by Phillips, Severt and Snee.

Discussion.

-Mr. Whidden commented that he is conflicted about the language regarding background checks of employees of the vendors being done, and asked for any comments of Council in that regard.

-Mr. Phillips commented that often it is itinerant persons applying to work for the food trucks and having that requirement is another avenue to protect citizens as some of the food trucks go into the neighborhoods.

Personnel Committee: Mr. Pierce, Chairman, provided oral report that a request has been received to approve two reappointments to the Community Reinvestment Area Housing Council. A motion was made by Mr. Pierce, seconded by Mr. Twiss, that Mark A. Douglas and Larry Smith be reappointed to the CRA Housing Council for new three year terms ending 12-31-24. Motion passed by unanimous roll call vote.

COMMENTS ON AGENDA ITEMS:

-Kelly Snyder, 935 Atlantic Street, representing the Local Food Council that runs the Cherry Street Farmers Market, indicated that she was glad the Mobile Food Vendor provisions had been reviewed as some food truck vendors have found the provisions difficult; she does not believe background checks of employees should be required; and asked if the City had considered the provisions of neighboring communities. She was advised that the City did look at the provisions of neighboring communities and that the mobile food vendor is not charged for the background checks but only pays one fee. Mrs. Snyder then asked if the Local Food Council can receive something in writing that is a simplified process to share with possible vendors, and asked if the Local Food Council as a non-profit would qualify under the "exceptions" to the Ordinance.

-Kathi Roetter, staff liaison from the Troy Chamber of Commerce, represent the Troy Strawberry Festival Board, commenting that the Board wants the Festival to continue to be family friendly, the Board is still working through some legal and insurance possible impacts for the Festival if the DORA remains in place June 4, and that the Board greatly appreciates the partnership it has with the City.

RESOLUTION NO. R-29-2022

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL 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: Phillips, Whidden, Snee, Rozell, Pierce, Twiss, Schilling, Severt and Marshall.

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-30-2022

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE TROY TOWNE PARK TIF 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. Rozell.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-31-2022

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH STRAND ASSOCIATES OF CINCINNATI, OHIO, TO PROVIDE DESIGN SERVICES FOR THE NORTH MADISON STREET STORM WATER LIFT STATION REHABILITATION PROJECT, 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: Pierce, Twiss, Schilling, Severt, Marshall, Phillips, Whidden, Snee and Rozell.

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-32-2022

A RESOLUTION AMENDING RESOLUTION NO. R-38-2020 REGARDING THE ALLOCATION OF ECONOMIC DEVELOPMENT REVOLVING LOAN FUNDS TO THE NORTH MADISON STREET STORM WATER LIFT STATION REHABILITATION PROJECT 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. Whidden.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-33-2022

RESOLUTION AMENDING RESOLUTION NO. R-62-2021, INCREASING THE AUTHORIZATION AMOUNT AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE NORTH MADISON STREET STORM WATER LIFT STATION REHABILITATION PROJECT, 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. Twiss.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION IN MEMORIAM – THOMAS E. FORCE. Mr. Force served as Councilmember-at-Large from January 1, 1976 through March 31, 1980; appointed as President of Council April 1, 1980 through December 31, 1981; Councilmember-at-Large from January 1, 1982 through December 31, 1991; President of Council from January 1, 1992 through December 31, 1993; member of Troy Planning Commission from May 2, 1994 through December 31, 2017; and member of the Troy Board of Zoning Appeals from July 11, 2007 through December 31, 2017.

A motion was made by Mr. Severt, seconded by Mr. Rozell, to approve the Resolution in Memoriam; approved by unanimous roll call vote.

ORDINANCE NO. O-12-2022

AN ORDINANCE CHANGING THE ZONING OF INLOTS 11463 AND 11464 IN THE CITY OF TROY, OHIO FROM MIAMI COUNTY ZONING OF A-1, DOMESTIC AGRICULTURE, AND A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF R-4, SINGLE-FAMILY RESIDENCE DISTRICT

This Ordinance was given first title reading on March 21, 2022.

Given Public Hearing and second title reading on April 4, 2022.

Given third title reading.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-14-2022

ORDINANCE REPEALING CHAPTER 721 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, AND ENACTING NEW CHAPTER 721 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, REGARDING MOBILE FOOD VEHICLES

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-15-2022

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH THE COMMUNITY IMPROVEMENT CORPORATION OF TROY, OHIO REGARDING THE SALE OF INLOT 938 AND INLOT 939 ON BEHALF OF THE CITY OF TROY, OHIO, 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. Whidden.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-16-2022

AN ORDINANCE CHANGING THE ZONING OF INLOTS 11465 AND 11466 IN THE CITY OF TROY, OHIO, FROM MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF A-R, AGRICULTURAL-RESIDENTIAL ZONING DISTRICT

(zoning of Blackmore Hill Annexation)

This Ordinance was given first title reading.

ORDINANCE NO. O-17-2022

AN ORDINANCE CHANGING THE ZONING OF INLOT 11400 IN THE CITY OF TROY, OHIO, FROM MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF A-R, AGRICULTURAL-RESIDENTIAL DISTRICT; AND CHANGING THE ZONING OF INLOT 11401 IN THE CITY OF TROY, OHIO, FROM MIAMI COUNTY ZONING OF R-1AAA, ONE FAMILY RESIDENTIAL, TO THE CITY ZONING OF R-2, SINGLE FAMILY RESIDENCE DISTRICT

(zoning of Ferryman-Kerber Annexation)

This Ordinance was given first title reading.

ORDINANCE NO. O-18-2022

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2022 TROY STRAWBERRY FESTIVAL; NOTWITHSTANDING CONFLICTING PROVISIONS OF THE TROY CODIFIED ORDINANCES; FURTHER APPROVING THE USE OF AN AREA FOR THE SALE OF BEER SUBJECT TO THE ISSUANCE OF PROPER PERMITS BY THE STATE OF OHIO AND PROCUREMENT OF LIQUOR LIABILITY INSURANCE; AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH THE TROY STRAWBERRY FESTIVAL, INC. THEREFOR, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: Twiss.

ORDINANCE ADOPTED

PRESENTATION – FAIR HOUSING. Nikki Reese, Community Development Manager, provided an update regarding Fair Housing, noting that: April is National Fair Housing Month, Troy adopted a Fair Housing Ordinance in April of 1988; having a local Fair Housing Ordinance is a requirement to receive CDBG funding; The Fair Housing Act prohibits discrimination in the sale, rental, advertising, design, insuring, and financing of dwellings, and in other housing-related transactions and covers most housing; Troy's Fair Housing Program is designed and operated in compliance with the Ohio Department of Development, Office of Community Development (ODOD, OCD) State of Ohio Standard Fair Housing; Jill Meyer, a Miami County employee, is the designated Miami County Fair Housing Coordinator; since 2019, Ms. Meyer has received 135 calls and with 47 of the calls from Troy Residents, with 100% of these calls landlord/tenant related; and ultimately the Fair Housing Act is enforced by the U.S. Department of Housing and Urban Development (HUD).

In response to a question regarding tracking the end result of the calls, Ms. Reese stated she does not have those statistics.

There being on further business, Council adjourned at 7:54 p.m.

Clerk of Council

President of Council

