

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, May 2, 2022 at 7:00 p.m. in Council Chambers, City Hall.

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

Upon motion of Mr. Phillips, seconded by Mr. Schilling, Mr. Twiss 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
	Grant D. Kerber	Director of Law
	John E. Frigge	Auditor

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

The Mayor recognized the out-going members of the Mayor's Youth Council.

PUBLIC HEARINGS:

1) At 7:06 p.m., Council President Lutz declared open a public hearing on Ordinance No. O-16-2022. There were no comments in this regard, and at 7:07 p.m. Mr. Lutz declared this public hearing closed.

2) At 7:07 p.m., Council President Lutz declared open a public hearing on Ordinance No. O-17-2022. Cheryl Gillette, 2055 Fenner Road, commented that she objected to the annexation as a driveway will go through her property line and objects to that. Mr. Lutz clarified that the property had been annexed and the consideration is the zoning of the property. There were no further comments in this regard, and at 7:09 p.m. Mr. Lutz declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the April 18, 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:

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

- 1) Committee recommends that legislation be prepared authorizing the approval of a SBD Loan to Fermentum Enterprises LLC based on the terms recommended by the Loan Review Committee, as noted in the detailed report, and that the Director of Public Service and Safety be authorized to execute any related documents. Committee further supports emergency legislation so that the loan can be approved without delay and the project proceed.
- 2) To provide staff additional time to provide a report on this subject, Committee recommends legislation be prepared authorizing a new moratorium of 60 days commencing May 15, 2022 on the acceptance of new applications for certificates of appropriateness to allow demolitions (except immediate demolitions related to public safety concerns) in the City of Troy Historic Preservation Overlay District. Committee supports emergency legislation so that there is no break in the time period of the moratorium.
- 3) Committee recommends legislation be prepared authorizing acceptance of the easements of the Waco Airfield Plat along S. County Road 25-A, and authorizing the Director of Public Service and Safety to execute any documents related to the easements. This Committee supports emergency legislation to not delay recording of the plat and the sale of the newly created lots.

Reports submitted by Pierce, Snee and Schilling.

Community Partnerships Committee: Mr. Rozell, Chairman, reported that Committee met again at the request of the Troy Strawberry Board, Inc. to consider their request to suspend the DORA on the Troy Strawberry Festival dates of June 3 and 4, 2022. Committee does not recommend that the DORA be suspended.

Report submitted by Schilling, Severt and Rozell.

Finance Committee: Mr. Rozell, Chairman, reported as follows:

- 1) Committee supports the recommendation of the Loan Review Committee and recommends that legislation be prepared approving the modification to the Small Business Development Revolving Loan to Four Sons Development, LLC for the property at 8 S. Market Street. The modifications are to have the loan term be 15 years and the rate reduced from 4.5% to 3.25%. Committee further supports emergency legislation so that the new loan can be closed without delay.

Report submitted by Schilling and Rozell (with Mr. Severt recusing himself as he is the attorney of the applicant).

Mr. Severt, Chairman, reported as follows:

- 2) Committee recommends legislation be prepared to declare three vehicle, chairs and tasers as surplus and authorize the sale of the items.
- 3) Committee recommends legislation be prepared to establish Fund 251, the American Rescue Plan Act of 2021 (ARPA) Fund, and set forth any other details regarding the fund. So that legislation is enacted for the reporting deadline, the Committee supports emergency legislation.

Reports submitted by Phillips, Rozell and Severt.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared to accept the dedication of 1.385 acres of Inlot 6503 as public right-of-way, as recommended by the Troy Planning Commission. This is located along the north side of West Market Street, between Fenner Road, Edgewood Drive and I-75.
- 2) Committee supports the recommendation of the Troy Planning Commission and recommends that legislation be prepared vacating the 3' alley of record shown between Inlots 380 and 381 at 121 Public Square NE. Committee supports emergency legislation so that a pending sale of the property is not further delayed.
- 3) Committee supports the recommendation of the Troy Planning Commission and recommends that legislation be prepared vacating a 30' public walk between Inlots 3386 and 3387 on York Lane.
- 4) Regarding some capital projects that experienced overbids and higher estimates, Committee recommends legislation be prepared for the following:
 - Increase authorization for the West Main Street Reconstruction Project Phase 1, from \$7,700,000 to \$9,000,000.
 - Increase bidding authorization for the West Main Street Duct Bank Project from \$1,000,000 to \$1,500,000.
 - Increase authorization for the 2022 Paving Program from \$1,010,000 to \$1,115,000.

Committee further supports emergency legislation as it is necessary to move forward with the contracting or bidding of the projects without delay

Reports submitted by Pierce, Snee and Phillips.

COMMENTS ON AGENDA ITEMS:

Chris Manning, Vice-President of Troy Historic Preservation Alliance, commented that the Alliance supports the 60 day moratorium on demolition applications in the Historic District.

RESOLUTION NO. R-34-2022

RESOLUTION AMENDING RESOLUTION NO. R-18-2022, 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 2022 PAVING PROGRAM 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. Schilling.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-35-2022

RESOLUTION AMENDING RESOLUTION NO. R-57-2021, AS AMENDED BY RESOLUTION NO. R-24-2022, INCREASING THE AUTHORIZATION FOR THE WEST MAIN STREET DUCT BANK IMPROVEMENTS 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. Schilling.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-36-2022

RESOLUTION AMENDING RESOLUTION NO. R-3-2022, INCREASING THE AUTHORIZATION FOR THE WEST MAIN STREET IMPROVEMENT PROJECT PHASE 1 AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-37-2022

RESOLUTION AFFIRMING ESTABLISHING THE AMERICAN RESCUE PLAN ACT (ARPA) FUND; THE USE OF THE FUNDS CONSISTENT WITH REQUIREMENTS; AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-38-2022

RESOLUTION APPROVING THE APPLICATION OF FERMENTUM ENTERPRISES LLC FOR LOAN ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND 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: Snee, Whidden, Marshall, Schilling, Severt, Phillips, Rozell and Pierce.

No: None.

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

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

Abstain: Severt.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-39-2022

RESOLUTION APPROVING THE APPLICATION OF FOUR SONS DEVELOPMENT LLC FOR LOAN ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND 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: Marshall, Schilling, Phillips, Rozell, Pierce, Snee and Whidden.

Abstain: Severt

No: None.

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

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

Abstain: Severt.

No: None.

RESOLUTION 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 on April 18, 2022.

Given Public Hearing and second 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 on April 18, 2022.
Given Public Hearing and second title reading.

ORDINANCE NO. O-19-2022

ORDINANCE ACCEPTING DEDICATION OF UTILITY AND DRAINAGE EASEMENTS FOR THE WACO AIRFIELD PLAT ALONG SOUTH COUNTY ROAD 25-A IN THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-20-2022

ORDINANCE ACCEPTING THE DEDICATION OF RIGHT-OF-WAY ASSOCIATED WITH THE HARSON INVESTMENTS PLAT IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-21-2022

AN ORDINANCE VACATING A THREE FOOT WIDE UNIMPROVED ALLEY BETWEEN PART OF INLOT 380 AND PART OF INLOT 381 IN THE CITY OF TROY, OHIO AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-22-2022

AN ORDINANCE VACATING A THIRTY FOOT WIDE PUBLIC WALK BETWEEN INLOTS 3386 AND 3387 ON YORK LANE IN WESTBROOK SUB-DIVISION NO. 1 IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-23-2022

ORDINANCE DECLARING MUNICIPALLY OWNED PERSONAL PROPERTY AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF SUCH EXCESS PROPERTY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-24-2022

ORDINANCE IMPOSING MORATORIUM FOR A PERIOD OF SIXTY DAYS ON THE ACCEPTANCE OF NEW APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS FOR THE DEMOLITION OR REMOVAL OF A BUILDING, OR STRUCTURE WITHIN THE CITY OF TROY HISTORIC PRESERVATION OVERLAY DISTRICT, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: Phillips.

ORDINANCE ADOPTED

ORDINANCE NO. O-25-2022

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 25.3483 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR: Mrs. Oda announced that Christy Baird, who lives on Race Drive, has been selected as the recipient of the Rumpke 1st Quarter 2022 Recycling Recognition Award.

AUDIENCE COMMENTS: Brad Boehringer, 180 Crestwood Drive, suggested that Troy recognize the connection between Troy and the Randolph Freedmen who initially were required to register at the Miami County Courthouse in Troy in the 1800s. Mr. Boehringer asked about a recent sign application that was denied by the Troy Planning Commission as the sign included a website and phone number, while another sign with a QR code was approved. Mr. Titterington explained that the sign was approved with the condition that it not include the website or phone number, based on the previously approved Planning Commission policy that signs not include telephone numbers, websites, or phone numbers. He further explained that the QR code on the other sign was a small portion of the sign and a way that information can be provided without actually being on the sign. Mr. Lutz asked if the first sign applicant could resubmit with a QR code on the sign, and it was stated that the applicant could do so and any questions about if there would be an additional fee would be addressed by the Development Office.

There being on further business, Council adjourned at 7:52 p.m.

