

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, August 1, 2022 at 7:00 p.m. in Council Chambers, City Hall.

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

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

Upon motion of Mr. Whidden, seconded by Mr. Twiss, Mr. Schilling 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

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

PUBLIC HEARING: At 7:03 p.m., Council President Lutz declared open a public hearing on Ordinance No. O-39-2022, rezoning of 1525 Troy-Sidney Road (Sheridan Annexation) from R-1AAA to R-4. There were no comments in this regard, and at 7:04 p.m., Mr. Lutz declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the July 18, 2022, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Rozell, seconded by Mr. Phillips, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Buildings & Utilities Committee: Mrs. Marshall, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the Wastewater Treatment Plant Aeration Expansion Project at a cost not to exceed \$14,000,000. Committee noted that project is being funded by a loan from the Ohio Water Pollution Control Loan Fund. Report submitted by Twiss, Whidden and Marshall.

Community & Economic Development Committee: Mr. Pierce reported that Committee supports the recommendation of the Troy Planning Commission that Council adopt Ordinance No. O-36-2022, the rezoning of the property known as the Canferelli Annexation, Inlot 11514, from the County zoning of R-1AAA, One-Family Residential, to the City zoning of R-3, Single-Family Residential District, as supported by the findings of staff. Report submitted by Pierce, Snee and Schilling.

Community Partnerships Committee: Mr. Rozell, Chairman, reported that Committee recommends legislation be prepared accepting the recommendation of the CIC to amend the lease between the CIC and the City regarding Lincoln Community Center and authorizing the Director of Public Service and Safety to execute any documents related thereto, with the amendments to include the address of 130 ½ Ash Street in the lease, provide for the City to pay electric and natural gas costs for the LCC property (which the City owns), and further clarify maintenance responsibilities. The Committee supports emergency legislation so that the transfer of the utility bills can be finalized. Reports submitted by Schilling, Severt and Rozell.

Finance Committee: Mr. Severt, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to file an application for OPWC funds for Phase 2 of the South Stanfield Road Improvement Project, and to execute any necessary agreements if the funding application is approved. The funding application will be in the amount of \$600,000; the current project estimate is \$1,300,000. As the application deadline is August 8, Committee supports emergency legislation. Report submitted by Phillips, Rozell and Severt.

Safety & Health Committee: Mr. Twiss, Chairman, reported that Committee recommends legislation be prepared to enact new legislation that would regulate massage services as discussed within the detailed report. This would assist the Police Department in efforts to ensure that human trafficking and sexual activity are not occurring at businesses offering massage services. The legislation that would require State licensure through the Medical Board of Ohio for each individual providing massage services. Report submitted by Marshall, Whidden and Twiss.

Discussion. Mr. Severt asked if there was any further comment from persons who attended the Committee meeting on this subject. Mayor Oda commented that the citizens indicated they were satisfied based on the discussion.

Streets & Sidewalk Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared to accept the recommendation of the Planning Commission to accept the dedication of 1.021 acres of Inlot 10853 as public right-of-way along Barnhart and Fenner Roads. The dedication is part of the Miami County "one stop shop" known as Momentum Center Park – Section One replat. Committee supports emergency legislation so the County's project can be on schedule.

Report submitted by Pierce, Snee and Phillips.

Law & Ordinance Committee: Mr. Severt gave an oral report that the Ohio Division of Liquor Control has transmitted the following notices:

1. Notice of the D3 TREX permit for Fermentum Enterprises LLC from the address of 521-31 Wayne Avenue, Dayton, Ohio, to the Troy address of 8 S. Market Street, Troy.
2. Notice of the new D3 permit application for Speakeasy Ramen LLC, dba Speakeasy Miso, 101 W. Main Street.

COMMENTS ON AGENDA ITEMS:

Kelly Synder, 935 Atlantic Street, asked for financial cost to the City associated with the City paying the utilities for Lincoln Community Center and more information on the maintenance responsibilities (O-41-2022). Mr. Titterington advised that the City will be paying for the electric costs for the new building owned by the City, which is about \$3,000 additional per year in addition to what is now paid; the maintenance responsibilities are primarily the City plowing the entire parking lot, with the staff of the center taking on gutter cleaning responsibilities.

RESOLUTION NO. R-57-2022

RESOLUTION 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 WASTEWATER TREATMENT PLANT AERATION EXPANSION PROJECT

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, Rozell, Twiss, Marshall, Pierce and Severt.

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-58-2022

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED 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. Twiss.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-36-2022

AN ORDINANCE CHANGING THE ZONING OF INLOT 11514 IN THE CITY OF TROY, OHIO, FROM THE MIAMI COUNTY ZONING OF R-1AAA, ONE FAMILY RESIDENTIAL, TO THE CITY ZONING OF R-3, SINGLE FAMILY RESIDENCE DISTRICT

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

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

Given third title reading.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-39-2022

AN ORDINANCE CHANGING THE ZONING OF INLOT 11513 IN THE CITY OF TROY, OHIO, FROM THE MIAMI COUNTY ZONING OF R-1AAA, ONE FAMILY RESIDENTIAL, TO THE CITY ZONING OF R-4, SINGLE FAMILY RESIDENCE DISTRICT

This Ordinance was given first title reading on July 18, 2022.
Given Public Hearing and second title reading.

ORDINANCE NO. O-40-2022

ORDINANCE ACCEPTING THE DEDICATION OF RIGHT-OF-WAY OF INLOT 10853, LOCATED ALONG FENNER ROAD AND BARNHART ROAD, AS PART OF THE PLAT OF MOMENTUM CENTER PARK – SECTION ONE

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-41-2022

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AMENDED LEASE WITH THE COMMUNITY IMPROVEMENT CORPORATION OF TROY, OHIO REGARDING LEASE OF THE LINCOLN COMMUNITY CENTER FACILITY, 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. Severt.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-42-2022

AN ORDINANCE AMENDING SECTION 1137 AND SECTION 1143 OF THE ZONING CODE OF THE CITY OF TROY, OHIO RELATED TO THE HISTORIC PRESERVATION OVERLAY DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-43-2022

ORDINANCE ESTABLISHING CHAPTER 753, MASSAGE SERVICES, OF THE CODIFIED ORDINANCES OF 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 Mr. Twiss.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-44-2022

AN ORDINANCE CHANGING THE ZONING OF INLOT 8386 IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO A PLANNED DEVELOPMENT – INDUSTRIAL (PD-I)

This Ordinance was given first title reading.

PRESENTATION: Chris Mackey, Community Impact & Engagement Manager, Big Brothers Big Sisters Miami Valley discussed the mission of the organization. He commented that the multi-County organization serves about 500 youth, 100 in Miami County and about 30 in Troy. He stated there are young people on a waiting list for a mentor, and the organization places a priority on the safety of the youth served. In response to Mr. Whidden, Mr. Mackey stated the organization serves at risk youth but also youth who would benefit from having a mentor in their lives.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented that:

-National Night Out is scheduled for August 2, with a number of neighborhood block parties planned for the 7:00 – 9:00 time frame.

-Thanks are due to the office of Gov. DeWine and the State Department of Development Office for additional grants for projects to help offset the inflationary factor of recent bids. A grant of \$500,000 was received for the South Stanfield Road Phase I Project and an additional Safety Fund Grant of \$450,000 for Phase I of the West Main Street Improvement Project.

-Fire Department staff has moved into new Fire Station 11. A final Occupancy Permit will be issued after the installation of a generator needed for the elevator operation. The generator should be received in September, and a public open house will be scheduled for September or October.

CITIZEN COMMENTS:

-Deb Pike, 412 Ellis Street, asked why the portalet was removed from Herrlinger Park. Mr. Titterington commented that was due to on-going vandalism and damage to it and the replacement costs, and it has not yet been determined if one will again be placed at that park. It was noted that a portalet is at Trostle Park. Mrs. Pike asked for an explanation regarding the City not becoming part of Ohio Checkbook and had other questions regarding City budgeting. Mr. Lutz explained that the Ohio Checkbook program would not provide information regarding tracking revenue in and how that particular revenue was spent, which is what Mrs. Pike asked about. Mr. Titterington explained that the City budget has been and is on the City's website and that document can be accessed and has a lot of detail.

-Gary Alspaugh, 523 S. Walnut Street, stated he has been in contact with Mr. Pierce and he expressed concern about his general neighborhood not being very well maintained. He cited overgrown alleys, trash in yards and alley ways, and properties not being maintained. Mr. Titterington stated he has forwarded the information to the City's property maintenance staff and they will look into contacting property owners where deficiencies can be identified.

There being no further business, the meeting adjourned at 7:54 p.m.

Clerk of Council

President of Council

