

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, December 4, 2023 at 7:00 p.m. in Council Chambers, City Hall.

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

Upon motion of Mr. Twiss, seconded by Mr. Schilling, Mr. Phillips 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 Member Twiss, followed by the Pledge of Allegiance.

PUBLIC HEARINGS: At 7:02 p.m. Council President Lutz announced a public hearing on Ordinance No. O-51-2023 - Rezoning Part of Swank Annex, 2980 W. Fenner Rd., from County A-2, General Agriculture. There were no comments in this regard and at 7:03 p.m., Mr. Lutz declared this public hearing closed.

At 7:03 p.m. Council President Lutz announced a public hearing on Ordinance No. O-52-2023 - Rezoning 1304 W. Main St., from R-4, Single-Family Residential District, to OR-1, Office-Residential District. There being no comments in this regard, at 7:04 p.m., Mr. Lutz declared this public hearing closed.

EXECUTIVE SESSION:

A motion was made by Mr. Rozell, seconded by Mr. Pierce, that Council recess into executive session to confer with legal counsel concerning disputes that are the subject of pending or imminent court action.

MOTION APPROVED BY UNANIMOUS ROLL CALL VOTE

At 7:05 p.m. Council recessed into Executive Session.

A motion was made by Mr. Rozell, seconded by Mr. Schilling, that Council return to regular session.

MOTION APPROVED BY UNANIMOUS ROLL CALL VOTE

At 7:51 p.m. Council returned to regular session.

MINUTES: The Clerk gave a summary of the minutes of the November 20, 2023, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Twiss, seconded by Mr. Severt, these minutes were approved by unanimous roll call vote

COMMITTEE REPORTS:

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE : Mr. Schilling, Chairman, reported that Committee supports the recommendation of the Troy Planning Commission and the findings of staff and recommends that Ordinance No. O-48-2023 be adopted to rezone Part Inlot 11550 from County Zoning A-2, General Agriculture, to a Planned Development – Residential (PD-R), and that the General Plan of the Somerset Reserve Subdivision Planned Development – Residential be approved.

Report submitted by Pierce, Snee and Schilling.

LAW & ORDINANCE COMMITTEE: Mrs. Snee, Chairman, reported that Committee reviewed information related to establishing a moratorium of 180 days on the granting of any permits allowing Adult Use Cannabis Operators from establishing within the City of Troy, which would be permitted under a new State Issue. This would allow staff to review and make recommendations of adequate regulations on this issue. Committee recommends legislation be prepared establishing a moratorium of 180 days on the granting of any permits allowing Adult Use Cannabis Operators from establishing within the City of Troy. This Committee supports emergency legislation as the State Issue becomes effective on December 7.

Report submitted by Phillips, Severt and Snee.

RECREATION & PARKS COMMITTEE: Mr. Whidden, Chairman, reported that at the November election, Troy voters approved a 6.96 mill combined levy that will allow the Troy City Schools to move forward on the construction of four new elementary schools, major infrastructure updated to the high school, and improve equitable, inclusive, and high quality education for all students. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety and the President of the Board of Park Commissioners to execute the Memorandum of Understanding with the Troy City Schools. This MOU sets forth the initial understanding between the parties concerning the transfer of certain property between the City and the School District and information related to the

City's use of certain school property that will be defined further as part of an Interagency Operating Agreement. Other legislation will be required at a later date regarding conveyance of real property. Committee supports emergency legislation so that the MOU can be executed without delay.
Report submitted by Rozell, Schilling and Whidden.

STREETS & SIDEWALKS COMMITTEE: Mrs. Snee 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 North Elm Street Resurfacing Project at a cost not to exceed \$500,000. Committee noted that the City received a grant of approximately \$265,000 to help offset the cost. The project area is North Elm Street from the city limits to West Main Street.
Report submitted by Pierce, Snee and Phillips.

Citizen comments on Agenda items: Stephen Henriksen, 975 Dickerson Drive, spoke regarding Resolution No. R-64-2023 and suggested that the City consider not having school buildings demolished in the future but turn them over to a developer to repurpose into something like low cost housing. Mr. Titterington responded that developers along with representatives of the schools, the City, the Troy Development Council, and even representatives of the local Japanese School had toured the buildings in the last couple of years, but expressed no further interest in being able to repurpose the buildings.

RESOLUTION NO. R-63-2023

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 NORTH ELM STREET RESURFACING PROJECT

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-64-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY AND THE PRESIDENT OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF TROY, OHIO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TROY CITY SCHOOLS REGARDING FUTURE EDUCATIONAL AND RECREATIONAL OPPORTUNITIES FOR RESIDENTS WITHIN THE TROY CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

RESOLUTION NO. R-65-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO ENTER INTO A SETTLEMENT AGREEMENT, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-48-2023

AN ORDINANCE CHANGING THE ZONING OF 58.093 ACRES OF INLOT 11550, PARCEL NO. D08-107388, IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO A PLANNED DEVELOPMENT – RESIDENTIAL (PD-R) AND APPROVING THE GENERAL PLAN OF THE SOMERSET RESERVE SUBDIVISION PLANNED DEVELOPMENT – RESIDENTIAL

This Ordinance was given first title reading on November 6, 2023.
Given Public Hearing and second title reading on November 20, 2023.
Given third title reading.

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

ORDINANCE ADOPTED

ORDINANCE NO. O-51-2023

AN ORDINANCE CHANGING THE ZONING OF INLOT NUMBERS 11560, 11561, AND 11562 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF R-4, SINGLE FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading on November 20, 2023.
Given Public Hearing and second title reading.

ORDINANCE NO. O-52-2023

AN ORDINANCE CHANGING THE ZONING OF PARCEL NO. D08-096100, IN THE CITY OF TROY, OHIO FROM R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO OR-1, OFFICE-RESIDENCE DISTRICT

This Ordinance was given first title reading on November 20, 2023.
Given Public Hearing and second title reading.

ORDINANCE NO. O-53-2023

ORDINANCE APPROPRIATING FUNDS NECESSARY FOR THE VARIOUS DEPARTMENTS AND OFFICES OF THE CITY OF TROY, OHIO, FOR THE YEAR 2024

This Ordinance was given first title reading on November 20, 2023.
Given second title reading.

Mr. Severt moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.
Yes: Marshall, Schilling, Rozell, Severt, Whidden, Snee and Twiss.
No: Pierce.

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

Discussion. Mr. Pierce stated he appreciated the work of the City Administration in preparing the budget, but would not vote to approve the budget as it includes funding for Flock Cameras, the parent company of which is a Chinese company and member of the Communist Chinese Party and he does not support data being shared with that company. In response to Rozell, who asked what Mr. Pierce suggested as an alternative to the camera vendor, Mr. Pierce commented that the competitor of the current vendor is also a Chinese-owned company.

Yes: Schilling, Rozell, Severt, Whidden, Snee, Twiss and Marshall.
No: Pierce.

ORDINANCE ADOPTED

ORDINANCE NO. O-54-2023

ORDINANCE IMPOSING MORATORIUM FOR A PERIOD OF ONE HUNDRED AND EIGHTY DAYS ON THE GRANTING OF ANY PERMITS ALLOWING ADULT USE CANNABIS OPERATORS FROM ESTABLISHING WITHIN THE CITY OF TROY, OHIO AND DECLARING AN EMERGENCY

This Ordinance was given first title reading

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

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

Yes: Severt, Whidden, Snee, Twiss, Pierce, Marshall, Schilling and Rozell.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-55-2023

ORDINANCE AMENDING ORDINANCE NO. O-61-2022 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.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

Discussion. Council President Lutz asked if the legislation should have been an emergency measure, with Mr. Titterington commenting that appropriation legislation is deemed an emergency.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted:

-The contract for the West Main Street Improvement Project Phase 2 has been awarded to Milcon Concrete, Inc. and the award is less than the \$8,000,000 authorized by Council.

-City offices will be closed December 25 and 26 for the Christmas Holiday and January 1 for the New Year's Day Holiday, with refuse collections delayed one day the weeks of December 24 and December 30.

AUDIENCE COMMENTS:

-Steve Schmitz, 248 Riverside Drive, spoke regarding Resolution No. R-65-2023, stating that it seems that W. Main Street can now be opened as certain persons were scheduled to be deposed who either had something to hide or were going to commit perjury. He thanked the City for the new traffic lights at Walgreen's.

-Brad Boehringer, 105 Crestwood Drive, commented that three students from the Miami East High School government class were attending the meeting.

-Kelly Snyder, 935 Atlantic Street, regarding Resolution No. R-65-2023, asked for a summary of the agreement referenced therein. Mr. Kerber advised that there is a court order for confidentiality at this time and all that can be said is what is stated in the legislation.

There being no further business, Council adjourned at 8:22 p.m.

Clerk of Council

President of Council

