

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, March 20, 2023 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 Council Member Whidden, followed by the Pledge of Allegiance.

MINUTES: The Clerk gave a summary of the minutes of the March 6, 2023, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Phillips, seconded by Mr. Schilling, 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 urging Congress and the Ohio Legislature to enact legislation to address rail safety. Such legislation has been requested by the Ohio Municipal League in view of the recent derailments that have occurred in Ohio. Committee supports emergency legislation so that the Resolution can be forwarded without delay,
2. Committee recommends legislation be prepared for the Notwithstanding wording for the Troy Truck Yard Event on April 28, 2023 to be held on S. Walnut Street (between E. Main and E. Franklin Streets and adjacent parking lot areas) and to authorize the Director of Public Service and Safety to enter into an agreement with the Troy Area Chamber of Commerce to allow that organization to sell beer within the event area during the event subject to the organization obtaining the required insurance. Committee supports emergency legislation so that the temporary liquor permit application can be filed.

Reports submitted by Schilling, Severt and Rozell.

Finance Committee: Mr. Severt, Chairman, reported that Committee recommends legislation be prepared accepting the recommendation of the Tax Incentive Review Council that the Enterprise Zone Agreements be continued and that the Troy Towne TIF be continued. Committee's recommendation noted that if the Enterprise Zone Agreement with Arc Abrasives, Inc. fails to meet the agreement employment numbers by the end of 2023, termination of the agreement will likely be recommended in 2024. Committee supports emergency legislation in that the annual reports are required to be filed with the Ohio Development Services Agency by March 31, 2023.

Report submitted by Phillips, Rozell and Severt.

Law & Ordinance Committee: Mrs. Snee, Chairman, reported that Committee recommends legislation be prepared requesting that the Ohio Department of Liquor Control hold a hearing in Troy on the application to transfer the D1, D2, and D3 Liquor Permits of Railroad Restaurant A Partnership, DBA Railroad Restaurant, 629 S. Crawford Street 1st Fl, to the name of Old Railroad Bar and Grill Inc., dba Railroad Restaurant, at the same address. The City has not received information on the applicant to properly review. Also, based on the zoning, a restaurant or bar is prohibited from operating at this location. Committee supports emergency legislation so that the notice can be returned by April 3.

Report submitted by Phillips, Severt and Snee.

Oral Report. Mrs. Snee provided the following oral report of notice of Liquor Permit applications:

- New D2 and D3 permits for Craft Event Bar Collective LLC, 12 N. Cherry Street
- New D1 permit for Speakeasy Ramen LLC, dba Speakeasy Miso, 101 W. Main Street

Recreation & Parks Committee: Mr. Whidden, Chairman, reported as follows:

1. Committee recommends legislation be prepared authorizing the President of the Board of Park Commissioners to execute the "Consent to Field Naming" document at the Troy Memorial Stadium with the Troy City School District Board of Education. The consent document would limit the signage to the addition of two Premier Health Logos at the top left and bottom right corners of the turf of "Premier Health Field at Troy Memorial Stadium", with Premiere Health providing the schools a contribution for the improvement of the Stadium.
2. Committee recommends legislation be prepared for Council to temporarily activate the DORA during the Treasure Island Park concerts of June 24 and August 5, 2023 and authorizing the Director of Public Service and Safety to execute Treasure Island Non-Ticked Use Agreements for those two concerts as recommended by the Recreation Board and the Board of Park Commissioners.

Reports submitted by Rozell, Schilling and Whidden.

COMMENTS ON AGENDA ITEMS: NONE.

RESOLUTION NO. R-19-2023

RESOLUTION URGING THE LEGISLATIVE BRANCHES OF THE FEDERAL GOVERNMENT AS WELL AS THE STATE OF OHIO TO ENACT LEGISLATION TO FURTHER PROTECT THE CITIZENS OF THE CITY OF TROY, OHIO FROM THE INHERENT DANGERS OF A TRAIN DERAILMENT ON THE TRACKS LOCATED IN OR NEAR THE CITY OF TROY, OHIO, 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. Severt.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-20-2023

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL 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. Schilling.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-21-2023

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. Whidden.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-22-2023

A RESOLUTION AUTHORIZING THE CITY OF TROY, OHIO, TO SUBMIT A REQUEST TO THE OHIO DIVISION OF LIQUOR CONTROL THAT A HEARING BE HELD ON PERMIT NUMBER 6530060 AND THAT SUCH HEARING BE HELD IN TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-23-2023

RESOLUTION AUTHORIZING THE PRESIDENT OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF TROY, OHIO TO EXECUTE THE CONSENT TO FIELD NAMING DOCUMENT FOR THE TROY MEMORIAL STADIUM WITH THE TROY CITY SCHOOL DISTRICT BOARD OF EDUCATION

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION IN MEMORIAM, ROBERT A. FLETCHER, 1943 – 2023 (Robert A. Fletcher had served the City as a Troy City Council Member from January 1, 1974 through December 31, 1977, President of Troy City Council from January 1, 1978 through March 25, 1979, Mayor of the City of Troy from March 26, 1979 through December 31, 1979, and again as President of Troy City Council from January 1, 1980 through April 1, 1980.)

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

Council President Lutz noted that Rich Fletcher and his wife Nan, the son and daughter-in-law of the late Mayor Fletcher were in attendance at the meeting.

Mr. Rozell expressed condolences to Mr. Fletcher on behalf of many friends of the late Mayor Fletcher.

Mr. Rich Fletcher, on behalf of his brother and sister, thanked Council for the Resolution in Memoriam, and noted that his father had always considered Troy is home town.

ORDINANCE NO. O-10-2023

AN ORDINANCE ESTABLISHING SECTION 1151.16 OF THE ZONING CODE OF THE CITY OF TROY, OHIO RELATED TO BEEKEEPING AS AN ACCESSORY USE IN THE A AGRICULTURAL DISTRICT, A-R AGRICULTURAL-RESIDENTIAL DISTRICT, R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-3-B SINGLE-FAMILY RESIDENTIAL DISTRICT, AND THE R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading on February 21, 2023.

Given Public Hearing and second title reading on March 6, 2023.

Given third title reading.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-13-2023

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EXECUTE A TREASURE ISLAND NON-TICKETED USE AGREEMENT FOR 2023 EVENTS AT TREASURE ISLAND PARK

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-14-2023

ORDINANCE PERMITTING USE OF CERTAIN REAL PROPERTY IN THE DESIGNATED OUTDOOR REFRESHMENT AREA FOR USE AS A DESIGNATED OUTDOOR REFRESHMENT AREA FOR EVENTS ON JUNE 24, 2023 AND AUGUST 5, 2023

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, Whidden, Snee, Twiss, Marshall, Severt, Phillips and Schilling.

No: None.

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

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

No: Twiss.

ORDINANCE ADOPTED

ORDINANCE NO. O-15-2023

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2023 TROY TRUCK YARD EVENT, NOTWITHSTANDING CONFLICTING PROVISIONS OF THE TROY CODIFIED ORDINANCES, AND 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 AREA CHAMBER OF COMMERCE THEREFOR, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: Twiss and Pierce.

ORDINANCE ADOPTED

ORDINANCE NO. O-16-2023

AN ORDINANCE CHANGING THE ZONING OF PARCEL NO. D08-101788, IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO A PLANNED DEVELOPMENT – INDUSTRIAL (PD-I) AND APPROVING THE GENERAL PLAN OF THE TROY STORAGE INNS OF AMERICAN PLANNED DEVELOPMENT – INDUSTRIAL

This Ordinance was given first title reading.

PRESENTATION: Andrea Keller, Executive Director of Troy Main Street, Inc. provided an update regarding Troy Main Street activities. Ms. Keller commented that Troy Main Street follows the National Main Street four-plan of approach of design, events and promotion, organization and economic vitality and she discussed the activities for each of the categories. Ms. Keller noted that one of the major programs of Troy Main Street, Inc. is Sculptures on the Square and this program will take place in the summer of 2023 with approximately 22 sculptures to be placed around the downtown for the enjoyment of citizens and visitors. Ms. Keller thanked the City and elected and appointed officials for the support provided to Troy Main Street, Inc. in carrying out its mission in preserving historic downtowns. Ms. Keller also noted that she will be leaving Troy and her position with Troy Main Street, Inc. for another opportunity. Council thanked Ms. Keller for her work on behalf of Troy Main Street, Inc.

AUDIENCE COMMENTS:

-Deb Hogshead, 421 S. Plum Street, a volunteer with Move to Amend Miami County, commented that the organization will be surveying all candidates for office to ask their opinions on Move to Amend. She further commented that recent train derailments have brought up issues of how corporations can spend money on free speech.

-Deedee Wissman, 2503 Renwick Way, a volunteer with Move to Amend Miami County, commented that as corporations have rights intended for human beings, huge corporations address all aspects of our daily lives.

-Ben Sutherly, representing the Troy Historic Preservation Alliance, commended Andrea Keller for her stellar service to the community, noting that the roots of Troy Main Street, Inc. are in historic preservation and Ms. Keller honored those roots as Troy Main Street's Executive Director. Mr. Sutherly, regarding the budding at 112-118 W. Main Street, and a recent court decision, asked if a tarp or wire mesh will be placed so bricks do not fall on citizens. Mr. Titterington commented that that was a recommendation of the structure engineer, that it is the responsibility of the property owner to determine the means by which work will be accomplished.

-In response to a question of Mr. Lutz about delay to the West Main Street Improvement Project if the owner does not cooperate in making repairs and if the City could do the work and bill the property owner, Mr. Kerber advised that a number of items are being discussed.

-Mr. Sutherly commented that one-third of the items submitted to the Planning Commission are related to the downtown and there is no member of the Commission who lives or works downtown and asked if Council will take action to change the membership structure. He also commented that there is concern with the lack of public comment to provide perspective permitted at the Planning Commission meetings.

-Brad Boehringer, 105 Crestwood Drive, commented regarding the rail safety resolution. He said that he believes the Human Relations Commission should have input to the naming of any City property to preclude naming based on financial contributions, and asked about work being done inside the building at 112-118 W. Main Street. Regarding the property on W. Main Street, Mr. Titterington commented that any orders are solely related to the exterior of the property.

COMMENTS OF COUNCIL MEMBERS:

-Mr. Severt noted that the At-Large Members of Council will hold an open discussion session on March 25 at the Hayner Cultural Center.

There being no further business, the meeting adjourned at 8:06 p.m.

Clerk of Council

President of Council

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In court and not done
Could cityt do perm repairs and send owner a bill

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Re W Main St had asked do you think owner follow orders, said then and say now he not
PT said work has been done have you been granted access to see
PT orders are on exterior, orders have nothing t with insie, no need to access, and staff has viewd

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Rosemary jones – hear
7:08

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