

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, May 1, 2023 at 7:00 p.m. in Council Chambers, City Hall.

Members Attending: Marshall, Pierce, Phillips, 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

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

RECOGNITION: The outgoing members of the Mayor's Youth Council were recognized.

PUBLIC HEARING: At 7:07 p.m., Council President Lutz declared open a public hearing on Ordinance No. O-21-2023, the rezoning of 15 S. Oxford Street from B-2 to OR-1. There were no comments in this regard and at 7:08 p.m., Council President Lutz declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the April 17, 2023, 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 that Committee supports the recommendation of the Troy Planning Commission and recommends that legislation be prepared to vacate a 0.0408 acre parcel of Right-of-Way at the corner of W. Main Street and S. Stanfield Road as requested by Chick-fil-A. Report submitted by Pierce, Snee and Schilling.

Community Partnerships Committee: Mr. Rozell, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an agreement with the Troy Area Chamber of Commerce for the 2023 Troy Strawberry Festival to be held June 2, 3 and 4, and to authorize the temporary activation of part of the DORA Temporary Activation Boundary. Committee supports emergency legislation so that the Chamber of Commerce can submit the temporary liquor permit application. Report submitted by Schilling, Severt and Rozell.

Finance Committee: Mr. Severt, Chairman, reported that Committee recommends legislation be prepared accepting the recommendation of the Loan Review Committee to approve a CDBG ED RLF loan to A. M. Scott Distillery, LLC in the amount of \$300,000 to be used to purchase equipment for a new business at 9 W. Main Street and to authorize the Director of Public Service and Safety to submit an application to the Ohio Department of Development, Office of Community Development, for funding for said loan. Committee supports emergency legislation so that the funding application can be submitted and the loan closed without delay. Report submitted by Phillips, Rozell and Severt.

Law & Ordinance Committee: Mrs. Snee, Chairman, reported that Committee concurs that the TREX application of Aldi Inc. Ohio would be an economic development project with the creation of 18 new jobs, and recommends that a letter of support be submitted by the Director of Public Service and Safety for the C-1 and C-2 TREX liquor permit application as requested by Aldi Inc. Ohio for their new location at 50 Troy Town Drive, Troy, Ohio. As this is not a matter of legislation, this Committee asks that this recommendation to support the TREX application be accepted by Council so that a letter can be provided to be included in the application that the applicant will submit to the Division of Liquor Control.

Report submitted by Phillips, Severt and Snee.

Motion: A motion was made by Mrs. Snee, seconded by Mr. Twiss, that Council accepts the Law & Ordinance Committee Report regarding the C1 and C2 TREX application of Aldi Inc. Ohio for the location at 50 Troy Town Drive. Motion passed by unanimous roll call vote

Recreation & Parks Committee: Mr. Whidden, Chairman, reported that Committee recommends legislation be prepared authorizing the Community Improvement Corporation of Troy, Ohio to act on behalf of the City to execute a Building Lease and Ground Lease with Busted Brick Realty Group, Inc. related to the construction of public restrooms, and to further authorize the transfer of \$150,050 to the Community Improvement Corporation of Troy, Ohio, for funding related to the construction of the public restrooms. Committee supports emergency legislation so that documents can be executed and the project commence, subject to the CIC being agreeable to the arrangements. Report submitted by Rozell, Schilling and Whidden.

Discussion. Mr. Titterington commented that the Community Improvement Corporation did meet and did agree to be a party to the Building Lease and Ground Lease with Busted Brick Realty Group, Inc., subject to Council approval of the lease documents.

COMMENTS ON COMMITTEE REPORTS OR AGENDA ITEMS: None.

RESOLUTION NO. R-30-2023

RESOLUTION APPROVING THE APPLICATION OF A. M. SCOTT DISTILLERY, LLC FOR LOAN ASSISTANCE FROM THE CDBG ECONOMIC DEVELOPMENT REVOLVING LOAN FUND 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: Twiss, Whidden, Severt, Phillips, Marshall, Pierce, Snee, Schilling and Rozell.

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-21-2023

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBER D08-001120 IN THE CITY OF TROY, OHIO FROM B-2, GENERAL BUSINESS DISTRICT, TO OR-1, OFFICE RESIDENTIAL DISTRICT

This Ordinance was given first title reading on April 17, 2023.

Given public hearing and second title reading.

ORDINANCE NO. O-22-2023

ORDINANCE APPROVING THE VACATION OF PUBLIC RIGHT-OF-WAY AT THE SOUTHWEST CORNER OF WEST MAIN STREET AND SOUTH STANFIELD ROAD, 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: Severt, Phillips, Marshall, Pierce, Snee, Schilling, Rozell, Twiss and Whidden.

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-23-2023

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2023 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 AREA CHAMBER OF COMMERCE THEREFOR, 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: Marshall, Pierce, Snee, Schilling, Rozell, Twiss, Whidden, Severt and Phillips.

No: None.

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

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

No: Twiss.

ORDINANCE ADOPTED

ORDINANCE NO. O-24-2023

ORDINANCE PERMITTING USE OF CERTAIN REAL PROPERTY IN THE DESIGNATED OUTDOOR REFRESHMENT AREA FOR USE AS A DESIGNATED OUTDOOR REFRESHMENT AREA FOR THE TROY STRAWBERRY FESTIVAL ON JUNE 2 – 4, 2023, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: Twiss.

ORDINANCE ADOPTED

ORDINANCE NO. O-25-2023

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO ENTER INTO A LEASE WITH THE COMMUNITY IMPROVEMENT CORPORATION OF TROY, OHIO, REGARDING THE LEASE OF A PORTION OF PROUTY PLAZA AND 9 WEST MAIN STREET, 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. Whidden.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Severt encouraged voting for the natural gas aggregation issue on the ballot on May 2.

CITIZEN COMMENTS:

-Jeffrey Schilling, 591 Chartwell Court, stated he was speaking as a citizen and not as a member of Council. Mr. Schilling spoke regarding his concern about a flyer that was mailed out that challenged the political affiliation of Mr. Lutz, a candidate for Mayor, stating he found the comments in the flyer to be incorrect and inappropriate.

-Brad Boehringer, 105 Crestwood Drive, stated he felt the flyer sent out regarding the election for Mayor was inappropriate in the comments regarding Mr. Lutz.

-Members of the Leadership Troy class introduced themselves.

EXECUTIVE SESSION:

A motion was made by Mr. Phillips, seconded by Mr. Whidden, to recess into executive session to confer with legal counsel concerning disputes that are the subject of pending or imminent court action. Motion passed by unanimous roll call vote. At 7:40 p.m., Council recessed into executive session. Upon motion of Mr. Phillips, seconded by Mr. Whidden, approved by unanimous roll call vote, Council returned to regular session at 8:45 p.m., made no further comments, and adjourned.

Clerk of Council

President of Council