

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, June 19, 2023 at 7:00 p.m. in Council Chambers, City Hall.

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

Upon motion of Mr. Phillips, seconded by Mr. Schilling, Mr. Rozell 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 President Lutz, followed by the Pledge of Allegiance led by members of Boy Scout Troop 788.

EXECUTIVE SESSION: A motion was made by Mr. Phillips, seconded by Mr. Whidden, that Council 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 7:03 p.m. Council recessed into executive session.

A motion was made by Mr. Phillips, seconded by Mr. Schilling, that Council return to regular session. Motion passed by unanimous roll call vote. A 7:55 p.m. Council returned to regular session.

MINUTES: The Clerk gave a summary of the minutes of the June 5, 2023, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Schilling, seconded by Mrs. Snee, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

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

1. Committee recommends legislation be prepared to extend the 180-day moratorium on new applications for self-storage facilities by 90 additional days.
2. Regarding Ordinance No. O-28-2023, the rezoning of 58.093 acres at 3054 W. SR 55 from County Zoning of A-2, General Agriculture, to the City Zoning of R-5, Single-Family Residence District, Committee does not support the R-5 zoning recommended by the Troy Planning Commission. Committee recommends that Ordinance No. O-28-2023 be amended to rezone the 58.093 acres to A-R Agricultural-Residential. Committee also stated a preference for the land to be developed as a Planned Development.

Reports submitted by Pierce, Snee and Schilling.

Finance Committee: Mr. Severt, Chairman, reported that Committee again met to consider establishing an additional fee of \$5 per month for those residents to opt to have a 96-gall refuse tote in place of the standard refuse tote, the Committee has reviewed additional information, recommends legislation be prepared amending the codified ordinances to establish a fee of \$5 per month (full or partial month) in addition to the monthly fee established for refuse collection and recycling for which a resident receives a 96-gallon refuse tote.

Report submitted by Phillips, Rozell and Severt.

Law & Ordinance Committee: Mrs. Snee, Chairman, gave an oral report that the Ohio Division of Liquor Control provided notice of application for a D-3 permit by Megumi Hibachi, LLC, 12 S. Dorset Road. The Police Department is not recommending an objection to the application.

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

- 1) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the 2023 Sidewalk Replacement Program at a cost not to exceed \$310,000.
- 2) Regarding the W. Main Street Improvement Project, there is one remaining property for which the City has not been able to reach agreement with the owner for right-of-way acquisition. In order to meet the timeline for bidding and funding, the City needs to commence the appropriation process, noting that if agreement is reached with the owner, the process will be rescinded. Committee that legislation be prepared authorizing the Director of Law and the Director of Public Service and Safety to file the necessary paperwork for the appropriation of a 0.075 acres for a temporary easement of the 0.9141 acre Parcel D08-099900, in the name of McDonald's Real Estate Company. Committee supports emergency legislation so that the appropriation process can commence immediately to meet the timeline to receive funding.

Reports submitted by Pierce, Snee and Phillips.

Personnel Committee: Mr. Pierce, Chairman, gave an oral report that Mayor Oda has requested Council concurrence of five reappointments and one new appointment to the City Beautification Committee. A motion was made by Mr. Pierce, seconded by Mr. Twiss, that Council concurs with the re-appointments of Barbara Redick, Barrie VanKirk, Phyllis Dawkins, Mary Davis, and Peggy Wolke; and the appointment of Lisa Bricker to the City Beautification Committee, all for terms commencing July 1, 2023 and running through June 30, 2025. Motion passed by unanimous roll call vote.

COMMENTS ON COMMITTEE REPORTS OR AGENDA ITEMS:

Regarding the Tavern Building at 112-118 W. Main Street and Resolution No. R-38-2023:

-Ben Sutherly, President of the Troy Historic Preservation Alliance (THPA), 110½ W. Main, commented that TPHA is willing to pay for the entirety of \$53,280 for permanent repairs to the building's parapet by McMiller Masonry if the city accepts the donation of the building and would agree not to pursue demolition for a two-year period. Mr. Sutherly further commented that the filing of an additional complaint prior to the Council meeting is questionable and that it does not appear the City and County are on the same page regarding the condition of the building.

-Kelly Snyder, 935 Atlantic Street, asked if the City accepts the property, would remediation or demolition costs fall to the City, and was advised that is correct.

-Stephen Henriksen, 975 Dickerson Drive, commented that the City should have a good idea of costs related to the building before taking ownership.

-Christy Shell, representing Troy Community Works (TCW), stated TCW is willing to accept the donation of the 112-118 W. Main property with some requirements including the City making necessary improvements, there is a loan forgiveness for the Eastgate Mortgage, and the City provides \$600,000 for additional renovations that would not be subject to prevailing wages.

Regarding Ordinance No. O-28-2023:

-Kirk Ridder of LCC Management, the proposed developer, commented that the company understands the concerns about drainage and road improvements, but still prefers the zoning be to R-5; the company has developed planned developments (PDs) but prefers a development based on conventional zoning; and believes issues can be addressed during the preliminary plan stage of conventional zoning.

-Sarah Kampfe, 1100 Winchester Drive, commented that there is value in having a plan reviewed by the City with zoning as a PD.

RESOLUTION NO. R-38-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO ACCEPT THE DONATION OF REAL PROPERTY, AND TO ENTER INTO A SETTLEMENT AGREEMENT WITH 116 WEST MAIN, LLC, AND RANDY KIMMEL, AND DECLARING AN EMERGENCY

This Resolution was given first title reading on June 5, 2023.

Given second title reading.

A motion was made by Mr. Phillips that Resolution No. R-38-2023 be Postponed Indefinitely. Motion failed for lack of a second.

RESOLUTION NO. R-39-2023

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 PHASE 15 OF THE SIDEWALK REPAIR PROGRAM

This Resolution was given first title reading

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-28-2023

AN ORDINANCE CHANGING THE ZONING OF 58.093 ACRES OF INLOT 11550, PARCEL NUMBER D08-107388 IN THE CITY OF TROY, OHIO, FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF R-5, SINGLE FAMILY RESIDENCE DISTRICT

This Ordinance was given first title reading on May 15, 2023.

Given Public Hearing and second title reading on June 5, 2023.

Given third title reading.

Mr. Phillips moved to amend Ordinance No. O-28-2023 to rezone Parcel Number D08-107388 from the Miami County zoning of A-2, GENERAL AGRICULTURE, to the City zoning of A-R, Agriculture-Residential, rather than to R-5, Single-family Residence District.

Motion seconded by Mrs. Snee.

Discussion:

-Mr. Schilling commented that as discussed at the committee meeting, he would like to see the development of this property include the City paying the cost difference between a sidewalk and a recreation trail, easements on the south side of the road so Swailes Road can be extended, the drainage addressed possibility including the City paying oversizing, and there be an HOA for resident representation. He also commented that a PD has worked well with many developments, having a mix of housing (apartments, condos, small and large housing).

-Mr. Titterington stated he did not recall some of those items being discussed at the Committee meeting, including paying for recreation trails and needing easements.

-Mr. Severt, as Chairman of the Finance Committee, stated his concern about comments about obligating the City to pay for items such as recreation trails.

-Mr. Schilling stated he believes items mentioned are important and some items the City looks at; he would like to see some of the things in the plan before making a final decision on zoning; and he believes Council is here to serve the residents and listen to concerns.

-Mrs. Snee noted that the only question before Council is an amendment to the Ordinance for a zoning to A-R and not R-5. As a member of the Committee, she stated there was discussion of some of the reasons to amend the zoning with the understanding that a development as a PD would come back to Council, but there was no discussion as to what the development might look like.

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

No: None.

MOTION APPROVED, ORDINANCE AMENDED

ORDINANCE NO. O-34-2023

AN ORDINANCE AUTHORIZING THE FILING OF A PETITION FOR APPROPRIATION OF CERTAIN REAL PROPERTY AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-35-2023

ORDINANCE IMPOSING MORATORIUM FOR A PERIOD OF NINETY DAYS ON THE ACCEPTANCE OF APPLICATIONS AND THE GRANTING OF PERMITS FOR NEW SELF-STORAGE FACILITIES WITHIN 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 Mr. Twiss.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-36-2023

AN ORDINANCE AMENDING SECTION 919.11 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO REGARDING SOLID WASTE SERVICE

This Ordinance was given first title reading.

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

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

No: None.

Abstain: Pierce.

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

ORDINANCE ADOPTED

ORDINANCE NO. O-37-2023

AN ORDINANCE CHANGING THE ZONING OF PARCEL NUMBERS D08-105875 AND D08-251110 IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT, TO B-2, GENERAL BUSINESS DISTRICT

This Ordinance was given first title reading.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington commented that City offices will be closed on July 4 with refuse and recycling collections on schedule.

COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Pierce thanked Mr. Severt for his work on the Juneteenth celebration.

-Mr. Whidden commented that some residents along the Kidder Ditch Improvement Project noted that they saw an improvement after a recent heavy rain.

-Mr. Severt commented that in memory of his late father, Bill Severt, a retired Troy Firefighter, his family has established a memorial fund through The Troy Foundation for contributions to the Fire Department Apprentice Program.

There being no further business, Council adjourned at 8:49 p.m.

Clerk of Council

President of Council