

MINUTES OF COUNCIL

A regular session of Troy City Council was held Tuesday, February 20, 2018, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Lutz, Oda, Phillips, Schweser, Severt and Twiss.

Upon motion of Mr. Phillips, seconded by Mr. Twiss, Mr. Terwilliger was excused from this meeting by unanimous roll call vote.

Presiding Officer: Martha A. Baker President of Council

Others Present: Michael L. Beamish Mayor  
Patrick E. J. Titterington Director of Public Service and Safety  
John E. Frigge Auditor  
Grant D. Kerber Director of Law

INVOCATION: An invocation was given by Mr. Lutz, followed by the Pledge of Allegiance.

PUBLIC HEARINGS: At 7:02 p.m., Mrs. Baker declared open a public hearing on Ordinance No. O-9-2018, rezoning of 8.015 acres, part of Inlot 9891, from A-R, Agricultural-Residential, to R-3-B, Single-Family Residential District (north of Finsbury Ln.)

Supporting the rezoning – None.

Opposing the rezoning:

-Candy Goodall, 211 Finsbury Lane, noted that most of the area is in a flood zone; she has been told that the land could be built up for the construction of homes; if so she questions the impact of the water on adjoining property owners; during rains some of this area temporarily floods; will there be basements as that may be below the flood zone; if fed from Nottingham off Finsbury, will there be a second outlet and how is the area accessed by safety vehicles when the streets are flooded; if rezoned what assurance/protections do the neighbors have in the future if the flood issues become worse.

-Stan Kreisberg, 630 Sherwood Drive, said he concurs with Ms. Goodall's comments.

-Tamara Radaker, 160 Finsbury Lane, stated that there is now serious flooding in the area with flooded basements. She asked when the questions of Ms. Goodall would be addressed. Mrs. Baker advised that that would be during a meeting of a Council Committee.

-Jennifer Jimenez, 166 Finsbury Lane, commented that where her driveway is located is adjacent to the proposed rezoning area the curve is now under water during rains and she asked how this will be addressed to make the situation better. She also asked how much homes will sell for in this area and if 11 homes are planned. It was explained that the current question is zoning and the City would not receive a plat until after the zoning has been determined. It was also explained that the development would have to follow subdivision regulations prior to any development being approved. Ms. Jimenez asked if the plat would have a hearing, and when told it would not, she was informed that she could watch for posted Planning Commission agendas. There being no further comments, at 7:11 p.m. Mrs. Baker declared this public hearing closed.

At 7:12 pm, Mrs. Baker declared open a public hearing on Ordinance No. O-10-2018, amending the Zoning Code to establish the Downtown/Riverfront Overlay District

Supporting the Ordinance:

-Wade Westfall, 116 ½ S. Market Street, commented that he and his wife have invested in and live in the downtown; he believes the overlay district will only enhance the development and viability of the downtown as there is a groundswell of young people and empty nesters that want to live in a walkable downtown area; and the overlay district more streamlines the development process for the downtown.

-Jessica Echols, 116 W. Franklin Street, representing Partners in Hope, stated she supports the Overlay District as it provides options and the ability for organizations to give back to the people seeking their services; Partners in Hope has purchased property at Race and Mulberry Streets and, with the Overlay District, will now be able to build a structure that would enhance the neighborhood and be in an area that is user friendly to the organization's clients.

-Karen Rogers, 2394 Black Oak Drive, said that she and her husband chose to move to Troy 50 years ago; they are now facing the need for a smaller home; would like to stay in Troy and live in the downtown; she is excited about the opportunity the Overlay District will create for them to be part of the downtown community.

-Jim Kaster, owner 21 W. Water Street, commented that he has invested in the downtown and believes this will lead to further development in which he can take part.

-Nicole Loy, Executive Director of Troy Main Street, commented that on behalf of the Board of Directors of Troy Main Street, it is felt that the Overlay District will allow for diverse downtown development that can be accomplished in an acceptable time frame, and have a positive impact on the downtown and the community.

-Ben Redick, 214 S. Ridge Avenue, commented that he is a broker for a commercial real estate group, and supports the Overlay District as it will incentive investment and development within the area while giving Council/staff the ability to control that development. He commented that he grew up in the downtown and appreciates the architectural integrity of the downtown.

-Kent Frauenberger, 320 W. Franklin Street, commented that he supports the creation of the Overlay District and, as Chairman of the Board of Zoning Appeals, he hopes this simplifies the appeals that may be heard by the Board.

Opposing the Ordinance.

-Lester Conard, 1210 S. Clay Street, commented that he thinks all the supporters have a personal agenda for the Overlay District, but it will not benefit poor and middle class citizens.

There being no further comments, at 7: 21 p.m., Mrs. Baker declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the February 5, 2018, meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Heath, seconded by Mr. Kendall, to approve these minutes. Motion passed by unanimous roll call vote.

#### COMMITTEE REPORTS:

Law & Ordinance Committee: Mr. Schweser, Chairman, reported that Committee concurs with the recommendation of the CIC and recommends that legislation be prepared authorizing the Director of Public Service and Safety to enter into an Amended Marina Building Lease and an Assignment of Rents and Leases with the Community Improvement Corporation of Troy, Ohio regarding the future monthly rent associated with the sub-lease of the Marina Building as outlined in the detailed report. Committee supports emergency legislation so that the new lease arrangement is effective as soon as possible. Report signed by Phillips, Severt and Schweser.

Recreation & Parks Committee: Mr. Heath, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to execute Treasure Island Non-Ticketed Use Agreements for three concerts (June 1, June 23, August 4) at Treasure Island Park. Report signed by Oda, Terwilliger and Heath.

AUDIENCE COMMENTS: Mickey Hammer, 1160 Red Maple Drive, asked about the terms of the lease regarding the Boat House. Mr. Titterington explained that the lease had been based on \$1,200 plus a percentage based on sales, and it would now be based on a percent of gross sales from dollar one, and he confirmed that the new lease will have the second loan attached to it.

RESOLUTIONS: None.

RESOLUTION IN MEMORIAM – RAYMOND R. BRET LAND. Mr. Bretland served as Fourth Ward Council Representative January 1, 2000 - December 21, 2003. Mr. Bretland passed away on February 19, 2018. The Resolution was read in entirety. Following a motion to approve the Resolution by Mr. Severt, seconded by Mr. Schweser, it was approved by unanimous roll call vote.

#### ORDINANCE NO. O-9-2018

ORDINANCE CHANGING THE ZONING OF 8.015 ACRES, PART OF INLOT 9891 IN THE CITY OF TROY, OHIO, FROM THE ZONING OF A-R, AGRICULTURAL-RESIDENTIAL, TO R-3-B, SINGLE-FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading on February 5, 2018.  
Given Public Hearing and second title reading.

#### ORDINANCE NO. O-10-2018

AN AMENDED ORDINANCE AMENDING SECTION 1141.01 (F) OF THE ZONING CODE OF THE CITY OF TROY, OHIO, AND ENACTING SECTION 1143.25 OF THE ZONING CODE OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading on February 5, 2018.  
Given Public Hearing and second title reading.

#### ORDINANCE NO. O-11-2018

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ENTER INTO AN AMENDED LEASE AND AN ASSIGNMENT OF RENTS AND LEASES WITH THE COMMUNITY IMPROVEMENT CORPORATION OF TROY, OHIO, REGARDING THE LEASE OF THE MARINA BUILDING AND DECLARING AN EMERGENCY

This Ordinance was given first title reading

Mr. Kendall moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.  
Yes: Kendall, Oda, Heath, Severt, Phillips, Lutz, Schweser and Twiss.  
No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Heath.  
Yes: Oda, Heath, Severt, Phillips, Lutz, Schweser, Twiss and Kendall.  
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-12-2018

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EXECUTE TREASURE ISLAND NON-TICKETED USE AGREEMENTS FOR 2018 EVENTS AT TREASURE ISLAND PARK

This Ordinance was given first title reading

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mrs. Oda.  
Yes: Heath, Severt, Phillips, Lutz, Schweser, Twiss, Kendall and Oda.  
No: None.  
Mr. Kendall moved for adoption. Motion seconded by Mr. Phillips.  
Yes: Severt, Phillips, Lutz, Schweser, Kendall, Oda and Heath.  
No: Twiss.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR: Mayor Beamish advised that he will be meeting with members of the Mayor's Youth Council and their advisors regarding their opinions on elements of Troy.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented that the Dye Mill Road facility will open for the season on March 5.

COMMENTS OF COUNCIL:

Mr. Lutz thanked the citizens for making comments during the public hearings.

CITIZEN COMMENTS:

-Lester Conard, 1210 S. Clay Street, stated he saw where another community was talking about how much cleaning is done of storm sewers and he does not believe Troy does that. He has not talked to anyone who supports the roundabout at McKaig and Dorset Roads, especially as the traffic accidents on the Square have increased. Regarding the residents on Finsbury, he said that history shows the developers build and then the City says nothing can be done about problems that are created.

There being no further business, Council adjourned at 7:39 p.m.

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Clerk of Council

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President of Council