

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, March 5, 2018, at 7:00 p.m. in Council Chambers.

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

Upon motion of Mr. Severt, seconded by Mr. Schweser, Mr. Phillips 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 Mrs. Oda. The invocation was followed by the Pledge of Allegiance, led by Matthew Spayde of Boy Scout Troop 365.

INTRODUCTION: Director of Golf Kyler Booher was introduced by Alan Kappers, President of the Board of Park Commissioners. Mr. Booher was appointed effective March 5. He is filling the position vacated by Ken Green, who has retired. Mr. Booher stated he was thrilled to be back in the Troy area and back at Miami Shores.

Mrs. Baker offered best wishes and thanks to Mr. Green.

MINUTES: The Clerk gave a summary of the minutes of the February 20, 2018, meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Kendall, seconded by Mr. Twiss, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mr. Twiss, Chairman, reported that This Committee met on regarding Ordinance No. O-9-2018, the proposed rezoning of 8.015 acres located north of Finsbury Lane from A-R, Agriculture-Residential, to R-3-B, Single-Family Residential District. Committee noted that most of the comments received had to do the future development of the property, particularly that additional construction would create water issues for neighbors. Committee noted that those comments would be addressed in the future if and when this area is submitted as a development and for the final plat process, which must be approved by Council, and what is before Council is a rezoning application, and the criteria for the basis of a rezoning request that must be followed is set forth in the Ordinances and that criteria was addressed in the review of staff and the Planning Commission. Committee supports the recommendation of the Troy Planning Commission that the 8.015 acre parcel that is part of Inlot 9891, be rezoned from A-R, Agricultural-Residential, to R-3-B, Single-Family Residential District and recommends that Council adopt Ordinance No. O-9-2018.

Report signed by Kendall, Schweser and Twiss.

Discussion.

-Mr. Terwilliger stated that O-9-2018 is a multi-faceted and possibly an emotional issue for him; however, he recognizes that what is before Council is only a zoning issue, and in some ways the elimination of the agricultural zoning may be a benefit for the neighborhood. He stated that if the area is developed there must be assurances and protections for existing property owners and downstream property owners, and the protections of those property owners must be weighed equally or heavier than those who own vacant lots.

-Mr. Severt stated he supports the comments of Mr. Terwilliger. He also commented that based on the provisions of Section 1127 of the Codified Ordinances, he feels assured that all requirements for development in a flood plain will be enforced. He further commented that Council will not be passive in making any decisions on future development, and everyone will have an active eye to see that the code is complied with.

Finance Committee: Mr. Kendall, Chairman, reported as follows:

- 1) Committee supports the recommendation of the Enterprise Zone Tax Incentive Review Council and recommends that legislation be prepared approving the continuance of the five current Enterprise Zone Agreements as they are in full compliance, and the continuance of the Troy Towne Park TIF. As the City must file an annual report with the Ohio Development Services Agency by the end of March regarding the continuance of the Enterprise Zone Agreements and the TIF, committee supports emergency legislation.
- 2) Committee recommends that legislation be prepared amending Troy's Tax Code, Chapter 171, to comply with provisions of the H.B. 49, the state budget bill, and that such legislation include a provision that if the lawsuit filed by several communities (including Troy) challenging the budget bill is successful and the bill overturned, these new provisions would no longer be enforced. As H.B. 49 is now effective committee supports emergency legislation so that Troy's Tax Code is in compliance with H.B. 49 without delay.

Reports signed by Schweser, Severt and Kendall.

Law & Ordinance Committee: Mr. Schweser, Chairman, reported as follows:

- 1) As the State now permits political subdivisions to enact provisions should the entity wish to permit low speed, under-speed, golf carts, or mini-trucks to operate on streets/public right-of-way within the entity, Committee recommends legislation be prepared permitting low speed and under-speed vehicles to operate on roadways/public right-of-way within Troy's Corporate Limits, based on operators meeting the following:
 - o The vehicles only operate on roadways with a posted or legal speed limit no greater than 25 miles per hour;
 - o The vehicles would be prohibited to cross streets with a posted or legal speed limit greater than 35 miles per hour;
 - o Each vehicle must pass a one-time inspection by the Troy Police Department, and pay a fee of \$20.
 - o Each vehicle must have an Ohio title and display a license plate.
 Utility vehicles or mini-trucks would not be permitted under the recommendation.
- 2) Regarding Ordinance No. O-10-2018, establishing a Downtown/Riverfront Overlay (DR-O) District, Committee noted that this new district would provide accommodations for specific lots within the geographic area of the DR-O to allow for a more diverse downtown development for both residential and commercial developments, with a quicker review period. Committee supports the recommendation of the Troy Planning Commission that a Downtown/Riverfront Overlay District should be established and Committee recommends that Ordinance No. O-10-2018 be adopted.

Report signed by Severt and Schweser.

Streets & Sidewalks Committee: Mr. Lutz reported that Committee recommends that the consent legislation provided by the Ohio Department of Transportation be approved for Troy to participate in the ODOT Bridge Deck Sealing Project in State FY 2020, with the project at no cost to the City.

Report signed by Heath and Lutz.

AUDIENCE COMMENTS:

- Lester Conard, 1210 S. Clay Street, asked Mr. Severt to read the section of the Ordinances he mentioned. He was advised that he could obtain a copy.
- Jennifer Jimenez, 166 Finsbury Lane, commented that she understood that the comments of the neighbors were considered as somewhat irrelevant as they were related to future development, but if development was not planned there would not be need for a rezoning, and she asked Council to keep the comments made regarding water and flooding in mind in making future decisions.
- Andy Schumann, of Choice One Engineering, representing the applicant for the rezoning, commented that the zoning change is consistent with the Comprehensive Plan and meets the requirements of the Zoning Code, and the developer has committed to oversize the storm drainage.
- Diane Walker, 93 Littlejohn Road, commented that she has concerns about the flooding.
- Diane Fisher, 153 Finsbury Lane, state she lives three doors down from Nottingham Road, she concurs with the comments of the neighbors, she is not happy about the rezoning, and does not understand why the land cannot be left as it is. She suggested that there be some brain storming based on the current zoning that could throw some spice into the use of the area to compliment Troy and be a break between the fire station and church as the proposed rezoning will not benefit Finsbury Lane land owners.

RESOLUTION NO. R-5-2018

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY

This Resolution was given first title reading

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

Yes: Oda, Terwilliger, Heath, Kendall, Lutz, Severt, Twiss and Schweser.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Heath.

Yes: Terwilliger, Heath, Kendall, Lutz, Severt, Twiss, Schweser and Oda.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-6-2018

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE TROY TOWNE PARK TIF AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

RESOLUTION ADOPTED

RESOLUTION NO. R-7-2018

A RESOLUTION, PRELIMINARY LEGISLATION, AUTHORIZING CONSENT AND COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE BRIDGE DECK SEALING PROGRAM PART 1 WITHIN THE CITY OF TROY, AND DECLARING AN EMERGENCY

This Resolution was given first title reading

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

RESOLUTION ADOPTED

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, ARICULTURAL-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 on February 20, 2018.
Given third title reading.

Mr. Schweser moved for adoption. Motion seconded by Mr. Twiss.
Discussion. Mrs. Oda commented that this is a difficult decision for her, she lives in the neighborhood, she realizes a property owner can request a rezoning and all the requirements for this application have been met, the proposed use fits the neighborhood, she will vote yes on the Ordinance because of the straightforward request, but she wants the public and neighbors to know why she is voting yes.
Yes: Twiss, Schweser, Oda, Terwilliger, Heath, Kendall and Severt.
No: Lutz.

ORDINANCE ADOPTED

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.
Given third title reading.

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

ORDINANCE ADOPTED

ORDINANCE NO. O-13-2018

ORDINANCE AMENDING SECTION 1137.08 (f) OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO REGARDING THE BOARD OF ZONING APPEALS STANDARDS FOR VARIANCES

This Ordinance was given first title reading.

ORDINANCE NO. O-14-2018

AN ORDINANCE ENACTING SECTIONS 301.261, 301.321, 301.163, 301.53, 301.491, 311.07 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, REGULATING THE OPERATION OF LOW SPEED AND UNDER-SPEED VEHICLES IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.
Discussion. In response to Mr. Terwilliger, it was stated that “gators” do not fall under this Ordinance.
In response to Mr. Heath, it was stated that City operated vehicles, such as used by the Park Department, do not fall under this Ordinance.

Yes: Oda, Terwilliger, Heath, Kendall, Lutz, Severt, Twiss and Schweser.
No: None.

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

ORDINANCE ADOPTED

ORDINANCE NO. O-15-2018

AN ORDINANCE AMENDING CHAPTER 171 OF THE CITY OF TROY, OHIO CODIFIED ORDINANCES TO ADOPT SECTIONS 718.80 THROUGH 718.95 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Schweser moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.
Yes: Heath, Kendall, Lutz, Severt, Twiss, Schweser, Oda and Terwilliger.

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

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR: Mayor Beamish commented that members of the Mayor’s Youth Council will be playing bingo with members of the Senior Citizens Center.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented that the Board of Park Commissioners will be considering recommending the bidding for the renovation of the Miami Shores Golf Course Club House. He also noted that the Dye Mill Road facility opened for the season on March 5.

COMMENTS OF COUNCIL:
Mr. Severt commented that he had listed as a priority the illumination of the intersection of SR 55/Nashville Road, and he noticed that a street light has been placed at that location.

CITIZEN COMMENTS:
-Diane Walker, 93 Littlejohn Road, stated her concern with the removal of the traffic light at Cricket Lane as she feels traffic has increased and she is concerned about students and other pedestrians being able to safely cross N. Market Street. Mr. Titterington replied that the City was advised by traffic engineers that the light at Cricket Lane/N. Market Street does not meet the warrants to have a light at that location; there will be a dedicated turn lane for a safer turn left off Cricket Lane; and while pedestrian numbers using that crossing have reduced over the years, a rapid flashing beacon will be placed at Cricket Lane and N. Market Street to assist those wanting to cross the street. Mrs. Walker then asked about changes to the speed limit on Piqua-Troy Road, and Mr. Titterington advised that based on the current number of vehicles and residential density, traffic engineers have advised that the speed is appropriate; however, as there may be more development in the area the City will address the speed limit accordingly. Mr. Titterington also commented that the intersection of N. Market Street/Troy-Urbana may be the best candidate for a traffic signal in the future. Mrs. Walker asked about which traffic engineers are used, with Mr. Titterington advising that the City uses consulting engineers and traffic engineers for such information.
-Scott Frank, 2578 Renwick Way, DP&L liaison for the Troy Community, commented that he is available to respond to City questions and concerns related to DP&L.

There being no further business, Council adjourned at 7:50 p.m.