

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, February 6, 2023 at 7:00 p.m. in Council Chambers, City Hall.

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

Upon motion of Mr. Schilling, seconded by Mr. Phillips, Mr. Severt 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
	John E. Frigge	Auditor

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Council President Lutz, followed by the Pledge of Allegiance.

MINUTES: The Clerk gave a summary of the minutes of the January 17, 2023, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Twiss, seconded by Mr. Rozell, 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 establishing a six-month moratorium on the acceptance of applications and issuance of permits for new Self-Storage Facilities so that staff may review and provide a recommendation regarding appropriate land use regulations. So that the staff review can proceed without delay, Committee supports emergency legislation.
2. Committee recommends legislation be prepared accepting a utility easement and the vacation of a utility easement associated with a replat of 30 – 50 Troy Town Drive.
3. Committee recommends legislation be prepared to accept the recommendation of the Troy Planning Commission for the dedication of right-of-way and accepting a 5' utility easement along 1266 Peters Road.
4. Committee recommends legislation be prepared to accept a utility easement to the rear of 935 Atlantic Street related to the Madison Street Stormwater Pump Station Project.

Reports submitted by Pierce, Snee and Schilling.

Finance Committee: Mr. Rozell reported as follows:

1. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an agreement with Palmer Energy Consultants, Inc. of Toledo, Ohio to secure electric pricing information for the City related to the Government Electric Aggregation Opt-Out Program. So that the work of the consultant can proceed without delay, and as Troy's electric aggregation contract expires at the end of April, Committee supports emergency legislation.
2. Committee recommends legislation be prepared accepting the recommendation of the Loan Review Committee to release Anthony C. Scott from his personal guaranty on the Tabernacle Brewing Company LLC CDBG Revolving Loan in that Mr. Scott has sold his interest in the company and the loan will remain adequately secured.
3. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for an up to three-year contract for the July Fourth Fireworks at a cost not to exceed \$45,000 each year of the contract.

Reports submitted by Phillips, Rozell and Severt.

Recreation & Parks Committee: Mr. Whidden, 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 Marina Building Loading Dock Support Project at a cost not to exceed \$125,000.
2. Committee recommends legislation be prepared authorizing the Troy Recreation Board to advertise for bids and enter into a contract for the Ice Deck Cover Replacement Program at the Hobart Arena at a cost not to exceed \$170,000.

Reports submitted by Rozell, Schilling and Whidden.

Safety & Health Committee: Mr. Twiss, Chairman, reported that Committee recommends legislation be prepared to amend the zoning code to permit urban beekeeping in the Agricultural and Agricultural-Residential Zoning Districts and as an accessory use in the Residential Zoning Districts of R-1, R-2, R-3, R-3-B, and R-4; with regulations as outlined by staff. Committee noted that as this would be an amendment to the Zoning Code, this item will also be submitted to the Troy Planning Commission for review and recommendation prior to legislation being prepared and the process for a Zoning Code amendment followed. (Note – Planning Commission did support the zoning code amendment.)

Report submitted by Marshall, Whidden and Twiss.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends that the Resolution of Necessity be prepared declaring the necessity of the 2023 Sidewalk Replacement Project Program, Phase 15. Report submitted by Pierce, Snee and Phillips.

Law & Ordinance Committee: Mrs. Snee, Chairman, gave an oral report that the Ohio Division of Liquor Control has transmitted the notice of the following liquor permit applications:

- Transfer of the existing C1 and C2 liquor permits of Fuel One LLC, dba 55 Express Mart, 503 E. Staunton Road, to Staunton Petroleum LLC, dba Staunton Shell of the same address.
- New C1 permit for Craft Event Bar Collective, LLC, 12 N. Cherry Street.

Personnel: Mr. Pierce, Chairman, gave the oral report that Mayor Oda has requested Council consent of the appointment of John W. Schweser to fill the un-fulfilled term of the late Richard Burns on the Board of Zoning Appeals, which would be through December 31, 2025.

A motion was made by Mr. Pierce, seconded by Mr. Phillips, that Council consents to the appointment of John W. Schweser to the Board of Zoning Appeals for a term ending December 31, 2025. Motion passed by unanimous roll call vote.

COMMENTS ON AGENDA ITEMS: NONE.

RESOLUTION NO. R-5-2023

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 THE MARINA BUILDING LOADING DOCK SUPPORT PROJECT AT TREASURE ISLAND PARK

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-6-2023

RESOLUTION AUTHORIZING THE RECREATION BOARD OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE ICE DECK REPLACEMENT PROJECT AT THE HOBART ARENA

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-7-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH PALMER ENERGY COMPANY, INC. OF TOLEDO, OHIO RELATED TO PRICING RELATED TO THE GOVERNMENT AGGREGATION OPT-OUT PROGRAM, 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. Pierce.
Yes: Twiss, Schilling, Whidden, Snee, Pierce, Phillips, Rozell and Marshall.
No: None.
Mr. Phillips moved for adoption. Motion seconded by Mr. Twiss.
Yes: Schilling, Whidden, Snee, Pierce, Phillips, Rozell, Marshall and Twiss.
No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-8-2023

RESOLUTION DECLARING THE NECESSITY OF PHASE 15 OF THE SIDEWALK REPLACEMENT PROGRAM IN THE CITY OF TROY, OHIO

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.
Yes: Whidden, Snee, Pierce, Phillips, Rozell, Marshall, Twiss and Schilling.
No: None.
Mr. Twiss moved for adoption. Motion seconded by Mr. Whidden.
Yes: Snee, Pierce, Phillips, Rozell, Marshall, Twiss, Schilling and Whidden.
No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-9-2023

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 UP TO THREE YEARS FOR THE JULY FOURTH FIREWORKS

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.
Yes: Pierce, Phillips, Rozell, Marshall, Twiss, Schilling, Whidden and Snee.
No: None.
Mrs. Snee moved for adoption. Motion seconded by Mr. Rozell.
Yes: Phillips, Rozell, Marshall, Twiss, Schilling, Whidden, Snee and Pierce.
No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-10-2023

RESOLUTION RELEASING DIRECT GUARANTY AGREEMENT OF ANTHONY M. SCOTT FROM THE CDBG ECONOMIC DEVELOPMENT REVOLVING LOAN TO TABERNACLE BREWING CO. LLC, DBA MOELLER BREW HOUSE

This Resolution was given first title reading.

Mr. Twiss moved for suspension of rules requiring three readings. Motion seconded by Mr. Phillips.
Yes: Rozell, Marshall, Twiss, Schilling, Whidden, Snee, Pierce and Phillips.
No: None.
Mr. Phillips moved for adoption. Motion seconded by Mr. Whidden.
Yes: Marshall, Twiss, Schilling, Whidden, Snee, Pierce, Phillips and Rozell.
No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-2-2023

ORDINANCE IMPOSING MORATORIUM FOR A PERIOD OF ONE HUNDRED EIGHTY 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. Twiss moved for suspension of rules requiring three readings. Motion seconded by Mr. Pierce.
Yes: Twiss, Schilling, Whidden, Snee, Pierce, Phillips, Rozell and Marshall.
No: None.
Mr. Twiss moved for adoption. Motion seconded by Mr. Phillips.
Yes: Schilling, Whidden, Snee, Pierce, Phillips, Rozell, Marshall and Twiss.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-3-2023

ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT BETWEEN PARCEL NUMBERS D08-058333 AND D08-058334, DEDICATING A UTILITY EASEMENT ON THE SOUTH SIDE OF PARCEL NO. D08-058333 ON TROY TOWN DRIVE, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-4-2023

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 163.634 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-5-2023

ORDINANCE ACCEPTING THE REPLAT OF PART OF OUTLOT 245 AND THE WHOLE OF INLOT 10574, THE DEDICATION OF RIGHT-OF-WAY AND A FIVE FOOT UTILITY EASEMENT, LOCATED ALONG PETERS ROAD, IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None

ORDINANCE ADOPTED

ORDINANCE NO. O-6-2023

ORDINANCE ACCEPTING A UTILITY EASEMENT, ON PART OF INLOT 1331 AS INCLUDED ON THE SNYDER REPLAT TO THE REAR OF 935 ATLANTIC STREET IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-7-2023

AN ORDINANCE AMENDING THE DESIGNATED OUTDOOR REFRESHMENT AREA KNOWN AS THE DOWNTOWN TROY DESIGNATED OUTDOOR REFRESHMENT AREA AND REGULATIONS PROVIDED FOR BY ORDINANCE NO. O-11-2021

This Ordinance was given first title reading.

Discussion: Mr. Rozell asked if the DORA expansion had been discussed with the Board of Park Commissioners, as two of the Commissioners indicated they were unaware of the proposed amendment to expand the DORA. Mr. Titterington stated that the DORA expansion was reviewed with the Board some weeks ago and he would again review this with the Board.

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

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

No: None.

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

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

No: Rozell and Twiss.

ORDINANCE ADOPTED

COMMENTS OF MAYOR ODA:

The Mayor expressed appreciation of Crown Equipment providing funds to assist with the Police Department juvenile safety program and DARE and the Fire Department Hometown Heroes Fund with The Troy Foundation.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington noted that City Offices will be closed February 20 for the Presidents' Day Holiday, with refuse collection and recycling on schedule.

There being no further business, the meeting adjourned at 7:37 p.m.

Clerk of Council

President of Council