

MINUTES OF COUNCIL

A regular session of Troy City Council was held on Monday, June 5, 2023 at 7:00 p.m. in Council Chambers, City Hall.

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

Upon motion of Mr. Phillips, seconded by Mr. Pierce, Mrs. Snee was excused from this meeting by unanimous roll call vote.

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| 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 Member Schilling, followed by the Pledge of Allegiance.

PUBLIC HEARING: At 7:06 p.m., Council President Lutz declared open a public hearing on 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. The following commented:

-Peter Zelnick, 2110 Nashville Road - property taxes from the development may not be sufficient for the cost to educate each student (estimated at \$13,000-\$14,000 per student), which could result in increased taxes; this developer tends to develop narrow and deep lots and the homes may be prefab; he would prefer to see a school constructed on the property or a less dense zoning than R-5.

-Sarah Kampfe, 1100 Winchester Drive – the City’s Comprehensive Plan indicates this land is marginal for residential development and is prime farm land and indicates the land is poorly drained; the zoning should be consistent with the adjacent Kensington Subdivision, which is zoned R-3 and R-4; she believes there could be 98 – 200 homes constructed; she is concerned if the infrastructure can support that many homes; there could be a negative impact on Concord School, the oldest and most populated elementary school due to the number of students this development could bring; concerned with traffic movement as there have been several accidents at Nashville Road/SR 55; she asked the City to do a speed study four years ago and that has not been done; this developer has often used Ryan Homes, which has a poor reputation regarding quality and cooperation; and she peers to have the agriculture zoning remain or the land developed incrementally consistent with the Comprehensive Plan.

-Christina Ryan-Claypool, 2851 Huntington Drive – main concern is traffic control as there have been a number of accidents that have taken place on Nashville Road with the current development, and that Concord School is already overcrowded.

-Joseph Graves, President of the Troy Area Chamber of Commerce and CEO of the Troy Development Council, commented that workforce housing is a major need in Troy; when he meets with business and industry leaders, he is told that the lack of affordable workforce housing is one of the three impediments that stops a business from growing; local businesses are competing for workers with large employers in nearby communities; and Troy needs to do more as a community to address the lack of workforce housing.

-Jim Kinninger, 2690 Shady Tree Drive – Troy appears to be growing faster than the infrastructure can support; there are regular accidents along SR 55; and the drainage is not well maintained.

-Randy Mott, 2546 Swailes Road – owns an adjacent 160 acre farm; he is not opposed to the rezoning and understand the shortage of workforce housing; the watershed area of 849 acres goes across his farm and ends up in the Shenandoah Subdivision; a large culvert under Nashville Road dumps into a ditch along Swailes Road; the concern is that the City bases detention and retention requirements on a 100 year storm, but 100 year storms are now prevalent and the standard needs to be updated; with the rains and poor drainage, he has lost his driveway twice in a year; the retaining rate of releasing storm water should be based on what is currently being experienced; and people downstream are very concerned about drainage.

-Jonathan Bills of DDC Management, for the developer, commented that the developer has been working with staff for several months through the annexation process; he will work with the City Engineer to make sure stormwater is not being released faster than it is today on undeveloped land and does not create a problem; the company will do a full stormwater management study; he understands traffic is an issue that has to be improved; the developer works with different builders; modular or prefab homes are not intended; while price points are not finalized, the average home price is not under \$250,000-\$275,00 and he expects Troy would be higher than that; while the developer does use narrower and deeper lots, that is what cities request to reduce road paving costs, but the house sizes are not smaller; R-5 zoning has a minimum lot size, but lots are bigger than the minimum; and a narrow and deep lot does not equal lower cost homes.

There being no further comments, at 7:44 p.m., Council President Lutz declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the May 15, 2023, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Schilling, seconded by Mr. Twiss, these minutes were approved by unanimous roll call vote.

The Clerk gave a summary of the minutes of the May 22, 2023, Special Meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Twiss, seconded by Mr. Schilling, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mr. Schilling, Chairman, reported that Committee recommends legislation be prepared to authorize a Resolution of Necessity regarding the completion of the Oakmont Creek Subdivision Section 5 for a course of surface asphalt, completion of unfinished sidewalks, and the placement of front survey pins.

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 the PY 2023 Chip Program Partnership Agreement between the Miami County Board of Commissioners, the City of Piqua, Ohio, and the City of Troy, Ohio. By participating in the agreement, the City agrees to administer three Owner Rehabilitation and two Owner Home Repair projects in the City of Troy. The total PY 2023 CHIP funding allocated to the City of Troy is \$247,125 to complete these projects and includes \$14,250 of general administration funds to administer these projects. As the County must finalize and file the application by June 22, Committee supports emergency legislation.

Report submitted by Schilling, Severt and Rozell

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

1) Committee recommends legislation be prepared to approve the Expansion Project Agreement Application of the Employee Creation Incentive Program filed by Project Next. This expansion project is in accordance with Ordinance No. O-22-2020 under which the City can grant a credit against the municipal income tax paid by an employer based on the employer meeting criteria. Project Next's expansion project includes 54 new employees with an annual payroll of over \$2.6MM. So that the application can be approved without delay and the company move forward with the project, this Committee supports emergency legislation.

2) Committee recommends that legislation be prepared to authorize the Miami Valley Communications Council (MVCC) to act on the City's behalf regarding the opt-out natural gas aggregation program; adopt the Plan of Operation and Governance of the MVCC Natural Gas Aggregation Program; establish two public meetings at 3:30 p.m. and 6:30 p.m. on June 29 to discuss/explain the program to interested parties; and authorize the Director of Public Service and Safety to execute any related documents. Committee supports emergency legislation so that the public meetings can be advertised and there is no delay in proceeding to establish the Opt-out Natural Gas Aggregation Program.

3) Committee supports the City proceeding to purchase a demo ambulance through the State Purchasing Cooperative for \$258,000 plus approximately \$9,000 for items such as wrapping, radio, etc. Committee noted that two ordered and encumbered ambulances have considerable delay in delivery due to supply chain issues. As legislative action is not required as the item will be purchased through State Purchasing; Committee will ask that Council accept the Committee Report. A motion was made by Mr. Phillips, seconded by Mr. Pierce, to accept the Finance Committee report to purchase a demo ambulance through state purchasing. Motion approved by unanimous roll call vote.

Reports submitted by Phillips, Rozell and Severt.

4) Finance Committee also considered a staff recommendation that the City establish a fee of \$5 per month, in addition to the current refuse/recycling fee of \$17.50 per month per residence, for those residences that request and qualify for a larger refuse tote, which would be a size of 96-gallon. Troy's standard tote size is 65-gallon.

MAJORITY RECOMMENDATION:

It is the recommendation of the undersigned that the requested fee not be supported.

Recommendation submitted by Phillips and Severt.

MINORITY RECOMMENDATION

It is the recommendation of the undersigned that legislation be prepared establishing a fee of an additional \$5 per month for residences provided a 96-gallon refuse cart.

Recommendation submitted by Rozell.

Discussion. Mr. Phillips commented that as additional information has been received from staff, he asks that this item again be reviewed at the next committee session.

Law & Ordinance Committee: Mr. Severt reported that Committee supports the C-1 and C-2 TREX liquor permit application of Troy Station, LLC for a location at 1511 S. Market Street, Troy, Ohio as an economic development project with the applicant indicating at least 10 new jobs will be created by the new business. 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 Severt, Phillips and Snee.

A motion was made by Mr. Severt, seconded by Mr. Rozell, to approve the Law & Ordinance Committee Report to support the TREX application of Troy Station, LLC. Motion approved by unanimous roll call vote

Recreation & Parks Committee: Mr. Whidden reported that Committee met to consider a request that the funding for the Miami Shores Equipment Shed be increased based on change orders due to construction requirements within the flood zone.

MAJORITY RECOMMENDATION:

It is the recommendation of the undersigned that legislation be prepared increasing the authorization for the Miami Shores Equipment Shed to \$125,416.80, with the undersigned supporting emergency legislation as the construction has commenced and should not be delayed.

Recommendation submitted by Rozell and Whidden.

MINORITY RECOMMENDATION:

It is the recommendation of the undersigned that legislation to increase the funding authorization for the Miami Shores Equipment Shed be deferred until it can be determined if there is a coating on the wood that needs to be addressed and that would result in additional costs.

Recommendation submitted by Schilling.

Discussion.

-Mr. Schilling commented that he continues to be concerned about what he believes is black mold on the wood of the equipment shed; that it does not appear the wood has been inspected by someone with credentials to identify if there is a substance on the wood and what it may be, that he would like to see the wood tested and the coating cleaned off to assure that employees would not be subjected to a health hazard.

-Mr. Rozell commented that Council had received an email that if there was any mold it would be taken care of.

-Mr. Titterington commented that he had provided Mr. Schilling with an email that while the County Chief Building Official assured the City the building inspector could identify black mold versus weatherization, he had asked that the Director of Golf and Park Superintendent work together to see that the wood being used was sprayed with a bleach solution to alleviate any concerns.

-Mr. Schilling commented that he did not understand the email to be serious and he appreciates that the matter has been taken under advisement.

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

- 1) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a professional services agreement with LJB, Inc. of Miamisburg, Ohio, at a cost not to exceed \$121,761 for the design of the South Stanfield Road Reconstruction Project Phase 2, with the agreement including preparation of plans, design specifications, bidding documents, bidding estimate, and review of the bids.
- 2) Regarding the W. Main Street Improvement Project, there are four properties for which the City has not been able to reach agreement with the owners 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 individual owners, 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 the following parcels:
 - 0.029 acres for a temporary easement of the 2.042 acre Parcel D08-250722, in the name of Goodwill Industries of the Miami Valley,
 - 0.065 acres for a temporary easement of the 0.516 acre Parcel D08-058790, in the name of Giant Dayton, LLC,
 - 330 square feet for a warranty deed and 0.012 acres for a temporary easement of the 0.31 acre Parcel D08-098520, in the name of David R. Plummer, and
 - 0.016 acres for a temporary easement on Parcel D08-026740, 0.023 acres for a temporary easement on Parcel D08-026730, and 0.018 acres for a temporary easement on Parcel D08-098180, in the name of Lowe E. Joseph MD Trustee.

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.

COMMENTS ON COMMITTEE REPORTS OR AGENDA ITEMS: None.

RESOLUTION NO. R-33-2023

A RESOLUTION APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE MIAMI VALLEY COMMUNICATIONS COUNCIL NATURAL GAS AGGREGATION PROGRAM, FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING A NATURAL GAS PROGRAM; ESTABLISHING PUBLIC MEETING DATES; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO EXECUTE DOCUMENTS RELATED THERETO; AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-34-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH LJB, INC. OF MIAMISBURG, OHIO FOR THE DESIGN OF THE SOUTH STANFIELD ROAD RECONSTRUCTION PROJECT PHASE 2

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-35-2023

RESOLUTION DECLARING THE NECESSITY OF NEW SIDEWALKS, INSTALLATION OF A SURFACE COURSE OF ASPHALT, AND PLACEMENT OF FRONT SURVEY PINS TO COMPLETE THE OAKMONT CREEK SUBDIVISION, PHASE 5, IN THE CITY OF TROY, OHIO

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-36-2023

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO THE PY 2023 CHIP PROGRAM PARTNERSHIP AGREEMENT BY AND BETWEEN THE MIAMI COUNTY BOARD OF COMMISSIONERS, THE CITY OF PIQUA, OHIO, AND THE CITY OF TROY, OHIO FOR THE OHIO DEPARTMENT OF DEVELOPMENT (ODOD) COMMUNITY HOUSING IMPACT AND PRESERVATION (CHIP) PROGRAM, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-37-2023

RESOLUTION FURTHER AMENDING RESOLUTION NO. R-31-2021, AUTHORIZING THE BOARD OF PARK COMMISSIONERS OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR AN EQUIPMENT SHED STRUCTURE FOR THE MIAMI SHORES GOLF COURSE, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

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.

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.

ORDINANCE NO. O-29-2023

AN ORDINANCE APPROVING THE EXPANSION PROJECT AGREEMENT FILED BY PROJECT NEXT FOR THE EMPLOYEE CREATION INCENTIVE PROGRAM IN 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. Phillips.

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-30-2023

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-31-2023

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-32-2023

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-33-2023

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

PRESENTATION:

Beth Taylor of Community Rides to Work addressed Council. She noted that the organization is now a stand-alone non-profit; they use three vans and anticipate providing 8,000 rides to work during 2023; and she looks forward to working with the City. In response to Mr. Schilling about what she would wish for in working with the City, Ms. Taylor stated that would be a new van and the three used are old. In response to Mr. Twiss, she stated she works with local companies.

COMMENTS OF MAYOR:

Mayor Oda noted that a haze over Troy is due to Canadian wildfires, and the MVRPC had issued an air quality alert.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington noted that the Sculptures on the Square kickoff would be held June 16, and Juneteenth events will be held June 16 and 17.

COMMENTS OF COUNCIL MEMBERS:

Mr. Severt commented that a very successful Troy Strawberry Festival was held the past weekend.

CITIZEN COMMENTS:

-Sarah Kampfe, 100 Winchester Drive, in response to Mr. Graves' comments during the public hearing, stated that for many workers at Clopay, she did not think the houses proposed for construction on W. SR 55 (subject of rezoning public hearing) would be considered affordable housing based on the stated house price.

-Melissa Fowle, 1733 Rusk Road, stated she and her husband are involved with Buckeye Boys State and were asked to attend a local council meeting prior to the annual conference. She stated she was very disappointed that Troy High School does not support Buckeye Boys State. Mr. Twiss stated that, as a high school junior, he was the Troy student selected as Buckeye Boys State delegate, and suggested that Ms. Fowle reach out to the incoming Troy High School principal about the program.

There being no further business, Council adjourned at 8:48 p.m.

Clerk of Council

President of Council

