

MINUTES OF COUNCIL

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

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

Upon motion of Mr. Rozell, seconded by Mr. Whidden, Mr. Severt was excused from this meeting by unanimous roll call vote.

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

Presiding Officer:	Bobby W. Phillips	President of Council Pro Tem
Others Present:	William Lutz	Acting 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 Member Whidden, followed by the Pledge of Allegiance led by two members of Boy Scout Troop 1033.

PRESENTATION: On behalf of Rumpke, Mr. Lutz presented the Rumpke "Look Who Is Recycling" 2nd Quarter 2023 award to Amy Lewis of Thornhill Drive.

MINUTES: The Clerk gave a summary of the minutes of the July 17, 2023, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Rozell, seconded by Mr. Schilling, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Law & Ordinance Committee: Mrs. Snee, Chairman, reported that Committee recommends legislation be prepared establishing a moratorium of two-hundred seventy days on the uses listed on the attached within the DR-O boundary. The moratorium would allow staff time to perform a detailed analysis and provide any recommendations regarding amending uses to further protect the DR-O District. To enable immediate review, Committee supports emergency legislation.

Report submitted by Phillips, Severt and Snee.

Discussion. In response to Mr. Lutz, Mr. Titterington stated that the moratorium would include any rezoning application for any of the uses listed if within the DR-O boundary.

Oral Report. Mrs. Snee gave an oral report of notice from the Ohio Division of Liquor Control of transfer of the existing C1, C2 and D6 Liquor Permits from the name of Dads Carry Out LLC, 249 Union St, 1st Floor, to the name of Jasmeen K Gill, with the same address. The Troy Police Department has not recommended an objection or hearing request be filed.

Safety & Health Committee: Mr. Whidden reported that Committee recommends legislation be prepared authorizing the City to continue to participate in the Miami County Hazard Mitigation Plan and to authorize the Director of Public Service and Safety to execute any documents related thereto. Troy has participated in the plan since 2006. To receive FEMA funding due to damages from certain disasters, such as the City received following the windstorm damage from Hurricane Ike in 2008, Troy must be part of the County Plan or adopt its own plan.

Report submitted by Marshall, Whidden and Twiss.

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

1. Committee recommends legislation be prepared for the final assessment for the South Stanfield Reconstruction Project Phase 1 - Sidewalks and Shared Use Path. Property owners will then be notified of the assessment amount and given written notice to make payment within a 30-day period or have the amount assessed for collection with property taxes over a five-year period. Committee supports emergency legislation to meet the September 22 filing deadline of the County Auditor's office.
2. Committee recommends legislation be prepared accepting the recommendation of the Troy Planning Commission that Council accepts the dedication of 0.847 acres of Part Inlot 11561 and the acceptance of a 5' utility easement, which are part of the Swank Development Plat, and located along 1980 Fenner Road.

Reports submitted by Pierce, Snee and Phillips.

COMMENTS ON COMMITTEE REPORTS OR AGENDA ITEMS: NONE

RESOLUTION NO. R-46-2023

RESOLUTION TO CONTINUE PARTICIPATION IN A HAZARD MITIGATION PLAN IN CONJUNCTION WITH THE MIAMI COUNTY EMERGENCY MANAGEMENT AGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-41-2023

AN ORDINANCE ENACTING SECTION 1151.16 OF THE ZONING CODE OF THE CITY OF TROY, OHIO, AND AMENDING SECTIONS 1133.02, 1143.13, 1143.16, 1143.18, 1149.04, 1151.04, AND 1151.14 OF THE ZONING CODE OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading

ORDINANCE NO. O-42-2023

ORDINANCE LEVYING ASSESSMENTS FOR SOUTH STANFIELD ROAD RECONSTRUCTION PROJECT PHASE 1 – SIDEWALK AND SHARED USE PATH, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-43-2023

ORDINANCE ACCEPTING THE SWANK DEVELOPMENT PLAT, THE DEDICATION OF RIGHT-OF-WAY AND A FIVE FOOT UTILITY EASEMENT, LOCATED ALONG FENNER ROAD IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-44-2023

ORDINANCE IMPOSING MORATORIUM FOR A PERIOD OF TWO HUNDRED SEVENTY DAYS ON THE ACCEPTANCE OF APPLICATIONS FOR SPECIFIC USES WITHIN THE BOUNDARY OF THE DOWNTOWN RIVERFRONT OVERLAY (DR-O) DISTRICT OF THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF ACTING MAYOR LUTZ:

Mr. Lutz congratulated Ms. Lewis on receiving the Rumpke Recycling recognition, and he encouraged residents to attend the Miami County Fair.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington commented that the recent announcement of the City receiving a \$6 Million infrastructure grant towards the cost of the \$12 Million Wastewater Treatment Expansion had brought up the question if that funding could have any impact on the approved multi-year 5% per year sewer rate increase. Mr. Titterington noted that the City will pay for the expansion project by borrowing funds. The debt service payment was one of several factors in the calculations for the rate increase, with much of it based on personnel costs, operating costs (which includes items such as chemicals, fuel, and sludge management that have inflationary adjustments) and capital improvements. The 5-year Capital Improvement Plan (CIP) for the plant is over \$6 Million, not including the plant expansion. Staff is checking the estimates for the items in the CIP. In addition, the Sewer Fund balance has been less than what is considered the appropriate level, and increasing the fund balance was also a calculation for the rate increase. He said that he wishes to avoid expectations regarding the approved rate increase, but wanted to state that it is being carefully looked at; however, the best news is that with the grant, the City will need to borrow less than originally anticipated.

COUNCIL MEMBER COMMENTS:

- Mr. Rozell commended the Cemetery Department staff for assisting a family seeking information about location of graves of family members.
- Mr. Pierce and Mr. Phillips commented on the recent visit of 11 students and three adults as part of the Troy-Takahashi Student Exchange Program, and how well the visit went.

AUDIENCE COMMENTS:

- Stephen Henriksen, 975 Dickerson Drive, encouraged voting on August 8.
- Brad Boehringer, 105 Crestwood Drive, suggested people consider who is supporting the voting on State Issue 1.
- Christy Shell, representing Troy Community Works (TCW), commented that TCW hopes there is a solution to the building at 1218 W. Main Street. In response to Mr. Phillips, she stated TCW is still in conversation with the building owner about taking ownership of the building.
- Deborah Pike, 412 Ellis Street thanked the City for the removal of graffiti from the overpass; was advised that only the voters of a specific ward vote on the representative of that ward; and was advised that the City will look into her comments about a tree to the rear of her property but the City does not have responsibility if a tree is on private property.

There being no further business, Council adjourned at 7:45 p.m.

Clerk of Council

President of Council