

A regular meeting of the Troy Planning Commission was held in Council Chambers, City Hall on Wednesday, September 22, 2021, with Vice-Chairman, Mr. McGarry presiding. ATTENDING: Members – Titterington, Wolke, Westmeyer, Oda, McGarry and Ehrlich; Staff – Development Director Davis, Zoning Inspectors Eidemiller and Bruner; and Engineering Technician Watson.

**APPROVAL OF MINUTES:** Upon motion of Mr. Titterington, seconded by Mrs. Ehrlich, the minutes of the Sept. 8, 2021 meeting were approved by unanimous vote.

**HISTORIC DISTRICT APPLICATION, 123 E. MAIN STREET (HATFIELD HOUSE), PARCEL D08-000820, TO INSTALL A BLACK AWNING; OWNER – HATFIELD PROPERTIES LLC; APPLICANT – CAREY FLANERY.** Staff reported: property is zoned B-3, Central Business District; building was constructed 1841; the building is on the National Register; awning to be black; there is no wording on the awning; application meets requirements of minimum clearance of nine (9') above the sidewalk grade with a maximum projection of five (5') from the building; the property owner has provided written permission; and staff recommends approval based on the findings of:

- The proposed awning will meet the City of Troy General Ordinance requirements;
- The proposed awning will not detract from the historic integrity of the building and streetscape.
- The style of awning can be found in other areas of the Historic District.

A motion was made by Mr. Westmeyer, seconded by Mr. Wolke, to approve the historic district application for 123 E. Main Street as submitted, and based on the findings of staff that:

- The proposed awning will meet the City of Troy General Ordinance requirements;
- The proposed awning will not detract from the historic integrity of the building and streetscape.
- The style of awning can be found in other areas of the Historic District. **MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT APPLICATION, 1 N. MARKET STREET, PARCEL D08-006440, RUBY'S SALON, FOR EXTERIOR PAINTING; OWNER/APPLICANT – DIANA WRIGHT.** Staff reported: property is zoned B-3 Central Business District; the building was built in 1847 by Aaron Tullis and remodeled in 1871 by Joseph Henne; the quadrant in which the building is located is listed on the National Register; application is for Sherwin Williams paint colors:

- a) Primary building color: Pure White (SW: 7005)
- b) Trim color: Ticorn Black (SW: 6258)
- c) Accent color: Custom Pink that is made up of Magenta, New Red, and Deep Gold;

The application indicated that the proposed accent color of custom pink is the original hair dryer color; any window signs is not part of the final application, and the black and white checked area shown in the application will be solid black; and staff recommends approval of the proposed exterior paint modification, based on the following:

- The proposed modification does not hide any important features of the building as listed on the OHI form;
- The proposed primary building color can be found throughout the Historic District.

The applicant was preset and confirmed that the pink accent color is the color of the original hair dryers at the salon.

A motion was made by Mr. Titterington, seconded by Mayor Oda, to approve the historic district application for 1 N. Market Street as submitted, based on the exact colors stated in the application (Primary building color: Pure White (SW: 7005); Trim color: Ticorn Black (SW: 6258); Accent color: Custom Pink that is made up of Magenta, New Red, and Deep Gold; and based on the findings of staff that:

- The proposed modification does not hide any important features of the building as listed on the OHI form;
- The proposed primary building color can be found throughout the Historic District. **MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT APPLICATION, 113 N. MARKET STREET; PARCEL D08-000070; FOR INSTALLATION OF AN 8 SQUARE FT. WINDOW SIGN, J. G. ROOFING AND RENOVATIONS; OWNER/APPLICANT – JONATHAN GEBBIE.** Staff reported: property is zoned B-3, Central Business District; building was constructed 1885; the building is not on the National Register; building is permitted 60 square feet of signage with a maximum window sign allowance of 25% per window pane; application is for an 8 square foot window sign that measures 76" x 66" or 33.4 square feet, and would be constructed of blue and green vinyl; and staff recommends approval based on the findings of:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed sign will not detract from the historic integrity of the building and streetscape.

DISCUSSION.

-In response to Mr. Titterington, it was stated that the sign has been placed but the numbers at the bottom will be removed.

-In response to Mayor Oda, it was stated that there is a business on the first floor, and residence on the upper floor.

A motion was made by Mr. Titterington, seconded by Mr. Westmeyer, to approve the historic district application for 113 N. Market Street as submitted, including the material and color samples submitted to staff, and based on the findings of staff that:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed sign will not detract from the historic integrity of the building and streetscape.

**MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT APPLICATION, 121 W. FRANKLIN STREET, PARCEL D08-001930, REFACING OF EXISTING GROUND SIGN, GLASSHOUSE REALTY GROUP; OWNER – DONACO & JERRY LEWIS; APPLICANT – GLASSHOUSE REALTY GROUP.** Staff reported: property is zoned OR-1, Office Residential District; the property owner has provided written permission for the application; application is to reface the existing two-sided sign currently located on the southwest corner of the property; lettering material will be vinyl; sign colors are the following Hex color codes: Blue (#3385A6), Green (#4D7948), Black (#402927); and staff recommends approval based on the findings of:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed Sign will not detract from the historic integrity of the building and streetscape.

A motion was made by Mr. Wolke, seconded by Mayor Oda, to approve the historic district application for 121 W. Franklin Street as submitted including material, colors (Hex color codes: Blue (#3385A6), Green (#4D7948), Black (#402927), and graphics submitted, and based on the findings of staff that:

- The proposed sign will meet the City of Troy Sign Code requirements;
- The proposed sign will not detract from the historic integrity of the building and streetscape.

**MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT APPLICATION, DEMOLITION OF 112-118 W. MAIN STREET; OWNER – APPLICANT 116 W. MAIN LLC – RANDY KIMMEL.**

REMOVE FROM TABLE. A motion was made by Mr. Titterington, seconded by Mr. Wolke, to remove the application from the table.

MOTION PASSED, UNANIMOUS VOTE

Staff had submitted a report as part of the minutes of the September 8 meeting. The Commission set a schedule for comments of those supporting and opposing the demolition, which was reiterated by Mr. McGarry. Mr. McGarry stated that time frames set will be followed, and that redundant comments would not be accepted.

Staff reported:

**“BACKGROUND:**

The applicant requests a Certificate of Appropriateness from the Troy Planning Commission regarding the demolition of a three-story commercial building that is 17,500 square feet located at 112-118 West Main Street. The owner has provided an application, a narrative justifying the reasons for seeking demolition, and supporting documents. The property is zoned B-3 Central Business District and is located in the middle of the block between S. Plum Street and S. Cherry Street. (Aerial Map & Building Pictures Attached).

There is no Ohio Historic Inventory (OHI) form for this building. The building is not listed on the National Register. There are OHI forms for the adjacent buildings (110 and 122 W. Main) and across the street (Masonic Temple). Staff has reached out to the state Ohio History Connection and they also were unable to find any record of a building survey. A building marker placed at the top of the building indicates the Independent Order of Odd Fellows, along with a second marker located just above the 1<sup>st</sup> level that dates the building at 1902. Additionally, the Troy Historical Society in 1969 placed a bronze building plaque at the center entrance that reads, “COURTHOUSES and JAIL – LOG JAIL built here 1808. LOG JAILER’S HOUSE built beside it in 1810. A second floor over both served as Troy’s SECOND COURTHOUSE 1811-24. Troy’s FOURTH COURTHOUSE—Two-Story, Greek Revival, brick building with columns in front and a belfry. Erected 1841, used until 1888. Rear part still intact.” Apart from these building markers, there is little to no documentation except from the evaluation reports of the structural engineer and contractor indicating the multiple renovations (over the years within the buildings that include: alterations to the first-floor facade and storefront windows and removal of window hashes. Obvious damage to the decorative cornice and separation of front facade to the building envelope (Structural report attached).

**DISCUSSION:**

The property was purchased by 116 West Main LLC (Randy Kimmel) in February of 2018. For a time, the building went through planning phases to preserve and redevelop the property and was marketed for lease. In January 2020, a tornado hit the building and did extensive damage to the roof system and structural integrity of the whole building. The owner concluded after a series of inspections and evaluations from the Miami County Chief Building Official (CBO), the building contractor and a structural engineer, that renovation was not possible both economically and due to the time constraint to resolve the unsafe conditions. The owner hired Bruns Realty Group to lease or sell the building, but was unable to find a viable tenant or buyer.

In September of 2020, the property owner submitted a demolition application for the property. Below is a timeline of events that occurred after the original demolition order was submitted:

- October 14, 2020, the Planning Commission reviewed the demolition request from applicant and owner Randy Kimmel regarding 112-118 W. Main Street. After providing background and discussion of the Standards for Demolition for Removal of the Troy Zoning Code, city staff had found that 2 of the 4 criteria were met for Planning Commission to consider demolition. Staff concluded with recommending demolition and acceptance of a surface parking lot reuse plan. Planning Commission tabled the request to allow interested parties to contact the Commission before the next meeting and to allow a representative of the structural engineer and building inspector to attend.
- October 28, 2020, the Planning Commission removed the application from the table. The Commission noted that they had received a large number of emails. City staff indicated the property owner’s structural engineer would do a more in-depth analysis and the city would engage a second firm, Woolpert, to provide a peer review. At the request of the applicant, the Commission tabled the application and discussed the process for a future meeting where the applicant and the opposition would each present their case. Commission unanimously passed a motion that stated the presentations would start with the applicant given five minutes and then the primary opposition given five minutes to present. Then both the applicant and the opposition would have three minutes each for a second presenter.
- December 23, 2020, the application remained tabled at the request of the applicant. Chairman Kappers noted that each member of the Commission should have received a copy of the Wolpert peer review of the Tri-Tech Engineering report regarding the building, and suggested that they review the report (**Attached**).
- January 19, 2021, the CBO, edited the original adjudication order to show that some repairs are needed but it is not in imminent danger of collapse. The edits removed the verbiage stating “or it shall be razed” to the “building cannot be occupied until the repairs are made”. This was a result of the 3<sup>rd</sup> party engineering report with peer review comments.
- February 23, 2021, Planning Commission revisited the demolition application. It was stated that Troy Development Council secured a purchase agreement on the property and spent a significant amount of time with the property owner to evaluate two options in addition to the demolition application:

**Option A.** With the building being available for sale, the Troy Development Council (TDC) attempted to purchase the building contingent upon more detailed estimates as well as securing financing to make the necessary repairs to stabilize the building. The TDC also factored in the exterior façade repairs and first floor interior renovations for tenant occupancy. The City of Troy offered financial options to help off-set repair and renovation costs. Ultimately TDC was unable to obtain the financial commitments required to meet the basic cost estimates for the improvements, making the option to purchase and repair cost infeasible. Cost estimates for first floor occupancy level renovations were approximately two million above the stabilization costs.

**Option B.** The property owner considered a large loan from the city that would have funded basic structural repairs to stabilize the building. However, the building owner was unable to secure future first floor tenants, which is needed to make a proforma work to fund the renovation costs and is a condition by the City for a loan.

The applicant submitted a letter prior to the meeting asking that any public dialogue be delayed until the commission meeting of March 24, 2021 to give the owner time to consider options. This item was tabled as requested.

- March 24, 2021, Planning Commission accepted the retraction of the demolition application as a second purchase agreement was entered into. The purchase agreement was extended through June 2021 to allow for the purchaser to complete independent inspections and evaluations of the structure. The City provided financing options to help offset the cost of the exterior façade repairs and interior renovations, however, the purchaser revoked their purchase agreement due to the large repair and renovation costs, which were priced at \$4.1 million.
- July 9, 2021, the Miami County Department of Development edited the Adjudication Order to state “Unsafe conditions related to public safety must be resolved within 45 days. Unsafe conditions related to occupants inside structure must be resolved before occupancy.”
- July 13, 2021, the City of Troy Development Department issued Orders to Repair Structure and listed multiple issue that required corrective action or an action plan to remedy the cited issues. The order provided for a 30-day compliance period.
- August 13, 2021, the City of Troy Development Department received and approved an extension request from the property owner through September 1, 2021.
- September 1, 2021, the property owner submitted a Demolition Application regarding the structure at 112-118 W. Main Street.

**STANDARDS FOR DEMOLITION OR REMOVAL:**

Section 1143.22(f)(10)(B)(1) requires that demolition permits shall not be issued unless accompanied by an approved certificate of appropriateness and a certificate of appropriateness may only be approved if clear evidence that two or more of the following conditions exist:

- I) The structure has incurred extensive damage to its basic structural elements such as the roof, walls, and foundation requiring substantial reconstruction and presenting an immediate danger to the public safety as declared by the Chief Building Official.
- II) The structure is listed as non-qualifying or is not consistent with other structures in the historic district in terms of historic character, architectural style, construction material, height, setback or mass.
- III) The square foot cost of meeting the minimum building code would exceed the square foot market value of similarly used and improved structures in the historic district.
- IV) The structure is contributing and has been declared a public nuisance and its removal will not adversely affect the architectural or historic integrity of the streetscape.

When reviewing these standards:

- I) The CBO issued an Adjudication Order on September 28, 2020 declaring “Unsafe conditions must be resolved within 60 days of receipt of this letter or the building shall be razed.” The CBO posted notice that the building is dangerous and unsafe and barricades remain around the building keeping the public at a safe distance. The CBO edited the Adjudication Order on January 19, 2021 stating “Unsafe conditions must be resolved before structure can be occupied.” The CBO edited the Adjudication Order on July 9, 2021 stating “Unsafe conditions related to public safety must be resolved within 45 days. Unsafe conditions related to occupants inside structure must be resolved before occupancy.” Staff contacted Mr. England who stated that the aftermath of the tornado compromised the structural supports of the building. Being an old-style building, the masonry walls are structural, which shifted from the storm, pulling floor joists out of their pockets. Additionally, he observed rot that has set into the joists over decades of leaks coming into the building. Mr. England stated that Miami County Building Department oversees five counties, and in the last five years he has placarded only four buildings as unsafe, with this being one of them. Staff concludes that this standard has been met.
- II) The front of the property is fairly consistent with other structures in the historic district in terms of historic character, architectural style, construction material, height, setback and mass. Built in a similar era of the adjacent buildings (122 W. Main St. built in 1897) and (110 W. Main St. built in 1910), the I.O.O.F building of 1902 was joined with previous structures, including the remnant south section of the fourth courthouse. Other than the building plaques from the Historical Society in 1969, there is little to no formal documentation filed as to the historical significance. The number of alterations to the principal 1902 building on W. Main Street may deem it as non-qualifying for the National Register, although no OHI form indicates it as qualifying or non-qualifying. In November of 2020, from the State Historic Preservation Office, a letter indicating that the property appears to qualify for nomination to the National Register of Historic Places as a contributing resource. Because historical documentation is incomplete or missing, staff is unable to determine that the standard is met or not met.

- III) The third standard requires the square foot cost of meeting the minimum building code would exceed the square foot market value of similar structures in the historic district. The information provided by Bruns General Contracting, shows a cost of \$659,788 to minimally meet the building code standards to be safe. Coupled with the acquisition costs of \$485,000, the price per square foot is \$67.34 (Exhibit B). The most similar commercial building nearby is the Masonic Temple, which was purchased for \$670,000 and is in stable condition. That square foot value comes to \$23.81 square feet. The applicants argue that the minimum repair costs far exceed the square feet market value of similar structures. They estimate substantial additional costs on top of the \$659,788 number, once repairs are initiated and more damage is discovered. In addition to the estimates provided by Bruns, the applicant has provided an economic hardship breakdown in his narrative regarding the need to generate double the market rate in order to achieve profitability and positive cash flow. In participating in both purchase contract discussions, staff feels the repair costs far exceed the value of the property after two purchase contracts were revoked due to independent estimates. Staff concludes that this standard has been met.
- IV) The fourth standard requires the structure to be declared a public nuisance with no adverse impact on the historic integrity of the streetscape. The property has been posted as unsafe to the public, making it a public nuisance. According to Chapter 3767.41 of the Ohio Revised Code, Buildings found to be "public nuisance" means "a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment." Staff concludes that this part of the IV standard has been met.

The second criteria consider whether removal will result with an adverse effect on the architectural or historic integrity of the streetscape. It is difficult to determine the level of any adverse effect, when the building is deemed unsafe, and knowing it is tied to multiple building structures unseen from the street. However, the removal of the building with a three-story mass along Main Street will change the visual streetscape and relationship to the adjacent buildings. Staff is unable to support this second part of the fourth standard.

Section 1143.22(11) provides criteria to determine substantial economic hardship. The applicant believes they meet these criteria due to:

- 1) That the square foot cost of meeting the minimum building code and requirements of the Ohio Building Code, Section 109 exceeds the market value of the property. Beyond the initial storm damage repair costs, the needed improvements to lease the space would require rents well above market value for Downtown Troy.
- 2) No reasonable alternative exists consistent with the architectural standards and guidelines due to the costs of repairs and the time constraints to make the repairs for reuse of the building.

Section 1143.22(12) gives criteria for unusual and compelling circumstances which the applicant believes they meet based on:

- 1) The property has little or no significant historic and architectural significance and is listed as non-qualifying for the National Register.
- 2) The applicant has demonstrated that the property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines.
- 3) Similarly, no reasonable means of saving the property exists due to the above market value costs associated with the remediation and repair needed to stabilize the building.

#### REUSE PLAN:

Planning Commission may consider other appropriate reuse plans under Section 1143.22(10)(B)(2)(V), "when no alternatives or mitigation is possible and the undertakings benefits in relation to the significance of the property justify demolition as an acceptable loss."

The applicant has submitted a reuse plan that results with a lot suitable for development and marketed as premium downtown development land by properly compacting the site with fill and seed and straw. The applicant states special caution will be taken during the demolition process to sections of the building that adjoin neighboring structure. Demolition will be performed by hand and in some cases with small-scale equipment. It is noted that extensive structural investigation has been completed in order to understand the scope of work necessary to prevent damage to the neighboring structures.

This application has been reviewed for compliance with all requirements of the zoning code except for the additional design standards imposed by the historic district regulations and has been found to comply with same.

#### RECOMMENDATION:

Staff recommends approval for the demolition of the existing structure as proposed, with the condition that a performance bond is posted with sufficient funds to insure completion of the demolition and reuse plan. This finding is based upon the following:

- o The property meets the criteria listed in the Historic Preservation Overlay District, Section 1143.22(f)(10) demolition standards;
- o The property is not listed on the National Register or OHI form;
- o The building has been declared unsafe to the public;
- o The applicant has demonstrated substantial economic hardship for the repair costs due to tornado storm damage making the building economically obsolete;
- o A minimal reuse plan has been submitted."

#### DISCUSSION.

-In response to Mr. McGarry, staff advised that the action of the Commission is to consider approving the Certificate of Appropriateness of the application and, if approved, staff would request/approve any other required items before the demolition could proceed.

-In response to Mr. Wolke regarding options of the County (based on the County Chief Building Official's orders), staff stated would be up to the County and staff could not speak to that.

**SPEAKERS PROPOSING AND OPPOSING THE APPLICATION.** At the previous meeting, the Commission approved a schedule regarding speakers.

Derek Muncy, proponent of the application: Mr. Muncy discussed the events since Mr. Kimmel purchased the property, commenting that Mr. Kimmel has purchased four other properties in downtown Troy, has invested in the downtown, and will continue to do so. With this property, demolition is needed as the property is structurally not sound, a January, 2020 tornado caused significant damage, roof trusses have failed over the original courthouse and the roof has failed over the early 1900 addition, the tornado left the structural support compromised, the structure is unsafe and not fit for occupancy, an October 2020 inspection showed further damage from the tornado and walls have clearly shifted, the damage and condition has been substantiated by inspectors, and the owner cannot afford to repair the structure.

-In response to Mr. Wolke, Mr. Muncy commented that the pre-damage market value was \$485,000, he cannot state how that number was determined, but the owner feels he cannot recover what he has spent.

-Mr. McGarry asked if the boutique hotel is proposed as a reuse plan. Mr. Munch commented that the owner understood the City did not want a parking lot on the lot, the owner has a contract to sell conditioned upon the demolition of the existing structure, but a boutique hotel would have to be part of a new application for a new building. Regarding bonding and if the owner will provide a bond for assurance of a new building, Mr. Muncy commented that the owner cannot provide a bond for a new building while the current one still stands.

-In response to Mr. Wolke, Mr. Muncy confirmed that a potential buyer will not make a commitment for purchase or a plan while the current building still stands. Mr. Munch commented that a new building will provide a return on investment, not economically feasible with a renovation; there will be a bond for the demolition, and then an application for a new build.

-Mr. Davis commented that there are issues with timing – the building is under orders of the City and County and for the County to remove the orders the unsafe issues have to be handled.

-Mr. Titterington commented that is not unusual for the Commission to approve a certificate of appropriateness with initial green space as a reuse and then later another reuse plan is submitted.

-Mr. Davis noted that 10 of the 11 demolition applications since 2010 had grade and seed for the initial reuse, with other plans submitted a year or two later.

-Mr. McGarry asked if the City denies the application or takes no action, does that leave CBO in charge and would take away the City authority for reuse? Staff commented that the question may require review of the Law Director.

-Chris Manning, opponent of the application: Ms. Manning stated she represents Troy Historic Alliance; does not believe the building meets the standards for demolition approval, documentation has not been provided for demolition, documentation has not been provided showing present and immediate danger. The public safety needs could have been met by the owner using insurance payments to make repairs, and the Troy-Miami County Public Library (Library) has submitted a proposal for the building and is interested in acquiring the building for some library services.

-Mr. Titterington stated that the Library representative sent an email stating not being interested at this time as there is a contract to purchase the building; that per the County CBO's declaration, staff has had several conversations with him about the poor condition and that is why the City had to put up fencing to protect the public should debris fall.

-Mr. Titterington stated that the Library representative sent an email stating not being interested at this time as there is a contract to purchase the building; that per the County CBO's declaration, staff has had several conversations with him about the poor condition and that is why the City had to put up fencing to protect the public should debris fall.

-Ms. Manning commented that the owner did not take steps to repair the north parapet wall, and if that had been done the fencing could have been removed and the sidewalk opened.

-Derek Muncy, proponent of the application: Regarding the insurance, Mr. Muncy stated that Mr. Kimmel fixed three properties that were damaged but it was not economically feasible to repair this building, coverage on the building was limited at 50% as the building was vacant, damage is more than the parapet wall – walls shifted, roof trusses damaged -- and all costs to repair exceed the insurance payment. He also commented that the fence was placed due to danger; the building has been inspected by local businesses with the indication that it would be 3 times the rental cost per square foot if the property was repaired as compared to the rental charged for a new construction.

-Jeremy Tomb, Opponent to Application: Mr. Tomb stated he has the adjacent property and demolition would include part of his building as the walls are not independent, the applicant does not actually know what might be demolished, he questions the authority of the City to approve a demolition that may include part of his building but is not part of the application, and moving forward without assurance of protection of adjacent properties could create a liability issue for the City. Mr. Tomb commented that some concerns were transmitted to the Director of Law and he is awaiting a response.

-Mr. Titterington commented that an approved application to demolish one address does not include adjacent properties and any issues related to common and non-common walls are a civil matter between property owners, and the bond the owner must provide is only related to a reuse plan.

-Mr. Muncy commented that no supporting walls will be removed, there will be no damage to adjacent properties, and painting of the exposed walls above two floors will be done by hand after demolition.

Other comments:

-Mark Stewart, 1486 Cheshire Road – opposes the demolition, does not believe the 2<sup>nd</sup> qualification for demolition has been met.

-Scott McMiller, 2075 Swailes Road – opposes the demolition, applicant paid for times the value of the building, and rental costs are inflated based on the rent being received for the newly renovated CAS building.

-Lottie Welbaum, Caldwell St., Piqua, - the 4<sup>th</sup> condition for approval has not been met – that public health confirmed the building has not been declared the property a public nuisance, City does not have jurisdiction, staff had stated they could not support the second standard for demolition.

-Mark Stemmer, 286 Blackfoot Court, of Tri-Tech – Tri-Tech was not afforded access to the adjacent properties when the assessment was made, to the west the property shows separate walls, typically adjacent buildings put in their own walls and the structure should be separate, it does not show the next property is supported by 112 W. Main Street, the walls may be independent, but it could be flashing materials.

-Loraine Wyatt, 118 S. Walnut Street – Mr. Kimmel owns several properties, it is not a community concern if he pays a premium price, the application goes against the spirit of the demolition standards; the Commission should be concerned about the precedent it is setting.

-Nathaniel Green, 122 Race Street – opposes the application, any application for purchase contingent on the demolition should be part of the application for review, the Library offer should be considered.

Terry Purke, 1125 Westridge Drive – he is a local historian, rear portion of the building was constructed in 1841 and served as the County Court House, it is a tangible link to the city's early African American History, the area discouraged Black residents and Black persons had to go to that Court House location to post evidence of being a free person.

-Rachelle Via, Director of the Troy-Miami County Public Library, 1125 Halifax Drive – the Library looked at services they could provide at 112-118 W. Main Street, heard that it was under contract and do not want to interrupt the procedure, but if the Library could occupy the building it could serve as a tech center and there would be other opportunities that would be closer to the current Library location.

-Mrs. Ehrlich asked Ms. Via about the funds for renovation. Ms. Via replied that it would have to be a community effort and the community would have to "put up or shut up"; she also noted that the Board has not been asked to commit to a purchase and renovation, but has about \$3 million to spend, but also has to address issues with maintaining the current Library building from those funds, and she realizes it would not be quick solution.

-Mr. Westmeyer asked Ms. Via about not asking for a contract to purchase. Ms. Via commented that the Library Board cannot just turn on a dime, and would have a lot of work to do; this meeting was scheduled prior to the Board meeting; she did not want to stall the process of the pending sale; and she wishes the Library use had been considered earlier.

-Mr. Titterington commented that the City was only notified of the Library idea last week and the initial demolition application started more than a year ago. He also noted that many have walked through the building and did not proceed, with the Library only coming forward after the orders were issued.

-Judy Tomb, McCurdy Road – it is not the duty of staff to see that Mr. Kimmel makes a nice profit and the City should not be involved in selling to other investors, and it seems that City staff has been deceptive. Gregg Harris, former City employee who resigned, counseled Mr. Kimmel, decided not to tell the Commission about the \$180,000 insurance settlement, there is only parapet and roof damage, and she made an offer to purchase the building.

-Brad Boehringer, 180 Crestwood – this is demolition by neglect, the tornado did not do the damage that has been stated, code enforcement should have made the owner repair the building.

-Michael Fox – he has fond memories of the building that perhaps the Commission does not share, tearing down the building is tearing down memories; the public has not been allowed to go in the building to see it.

-Andrea Keller, Troy Main Street (TMS) Executive Director – the TMS Board stands on the side of historic preservation; she reached out to Heritage Ohio which has concerns about a grass lot as a reuse plan, and noted concerns should the hotel plan fall through.

-Ben Redick, Bruns Realty Group, who has been handling the marketing of the property for the owner - in marketing the building, the owner consulted brokers to get a sale. Regarding the hotel not being part of the reuse is that the proposed buyer has months of work before being able to make a commitment. This property was shown to over three dozen interested parties to commitment, none of whom would commit to purchasing the property.

- Mrs. Ehrlich asked if the historical society has been contacted regarding purchasing the building. She was advised that no offer was made. Mr. Redick commented that it was too big of a project.
- Mr. Wolke asked about the value of the land if vacant, and was advised that the asking price plus demolition is \$500,000-\$600,000.
- Mrs. Ehrlich asked if the historical society has been contacted regarding purchasing the building. She was advised that no offer was made. Mr. Redick commented that it was too big of a project.
- Mr. Wolke asked about the value of the land if vacant, and was advised that the asking price plus demolition is \$500,000-\$600,000.
- Christy Shell, 1205 Hillcrest Drive, President of the Board of Troy Community Works - noted that a number of properties have been improved in downtown Troy and she encourages ways to make that happen for this building, Mr. Kimmel is not taking the role of making something happen for the building like other property owners have. She asked that time be allowed for the Library to work to purchase the building.
- Tim Miller, 123 S. Plum – it is possible to see paintings on the wall inside the building, it is not good that the fence has remained so long.
- Mr. Wolke asked Mrs. Tomb about her offer to purchase and what she would do with the building. Mrs. Tomb responded that if Mr. Kimmel would give her the insurance check, she would pay \$125,000 and then renovate the building. She further commented that Mr. Kimmel overpaid for the building, as it had previously sold for \$125,000. Mr. Davis commented that the appraised value after the tornado was \$440,000. Ms. Tomb questioned why tear down a building with that value.
- Mr. Titterington asked for a discussion on the questions about property maintenance. Staff commented that staff was advised by the County CBO and the Law Director to keep the fence up; after the demolition was application was taken off the agenda months ago the City looked into solutions to save the building including loans and grants with some prospective buyers, but the total project costs were too high; the City’s property maintenance authority is limited to the exterior and the County handles interior matters.
- Mr. Westmeyer asked if Mrs. Tomb would give \$125,000 to the Library to assist with the purchase, with Mrs. Tomb advising she was not aware of the Library plan.
- Mr. Muncy stated that the \$125,000 purchase price of the building was at a Sheriff’s Sale.
- Carol Kerber, 326 S. Plum Street, challenged Mr. Kimmel to donate the building so that interested parties could raise repair funds. She said that if Mr. Kimmel donates the building to the Library she will provide seed money for the renovation.
- Scott McMiller offered to donate making the parapet repairs.
- Mayor Oda – She understand the property was for sale before the tornado; she does not understand why members of the audience want the City to tell a private owner what he can do with his property; the demolition process has been over two years; the fence is in place because the County advised it should remain; any major history of the building was lost in 1990 when the building was no longer a courthouse and the front façade was changed and replaced; and no one had made an offer to purchase the building. Members of the audience commented that the Commission determines what the owner of a property can do with the historic district applications considered.
- Paul Lauzau, 123 Countryside Drive – he is the financial person for the Library Board, he understands why people may not be able to make the finances work if the plan is to renovate and rent; the Library would be a public use that makes sense because the building would be owner-occupied.
- Shane Carter, LeFevre Road – stated concern about the comment of the Mayor regarding the history of the building being lost, that history did not die in 1900, the Troy area is where African American persons came because they could feel safe, and this building is the location where they came to register that they were free.
- Randy Kimmel - one of the offers was for owner occupied but the project was not economically feasible, he did not ask for the tornado and that damage; prior to the tornado he had some permits; starting over after the tornado is not economically feasible without a big donor.
- Diane Miley, 223 S. Oxford Street, asked if the columns are still in place behind the façade, and was told they are not. Ms. Miley asked if it would be possible to tear down part of the building back to where the old courthouse stood. Mr. Kimmel stated that has not been looked at, but would not appear to be economically feasible.
- Mr. Westmeyer stated he appreciated the Library’s discussion, but the County has established a time schedule to address the building.
- Mrs. Ehrlich commented that those in a historic society have to be in a financial position to address properties.
- Ms. Manning commented that the Historical Alliance is a new organization and does not yet have funds, but wants to have historic buildings for people to enjoy as historic properties help bring people to Troy.
- Mark Stewart – it was said that the former Trinity Episcopal Church was to be torn down, and it is now being restored.
- Regarding allowing more time, Mr. Titterington stated there is a purchase contract and with that contract in place it would be at least 3 months before another contract can be considered, and there are pending County orders on the building.
- Sonia Holycross – commented that there needs to be diligence to cultivate history whether this building remains or not.
- Mr. Wolke commented he would like to hear from the Law Director regarding the allegations of Mr. Tomb (re his adjoining property), and moved to table the decision on this application pending that information. Motion seconded by Mr. Titterington.

**MOTION TO TABLE PASSED BY UNANIMOUS VOTE.**

OTHER: Mr. Davis advised that the roof on the Agave & Rye business -Northwest corner of Public Square – is being replaced with a like roof, which does not require historic district review.

There being no further business, the meeting adjourned at 5:51 p.m. upon motion of Mr. Westmeyer, seconded by Mr. Titterington.

Respectfully submitted,

\_\_\_\_\_Chairman

\_\_\_\_\_Secretary