

MINUTES OF COUNCIL

A regular session of Troy City Council was held Tuesday, January 17, 2017, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Oda, Phillips, Schweser, Snee, Terwilliger, Tremblay and Twiss.

Presiding Officer: Martha A. Baker President of Council

Others Present: Michael L. Beamish Mayor  
Patrick E. J. Titterington Director of Public Service and Safety  
Grant D. Kerber Director of Law  
John D. Frigge Auditor

INVOCATION: An invocation was given by Mayor Beamish. The Pledge of Allegiance followed the invocation.

PUBLIC HEARINGS:

At 7:02 p.m. Mrs. Baker declared open a public hearing on Ordinance No. O-2-2017, the rezoning of parcel DO8-012080, 214 S. Mulberry Street, from M-2, Light Industrial District, to B-2, General Business District. There were no comments in this regard, and at 7:03 p.m., Mrs. Baker declared this public hearing closed.

At 7:04 p.m., Mrs. Baker declared open a public hearing on Ordinance No. O-3-2017, Amending Section 1143.16, enacting Sections 1149.13 & 1149.14 of the Zoning Code, regarding retail dispensaries, cultivators or processors of medical marijuana.

Supporting the Ordinance:

-Amy Shannon, 1560 Windridge Place, Apt. D, commented that she understands the City wants to protect the downtown, but opposing the dispensing of medical marijuana in the historic district is protecting the downtown from pot, but keeping from treating those illnesses for which medical marijuana may be a treatment. She noted that many standard medications come with extensive warnings. She commented that a focus of the City is providing entertainment downtown, and downtown Troy is where she can become drunk and find a place to detox, but not purchase a legal medication. She stated she objects to having to drive to another community to fill a prescription.

-Debora Duncanson, 724 Sherwood Drive, asked Council to keep an open mind on this subject. She commented that she understands the ORC does not permit smoking of marijuana, but allows taking a medication; she believes three dispensaries would be too few and the \$170,000 license fee too high; does not understand why the Planning Commission recommendation was made in a closed meeting; asked how the licenses will be issued; and if the City controls the unincorporated area.

Mrs. Baker explained that the Planning Commission meeting was not closed; that any licensing fee is set by the State and not the City and would be controlled by the State; and that the City has no jurisdiction outside the City limits.

-Mary Watson, 710 Rockhurst Circle, stated her concern that there is not education on the subject for people to understand how the medication can help people; and education needs to be emphasized that medical marijuana is not supporting "weed". She stated she is aware of an 89 year old in another state that uses cream medical marijuana to help with a medical issue.

-Lester Conard, 1210 S. Clay Street, said he believes more people will need medication if Obamacare (Affordable Care Act) is done away with; that the focus should be on assisting people that need help getting a medicine that will relieve pain; and there are other drugs someone can get to get high.

Opposing the Ordinance:

-Roger Griffith, 650 Orchard Drive, stated his concern about the form of marijuana that could be used; any use in the original state is something he would be against as a detriment to the community and the citizens; and as a retired Troy police officer and as a bus driver he is aware of the negative impact marijuana has had on the community.

-Tom Fitch, 2438 Calment Road, Ludlow Falls, commented that he chose to come back to this area to live after serving in the Air Force; through his military service he has seen the detriment marijuana can lead to; he is concerned that the use of medical marijuana is the first step to things that pull at the fabric of a community; and is concerned that this is one step that will lead to a negative impact.

-Mickey Hammer, 1160 Red Maple Drive, commented that he lived in California in an area where there was one dispensary for every 50,000 people and he suggested that if this is the path to be followed, one dispensary is enough. He commented that he saw the dispensaries become an issue for the neighborhoods.

There being no further comments in this regard, at 7:24 p.m., Mrs. Baker declared this public hearing closed.

It was stated that the Law & Ordinance Committee of Council will meet at 5:45 pm on January 25, to make recommendations to Council regarding O-2-2017 and O-3-2017.

MINUTES: The Clerk gave a summary of the minutes of the January 3, 2017 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Phillips, seconded by Mr. Schweser, to approve these minutes. Motion passed by unanimous roll call vote.

#### COMMITTEE REPORTS:

Personnel Committee: Mr. Terwilliger, Chairman, gave the oral report that the Mayor has requested Council approval of two reappointments and a new appointment to the Board of Zoning Appeals for five year terms. A motion was made by Mr. Terwilliger, seconded by Mr. Phillips, that Council approves the reappointments of Patricia F. Chavis and Larry D. Salyer for new terms beginning January 1, 2017 and expiring December 31, 2021, and the appointment of John A. Stickel for a term effective immediately and expiring December 31, 2021. Motion passed by unanimous roll call vote.

Recreation and Parks Committee: Mr. Heath, Chairman, reported as follows:

- (1) Through a coalition formed as a subdistrict of the Miami Conservancy District (MCD), communities from Sidney to Hamilton have been given an opportunity to form a coalition to work together to develop a program for those communities to recognize the potential to maximize existing and planned riverfront investments and economic development by approaching the river corridor as a unified, connected, regional place. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into the Great Miami Riverway Initiative Agreement with The River Corridor Improvement Subdistrict of The Miami Conservancy District. Committee supports emergency legislation so that the MCD is advised of Troy's commitment at the earliest possible date.
- (2) Committee supports the recommendation of the Troy Recreation Board and recommends legislation be prepared to name the Hobart Arena multipurpose room "The Lucia & Robert Bravo Room", with the sometimes abbreviated version of "The Bravo Room". Committee noted that the naming complied with Council's policy for the naming of City facilities.

Reports signed by Oda, Tremblay and Heath.

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

- (1) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to execute LPA Agreement Amendment No. 1 with ODOT related to the SR 41 Signal Interconnect Phase 2 Project, with such amendment only reflecting the ODOT revised method of how the Prime Contractor will supply Disadvantaged Business Enterprise (DBE) firms for ODOT's approval on projects. Committee supports emergency legislation in accordance with the standard ODOT format.
- (2) Committee recommends legislation be prepared authorizing the Ordinance of Assessment related to the sidewalk portion of the Streetscape 3B Project, noting that the property owners will then be given a time frame to make the assessment payment or have the amount assessed to the property tax to be paid over a five-year period.
- (3) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the S. Mulberry Street Parking Lot Construction Project at a cost not to exceed \$420,000.

Reports signed by Heath, Snee and Phillips.

Discussion. Mrs. Oda questioned spending \$420,000 on the parking lot if a parking study is still underway. Mr. Titterington advised that the parking study is not to determine if additional parking is needed, the parking lot construction will not be in conflict with the study, and the parking lot construction has been the plan since the Mulberry Street properties were purchased.

Utilities Committee: Mr. Tremblay, Chairman, reported as follows:

- (1) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to file an application with the Ohio Water Development Authority (OWDA) for a 20-year loan in the amount of \$3,098,653, at an interest rate of 2.92%, related to the new Stanfield Road Water Tower Project. Committee noted the loan will cover the costs of land acquisition, design, construction management, and construction and that the loan would be at a lesser cost and fees than bonding the project costs. Committee supports emergency legislation due to the OWDA application cycle.
- (2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into contracts for the 2017 Water Line Improvement Project at a cost not to exceed \$500,000, with the project to provide for upsizing existing 4" and 6" water lines to 8" water lines on Franklin Street between Oak Street and East Main Street, on Ellis Street between Franklin Street and Race Drive, and on South Counts Street between Martin Street and East Main Street.
- (3) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the S. Stanfield Road Storm Sewer Project at a cost not to exceed \$125,000.

Reports signed by Terwilliger, Twiss and Tremblay.

## CITIZEN COMMENTS:

Lester Conard, 1210 S. Clay Street, commented that the river way item (R-6) sounds like a good thing if someone is young, but efforts should be to bring in jobs, Troy cannot make it on tourism, and river improvements are not needed. He also commented that a member of Council told him that Europe Trade Missions are just a vacation as the City knows no jobs would be created.

## RESOLUTION NO. R-2-2017

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 2017 WATER LINE IMPROVEMENT PROJECTS

This Resolution was given first title reading.

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

Yes: Kendall, Oda, Tremblay, Schweser, Terwilliger, Heath, Snee, Twiss and Phillips.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Tremblay.

Yes: Oda, Tremblay, Schweser, Terwilliger, Heath, Snee, Twiss, Phillips and Kendall.

No: None.

RESOLUTION ADOPTED

## RESOLUTION NO. R-3-2017

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 SOUTH STANFIELD ROAD STORM SEWER PROJECT

This Resolution was given first title reading.

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

Yes: Tremblay, Schweser, Terwilliger, Heath, Snee, Twiss, Phillips, Kendall and Oda.

No: None.

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

Yes: Schweser, Terwilliger, Heath, Snee, Twiss, Phillips, Kendall, Oda and Tremblay.

No: None.

RESOLUTION ADOPTED

## RESOLUTION NO. R-4-2017

RESOLUTION NAMING THE MULTIPURPOSE ROOM AT THE HOBART ARENA AS "THE LUCIA & ROBERT BRAVO ROOM" AND FURTHER ALLOWING THE USE OF THE NAME "THE BRAVO ROOM"

This Resolution was given first title reading.

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

Yes: Terwilliger, Heath, Snee, Twiss, Phillips, Kendall, Oda, Tremblay and Schweser.

No: None.

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

Yes: Heath, Snee, Twiss, Phillips, Kendall, Oda, Tremblay, Schweser and Terwilliger.

No: None.

RESOLUTION ADOPTED

## RESOLUTION NO. R-5-2017

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 SOUTH MULBERRY STREET PARKING LOT CONSTRUCTION PROJECT

This Resolution was given first title reading.

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

Yes: Snee, Twiss, Phillips, Kendall, Tremblay, Schweser, Terwilliger and Heath.

No: Oda.

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

Yes: Twiss, Phillips, Kendall, Tremblay, Schweser, Terwilliger, Heath and Snee.

No: Oda.

RESOLUTION ADOPTED

RESOLUTION NO. R-6-2017

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO EXECUTE AN AGREEMENT WITH THE RIVER CORRIDOR IMPROVEMENT SUBDISTRICT OF THE MIAMI CONSERVANCY DISTRICT FOR THE PLACEMAKING INITIATIVE AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Phillips, Kendall, Oda, Tremblay, Schweser, Terwilliger, Heath, Snee and Twiss.

No: None.

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

Yes: Kendall, Oda, Tremblay, Schweser, Terwilliger, Heath, Snee, Twiss and Phillips.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-7-2017

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO EXECUTE LOCAL-LET PROJECT AMENDMENT NO. 1 RELATED TO THE SR41 TRAFFIC SIGNAL INTERCONNECT PROJECT PHASE 2, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Oda, Tremblay, Schweser, Terwilliger, Heath, Snee, Twiss, Phillips and Kendall.

No: None.

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

Yes: Tremblay, Schweser, Terwilliger, Heath, Snee, Twiss, Phillips, Kendall and Oda.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-8-2017

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE AGREEMENT FOR THE PLANNING AND CONSTRUCTION OF THE 0.75 MILLION GALLON WATER TOWER ON STANFIELD ROAD PROJECT BETWEEN THE CITY OF TROY, OHIO AND THE OHIO WATER DEVELOPMENT AUTHORITY AND DECLARING AN EMERGENCY

This Resolution was given first title reading

Discussion. Mr. Tremblay asked for a clarification of the emergency provision. Mr. Frigge advised it was to secure current low interest rates and meet the funding application cycle of OWDA.

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

Yes: Schweser, Terwilliger, Heath, Snee, Twiss, Phillips, Kendall, Oda and Tremblay.

No: None.

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

Yes: Terwilliger, Heath, Snee, Twiss, Phillips, Kendall, Oda, Tremblay and Schweser.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-2-2017

ORDINANCE CHANGING THE ZONING OF PARCEL DO8-012080 (PARTS OF INLOTS 936 AND 937 AND PART OF OUTLOT 5) IN THE CITY OF TROY, OHIO, FROM THE ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT, TO B-2 GENERAL BUSINESS DISTRICT

This Ordinance was given first title reading on January 3, 2017.

Given public hearing and second title reading.

ORDINANCE NO. O-3-2017

AN ORDINANCE AMENDING SECTION 1143.16 OF THE ZONING CODE OF THE CITY OF TROY, OHIO AND ENACTING SECTION 1149.13 AND SECTION 1149.14 OF THE ZONING CODE OF THE CITY OF TROY, OHIO, RELATED TO RETAIL DISPENSARIES, CULTIVATORS, AND PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF TROY, OHIO

This Ordinance was given first title reading on January 3, 2017.

Given public hearing and second title reading.

## ORDINANCE NO. O-4-2017

## ORDINANCE LEVYING ASSESSMENTS FOR THE SIDEWALK PORTION OF THE STREETScape 3B PROJECT

This Ordinance was given first title reading.

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

Yes: Heath, Snee, Twiss, Phillips, Kendall, Oda, Tremblay, Schweser and Terwilliger.

No: None.

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

Yes: Snee, Twiss, Phillips, Kendall, Oda, Tremblay, Schweser, Terwilliger and Heath.

No: Oda.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR: Mayor Beamish thanked Council for the approval of the appointments to the BZA. He also thanked Virginia Bazler for her service on the BZA. Mrs. Bazler served as a member for a number of years, including several years as Chairperson, but decided not to accept a reappointment.

## COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

In response to some of the public comments made at the meeting, Mr. Titterington responded that economic development has been the City's number one priority, as noted by the budget, the work plan, and the City's mission statement; in working with partners such as the Troy Development Council, the City (elected officials and staff) has been successful in retaining and expanding businesses and bringing in new businesses; it is important to nurture relationships and make it good for a business to be in and stay in a community; the City's top five employers employ about 4,000 persons; all of these employers advise the City that they have jobs available but no qualified workers to fill them; the issue is not having jobs; the City has worked hard here and abroad to develop projects and implement improvements to promote workforce development; employers ask the City to continue and improve quality of life offerings; that was a focus behind recent Riverfront Development projects; the City has been working with partners and other communities to strengthen the riverfront areas; officials talk to company representatives about investing in Ohio and Troy and try to find out what will help those businesses succeed; the City has worked to implement those business needs to the extent possible, especially regarding workforce development; JVS representatives participated in the last European Trade Mission to learn more about what companies need and how to help development of the workforce in this area to fill empty jobs.

## COUNCIL COMMENTS:

-Mrs. Oda said how nice the downtown looks and that she will continue to ask that the small white lights remain on the trees year round.

-Mr. Phillips commented about seeing a number of cigarette butts littering the sidewalk in downtown areas. Mr. Titterington commented that the newly appointed parking control officer will be focusing on the downtown area and talking to businesses about the need for cleanliness of the sidewalks/right-of-way, as well as parking enforcement.

## AUDIENCE COMMENTS

Debora Duncanson, 724 Sherwood Drive, questioned officials traveling to other countries to bring in businesses and asked if there aren't enough American businesses to bring in. Mr. Titterington commented that Troy has over 20 foreign based businesses now and the City works to build relationships with the businesses to help retain them and help them grow in Troy. He noted that the City also works on domestic recruiting, but there is a balance as some of the larger employers are international companies.

There being no further business, Council adjourned at 8:05 p.m.

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Clerk of Council

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President of Council