

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, February 6, 2017, at 7:00 p.m. in Council Chambers.

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

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

Upon motion of Mr. Kendall, seconded by Mr. Twiss, Mr. Terwilliger was excused from this meeting by unanimous roll call vote.

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 Mrs. Oda. The Pledge of Allegiance followed the invocation.

INTRODUCTION: Jonathan Duffy who was appointed as a Firefighter/Paramedic on December 12, 2016, was introduced.

MINUTES: The Clerk gave a summary of the minutes of the January 17, 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:

Community and Economic Development Committee: Mr. Twiss, Chairman, reported that Committee recommends three pieces of legislation be prepared regarding the Philipot Annexation, 1.8557 acres from Concord Township, located at 2436 McKaig Road, with the subjects related to consenting to the annexation, the statement of services that would be provided to an area proposed for annexation, and a statement regarding buffering of any incompatible uses that would be developed on the newly annexed territory from existing uses on land remaining in the Township. Committee supported emergency legislation based on the ORC timeline for the City filing these items with the County.

Report signed by Kendall, Schweser and Twiss.

Finance Committee: Mr. Kendall, Chairman, reported that Committee supports the recommendation of the Loan Review Committee to modify the lien requirements on the SBD Loan to Jumpy's Laser Tag, Inc. to release Joe Plantz and Lori Turner from their security positions as guarantors and release the liens on their personal homes, with Greg Taylor remaining a guarantor and providing a lien on his personal residence. Committee supported emergency legislation so that the releases can be processed without delay.

Report signed by Schweser and Kendall.

Law and Ordinance Committee: Mr. Schweser, Chairman, reported as follows:

1. Committee recommends Ordinance No. O-2-2017 be adopted to provide for the rezoning of 214 S. Mulberry Street (parcel DO8-012080, Inlots 936 and 937) from M-2, Light Industrial District, to B-2, General Business District, as recommended by the Troy Planning Commission.
2. Committee recommends Ordinance No. O-3-2017, as recommended by the Troy Planning Commission, be approved to provide for an amendment to the Zoning Code to prohibit the cultivators or processors of medical marijuana within the City of Troy and to permit no more than three dispensaries of medical marijuana within the City of Troy and only within the B-4, Highway Service Business District.
3. Committee recommends that legislation be prepared authorizing the City to return the notice related to Ohio Division of Liquor Control Permit Number 6410940, requesting that a hearing be held on the advisability of issuing the permit and requesting that the hearing be held in our County seat. This is the application of Emeka Niffa, dba Troy Drive Thru, 1441 Stony Creek Drive, for new C1 and C2 liquor permits. Based on the date by which such requests are to be returned to the Division of Liquor Control (2-23-2017) Committee supported emergency legislation.

Reports signed by Phillips, Snee and Schweser.

Discussion. Mrs. Oda confirmed the location of where the business is located for which the liquor permit has been filed.

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

1. Committee recommends legislation be prepared to accept the grant of an easement at the northeast corner of Union and Dakota Streets near the location where the railroad crosses Union Street. Committee noted that this was not a dedicated street and there was no official recorded easement and access had been blocked by the property owner creating safety and access issues for residents and safety vehicles. After legal negotiations, the parties have agreed to a permanent easement. Committee supported emergency legislation so that the process of accepting the easement can be finalized.
2. 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 Troy Recreational Trail Resurfacing Project, as well as any other LPA Agreement that requires this same amendment to update some new ODOT wording. In accordance with the standard ODOT format, Committee supported emergency legislation.

Reports signed by Heath, Snee and Phillips.

Utilities Committee: Mr. Twiss reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the cleaning of a lime sludge lagoon at the Water Treatment Plant at a cost not to exceed \$153,000.

Report signed by Twiss.

Discussion. Mr. Schweser asked if the second lagoon would have to be cleaned next year. Mr. Titterington stated that was not anticipated. He commented that the production of the sludge is outpacing the amount Dayton has to remove; however, it may be that Dayton will take more sludge and the cleaning of the one lagoon may not have to be done.

#### CITIZEN COMMENTS:

Amy Shannon, 1560 Windridge Place, Apt. D, thanked Council, the Mayor and City officials for her being able to speak her mind and thoughts.

#### RESOLUTION NO. R-9-2017

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 REMOVAL OF LIME SLUDGE FROM A LIME LAGOON AT THE WATER TREATMENT PLANT

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

#### RESOLUTION NO. R-10-2017

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 1.8557 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

#### RESOLUTION NO. R-11-2017

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 1.8557 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-12-2017

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 1.8557 ACRES, MORE OR LESS, IN CONCORD TOWNSHIP, TO THE CITY OF TROY, OHIO, 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. Twiss

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-13-2017

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 TROY RECREATIONAL TRAIL PROJECT AND ANY OTHER LOCAL-LET PROJECT AGREEMENTS, 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. Schweser.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-14-2017

A RESOLUTION AUTHORIZING THE CITY OF TROY, OHIO, TO SUBMIT A REQUEST TO THE OHIO DIVISION OF LIQUOR CONTROL THAT A HEARING BE HELD ON PERMIT NUMBER 6410940 AND THAT SUCH HEARING BE HELD IN TROY, OHIO, 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. Schweser.

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

No: None.

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

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

No: None

RESOLUTION ADOPTED

RESOLUTION NO. R-15-2017

RESOLUTION APPROVING THE RELEASE OF LIENS AND REMOVAL OF PERSONAL GUARANTEES OF JOE PLANTZ AND LORI TURNER AS PART OF THE BUSINESS OWNERS OF JUMPY'S LASER TAG, INC. LOAN FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading

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

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

No: None.

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

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

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 on January 17, 2017.  
Given third title reading.

Mr. Phillips moved for adoption. Motion seconded by Mr. Heath.  
Yes: Phillips, Oda, Schweser, Heath, Twiss, Snee and Kendall.  
No: None.

ORDINANCE ADOPTED

## 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 on January 17, 2017.  
Given third title reading.

Mr. Schweser moved for adoption. Motion seconded by Mr. Phillips.  
Yes: Schweser, Snee and Phillips.  
No: Oda, Heath, Twiss and Kendall.

ORDINANCE FAILED ADOPTION

## ORDINANCE NO. O-5-2017

ORDINANCE ACCEPTING THE GRANT OF AN EASEMENT AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Schweser moved for suspension of rules requiring three readings. Motion seconded by Mrs. Snee.  
Yes: Schweser, Heath, Twiss, Snee, Kendall, Phillips and Oda.  
No: None.  
Mr. Schweser moved for adoption. Motion seconded by Mr. Heath.  
Yes: Heath, Twiss, Snee, Kendall, Phillips, Oda and Schweser.  
No: Oda.

ORDINANCE ADOPTED

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted that the next Council Meeting will be on Tuesday, February 21, due to the Presidents Day Holiday; however, refuse and recycling collections will be on schedule.

COUNCIL PRESIDENT COMMENTS: Mrs. Baker stated she received a call that this morning following a stabbing and an assailant at large, the Miami Montessori School was not notified of the incident even though the school is in the area of where the incident took place. Mrs. Baker asked if Mr. Titterington could check with the Police Department about this and get back with someone at the school.

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

