

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, March 6, 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 E. Frigge Auditor

INVOCATION: An invocation was given by Mr. Schweser. The Pledge of Allegiance followed the invocation and was led by Tony Simon of Boy Scout Troop 365.

PUBLIC HEARING: At 7:03 p.m., Mrs. Baker declared open a public hearing on Resolution No. R-22-2017, Application from Neal Farms, Inc. (aka Neal Brothers, Inc., Neal Moore Farms, LLC, and Martin Neal) to retain 105 acres in the agricultural district.

-Supporting the application: Phillip Neal, 2565 Experiment Farm Road, stated he was in favor of Council approving the Agricultural District Application.

-There were no comments opposing the application.

There being no further comments, at 7:04 p.m. Mrs. Baker declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the February 21, 2017 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Kendall, seconded by Mr. Schweser, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mr. Twiss, Chairman, reported that Committee recommends legislation be prepared accept the recommendation of the Troy Planning Commission that Council accepts as right-of-way the dedication of 0.310 acres that is part of current Inlot 7833, located at 3035 McKaig Road. Report signed by Kendall, Schweser and Twiss.

Finance Committee: Mr. Kendall, Chairman, reported that Committee recommends legislation be prepared accepting the recommendation of the Tax Incentive Review Council:

- That five Enterprise Zone Agreements (28, 33, 34, 35 and 36) be continued as they are in full compliance.
- That Agreement # 29 (Ishmael Precision Tool Corporation) be terminated as the agreement has expired.
- That the Troy Towne Park TIF be continued.

Committee supports emergency legislation as the the City must file an annual report with the Ohio Development Services Agency by the end of March regarding the continuance of the Agreements and the TIF.

Report signed by Schweser, Tremblay and Kendall.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared adopting the Complete Streets Policy, which conforms to the Miami Valley Regional Planning Commission (MVRPC) Complete Streets Policy. Committee noted that the policy is to be implemented where possible and feasible with new construction, reconstruction, or development, but it will not result in a new capital construction program. The policy is also to be reviewed every two years so it adapts to adjustments as necessary.

Report signed by Heath, Snee and Phillips.

Discussion. Mrs. Oda asked about federal or state funding that might be applicable to the Complete Streets Policy. Mr. Titterington responded that funding such as those involving congestion mitigation or transportation enhancement funding or other capital grant programs may be applicable, and it is not uncommon for agencies responsible for distributing and auditing the funding to have specific requirements. Mrs. Oda commented that, as a resident, she is concerned that driving lanes like that on Adams Street will just be lost to bike lanes and she would like to know that would not happen again; she understands that if Council approves the policy Council would not be involved in the elements of a roadway project and driving lanes could just disappear and become bike lanes; and she believes Council should be advised of the cost of implementing bike lanes. Mr. Titterington commented that details in roadway projects are an administrative function, but such changes noted are not made without consultation with traffic engineers and/or ODOT if it is an ODOT project, that nothing would be done if it is against traffic control warrants, standards or regulations; that mainly costs are minimal and are for striping; and costs come with extending path systems and could involve the funding of other agencies.

Mrs. Oda asked if all roads are already shared roads, with Mr. Titterington responding "shared roads" are a certain category with a specific level of regulations. Mrs. Oda asked if Adams Street could be opened back up to four driving lanes or have the bicycle lane be a shared road, with Mr. Titterington responding that cannot be done as the bicycle lane is a part of a plan to link paths from Duke Park to N. Market Street and beyond.

CITIZEN COMMENTS:

Lester Conard, 1210 S. Clay Street, commented that he believes there is too much traffic now to have areas for bicycles; he does not see many people riding bicycles in Troy; it would be better if the police stopped cyclists not obeying laws; and bicycle lanes should be off to the side and not on the roads.

RESOLUTION NO. R-19-2017

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-20-2017

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE TROY TOWNE PARK TIF AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-20-2017

RESOLUTION ADOPTING THE CITY OF TROY, OHIO COMPLETE STREETS POLICY AS PART OF THE CITY OF TROY COMPREHENSIVE PLAN

This Resolution was given first title reading.

RESOLUTION NO. R-22-2017

RESOLUTION APPROVING APPLICATION OF NEAL FARMS, INC. (AKA NEAL BROTHERS INC., NEAL MOORE FARMS LLC, AND MARTIN NEAL) TO RETAIN LAND IN AN AGRICULTURAL DISTRICT

This Resolution was given first title reading.

ORDINANCE NO. O-7-2017

ORDINANCE ACCEPTING THE DEDICATION OF A RIGHT-OF-WAY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-8-2017

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

This Ordinance was given first title reading.

ORDINANCE NO. O-9-2017

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

This Ordinance was given first title reading.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted that the Dye Mill Raod Facility opened March 4, and will have extended hours this year.

COMMENTS OF COUNCIL: Mr. Phillips stated there would be an open house at the Miami Shores Golf Course on March 16, 4-6 PM, to provide informed related to proposed improvements and general golf information, and that representatives of the Operation Recreation Committee would be available to discuss the May levy related to an income tax increase for park and recreation purposes.

OTHER: The Clerk noted that the Phlipot Annexation had been returned by the County and was now in the 60 day waiting period where no action could be considered.

AUDIENCE COMMENTS:

-Carol Overmeyer, 215 Carriage Crossing Way, thanked the City for the work that had been done around the pond at Carriage Crossing Park.

-Lester Conard, 1210 S. Clay Street, stated he read the article about the collection of income tax in the paper and questioned whether that article was factual or the information that the Governor's proposal on income tax collection saving the City money was factual. Mr. Titterington commented that he believes his article was comprehensive; that with the proposal of the State collecting one of three types of income tax, the State knows cities cannot cut staff and save money because the work load would not be sufficiently reduced; and without the ability to audit the tax the State proposes to collect, the City would lose the ability to find incorrect filings. The City audits all filings. Mr. Titterington noted that an audit of one business found an incorrect filing of approximately \$1 million, and under the Governor's plan, this could not have been found and the tax paid.

There being no further business, Council adjourned at 7:32 p.m.

Clerk of Council

President of Council