

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, April 3, 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

INVOCATION: An invocation was given by Mr. Terwilliger, followed by the Pledge of Allegiance.

PUBLIC HEARING: At 7:02 p.m., Mrs. Baker declared open a public hearing on Resolution No. R-24-2017, application of EMATT EMARI EMARC Ohio Ltd Family Part to retain land in an agricultural district (Evelyn Sheafer, General Partner).

-Evelyn Sheafer, General Partner, stated that the plan is to continue to retain the land as an agricultural use. There were no further comments in this regard, and at 7:04 p.m., Mrs. Baker declared this public hearing closed. It was noted that the Law & Ordinance Committee will meet April 10 at 4:30 p.m. to provide a recommendation to Council on this subject.

MINUTES: The Clerk gave a summary of the minutes of the March 20, 2017 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Schweser, seconded by Mr. Phillips, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Law & Ordinance Committee: Mr. Schweser, Chairman, reported:

Regarding O-8-2017, Committee recommends Council adopt the Ordinance as recommended by the Troy Planning Commission, to amend the Zoning Code to establish a City-wide ban on the cultivators and processors of medical marijuana.

Regarding O-9-2017, Committee recommends that the Ordinance be amended to establish a City-wide ban on dispensaries of medical marijuana and, further, that the amended Ordinance be approved. Report signed by Snee, Phillips and Schweser.

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

- 1) As a status report, Committee had met to review comments provided regarding R-21-2017 (Complete Streets Policy) and Committee reaffirms its February 21, 2017 recommendation that Council adopt the Complete Streets Policy.
- 2) Committee recommends that the Resolution of Necessity be prepared regarding the sidewalks to be repaired/replaced in Phase 10 of the Sidewalk Replacement Program.

Reports signed by Heath, Snee and Phillips.

Utilities Committee: Mr. Tremblay, Chairman, reported that Committee recommends legislation be prepared approving a grant for a pipeline easement to Vectren Energy Delivery of Ohio, Inc. related to the placement of the gas main to serve the properties between South Walnut Street and South Mulberry Street.

Report signed by Terwilliger, Twiss and Tremblay.

CITIZEN COMMENTS:

-Amy Shannon, 1560 Windridge Place, Apt. D, thanked Council for the conversation regarding medical marijuana and commented that she looked forward to the matter being discussed again when the State's rules are established.

-Jeff Shilling, 591 Chartwell Court, regarding the Complete Streets Policy, commented that he appreciated the subject being reviewed again but asked what in the plan had been changed based on comments he had provided. Mr. Titterington commented that the Committee had discussed the comments in detail, reviewed a larger sized map which indicated some of Mr. Shilling's comments had already been addressed, that the City would consider the applicability of the policy as development may occur, and that certain elements would be further coordinated with MVRPC (especially related to grants) and a traffic consultant. Mr. Shilling commented that some of his concern is how McKaig Road may be used. He also indicated he had not had an opportunity to review all the information received by the Council committee.

-Lester Conard, 1210 S. Clay Street, suggested the Complete Streets Policy be put on the ballot, and that drivers cannot see people on bicycles as they are too busy texting.

-Dan Dutton, 72 Tamworth Drive, commented on the number of intersections/driveways on W. Main Street and on N. Market Street, and that he thinks adding bike lanes would make the roadways less safe.

RESOLUTION NO. R-21-2017
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 on March 6, 2017.
Given second title reading on March 20, 2017.
Given third title reading.

Discussion. Mrs. Oda suggested this Resolution go back to Committee and have a fourth reading, and she is concerned that elements of the plan could be implemented without further involvement of Council unless there is certain funding required.

-Mr. Titterington explained that items such as traffic lane markings would be handled no differently than now; that the Complete Streets Policy is meant to raise awareness for all that use roadways, including drivers, cyclists, walkers, etc.; shared roads can just mean something like improved signage; that the policy is no different from that authorized by a thousand communities across the country; and complete streets is one portion of the Comprehensive Plan update.

-Mrs. Snee commented that Committee has twice reviewed this and she does not think the Committee would have a different recommendation.

-Mr. Twiss noted that this is a plan, not cast in stone, and subject to change. He asked about further Council review/other comments if there was a major change. Mr. Titterington commented that if there was MVRPC involvement, particularly for a project that involved the City and Township, as McKaig Road is not entirely in the City, MVRPC holds public meetings.

-Mr. Heath commented he would support a fourth reading so Mr. Shilling could review all the information reviewed at the Committee meeting, but he did not see a need to have further Committee review.

-Mr. Terwilliger stated he believes going beyond a third reading would be absurd; that this is a policy that has been well thought out; there are safe guards; and there are sensible people involved in the implementation.

RESOLUTION NO. R-24-2017
RESOLUTION APPROVING APPLICATION OF EMATT EMARI EMARK OHIO LTD FAMILY PART TO
RETAIN LAND IN AN AGRICULTURAL DISTRICT

This Resolution was given public hearing and first title reading.

RESOLUTION NO. R-25-2017
RESOLUTION DECLARING THE NECESSITY OF PHASE 10 OF THE SIDEWALK REPLACEMENT
PROGRAM IN THE CITY OF TROY, OHIO

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION 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 on March 6, 2017.
Given public hearing and second title reading on March 20, 2017.
Given third title reading.

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

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

No: None.

ORDINANCE ADOPTED

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 on March 6, 2017.
Given public hearing and second title reading on March 20, 2017.
Given third title reading.

A motion was made by Mrs. Snee that Ordinance No. O-9-2017 be amended to prohibit retail dispensaries within the City of Troy. Motion seconded by Mr. Schweser.

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

No: Phillips.

MOTION APPROVED, ORDINANCE AMENDED

ORDINANCE NO. O-10-2017

ORDINANCE GRANTING PIPELINE EASEMENT TO VECTREN ENERGY DELIVERY OF OHIO, INC.

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented that the City is in the process of delivering the new trash carts for the automated refuse system, but citizens are asked not to use the carts until May 1.

AUDIENCE COMMENTS:

-Amy Shannon, 1560 Windridge Place, Apt. D, commented that, as a social worker, she works with persons in severe poverty who may not have cars or be able to afford to pay for any form of transport to another community for medication, and she invited Council to attend meetings regarding the "bridges out of poverty". Mrs. Baker commented that members of Council have been involved in this program in the past.

-Lester Conard, 1210 S. Clay Street, asked about residents getting an additional trash cart because their refuse will not fit in a cart, and commented that the City should not be reducing jobs related to refuse collection. Mr. Titterington commented that the carts hold more than the five bags now permitted, citizens are encouraged to recycle all permitted items to reduce refuse quantities, and the City will monitor the situation. Regarding staffing, Mr. Titterington stated no full time jobs are eliminated, but a couple of temporary positions will not be needed.

-Dan Dutton, 72 Tamworth Drive, asked about current work in the roadway along N. Market Street and if turn radii at North Market Street that are tight would be addressed. Mr. Titterington advised that the work is by Vectren to be ahead of other N. Market Street work, and improvements to radii would be done where possible. Mr. Dutton asked about the vacant Hobart Brothers land on W. Main Street and if the City had considered trying to get business into the Sherwood Shopping Center, with Mr. Titterington responding that the owner of the shopping center is marketing it for re-use.

There being no further business, Council adjourned at 7:46 p.m.