



**TROY CITY COUNCIL  
COMMITTEE MEETING  
COUNCIL CHAMBERS, CITY HALL  
100 S. Market Street, Troy, OH**

**MONDAY, NOVEMBER 9, 2020, 6:00 PM**

**Personnel Committee**

**(Twiss [Chm.], Allen, Severt)**

1. Provide a recommendation to Council regarding amending the salary Ordinance related to the hourly rate paid to seasonal employees, temporary laborers and temporary clerks to reflect the January 1, 2021 adjustment in the Ohio minimum wage rate of \$8.80.

**Recreation & Parks Committee**

**(Schilling [Chm.], Phillips, Terwilliger)**

1. Provide a recommendation to Council regarding the recommendation of the Board of Park Commissioners that a 10' strip of Edgewater Park, to the rear of 2854 Amberwood Drive be declared as surplus and offered for sale.
2. Discussion regarding smoking ban as recommended by the Board of Park Commissioners.

**Safety & Health Committee**

**(Terwilliger [Chm.], Rozell, Schilling)**

1. Provide a recommendation to Council regarding authorizing an agreement between the City of Troy and the Miami County Public Health for the District to provide health services to Troy residents, with the 2021 funding by the City in the amount of \$383,184.97 (increase of 4.6%).
2. Provide a recommendation to Council regarding a Resolution urging the Governor and Ohio Legislature to approve an extension beyond Dec. 1 for public meetings to take place in an electronic setting until the State of Emergency is lifted regard the COVID-19 Pandemic.

Other Committees/Items may be added.

11-6-2020

cc: Mayor  
Mr. Titterington  
Mr. Kerber  
Mr. Frigge, Departments, Media

PERSONNEL COM.



*PJT*

MEMORANDUM

TO: Mr. Lutz, President of Council

FROM: Patrick E. J. Titterington *PJT*

DATE: November 5, 2020

SUBJECT: SALARY ORDINANCE ADJUSTMENT FOR SEASONAL AND PART-TIME WORKERS

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**RECOMMENDATION:**

That Council considers amending the hourly rate paid to seasonal employees, temporary laborers and temporary clerks to reflect the January 1, 2021 adjustment in the Ohio minimum wage rate, and authorizes an adjustment to the wage of the part-time swimming pool manager.

**BACKGROUND:**

The State's new minimum wage rate for 2021 has been set at \$8.80 per hour, a ten-cent increase from the current \$8.70 per hour. The Federal minimum wage remains at \$7.25 per hour, but we are required to follow the Ohio guidelines since that wage rate is greater than the Federal wage. This impacts the areas of the salary ordinance for seasonal employees to adjust the first step to be in accordance with the new State minimum wage.

**REQUESTED ACTION:**

It would be appreciated if you would assign to a Committee of Council amending the hourly rate paid to seasonal employees, temporary laborers and temporary clerks to reflect the January 1, 2021 adjustment in the Ohio minimum wage rate of \$8.80.

cc: T. Funderburg



**CURRENT STEPS FOR SEASONAL LABORER POSITIONS**

Step 1	\$8.70	Hr.
Step 2	\$8.85	
Step 3	\$9.00	
Step 4	\$9.15	
Step 5	\$9.30	
Step 6	\$9.45	
Step 7	\$9.60	
Step 8	\$9.75	
Step 9	\$9.90	
Step 10	\$10.10	
Step 11	\$10.25	
Step 12	\$10.50	
Step 13	\$10.75	
Step 14	\$11.00	

**PROPOSED STEPS FOR SEASONAL LABORER POSITIONS**

Step 1	\$8.80	Hr.
Step 2	\$8.95	
Step 3	\$9.10	
Step 4	\$9.25	
Step 5	\$9.40	
Step 6	\$9.55	
Step 7	\$9.70	
Step 8	\$9.85	
Step 9	\$10.00	
Step 10	\$10.20	
Step 11	\$10.35	
Step 12	\$10.60	
Step 13	\$10.85	
Step 14	\$11.10	

# R & P COMMITTEE



*RAT*

**MEMORANDUM**

**TO:** Mr. Lutz, President of Council

**FROM:** Patrick E. J. Titterington *[Signature]*

**DATE:** November 5, 2020

**SUBJECT:** RECOMMENDATION OF BOARD OF PARK COMMISSIONERS – DECLARING A PARCEL IN EDGEWATER PARK AS SURPLUS

**RECOMMENDATION:**

That Council accepts the recommendation of the Board of Park Commissioners to declare as surplus and authorize the sale of a small parcel of Edgewater Park on which an encroachment exists.

**BACKGROUND:**

At the October meeting of the Board of Park Commissioners, it was noted that there were two remaining parcels of parkland where encroachments exist, and that staff was working with the owners of those parcels.

At the November 3 meeting, the Board reviewed a request of the property owner of 2854 Amberwood Drive that the area of encroachment be declared as surplus and the surplus area offered for sale. The letter of the property owner is attached, which includes information required by the Policy Guidelines re Approval of Declaring as Surplus City/Board of Park Commissioners Property. The Board of Park Commissioners approved a motion to recommend to Council that an approximate 10' strip of Edgewater Park, to the rear of 2854 Amberwood Drive, be declared as surplus so that the parcel can be offered for sale.

As a matter of information, the remaining parkland encroachment is within Kings Chapel Park, and is a fence located near 2396 Waterford Drive. The property owner is declining to remove the fence. The City will be proceeding to remove the encroachment and place it on the property at 2396 Waterford Drive, but will not re-install the fence.

**REQUESTED ACTION:**

It would be appreciated if you would assign to a Committee of Council declaring as surplus an approximate 10' strip of Edgewater Park to the rear of 2854 Amberwood Drive and authorizing the sale of that parcel, as recommended by the Board of Park Commissioners.

encl.

cc: Board of Park Commissioners  
J. Drake, Superintendent



10/15/2020

Board of Park Commissioners  
ATTN: Tim Davis  
Re: Notification of

We purchased the property on 2854 Amberwood Dr. Troy, Ohio on 9/11/2020, with a move in date of 10/9/2020. The seller disclosed at the time of sale, but as displayed below, "At this time it does not have to be moved." We were contacted on 10/12/20, by Tim Davis who informed us that there was a letter sent to the former owner in which this needed resolved.

The screenshot shows a digital form with the following content:

- FLOOD PLAIN/LAKE ERIE COASTAL EROSION AREA:** The property located in a designated flood plain? (This property or any portion of the property included in a Lake Erie Coastal Erosion Area?)  
 Yes  No  Not known
- DRAINAGE/EROSION:** Do you know of any previous or current flooding, drainage, settling or grading or erosion problems affecting the property?  
 Yes  No  
If "Yes", please describe and indicate any repairs, modifications or alterations to the property or other steps you intend to take to resolve any problems that are longer than the past 5 years.
- ZONING/CODE VIOLATIONS/ASSESSMENTS/HOMEOWNERS' ASSOCIATION:** Do you know of any violations of building or housing codes, zoning ordinances affecting the property or any nonconforming uses of the property?  
 Yes  No  
If "Yes", please describe: Miami County Park district reported shed is 3 feet on their property. At this time it does not have to be moved.
- RECENT OR PROPOSED ASSESSMENTS, FEES OR ALIENATIONS:** Do you know of any recent or proposed assessments, fees or alienations which could affect the property?  
 Yes  No  
If "Yes", please describe:
- ASSESSMENTS:** List any assessments paid in full (date amount), monthly fee, Length of payment (years), months.
- OTHER:** Do you know of any other proposed rules or regulations or the payment of any fees or charges associated with this property, including but not limited to a Community Association, SID, CHD, LHD, etc.  
 Yes  No  
If "Yes", please describe:

Due to not being aware of the encroachments needing resolved, we were under the impression that the removal of our shed would not be of any urgency. Since the encroachment is not currently interfering with any activities or development by the City of Troy, we respectfully request to leave the specified item in place. Alternatively, we may be interested in purchasing the additional strip of land and would request a formal quote for this option, as we do believe the economic benefit of selling the property outweighs the economic benefits of the City of Troy.

Thank you for your consideration,

Michael & Sarina Berning



25

2880

2866

2854  
Amberwood Drive

2840

1124

Shed

Edgewater Park

1 inch = 30 feet



Address	Owner	Did they call in?	Who called in?	Comments, Questions, Concerns	Status
288 Shaftsbury Rd	Thomas S & Tricia L Weikert	Yes	Tom Weikert	7/24/20 TD, received voicemail from Mr. Weikert who stated the shed and trailer were removed from park property. CS verified the items were removed on 7/24/20.	Closed
724 Shaftsbury Rd	Cynthia Cummins	Yes	Cynthia Cummins	7-16-2020: She seeded "the garden", and will no longer have a garden due to her mother's health issues.	Closed
700 Governors Rd	Matthew J McDonough (Trustee)	No	N/A	Park Board has declared this property as surplus and made a recommendation to City Council to sell the land as surplus park property. The recommendation of the park board has been passed along to City Council. This land is in the process of being sold to McDonough	Closed
1124 Arbor Ln	Christopher S & Mandy A Capparelli	Yes	Chris Caparelli	7/17/20, TD received a call from Chris and he stated they would raze the shed and he would discuss with his wife if they wish to keep the landscape stones and fire pit. He stated these items were there when they purchased the home in 2014. He would be willing to buy the additional land from the Park Board if they would be willing to sell it. 9/22/20 TD, received a letter from Mr. Caparelli regarding his request to purchase the land from the City of Troy.	Requested Purchase
1136 Arbor Ln	Thomas D & Sally D Fairchild	Yes	Thomas Fairchild	7/16/20, TD Mr. Fairchild stated that the fence is only a corner portion of wrought iron and he would remove it to the property line - no permit is needed as it is only a decoration and does not fence in property. He will remove the shed and place it five feet from the property line. He asked for a shed permit to be emailed to him at tomfairchild86@gmail.com. He requested 30 days to get the items removed. He would be willing to purchase the land from the Park Board if they were willing to sell it. 7/23/20 TD, received an email that stated "I am following up on our conversation from July 16th regarding the "Notice of Encroachment(s) on City of Troy/Park Board Property" letter that I received on July 15th. After reviewing the letter again, it states in the second paragraph, "Due to the types of encroachments, the City may not require immediate removal but reserves the right to require their removal at any time if necessary in the future." I would like to propose one of the following two options for your consideration for temporary resolution or a final solution. 1. Since the encroachments are not currently interfering with any activities or development by the City of Troy, can a variance/waiver be granted until such time that the City develops the park or that I sell the property? I will take care of the encroachments when one of these two events occurs. 2. Will the City of Troy Parks Department sell me the land where the encroachments have been documented by survey? Thank you for your consideration in this matter." 7/29/2020, TD received a letter from Mr. and Mrs. Fairchild regarding their request to purchase the land from the City of Troy.	Requested Purchase
1148 Arbor Ln	Michelle L & Chad D Hurley	Yes	Michelle Hurley	8/26/20, TD spoke to Michelle Hurley who stated they would be interested in purchasing the land from the City. 9/29/20 TD, spoke with Chad Hurley and they no longer wish to purchase the land and have removed the fire pit and trailer from the Park. Verified by TD and NT.	Closed
2854 Amberwood Dr	Daniel G & Katharine H Mader	Yes	Daniel Mader	7/27/20, TD received a call from Mr. Mader who asked what his options were. He would like to inquire about purchasing additional land because it may be equal to the cost of having someone move the shed to gain compliance with the city's regulations. He asked I that report this information to the Park Board and get back in touch with him. 9/30/20, TD spoke with Katharine Mader and the house has been sold to new owners. Katharine stated she has made the new owners aware and would let them know to contact the City of Troy regarding purchase. 10/12/20, House sold to new owner who are submitting purchase request to Park Board. 10/15/20, Purchase request received.	Requested Purchase
1021 McKaig Ave	Pamela J Cole	Yes/Came in	Pamela J Cole	Angry. Coming in tomorrow (7/16) at 1pm to talk with TD. Said fence was there before she moved into the house. Did not know that it is on park land. 7-17-2020, TD met with Pam and Salome regarding her issue and she purchased the property with the fence already in place. She has added landscaping to the backyard which includes several trees and shrubs. She cannot afford to have the fence moved and would like to purchase the land if she can afford the purchase price. 7/27/20, TD Pam called asking for an update and I informed her that the next meeting is in August. She would like a call back after the meeting. 8/4/20, TD Pam called asking how the Park Board meeting went. I explained that the meeting was the annual tour of parks and no business was conducted outside the tour. She was unhappy with the response because she stated she wished to sell the property. I informed her I would take her request to the Park Board at the next meeting. 9/10/20, TD met with Pam and she stated she would remove the fence and decorations off the park property. 10/2/20, TD received a letter from Pam stating she would have the fence removed by October 8, 2020. 10/6/20, TD informed by RW the fence has been removed from Park property and placed on the property line.	Closed
1025 McKaig Ave	1025 McKaig LLC	Yes	Ryan Dunn	8/12/20 spoke to Ryan who stated he purchased the property in 2013. He was provided with email correspondence with the Park Superintendent discussing this very matter because the gravel access to the north & west developed pot holes and was hard to traverse upon. He would like for the city to maintain at least one access point because that is the only access he has to the garage. He would like to purchase this land to keep access to his property and garage. 9/3/20, TD discussed with Ryan the possibility of obtaining an easement from the park board to keep access to his property. 10/6 - Park Board recommended purchase of property instead of easement.	Requested Easment
2623 Huntington Dr	Sandra E Westfall			9/30/20, TD never received any communication regarding the playset but it has been removed.	Closed
2396 Waterford Dr	Julie A Green	Came in	Julie Green	7-16-2020, Robert discussed her letter with her and she was very angry regarding the letter. She may be interested in purchasing the property depending on the cost and she does not want to remove any items at this time as they have been there for many years. 10/2/20, TD have not received any correspondence from Ms. Green since she stopped in the office in July. Verified the items are still on Park land. 10/23/20, TD met with owner on property and had Neil Teaford clearly mark property lines. Ms. Green stated she was not going to pay for the land or remove the fence herself. She did move yard decorations from the park onto her property so the City can remove the fence off the park property. She asked if we would place the fence back on the property line and we stated no (just removing from the property). We informed her that her fence also encroaches onto the neighboring property, but she stated "she didn't care".	Open



*R + P*

MEMORANDUM

TO: Recreation and Parks Committee of Council  
Mr. Lutz, President of Council

FROM: Patrick E. J. Titterington *pejt*

DATE: November 5, 2020

SUBJECT: SMOKING BAN AT PUBLIC PARKS, RECOMMENDED BY THE BOARD OF PARK COMMISSIONERS

BACKGROUND:

The Board of Park Commissioners received a copy of the status report of the Recreation & Parks Committee in response to the Board's recommendation that Council enact a smoking ban at public parks. At the November 3 meeting of the Board of Park Commissioners, the Board provided clarification that their recommendation included all public park areas, which would include the golf course, the area around the golf course club house, playgrounds, open space, etc. Other than that, the Board had no additional information to provide to Council.

In accordance with state law Chapter 3794, smoking is prohibited within city buildings and city vehicles. City buildings are posted in accordance with the attached.

For your information, attached is a copy of the Resolution recently adopted by the Board of Miami County Commissioners that prohibits tobacco use and smoking on County property.

REQUESTED ACTION:

That the recommendation of the Board of Park Commissioners is considered.

encl.



# NO SMOKING



To report violations call  
**1-866-559-OHIO (6446)**  
in accordance with Chapter 3794  
of the Ohio Revised Code.

**Chapter 3794: SMOKING BAN****3794.01 Definitions.**

As used in this chapter:

- (A) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant. "Smoking" does not include the burning of incense in a religious ceremony.
- (B) "Public place" means an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence.
- (C) "Place of employment" means an enclosed area under the direct or indirect control of an employer that the employer's employees use for work or any other purpose, including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles. An enclosed area as described herein is a place of employment without regard to the time of day or the presence of employees.
- (D) "Employee" means a person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for an employer for compensation or for no compensation.
- (E) "Employer" means the state or any individual, business, association, political subdivision, or other public or private entity, including a nonprofit entity, that employs or contracts for or accepts the provision of services from one or more employees.
- (F) "Enclosed Area" means an area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.
- (G) "Proprietor" means an employer, owner, manager, operator, liquor permit holder, or person in charge or control of a public place or place of employment.
- (H) "Retail tobacco store" means a retail establishment that derives more than eighty percent of its gross revenue from the sale of cigars, cigarettes, pipes, or other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or of any establishment with a liquor permit or of any restaurant.
- (I) "Outdoor patio" means an area that is either: enclosed by a roof or other overhead covering and walls or side coverings on not more than two sides; or has no roof or other overhead covering regardless of the number of walls or other side coverings.

Effective Date: 12-07-2006.

**3794.02 Smoking prohibitions.**

- (A) No proprietor of a public place or place of employment, except as permitted in section [3794.03](#) of this chapter, shall permit smoking in the public place or place of employment or in the areas directly or indirectly under the control of the proprietor immediately adjacent to locations of ingress or egress to the public place or place of employment.
- (B) A proprietor of a public place or place of employment shall ensure that tobacco smoke does not enter any area in which smoking is prohibited under this chapter through entrances, windows, ventilation systems, or other means.
- (C) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an individual for exercising any right, including reporting a violation, or performing any obligation under this chapter.
- (D) No person shall refuse to immediately discontinue smoking in a public place, place of employment, or establishment, facility or outdoor area declared nonsmoking under section [3794.05](#) of this chapter when requested to do so by the proprietor or any employee of an employer of the public place, place of employment or establishment, facility or outdoor area.
- (E) Lack of intent to violate a provision of this chapter shall not be a defense to a violation.

Effective Date: 12-07-2006.

**3794.03 Areas where smoking is not regulated by this chapter.**

The following shall be exempt from the provisions of this chapter:

(A) Private residences, except during the hours of operation as a child care or adult care facility for compensation, during the hours of operation as a business by a person other than a person residing in the private residence, or during the hours of operation as a business, when employees of the business, who are not residents of the private residence or are not related to the owner, are present.

(B) Rooms for sleeping in hotels, motels and other lodging facilities designated as smoking rooms; provided, however, that not more than twenty per cent of sleeping rooms may be so designated.

(C) Family-owned and operated places of employment in which all employees are related to the owner, but only if the enclosed areas of the place of employment are not open to the public, are in a freestanding structure occupied solely by the place of employment, and smoke from the place of employment does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter.

(D) Any nursing home, as defined in division (A) of section [3721.10](#) of the Revised Code, but only to the extent necessary to comply with division (A)(18) of section [3721.13](#) of the Revised Code. If indoor smoking area is provided by a nursing home for residents of the nursing home, the designated indoor smoking area shall be separately enclosed and separately ventilated so that tobacco smoke does not enter, through entrances, windows, ventilation systems, or other means, any areas where smoking is otherwise prohibited under this chapter. Only residents of the nursing home may utilize the designated indoor smoking area for smoking. A nursing home may designate specific times when the indoor smoking area may be used for such purpose. No employee of a nursing home shall be required to accompany a resident into a designated indoor smoking area or perform services in such area when being used for smoking.

(E) Retail tobacco stores in operation prior to December 7, 2006. The retail tobacco store shall annually file with the department of health by the thirty-first day of January an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after December 7, 2006, or any existing retail tobacco store that relocates to another location after December 7, 2006, may only qualify for this exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter.

(F) Outdoor patios . All outdoor patios shall be physically separated from an enclosed area. If windows or doors form any part of the partition between an enclosed area and the outdoor patio, the openings shall be closed to prevent the migration of smoke into the enclosed area. If windows or doors do not prevent the migration of smoke into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.

(G) Private clubs as defined in division (B)(13) of section [4301.01](#) of the Revised Code, provided all of the following apply: the club has no employees; the club is organized as a not-for-profit entity; only members of the club are present in the club's building; no persons under the age of eighteen are present in the club's building; the club is located in a freestanding structure occupied solely by the club; smoke from the club does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter; and, if the club serves alcohol, it holds a valid D4 liquor permit.

(H) An enclosed space in a laboratory facility at an accredited college or university, when used solely and exclusively for clinical research activities by a person, organization, or other entity conducting institutional review board-approved scientific or medical research related to the health effects of smoking or the use of tobacco products. The enclosed space shall not be open to the public and shall be designed to minimize exposure of nonsmokers to smoke. The program administrator shall annually file a notice of new research with the department of health on a form prescribed by the department.

Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017.

Effective Date: 12-07-2006.

**3794.04 Construction; other applicable laws.**

Because medical studies have conclusively shown that exposure to secondhand smoke from tobacco causes illness and disease, including lung cancer, heart disease, and respiratory illness, smoking in the workplace is a statewide concern and, therefore, it is in the best interests of public health that smoking of tobacco products be prohibited in public places and places of employment and that there be a uniform statewide minimum standard to protect workers and the public from the health hazards associated with exposure to secondhand smoke from tobacco. The provisions of this chapter shall be liberally construed so as to further its purposes of protecting public health and the health of employees and shall prevail over any less restrictive state or local laws or regulations. Nothing in this chapter shall be construed to permit smoking where it is otherwise restricted by other laws or regulations.

Effective Date: 12-07-2006.

**3794.05 Declaration of establishment as nonsmoking.**

Notwithstanding any other provision of this chapter, the owner, manager, operator, or other person in charge or control of an establishment, facility, or outdoor area which does not otherwise qualify as a public place or place of employment may declare such establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place declared nonsmoking under this section where a sign conforming to the requirements of section 3794.06 is posted.

Effective Date: 12-07-2006.

**3794.06 Posting of signs; prohibition of ashtrays; responsibilities of proprietors.**

In addition to the prohibitions contained in section 3794.02 of this chapter, the proprietor of a public place or place of employment shall comply with the following requirements:

(A) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, including at each entrance to the public place or place of employment. Signs shall be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark. All signs shall contain a telephone number for reporting violations.

(B) All ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited by this chapter.

Effective Date: 12-07-2006.

**3794.07 Duties of the department of health.**

This chapter shall be enforced by the department of health and its designees. The director of health shall within six months of December 7, 2006:

(A) Promulgate rules in accordance with Chapter 119. of the Revised Code to implement and enforce all provisions of this chapter;

(B) Promulgate rules in accordance with Chapter 119. of the Revised Code to prescribe a schedule of fines for violations of this chapter designed to foster compliance with the provisions of this chapter. The amount of a fine for a violation of divisions (A) and (B) of section 3794.02 and divisions (A) and (B) of section 3794.06 of the Revised Code shall not be less than one hundred dollars and the maximum for a violation shall be twenty five hundred dollars. The amount of a fine for a violation of division (D) of section 3794.02 of the Revised Code shall be up to a maximum of one hundred dollars per violation. Each day of a violation shall constitute a separate violation. The schedule of fines that apply to a proprietor shall be progressive based on the number of prior violations by the proprietor. Violations which occurred more than two years prior to a subsequent violation shall not be considered if there has been no finding of a violation in the intervening time period. The fine schedule shall set forth specific factors that may be considered to decrease or waive the amount of a fine that otherwise would apply. Fines shall be doubled for intentional violations.

(C) Promulgate rules in accordance with Chapter 119. of the Revised Code to prescribe a procedure for providing a proprietor or individual written notice of a report of a violation and the opportunity to present in writing any statement or evidence to contest the report, and prescribing procedures for making findings whether a proprietor or individual violated a provision of

this chapter and for imposing fines for violations;

(D) Establish a system for receiving reports of violations of the provisions of this chapter from any member of the public, including, but not limited to, by mail and one or more e-mail addresses and toll-free telephone numbers exclusively for such purpose. A person shall not be required to disclose his or her identity in order to report a violation;

(E) Inform proprietors of public places and places of employment of the requirements of this chapter and how to comply with its provisions, including, but not limited to, by providing printed and other materials and a toll-free telephone number and e-mail address exclusively for such purposes; and

(F) Design and implement a program to educate the public regarding the provisions of this chapter, including, but not limited to, through the establishment of an internet web site and how a violation may be reported.

(G) Adopt rules to prescribe fines for a violation of division (E) of section [3794.03](#) of the Revised Code. Division (B) of this section does not apply to a fine for a violation of division (E) of section [3794.03](#) of the Revised Code.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Effective Date: 12-07-2006 .

#### **[3794.08 Smoke free indoor air fund.](#)**

There is hereby created in the state treasury the smoke free indoor air fund. All fines collected pursuant to this chapter and any grant, contribution, or other moneys received by the department of health for the purposes of this chapter shall be credited to the smoke free indoor air fund and used solely for the purposes of this chapter.

Effective Date: 12-07-2006.

#### **[3794.09 Enforcement; penalties.](#)**

(A) Upon the receipt of a first report that a proprietor of a public place or place of employment or an individual has violated any provision of this chapter, the department of health or its designee shall investigate the report and, if it concludes that there was a violation, issue a warning letter to the proprietor or individual.

(B) Upon a report of a second or subsequent violation of any provision of this chapter by a proprietor of a public place or place of employment or an individual, the department of health or its designee shall investigate the report. If the director of health or director's designee concludes, based on all of the information before him or her, that there was a violation, he or she shall impose a civil fine upon the proprietor or individual in accordance with the schedule of fines required to be promulgated under section [3794.07](#) of this chapter.

(C) Any proprietor or individual against whom a finding of a violation is made under this chapter may appeal the finding to the Franklin County Court of Common Pleas. Such appeal shall be governed by the provisions of section [119.12](#) of the Revised Code.

(D) The director of health may institute an action in the court of common pleas seeking an order in equity against a proprietor or individual that has repeatedly violated the provisions of this chapter or fails to comply with its provisions.

Effective Date: 12-07-2006.

RESOLUTION NO. 20-10-1283

ADOPTING FOR COUNTY CITIZENS A TOBACCO USE / SMOKING POLICY  
CONSISTENT WITH THE COUNTY'S PERSONNEL POLICY MANUAL, SECTION 7.09

Mr. Mercer introduced the following resolution and moved for its adoption:

WHEREAS, the Board of Commissioners of Miami County, Ohio, passed Resolution No. 20-09-1124 on September 29, 2020, wherein the Board adopted a tobacco use / smoking policy for County Property and corresponding revisions to the County's personnel policy manual (section 7.09 – Tobacco Use/Smoking); and

WHEREAS, for the avoidance of doubt, it is the intention of the Board of Commissioners that the above-referenced policies to prohibit tobacco use and smoking on County property shall apply to all persons on County property, including employees and non-employees of the County; and

WHEREAS, the People of the State of Ohio have enacted a Smoke-Free Law that prohibits smoking in places of employment and public places, codified in Ohio Revised Code Sections 3794.01 to 3794.09.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MIAMI COUNTY, OHIO, THAT, ON THE BASIS OF THE FOREGOING, effective January 1, 2021:

1. In order to promote a healthy and comfortable work environment, all persons are prohibited from using tobacco while on County property.
2. For the purpose of this policy, County property includes, but is not limited to: buildings, offices, restrooms, hallways, common work areas, parking lots, garages, County vehicles, conference rooms, sidewalks, green space, stairs, cafeterias/break rooms, and storage areas.
3. For the purpose of this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. The definition is intended to include all products that deliver nicotine for purposes other than cessation.



Mr. Simmons seconded the motion and the Board voted as follows upon roll call:

Mr. Evans, Yea;


Mr. Mercer, Yea;

Mr. Simmons, Yea.

DATED: October 29, 2020

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the board under the date of October 29, 2020.

  
\_\_\_\_\_  
Leigh M. Williams, Clerk


Cc: Journal  
Files  
Facilities and Operations – Chris Johnson

# S & H COMMITTEE



MEMORANDUM

TO: Mrs. Baker, President of Council

FROM: Patrick E. J. Titterington, Director of Public Service and Safety 

DATE: November 5, 2020

SUBJECT: **2021 MIAMI COUNTY PUBLIC HEALTH AGREEMENT/FUNDING**

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**RECOMMENDATION:**

That Council authorizes funding for 2021 for Miami County Public Health in the amount of \$383,184.97, an increase of approximately 4.6% over the 2020 funding (\$367,982.63).

**BACKGROUND:**

Historically, commencing in 2001, the City agreed that the payment to the Miami County Health District (now known as Miami County Public Health) would be based on the millage equivalent of .4 outside mills plus .2 inside mills, and this would be the basis of payment until such time as another basis is established. In agreeing to a contribution based on millage equivalent, it was understood that would be the same basis of payment of 22 of the 24 Miami County entities excepting Piqua, which has its own Health Department.

Prior to 1992, the Health Department was part of the City's General Fund budget, with the City receiving certain fees and paying expenses, ranging from 100% payment to a 1/3 payment. Since 1992, the City has been on a contractual basis for payment for Health District services to Troy citizens. For the 1992 agreement, City officials and Health District officials met and a 1992 payment of \$100,000 was established (based on the 1991 budget less the fees that would henceforth be retained by the District/Public Health), with the agreement providing that the City's funding would increase by 5% in each year 1993 and 1994. In the years since then, the City has received information from the Health Commissioner regarding Troy's fair share payment, based on the millage equivalent for Troy's property values. The payment history is attached.

Troy's 2021 Miami County Public Health funding would be \$383,184.97, based on the equivalency of the .4 outside millage plus .2 inside millage, the Public Utility Personal Property Taxes (PUPPT), and the Tangible Personal Property Tax Replacement Fund (TPPTRF).

**REQUESTED ACTION:**

It would be appreciated if you would assign to a Committee of Council authorizing an agreement between the City of Troy and the Miami County Public Health for the District to provide health services to Troy residents, with the 2020 funding by the City in the amount of \$383,184.97.

encl.



YEAR	AMOUNT	% INCREASE		
1992	100,000			
1993	105,000	5.0%		
1994	110,250	5.0%		
1995	121,500	10.2%		
1996	135,000	11.1%		
1997	145,000	7.4%		
1998	145,000	0%		
1999	150,000	3.45%		
2000	155,000	3.3%		
2001	183,176	28.18%	(amount based on millage equivalent)	
2002	267,030.12	45.78%	"	"
2003	276,216.61	3.44%	"	"
2004	290,785.23	5.27%	"	"
2005	293,984.98	1.10%	"	"
2006	304,811.80	3.68%	"	"
2007	305,995.48	0.39%	"	"
2008	315,214.02	3.01%	"	"
2009	323,496.79	2.63%	"	"
2010	328,670.77	1.60%	"	"
2011	330,762.99	0.64%	"	"
2012	313,096.39	DECREASE 5.3%	"	"
2013	341,259.13	8.99%	"	"
2014	346,281.34	1.47%	"	"
2015	330,656.24	DECREASE 4.51%	"	"
2016	335,767.69	1.51%	"	"
2017	339,090.60	0.09%	"	"
2018	350,179.43	3.0%	"	"
2019	355,103.33	1.4%	"	"
2020	367,982.63	4.0%	"	"
2021	383,184.97	4.6%	"	"



October 29, 2020

Mr. Patrick Titterington  
Director of Public Service & Safety  
100 South Market Street  
Troy, OH 45373

Re: Troy Public Health Services – Miami County Public Health / Miami County Combined Health District 2021

Dear Patrick,

As you know, the Miami County Combined Health District (dba Miami County Public Health) receives funding from townships, villages, and Tipp City in the form of a 0.4 voted (outside) millage levy and a 0.2 inside millage apportionment. Since 2001, the City of Troy has paid Miami County Public Health (MCPH) the millage equivalent to what the townships, villages, and Tipp City pay for Public Health services. This is a fair and proportional way for the City of Troy to pay for Public Health services.

MCPH also receives funding from townships, villages, and Tipp City in the form of Public Utility Personal Property Taxes (PUPPT) and from the Tangible Personal Property Tax Replacement Fund (TPPTRF). The City of Troy has also paid the equivalent portion to what the other members of the Combined Health District pay. The City of Troy's TPPTRF equivalent amount for 2021 will remain unchanged from 2013.

Included with this letter you will find the County Auditor's calculations for the City of Troy's 0.4 and 0.2 millage equivalent (a total of 0.6 mills). The City of Troy's equivalent for 2021 is \$343,313.54. This figure includes the PUPPT revenue equivalent (\$12,125.09) as well. In 2013, the City of Troy's equivalent TPPTRF was \$39,871.43, representing a total 50% decrease from 2011. The City of Troy's equivalent TPPTRF amount for 2021 remains fixed at \$39,871.43. Therefore, the total amount for Public Health Services for the City of Troy for the calendar year 2021 will be \$383,184.97. This represents about a 4.6% increase from 2020.

I look forward to serving you, the Troy City Council, and the citizens of Troy over the next year. If you have any questions, please feel free to call me at 573-3505 or email me at [dpropes@miamicountyhealth.net](mailto:dpropes@miamicountyhealth.net).

Sincerely,

Dennis R. Propes, RS, MPA  
Health Commissioner





S & LH

**MEMORANDUM**

**TO:** Mr. Lutz, President of Council

**FROM:** Patrick E. J. Titterington

**DATE:** November 6, 2020

**SUBJECT:** RESOLUTION URGING GOVERNOR DEWINE AND THE STATE LEGISLATURE TO EXTEND DEADLINE FOR OPERATING PUBLIC MEETINGS ELECTRONICALLY

**RECOMMENDATION:**

That Council enacts a Resolution as an emergency measure urging Governor DeWine and the Ohio Legislature to approve an extension of the operation of public meetings to take place in an electronic setting until the State of Emergency is lifted related to the COVID-19 Pandemic.

**BACKGROUND:**

The current deadline ends December 1 related to holding electronic, or remote, meetings due to the COVID-19 Pandemic. COVID-19 cases are increasing; the number of Ohio Counties at or approaching Level 3 (Very High Risk of Exposure) is also increasing; and Governor DeWine has termed the virus a "red tide going all the way across Ohio". Therefore, for the safety of meeting participants and the public, it seems not only prudent, but necessary, to extend permitting public meetings to be held electronically beyond December 1.

**REQUESTED ACTION:**

That Troy City Council joins other Ohio communities in enacting a Resolution encouraging the Governor and the Ohio legislature to extend the deadline for operating public meetings electronically until the COVID-19 State of Emergency is lifted. Consideration of emergency legislation is requested.

