

MINUTES OF COUNCIL

A regular session of Troy Council was held on Monday, November 4, 2024, at 7:00 p.m. in Council Chambers, City Hall.

Members Attending: Marshall, Pierce, Schilling, Severt, Snee, Twiss, Westfall and Whidden.

Upon motion of Mr. Severt, seconded by Mr. Schilling, Mr. Phillips was excused from this meeting by unanimous roll call vote.

Presiding Officer:	William G. Rozell	President of Council
Others Present:	Robin I. Oda	Mayor
	Patrick E. J. Titterington	Director of Public Service and Safety
	Grant D. Kerber	Director of Law
	John E. Frigge	Auditor

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Council President Rozell, followed by the Pledge of Allegiance.

PRESENTATION: Mayor Oda made a presentation to Sam and Taylor Deisher, recipients of the Rumpke "Look Who Is Recycling" quarterly reward program for the 3rd Quarter 2024.

MINUTES: The Clerk gave a summary of the minutes of the October 21, 2024, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Twiss, seconded by Mr. Pierce, the minutes were approved by unanimous roll call vote.

PUBLIC HEARING: At 7:03 p.m., Council President Rozell declared open a public hearing on the recommendation of the Troy Planning Commission that Council enact legislation amending the Zoning Code to Prohibit Adult Use Cannabis Operators and establish Adult Use Testing Laboratory as a permitted use in the M-3 General Industrial District. The following spoke:

-Susan Justice, 845 Cartwright Ct. – opposes allowing operators; as a Registered Nurse she is concerned about the long-term impact of marijuana use; and commented that the long-term risk is not worth the short-term revenue.

-Alex Schaefer, 1004 E. Franklin St. – supports allowing cannabis operators; many places in Troy sell alcohol, which she believes is worse than marijuana; there are no overdoses from marijuana.

-Brad Boehringer, 105 Crestwood Dr. – supports control of locations of dispensaries; believes there are positives to marijuana; the City will lose potential revenue.

-Steve Henriksen, 975 Dickerson Dr. - does not see any harm in allowing cannabis operators; suggested it would be better to ban alcohol and cigarettes; tobacco usage will kill, but he does not know if marijuana usage will kill anyone.

-Christina Ryan-Claypool, 2851 Huntington Dr. - supports the community being proactive in prohibiting cannabis operators; as a recovering drug addict, marijuana was the gateway drug for her usage of other drugs; and while the operators would bring revenue to the City, this should not be about making money.

-Amber Schaefer, 1004 E. Franklin St. - she is a recovering alcoholic and supports having dispensaries in Troy; these businesses are where someone purchases an item and leaves, unlike a bar; and the dispensaries will bring more business to the area.

-Steve Justice, 845 Cartwright Ct. – he is a founding member of the Drug Free Task Force of Miami County; as such as been dealing with opioid related drugs that were killing people; he saw a growing addiction from cannabis and stated it is a strong addiction; he cited data that where dispensaries are opened has led to a higher use of cannabis, including by children, and medical issues; he is disturbed that a community that supports the Task Force would also support dispensaries; there are still Federal Laws regarding the use of marijuana; use of marijuana can lead to several medical issues and alter brain functions; and no one should live off money that will impact peoples' lives.

-George White, 236 N. Elm St. – he is a former pothead and is against dispensaries; he discussed that using marijuana negatively impacted his life and decisions; and he does not believe he would be alive today if he had not gotten off drugs.

-Jay Lavey, 225 S. Short St. – commented that if you think you will have problems, you will have problems, but will also have revenue; why not permit cannabis operators and get some of the revenue.

-Becky Girrard, 501 E. Franklin St. – commented that those that operate dispensaries have to know what they are doing; dispensaries have to make sure what is being sold has been legally tested and is accurate and clean; black market marijuana can be very toxic and cause mental issues; the use of marijuana will happen; it would be better to have the sale where it can be policed and people not use black market drugs.

-Larry Claypool, 2951 Huntington Dr. – from a school educator position, he has seen the culture change over the decades; encouraged Council taking a stand to not have dispensaries; and commented that it is not worth having the results of dispensaries on the conscience to collect a few dollars.

-Charles Pausley, 1790 Greenbriar Dr. – opposes allowing cannabis operators; he knows of family and friends who have their lives torn apart from drug use.

-Madison Hickman, 402 Lincoln Ave. – when she moved to Troy, she found that people knew who the drug dealers were; people will use marijuana; she sees this as an opportunity to set regulations for operators; there a many tobacco shops in Troy and there is no limit on business that sell tobacco.

-Matt Bigelow, 543 Robinhood Ln. – opposes allowing operators in Troy; Piqua is close for those who want to purchase cannabis.

There being no further comments, at 7:53 p.m., Mr. Rozell declared this public hearing closed.

It was commented that the recommendation of the Planning Commission will be considered by at a Committee meeting on Nov. 13, at 6:00 p.m.

COMMITTEE REPORTS:

Community Partnership Committee: Mr. Severt reported that Committee recommends legislation be prepared to declare a listing of vehicle and equipment with a value of \$1,000 or more each as surplus and authorize the sale of the items. Report submitted by Severt, Twiss and Marshall.

Recreation & Parks Committee: Mrs. Westfall, Chairman, reported that Committee recommends legislation be prepared naming the trail in the Robinson Reserve of the Paul G. Duke Park the "Margaret Duke Trail" as recommended by the Board of Park Commissioners. Committee noted that this naming complies with Council's policy for Naming of City Facilities.

Report submitted by Marshall, Whidden and Westfall.

Streets & Sidewalks Committee: Mr. Schilling reported as follows:

1. Committee recommends reported that Committee recommends legislation be prepared amending Resolution No. R-14-2024, increasing the authorization for the Broadford Bridge (SR41 East) Rehabilitation Project from \$260,000 to \$270,000. Committee noted that the concrete on the north side of the bridge was more deteriorated than identified from the pre-bid analysis. Committee supports emergency legislation so that there is no delay to the project.
2. Committee recommends that the Resolution of Necessity be prepared for a Missing Gap Sidewalk Program (Sidewalk Program Phase 16). Owners of identified properties where there are sidewalk gaps will be given a time period to obtain a permit for the work; otherwise, the sidewalks will be bid as a City program.

Reports submitted by Schilling, Westfall and Phillips.

Discussion.

Mr. Rozell asked how it is determined what gap areas will be addressed, especially those areas that are not related to or have a major project in the area. Mr. Titterington advised that as much as possible staff looks at the timing of future projects and grouping like areas for economy of scale, that all gap areas are documented, and future phases may include those sidewalks that were included in the earliest Sidewalk Programs.

CITIZEN COMMENTS ON AGENDA ITEMS: None.

RESOLUTION NO. R-62-2024

RESOLUTION NAMING THE WALKING TRAIL IN THE ROBINSON RESERVE IN THE PAUL G. DUKE PARK AS THE "MARGARET DUKE TRAIL"

This Resolution was given first title reading.

Mr. Whidden moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.

Yes: Twiss, Westfall, Pierce, Schilling, Marshall, Whidden, Severt and Snee.

No: None.

Mr. Whidden moved for adoption. Motion seconded by Mr. Pierce.

Yes: Westfall, Pierce, Schilling, Marshall, Whidden, Severt, Snee and Twiss.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-63-2024

RESOLUTION AMENDING RESOLUTION NO. R-14-2024, INCREASING THE AUTHORIZATION FOR THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ENTER INTO A CONTRACT FOR THE BROADFORD BRIDGE (STATE ROUTE 41 EAST) REHABILITATION PROJECT, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mrs. Westfall moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.

Yes: Pierce, Schilling, Marshall, Whidden, Severt, Snee, Twiss and Westfall.

No: None.

Mr. Whidden moved for adoption. Motion seconded by Mr. Pierce.

Yes: Schilling, Marshall, Whidden, Severt, Snee, Twiss, Westfall and Pierce.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-64-2024

RESOLUTION DECLARING THE NECESSITY OF PHASE 16 OF THE SIDEWALK REPLACEMENT AND MISSING GAP PROGRAM IN THE CITY OF TROY, OHIO

This Resolution was given first title reading.

Mr. Schilling moved for suspension of rules requiring three readings. Motion seconded by Mr. Whidden.

Yes: Marshall, Whidden, Severt, Snee, Twiss, Westfall, Pierce and Schilling.

No: None.

Mrs. Westfall moved for adoption. Motion seconded by Mr. Twiss.

Yes: Whidden, Severt, Snee, Twiss, Westfall, Pierce, Schilling and Marshall.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-48-2024

ORDINANCE DECLARING MUNICIPALLY OWNED PERSONAL PROPERTY AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF SUCH EXCESS PROPERTY

This Ordinance was given first title reading.

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

Yes: Severt, Snee, Twiss, Westfall, Pierce, Schilling, Marshall and Whidden.

No: None.

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

Yes: Snee, Twiss, Westfall, Pierce, Schilling, Marshall, Whidden and Severt.

No: None.

ORDINANCE ADOPTED

PRESENTATION BY THE POLICE CHIEF:

Police Chief Shawn McKinney updated Council regarding:

1. Regarding the homeless in Troy, the Chief commented that police officers try to assist those that appear to be homeless; some reported homeless camping areas have been broken up; no camping is being enforced after hours in parks; mental health and drug abuse issues are rampant among the homeless; officers are well trained in the resources available to assist the homeless, but about one in 10 will accept help; about 30 persons have been identified as permanent homeless that are dedicated to living on their own without assistance; and it is not known if any of the homeless are military veterans.
2. Regarding bicycle laws, the State expanded definitions regarding bicycles and toy vehicles; no one over the age of 12 is to ride a bicycle on any sidewalk; all bicyclists are to follow traffic law; in the last few days there have been two accidents involving scooters; no one is to ride a bicycle on the downtown sidewalks, but some perceive the sidewalks as safer than being in the street traffic; signs are posted about not riding bicycles on sidewalks downtown, but the law and the postings are not followed; officers frequently give warnings rather than tickets; even warnings are often not well received, nor are social media posting well received and usually result in a number of negative comments. Some members of Council encouraged more education regarding what is permitted when it comes to riding bicycles, including riding bicycles on sidewalks and what ages are permitted to ride on sidewalks, and what speeds are permitted for scooters and other toy vehicles. Mrs. Westfall commented that at the November 2 information session held by the At-Large members of Council, attendees were surprised to hear that no one over the age of 12 is to ride a bicycle on any sidewalk.

COMMENTS OF THE MAYOR: Mayor Oda noted that students from Miami East High School were in attendance.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted that the Finance Committee Budget Workshop will be held November 11, and other Committee Meetings will be held November 13. He noted that the Budget Workshop will be held in the basement which provides more flexibility for the budget review.

COMMENTS OF MEMBERS OF COUNCIL:

-Mrs. Westfall commented that at the November 2 information session held by the At-Large members of Council, attendees were surprised to hear that no one past the age of 12 is to ride a bicycle on any sidewalk.

-Mr. Severt thanked those who attended the November 2 information session.

-Members of Council encouraged citizens to vote.

-Members of Council thanked those who commented at the Public Hearing.

-Mr. Pierce commented that the City will keep in mind the needs of those who may have mobility issues in the downtown improvements.

There being no further business, Council adjourned at 8:37 p.m.

Clerk of Council

President of Council

PUBLIC HEARING: Nov. 4, 2024. At 7:03 p.m., Council President Rozell declared open a public hearing on the recommendation of the Troy Planning Commission that Council enact legislation amending the Zoning Code to Prohibit Adult Use Cannabis Operators and establish Adult Use Testing Laboratory as a permitted use in the M-3 General Industrial District. The following spoke:

-Susan Justice, 845 Cartwright Ct. – opposes allowing operators; as a Registered Nurse she is concerned about the long-term impact of marijuana use; and commented that the long-term risk is not worth the short-term revenue.

-Alex Schaefer, 1004 E. Franklin St. – supports allowing cannabis operators; many places in Troy sell alcohol, which she believes is worse than marijuana; there are no overdoses from marijuana.

-Brad Boehringer, 105 Crestwood Dr. – supports control of locations of dispensaries; believes there are positives to marijuana; the City will lose potential revenue.

- Steve Henriksen, 975 Dickerson Dr. - does not see any harm in allowing cannabis operators; suggested it would be better to ban alcohol and cigarettes; tobacco usage will kill, but he does not know if marijuana usage will kill anyone.

-Christina Ryan-Claypool, 2851 Huntington Dr. - supports the community being proactive in prohibiting cannabis operators; as a recovering drug addict, marijuana was the gateway drug for her usage of other drugs; and while the operators would bring revenue to the City, this should not be about making money.

-Amber Schaefer, 1004 E. Franklin St. - she is a recovering alcoholic and supports having dispensaries in Troy; these businesses are where someone purchases an item and leaves, unlike a bar; and the dispensaries will bring more business to the area.

-Steve Justice, 845 Cartwright Ct. – he is a founding member of the Drug Free Task Force of Miami County; as such as been dealing with opioid related drugs that were killing people; he saw a growing addiction from cannabis and stated it is a strong addiction; he cited data that where dispensaries are opened has led to a higher use of cannabis, including by children, and medical issues; he is disturbed that a community that supports the Task Force would also

support dispensaries; there are still Federal Laws regarding the use of marijuana; use of marijuana can lead to several medical issues and alter brain functions; and no one should live off money that will impact peoples' lives.

-George White, 236 N. Elm St. – he is a former pothead and is against dispensaries; he discussed that using marijuana negatively impacted his life and decisions; and he does not believe he would be alive today if he had not gotten off drugs.

-Jay Lavey, 225 S. Short St. – commented that if you think you will have problems, you will have problems, but will also have revenue; why not permit cannabis operators and get some of the revenue.

-Becky Girrard, 501 E. Franklin St. – commented that those that operate dispensaries have to know what they are doing; dispensaries have to make sure what is being sold has been legally tested and is accurate and clean; black market marijuana can be very toxic and cause mental issues; the use of marijuana will happen; it would be better to have the sale where it can be policed and people not use black market drugs.

-Larry Claypool, 2951 Huntington Dr. – from a school educator position, he has seen the culture change over the decades; encouraged Council taking a stand to not have dispensaries; and commented that it is not worth having the results of dispensaries on the conscience to collect a few dollars.

-Charles Pausley, 1790 Greenbriar Dr. – opposes allowing cannabis operators; he knows of family and friends who have their lives torn apart from drug use.

-Madison Hickman, 402 Lincoln Ave. – when she moved to Troy, she found that people knew who the drug dealers were; people will use marijuana; she sees this as an opportunity to set regulations for operators; there are many tobacco shops in Troy and there is no limit on business that sell tobacco.

-Matt Bigelow, 543 Elm St. – opposes allowing operators in Troy; Piqua is close for those who want to purchase cannabis.

There being no further comments, at 7:53 p.m., Mr. Rozell declared this public hearing closed.