



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

REVISED TO ADD ADDITIONAL ITEMS TO LISTED COMMITTEES

MONDAY, JANUARY 23, 2023; 6:00 P.M.

Community & Economic Development Committee

(Schilling [Chm.], Pierce, Snee)

1. Provide a recommendation to Council regarding establishing a moratorium of six months on new applications for Self-Storage Facilities. Consideration of emergency legislation is requested.
2. Provide a recommendation to Council regarding acceptance of a utility easement and vacation of a utility easement, associated with a replat at 50 – 60 Troy Town Drive. Consideration of emergency legislation requested.

Finance Committee

(Severt [Chm.], Phillips, Rozell)

1. Provide a recommendation to Council regarding the recommendation of the Loan Review Committee to release Anthony Scott from his personal guaranty on the Tabernacle Brewing Company, LLC CDBG Revolving Loan.
2. Provide a recommendation to Council regarding authorizing the Director of Public Service and Safety to enter into an agreement with Palmer Energy Consultants, Inc., of Toledo, Ohio, to secure electric pricing information related to the Government Electric Aggregation Opt-Out Program. Consideration of emergency legislation is requested.

Recreation & Parks Committee

(Whidden [Chm.], Rozell, Schilling)

1. Provide a recommendation to Council regarding authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the Marina Building Loading Dock Support Project at a cost not to exceed \$125,000.
2. Provide a recommendation to Council regarding authorizing the Troy Recreation Board to advertise for bids and enter into a contract for the Ice Deck Cover Replacement Program for the Hobart Arena at a cost not to exceed \$170,000.

Safety & Health Committee

(Twiss [Chm.], Marshall, Whidden)

1. Provide a recommendation to Council regarding permitting urban beekeeping in certain residential districts.

Streets & Sidewalks Committee

(Phillips [Chm.], Pierce, Snee)

1. Provide a recommendation to Council regarding authorizing the Resolution of Necessity for the 2023 Sidewalk Replacement Program (Phase 15).

Other Committees/Items may be added.

~~1-20-2023~~ 1-23-2023

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

**COMMUNITY &
ECONOMIC DEVELOPMENT
COMMITTEE**



MEMORANDUM

TO: Mr. Lutz, President of Council

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

DATE: January 19, 2023

SUBJECT: Moratorium on Self-Storage Facilities

BACKGROUND:

Warehouse and other storage facilities are a permitted use in M-1 Planned Office/Industrial District, M-2 Light Industrial District, M-3 General Industrial District, and B-4 Highway Service Business District. With the prospect of additional storage facilities within vacant areas of the City, staff is proposing a six month moratorium to evaluate appropriate land use regulations.

DISCUSSION:

City Council recently approved a six month moratorium for demolition requests in the Historic Preservation Overlay District with an additional six month extension to allow City staff to evaluate appropriate regulations. Similar moratoriums on self-storage facilities have been conducted by the following Ohio Municipalities: Centerville, Parma, Middleburg Heights, and Solon.

- For the purposes of this moratorium, a "Self-Storage Facility" shall be defined as: A structure containing separate, individual and private storage spaces of varying sizes which are leased or rented on individual leases for varying periods of time and whose tenants have access to such space for the purpose of storing and removing personal property. This is not construed to prevent warehouses that are defined as: A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including "self-storage facilities."
- The Development Department has received increasing amounts of inquiries over the past three years for new and expanded development of storage facilities. These inquiries include consideration of potential rezoning of property for storage facilities. Many of the potential locations are critical components of our Industrial Zoning Districts.
- Storage facilities require large commitments of property, which can impact the limited amount of Industrial property within the City.
- The City has a legal right to pass a moratorium prohibiting a land use for a temporary, specific period of time while the City investigates potential regulations. During that period, no permits may be issued for any application received for this land use during the moratorium period.
- The City of Troy Zoning Code currently combines self-storage facilities under the "Wholesale houses, warehouse and other storage facilities" use type. Self-storage facilities are different in use than a traditional warehouse and must be evaluated differently.
- Staff is requesting a six month moratorium due to the research and text amendment process being considered. This will provide staff the time to adequately evaluate appropriate regulations.

RECOMMENDATION:

It would be appreciated if you would assign to a committee of Council consideration of establishing a six month moratorium on self-storage facilities. Consideration of emergency legislation is requested so that the review can proceed without delay.



MEMORANDUM

TO: Mr. Lutz, President of Council

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

DATE: January 22, 2023

SUBJECT: **ACCEPTANCE OF UTILITY EASEMENT AND VACATING AN EXISTING EASEMENT**

RECOMMENDATION:

That Council accepts a utility easement at 30 – 50 Troy Town Drive for future development, vacates a utility easement of record in the same general area, and authorizes the Director of Public Service and Safety to execute any related documents.

BACKGROUND:

The property owner has submitted a replat a for development along Troy Town Drive, with an address currently known as 30 - 50 Troy Town Drive. This replat, to remove a lot line to create a new lot, is an administrative item that only requires the approval of the City Engineer. However, the development also requires acceptance of a utility easement and the vacation of an existing utility easement of record, which can only be approved by Council. Information is:

- Vacation of portion of an existing 10' wide utility easement – based on current development plans, this easement will not be needed.
- Dedication of 5' wide utility easement along the south lot line of the development – to serve future development.

Attached is a copy of a plat map with the areas requested for dedication and vacation highlighted.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council authorizing acceptance of the utility easement, the vacation of a portion of a 10' utility easement along Troy Town Drive, and authorizing the Director of Public Service and Safety to execute any documents related to the easements. So that the proposed development is not delayed, consideration of emergency legislation is requested.

encl.





TROY
OHIO

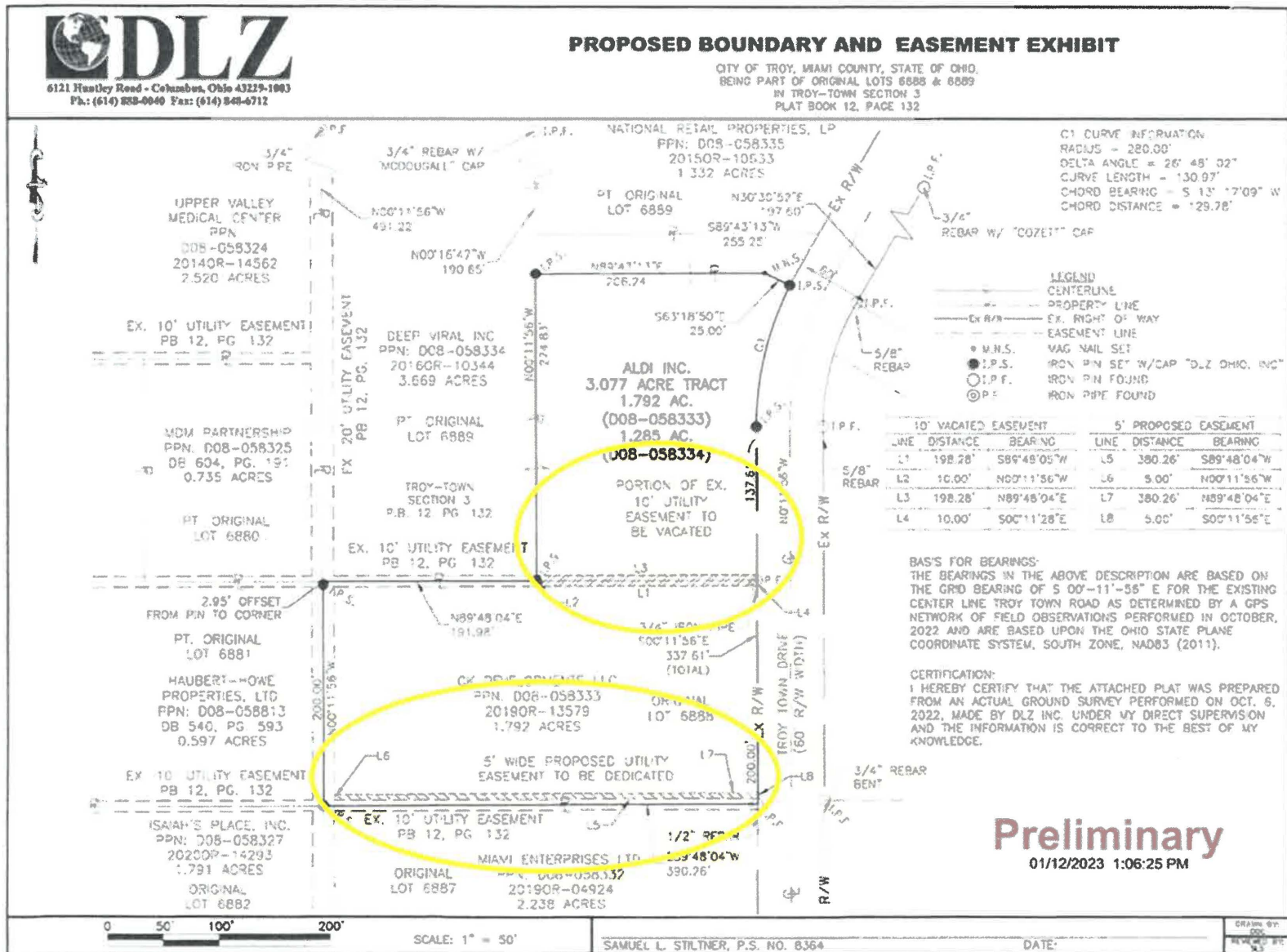
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Director of Public Service & Safety
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PROPOSED BOUNDARY AND EASEMENT EXHIBIT

CITY OF TROY, MIAMI COUNTY, STATE OF OHIO,
BEING PART OF ORIGINAL LOTS 6885 & 6889
IN TROY-TOWN SECTION 3
PLAT BOOK 12, PAGE 132



100 South Market Street, Troy, OH 45373

Make it yours.

FINANCE COMMITTEE



MEMORANDUM

TO: Mr. Lutz, President of Council

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

DATE: January 18, 2023

**SUBJECT: TABERNACLE BREWING COMPANY, LLC CDBG REVOLVING LOAN –
RELEASE OF ANTHONY SCOTT PERSONAL GUARANTY AND LOAN
RESPONSIBILITIES**

RECOMMENDATION:

That City Council accept the recommendation of the Loan Review Committee to release Mr. Scott from his personal guaranty on the Tabernacle Brewing Company, LLC loan from the City of Troy Community Development Block Grant (CDBG) Revolving Loan Fund.

BACKGROUND:

In 2018, Anthony Scott & Nick Moeller, on behalf of Tabernacle Brewing Company, LLC, dba Moeller Brew Barn received \$253,807.00 to finance equipment for a new location at 214 W. Main Street. A loan of \$128,807 came from the City of Troy CDBG Revolving Loan Fund and the City successfully applied to the State for an additional \$125,000 from the CDBG Economic Development Grant. The loan to Tabernacle Brewing Company, LLC consisted of terms set at seven (7) years at 4.5% APR, which amounted to \$3,528.00 monthly payments. A UCC lien was placed upon the business assets to serve as collateral for the loan. A personal guarantee from Anthony Scott and Nick Moeller was also collected.

Mr. Scott and Mr. Moeller were the majority shareholders in Tabernacle Brewing company, with each individual holding 43.2% of the shares. Recently, Mr. Moeller purchased the 43.2% of the shares held by Mr. Scott and now holds 86.4% of the shares. Mr. Scott has requested that his personal guarantee and loan responsibilities be removed from the Tabernacle Brewing Company loan. The City maintains 100% collateral even with Mr. Scott's release.

On January 11, 2023, the Loan Review Committee met to review the request from Mr. Scott in public session and provided a positive recommendation to City Council. Attached is a copy of the memo provided to the Loan Review Committee.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council consideration of the recommendation of the Loan Review Committee to release Mr. Scott from his personal guaranty and loan responsibilities associated with the Tabernacle Brewing Company, LLC CDBG Revolving Loan.

encl.





MEMORANDUM

TO: Mr. Lutz, President of Council

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

DATE: January 23, 2023

SUBJECT: **AUTHORIZING AGREEMENT WITH PALMER ENERGY COMPANY, INC. RELATED TO THE GOVERNMENT ELECTRIC AGGREGATION OPT-OUT PROGRAM**

RECOMMENDATION:

That Troy City Council authorize an Agreement with Palmer Energy Company, Inc. for the purpose of securing electric pricing information on the City's behalf related to extension of the City's contract with Energy Harbor for the electric aggregation opt-out program.

BACKGROUND:

Since 2012 the City has offered an electric aggregation opt-out program to its residents and businesses. The purpose of the program is offer competitive supply rates for electricity on behalf of the City's residents and businesses after the City has completed a process of bidding the program. The City secures competitive rates through the bid process of a consultant. This process must occur every three years. The City's contract for electric aggregation, currently held by Energy Harbor, expires on April 30, 2023.

Palmer Energy is conducting a competitive bid on behalf of the membership of the Miami Valley Communications Council (MVCC) of which the City is an affiliate member; however, the process will not be completed prior to the City's agreement expiring. The City of Troy wishes to be a party the MVCC program rather than handling this separately.

The work of Palmer Energy Company, Inc. includes:

- Obtain information about my historical energy usage and billing information and consent to the release of the same.
- Secure load profile, maximum annual or monthly demands and other consumption information.
- Secure any customer numbers, account numbers, rate codes or other information necessary to fill out a Letter of Authorization (LOA).
- Sign on the City of Troy's behalf any LOA or other forms that are necessary so that Palmer can obtain pricing from Certified Retail Electric Suppliers (CRES).
- Securing pricing from various supplier(s) to inform and evaluate the pricing opportunity(s) for electric supplies.
- Provide the results of these efforts to the City for purpose of making a decision on contracting.

In summary, Palmer Energy's role will be to negotiate competitive rates on behalf of the City through an extension of the current electric aggregation contract until such time as the City can gain entry into the MVCC Electric Aggregation Program. The fee for the service is included in the aggregated electric rates paid by the consumers. Only those who participate in the program are responsible for the fee.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council authorizing the Director of Public Service and Safety to enter into a Letter of Agreement with Palmer Energy Company, Inc. to secure electric pricing information related to the City's Electric Aggregation Opt-Out Program that would include pricing for an extension of up to 18 months of the current electric aggregation contract. So that Palmer Energy Company, Inc. can commence working on behalf of the City of Troy without delay, consideration of emergency legislation is requested.





MEMORANDUM

TO: Loan Review Committee Members

FROM: Tim Davis, Development Director

DATE: January 4, 2023

SUBJECT: **Tabernacle Brewing Company, LLC**

DISCUSSION:

In 2018, Anthony Scott & Nick Moeller, on behalf of Tabernacle Brewing Company, LLC, dba Moeller Brew Barn received \$253,807.00 to finance equipment for a new location at 214 W. Main Street. A loan of \$128,807 came from the City of Troy CDBG Revolving Loan Fund and the City successfully applied to the State for an additional \$125,000 from the CDBG Economic Development Grant. The loan to Tabernacle Brewing Company, LLC consisted of terms set at seven (7) years at 4.5% APR, which amounted to \$3,528.00 monthly payments. A UCC lien was placed upon the business assets to serve as collateral for the loan. A personal guarantee from Anthony Scott and Nick Moeller was also collected.

Mr. Scott and Mr. Moeller were the majority share holders in Tabernacle Brewing company which each individual holding 43.2% of the shares. Recently, Mr. Moeller has purchased the 43.2% of the shares held by Mr. Scott and now holds 86.4% of the shares. Mr. Scott has requested that his personal guarantee and loan responsibilities be removed from the Tabernacle Brewing Company loan.

After speaking with our Law Director, we were informed an action by the Loan Review Committee and City Council are necessary in order to release Mr. Scott from his personal guaranty. This action is necessary to ensure that Mr. Moeller can satisfy the loan obligations on his own. After reviewing the personal financial statement provided by Mr. Moeller and retaining the existing UCC lien placed on the business assets to serve as collateral for the loan, staff recommends approval to release Mr. Scott from his personal guaranty.

REQUESTED ACTION:

It is requested that the Loan Review Committee provide a positive recommendation to City Council to release Mr. Scott from his personal guaranty.



**RECREATION &
PARKS COMMITTEE**

R + P

MEMORANDUM

TO: Mr. Lutz, President of Council

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

DATE: January 19, 2023

SUBJECT: **BIDDING AUTHORIZATION – MARINA BUILDING LOADING DOCK SUPPORT**



RECOMMENDATION:

That the Director of Public Service and Safety be authorized by Council to advertise for bids and enter into a contract for the Marina Building Loading Dock Support Project at a total cost not to exceed \$125,000.

BACKGROUND:

In 2021, Council authorized the bidding of the Marina Building Loading Dock Support Project at a cost not to exceed \$70,000. When the project was bid, both bids exceeded that authorization. The project was not re-bid in 2022 while staff re-evaluated the project scope and in hopes that pricing/supply chain issues would stabilize. This project is included in the 2023 Capital Improvement Fund budget in the amount of \$125,000.

As background on this project, it was found that there is deterioration of the structural steel which supports the loading dock drive to the Marina building garage area was discovered. After inspecting and reviewing the structural steel, a structural engineering firm recommended the City proceed to reinforce the structural steel. The most practical option is to support the drive from below by developing additional concrete walls similar to a basement. By reinforcing the steel in place, the bridge-like structure will not require removal or replacement.

REQUESTED ACTION

It would be appreciated if you would assign to a Committee of Council authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the Marina Building Loading Dock Support Project at a total cost not to exceed \$125,000.

cc: Mayor Oda



MEMORANDUM

TO: Mr. Lutz, President of Council

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

DATE: January 22, 2023

SUBJECT: **AUTHORIZE BIDDING FOR THE ICE DECK COVER REPLACEMENT PROJECT AT THE HOBART ARENA**

RECOMMENDATION:

That the Recreation Board of the City of Troy, Ohio is authorized to advertise for bids and enter into a contract for the Ice Deck Cover Replacement Project for the Hobart Arena at a cost not to exceed \$170,000.

BACKGROUND:

The 2023 Hobart Arena Fund budget includes the amount of \$170,000 for a replacement ice deck cover. For much of the year, the Hobart Arena deck floor is covered with ice. The facility uses an ice deck cover so that other events may also occur, primarily concerts. This requires utilizing an ice deck cover for insulation and safety. The current ice deck cover has exceeded its useful life, becoming less efficient and with some of the panels being torn or broken, making them harder to use. The replacement of the cover has been included in the five-year plan of the Hobart Arena, and was included in the budget for this year.

At the meeting of the Troy Recreation Board on January 18, the Board approved a motion to request that Troy City Council now authorize the bidding of this project.

REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council authorizing Recreation Board of the City of Troy, Ohio to advertise for bids and enter into a contract for the Ice Deck Cover Replacement Project for the Hobart Arena at a cost not to exceed \$170,000.

cc: Ken Siler



SAFETY & HEALTH COMMITTEE

MEMORANDUM

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

FROM: Tim Davis, Development Director

DATE: January 17, 2023

SUBJECT: URBAN BEEKEEPING

BACKGROUND:

Urban beekeeping has emerged as one of the latest trends of urban agriculture and City Council has expressed interest in expanding Urban Beekeeping into residential zoning districts.

DISCUSSION:

Development staff provided a memorandum at the January 9, Council Committee meeting (Attachment A), which included a survey of communities throughout the Miami Valley and a list of pros and cons of urban beekeeping, that addressed the following topics: Ecosystem, Pollination, Population, Honey, Swarming, Colonization, Stings and Second Hives.

RECOMMENDATION:

Based on research, data collection and discussions with surveyed communities, citizens and City Council, staff concludes urban beekeeping should be allowed in the Agricultural and all but the densest Single-family zoning districts (R-5, minimum of 6,000 square feet). The proposed regulations (below) were modeled after the City of Vandalia's Beekeeping regulations:

- Limit beekeeping to an accessory use in the R-1 Single-Family (40,000 square feet), R-2 Single-Family (20,000 square feet) residential districts, R-3 Single-Family (15,000 square feet), R-3-B Single-Family (12,000 square feet), and the R-4 Single-Family (9,000 square feet) residential districts (by comparison Vandalia does not allow beekeeping in their 7,500 square foot residential district);
- Maximum of two (2) hives permitted on lots zoned R-1, R-2, R-3, R-3-B, and R-4 Single -family residential with unlimited hives permitted on lots zoned Agricultural and Agricultural-Residential zoning districts;
- Hives should be located only within rear yards, setback at least five (5) feet from the rear lot line and meet the side yard setback as determined by the Zoning Code, and establish a flyaway barrier adjacent to the hive(s). The barrier should consist of a 6' high wall, fence, dense vegetation or combination thereof. The barrier must comply with the City of Troy Fence Code requirements;
- Hives should be faced toward the principal structure on the lot;
- The owner of the hive(s) must be a resident in a dwelling located on the same lot on which the hive(s) are registered;
- Each colony should be maintained in movable frames not to exceed the standard 9-5/8-inch depth 8-10-frame hive body with no more than three (3) supers;

- All beekeepers should annually register and maintain their hives as set forth in the Ohio Revised Code, Chapter 909: Apiaries. Every hive should bear the owner's Apiary Identification number on the base or box in a location that can be seen without moving or lifting of the hive;
- An adequate supply of fresh water should be maintained on the same lot within 15 feet from the hive to prevent bees from congregating at other sources of water on nearby properties;
- Beekeeping equipment should be maintained in good condition, including keeping the hives painted or waterproofed;
- The city should reserve the right to revoke beekeeping privileges when conditions jeopardize the public health and safety;
- Africanized bees should not be kept in the City of Troy.

As requested, city staff reached out to The Ohio State Extension Office, Miami Valley Beekeepers Association, and the Miami County Apiary Inspector and included their input into the proposed recommendations.

Community Name	Population*	Ordinance Notes
Bellbrook	7,308	Permitted in Single-family residential lots <14,000sqft. Must be kept in the rear yard no closer than 25 feet (30' of ROW) - must register and follow ORC 909.
Centerville	24,255	Permitted only in Agricultural uses of 5 acres or more. Flyway barrier (wall, fence or dense vegetation needed if < 30 ft from property line, max of 4 hives - must register and follow ORC 909.
Fairborn	34,488	No specific ordinance - Allowed in Agricultural districts. Define agriculture as "....production of honey, beeswax, honeycomb, and other related products"
Greenville	12,778	No specific ordinance. Planning Director said they would address it under the animal nuisance regulations.
Kettering	57,743	Permitted in some Single-family residential districts on lots >4,000sqft. Must be kept in the rear yard no closer than 10 feet from lot lines (30' of ROW) - must register and follow ORC 909.
Miamisburg	19,890	No specific ordinance - allow in agricultural and Agricultural-Residential district
Piqua	20,361	No specific ordinance - Declares it a nuisance for owner to harbor bees
Sidney	20,592	No specific ordinance - Only allowed in the IIM (Industry Innovation, & Manufacturing) district.
Tipp City	10,282	No specific ordinance - allow in agricultural "conservation" district
Vandalia	15,177	Permitted in Agricultural and Residential area as accessory uses. Flyway barrier (wall, fence or dense vegetation needed if < 25 ft from property line, # of colonies based on size of lot)
Wapakoneta	9,948	No specific ordinance
West Carrollton	13,095	No specific ordinance
Xenia	25,408	No specific ordinance

Notes:

*Population based on 4/1/2020 @ www.census.gov

Troy population shown as 26,308

STREETS & SIDEWALKS COMMITTEE



S+S

Patrick E. J. Titterington
Director of Public Service & Safety
937-335-1725
Patrick.titterington@troyohio.gov

MEMORANDUM

TO: Mr. Lutz, President of Council

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

DATE: January 17, 2023

SUBJECT: **2023 Sidewalk Replacement Program (Phase 15), Resolution of Necessity**

RECOMMENDATION:

That Council authorizes the Resolution of Necessity for the repair and/or replacement of certain sidewalks in a 2023 Sidewalk Replacement Program (Phase 15).

BACKGROUND:

Attached is the map of the areas identified regarding the next phase, 2023 Sidewalk Replacement Program (Phase 15). That information indicates there are 236 parcels that have been identified where the sidewalks are required to be repaired/replaced. This year's program generally includes the entire neighborhood of Kings Chapel and Fox Harbor.

The first step in this process is the Resolution of Necessity. If Council approves the Resolution of Necessity, the City notifies property owners by letter that the repairs/replacements must be made and of the time limitations for such work. We intend to give the property owners a minimum of six weeks, from the date of the certified mailing, to obtain the permit for the sidewalk work. Those permits are good for six months so the property owners who choose to complete their own work will have this time to complete the work. The property owners can coordinate with us if additional time is needed. Properties for which permits are not obtained will then be included in a sidewalk project bid by the City, with the property owners later paying the City for that work or having the cost assessed to the property tax.

Included with the notice will be a packet of information including the list of licensed concrete/sidewalk contractors, a general brochure about the program, a program area map and a sketch of the sidewalk requiring replacement for that particular property.

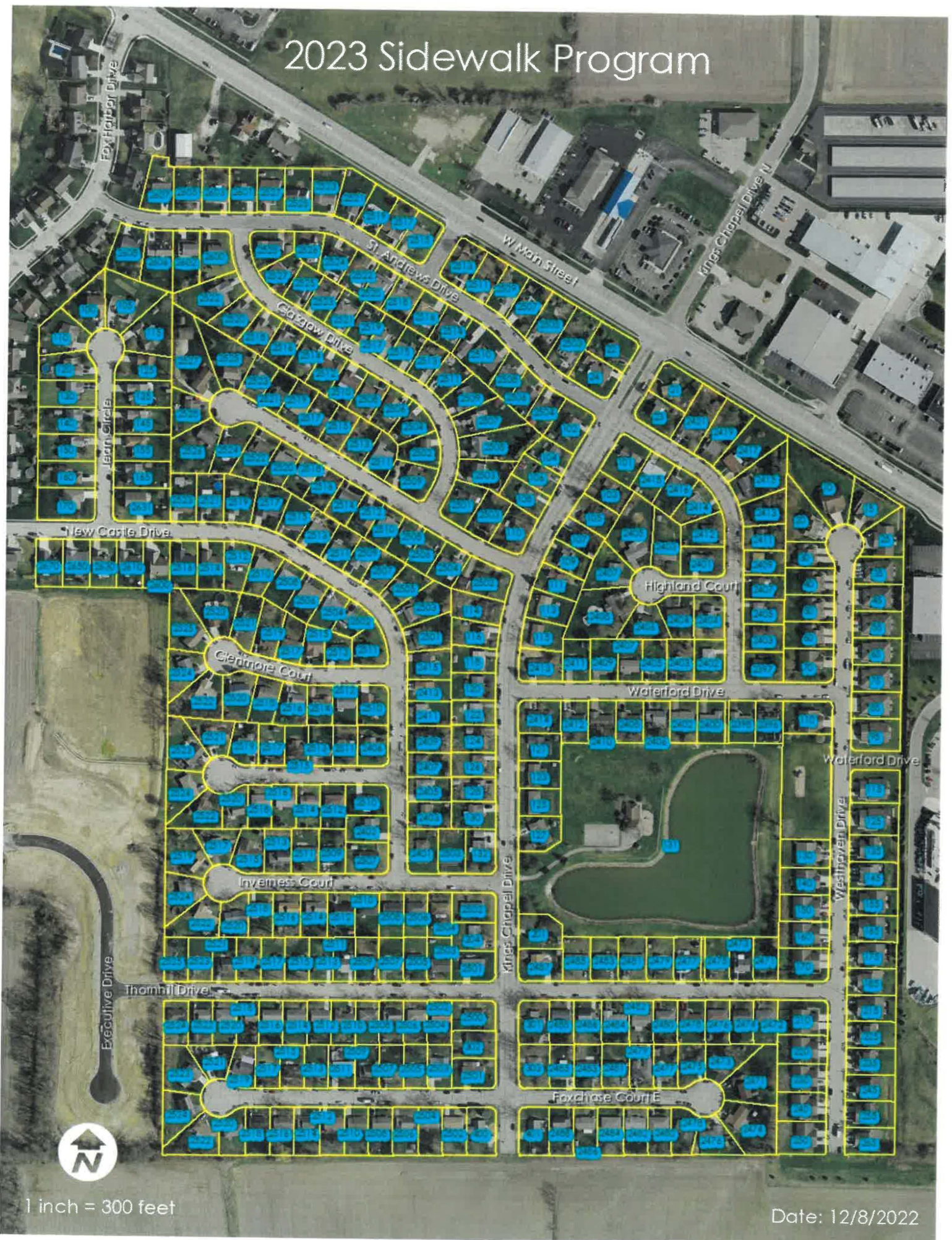
REQUESTED ACTION:

It would be appreciated if you would assign to a Committee of Council authorizing the Resolution of Necessity for the 2023 Sidewalk Replacement Program (Phase 15).

encl.



2023 Sidewalk Program



Date: 12/8/2022