

NOTICE OF SPECIAL MEETING
OF THE
CITY COUNCIL

Mr. Phillips, Mr. Rozell, Mr. Schilling, Mr. Schweser, Mr. Severt,
Mrs. Snee, Mr. Terwilliger, Mr. Twiss, Mr. Whidden, Mr. Lutz

You are hereby notified that there will be a special meeting of the City Council of The City of Troy, Ohio, at the Council Chamber in said city, on MONDAY the 29th day of November, 2021 at 6:00 PM. for the purpose of considering: Resolution No. R-58-2021, Agreement with FOP – Police Officers for 2022-2024; Resolution No. R-59-2021, Agreement with FOP – Police Sergeants for 2022-2024; Resolution No. R-60-2021, Agreement with FOP – Police Captains for 2022-2024; Resolution No. R-61-2021, Accept Opioid Settlement Agreement; Ordinance No. O-65-2021, Appropriation Ordinance for 2022 (approval of the 2022 Budget)

This meeting is called by Council President Lutz pursuant to Rule XXV of the Troy City Council Rules for procedure.

Signed by us as duly elected and qualified members of the City Council of the City of Troy, Ohio, this _____ day of November, 2021.

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AGENDA, TROY CITY COUNCIL
SPECIAL MEETING
MONDAY, NOVEMBER 29, 2021, 6:00 PM
COUNCIL CHAMBERS, CITY HALL

ROLL CALL

(by motion, second, roll call vote)

READING AND ACKNOWLEDGEMENT OF NOTICE OF SPECIAL MEETING OF TROY CITY COUNCIL

COMMITTEE REPORT

RESOLUTIONS:

R-58-2021	Authorize Agreement with FOP – Police Officers 2022 – 2024	EMERGENCY	1 st Reading
R-59-2021	Authorize Agreement with FOP – Police Sergeants 2022 – 2024	EMERGENCY	1 st Reading
R-60-2021	Authorize Agreement with FOP – Police Captains 2022 – 2024	EMERGENCY	1 st Reading
R-61-2021	Authorize Opioid Settlement Agreement	EMERGENCY	1 st Readubg

ORDINANCES:

O-65-2021	Appropriation Ordinance for 2022 (Approval of 2022 Budget)		1 st Reading
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NOTE: Committee meetings may take place prior to or following Council meeting

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council

DATE: November 22, 2021

FROM: Finance Committee

SUBJECT: 2022 BUDGET APPROVAL – AUTHORIZING APPROPRIATION ORDINANCE; AUTHORIZING AGENCY FUNDING

SUMMARY REPORT: *(To be read at Council meeting)*

On November 22, the Finance Committee and other members of Council met for the review of the 2022 Budget. This budget reflects the Mayor's and Council's number one priority of economic development. We note that a budget must be a working document, and we anticipate some reappropriations during the year. The work and cooperation of the Mayor, City Administration, and department heads is appreciated in developing the budget document.

RECOMMENDATION: *(To be read at Council meeting)*

It is the recommendation of this Committee that the 2022 Budget of the City of Troy be approved by the preparation and adoption of the Appropriation Ordinance.

The appropriation includes funding for agencies, and we recommend that legislation be prepared authorizing the following for 2022, with the funding remitted quarterly:

Troy Development Council	\$140,000
Troy Main Street, Inc.	\$ 60,000
Troy Recreation Association, Inc.	\$ 29,000

Respectfully submitted,

Bobby W. Phillips

Todd D. Severt

John W. Schweser, Chairman
Finance Committee

DETAILED REPORT:

On November 22, 2021, the Finance Committee members met for the review of the 2022 Budget in a workshop session. The workshop was attended by all members of Council, Council President Lutz, Council Member-elect Marshall, the Director of Public Service and Safety, citizens, and members of the City staff.

Through a series of meetings with department heads and staff since September, the City administration developed a recommended budget that reflects the priorities of the Mayor and Council, particularly that economic development remains the top priority. We note the following:

- The 2022 budget is a status-quo budget to a great extent.
- Employee costs are budgeted based on the approved salaries for 2021 as bargaining unit agreements have not been finalized.
- The 2022 recommended budget maintains Council's commitment to economic development, especially through investments in workforce attraction, quality of life amenities, and business recruitment and expansion. It increases the level of funding of agency partners the Troy Development Council and Troy Main Street, Inc. by reallocating previously special project funds in the Development Department into those agencies; maintains the funding level for the Troy Recreation Association, Inc., and continues the implementation of downtown riverfront related recommendations.
- The budget provides for the continuance of basic services the City has been fortunate to maintain as the community grows, even with the challenges and impact related to the COVID-19 Pandemic.
- Technology improvements are continued.

- The Auditor's revenue projections are conservative. There could be significant refunds of income tax based on persons who were working from home and not a physical location due to COVID-19. Also, negative impacts to local income tax revenues are still subject to changes by the State Legislature.
- Due to conservative spending patterns and some revenues exceeding projections, 2021 ending fund balances are generally better than projected when the budget was approved.
- Major equipment and vehicle replacement are less than recent years, but does include: \$165,000 to replace a Street Department 5-Ton truck; the annual cruiser replacement; the annual replacement of five golf carts for Miami Shores Golf Course; adding a utility van for MIS; and replacement of a trackhoe and skid steer with funding shared by utility operations.
- Investing in transportation, projects include the annual road paving program, another phase of the sidewalk program, and commencing the first phase of the West Main Street Corridor Project.
- Within the Police, Cemetery and Miami Shores operations, full-time positions will be added with some offset by the reduction of part-time wages. Within the Development Department, two inspector positions are budgeted to be filled only if Council institutes new inspection programs.
- The 2022 proposed budget is a fairly flat operating budget with only a few exceptional long-planned capital expenses, such as the expansion of the Wastewater Treatment Plant.
- Expenditures are included for the disbursement of the funds from the American Rescue Plan Act.
- The City Auditor and the administrative staff will continue to closely monitor spending levels and revenues.

The budget is the City's most important annually approved document. It is also a working document that may need to be adjusted as conditions may require. There will be routine reappropriation requests during the year.

We appreciate the work of the Auditor, the Mayor, the administrative staff, and the department heads on the 2022 Budget.

RECOMMENDATION:

It is the recommendation of this Committee that the 2022 Budget of the City of Troy be approved by the preparation and adoption of the Appropriation Ordinance.

The appropriation will include continuing to fund the Troy Development Council in the amount of \$140,000. Of that amount, \$105,000 is funded from the General Fund and \$17,500 from each the Water Fund and Sewer Fund. We recommend that legislation be prepared authorizing the funding to the Troy Development Council in the amount of \$140,000, with the funding remitted quarterly.

The appropriation will include funding for the agencies of Troy Main Street, Inc. and the Troy Recreation Association, Inc. We recommend that legislation be prepared authorizing the following agency funding for 2022, with the funding remitted quarterly:

Troy Main Street, Inc.	\$ 60,000
Troy Recreation Association, Inc.	\$ 29,000

cc: Council, Mayor, Mr. Kerber, Mr. Frigge, Mr. Titterington, Clerk, staff, media
Council-elect

RESOLUTION No. _____ R-58-2021

Dayton Legal Blank, Inc.

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO ENTER INTO AN AGREEMENT WITH F.O.P., OHIO LABOR COUNCIL, INC. – TROY POLICE OFFICERS ASSOCIATION AND DECLARING AN EMERGENCY

WHEREAS, the City of Troy and the F.O.P., Ohio Labor Council, Inc. – Troy Police Officers Association have entered into negotiations and reached an agreement as to wages, benefits and other terms and conditions of employment with the City of Troy, and

WHEREAS, Troy City Council approves the terms of that agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, as follows:

SECTION I: That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to enter into an agreement with the F.O.P., Ohio Labor Council, Inc. – Troy Police Officers Association, which agreement sets forth wages, benefits and other terms and conditions of employment for the years 2022 - 2024.

SECTION II: That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that the agreement must be effective immediately to facilitate and enable the City to ensure continuous operation of City functions; **NOW, WHEREFORE**, this Resolution shall be effective beginning January 1, 2022.

Adopted: _____

President of Council

Approved: _____

Attest: _____
Clerk of Council

Mayor

RESOLUTION No. R-60-2021

Dayton Legal Blank, Inc.

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO ENTER INTO AN AGREEMENT WITH F.O.P., OHIO LABOR COUNCIL, INC. – CAPTAINS AND DECLARING AN EMERGENCY

WHEREAS, the City of Troy and the F.O.P., Ohio Labor Council, Inc. – Captains have entered into negotiations and reached an agreement as to wages, benefits and other terms and conditions of employment with the City of Troy, and

WHEREAS, Troy City Council approves the terms of that agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, as follows:

SECTION I: That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to enter into an agreement with the F.O.P., Ohio Labor Council, Inc. – Captains, which agreement sets forth wages, benefits and other terms and conditions of employment for the years 2022 – 2024.

SECTION II: That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that the agreement must be effective immediately to facilitate and enable the City to ensure continuous operation of City functions; **NOW, WHEREFORE**, this Resolution shall be effective beginning January 1, 2022.

Adopted: _____
President of Council

Approved: _____

Attest: _____
Clerk of Council Mayor

RESOLUTION No. R-61-2021

Darwin Legal Black, Inc.

A RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT, AND DECLARING AN EMERGENCY

WHEREAS, the City of Troy, Ohio (herein "Municipality") is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Companies accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City of Troy, Ohio has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council of the City of Troy, Ohio understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by Janssen/Johnson&Johnson to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed Settlement Agreement; and

WHEREAS, the Council of the City of Troy, Ohio wishes to agree to the material terms of the proposed National Settlement Agreement with the Proposed Settlement:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to execute the Participation Agreement for the OneOhio Subdivision Settlement with Janssen/Johnson&Johnson pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed Settlement Agreement available at <https://nationalopioidsettlement.com/>.

SECTION II: That the Director of Public Service and Safety of the City of Troy, Ohio hereby accepts, or is authorized to accept the Proposed Settlement on behalf of the City of Troy, Ohio, pursuant to the terms of the OneOhio MOU.

SECTION III: That it is found and determined that all formal actions of the Council relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION IV: That this Resolution is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Troy, Ohio; and for the further reason that response to the terms of the Settlement must be made by December 8, 2021, to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio; NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____
President of Council

Approved: _____

Attest: _____
Clerk of Council Mayor

ORDINANCE No. 0-65-2021

Dayinn Legal Blank, Inc.

**ORDINANCE APPROPRIATING FUNDS NECESSARY FOR THE
VARIOUS DEPARTMENTS AND OFFICES OF THE CITY OF TROY,
OHIO, FOR THE YEAR 2022**

BE IT ORDAINED by the Council of the City of Troy, Ohio, at least two-thirds of the members duly elected thereto concurring as follows:

SECTION I. That from and out of the monies and balances known to be in the funds of the City of Troy, Ohio, which funds are listed in the sections below, and from all the monies anticipated to come into such funds during the year 2022, there is appropriated funds to fulfill the objects and purposes for which the City of Troy, Ohio must provide, the sums set forth in Section II through Section XLIII:

FUND	TOTAL	TRANSFER
SECTION II. GENERAL FUND	\$ 23,340,119	\$ 9,910,000
SECTION III. STREET DEPARTMENT FUND	\$ 1,728,103	\$ None
SECTION IV. STATE HIGHWAY IMPROVEMENT FUND	\$ 91,310	\$ None
SECTION V. INCOME TAX DEPARTMENT FUND	\$ 1,366,718	\$ 20,000,000
SECTION VI. CEMETERY FUND	\$ 471,044	\$ None
SECTION VII. SAFETY-INCOME TAX FUND	\$ None	\$ 2,800,000
SECTION VIII. MUNICIPAL REAL PROPERTY FUND	\$ 1,050	\$ None
SECTION IX. MIAMI CONSERVANCY DISTRICT FUND	\$ 107,500	\$ None
SECTION X. RECREATIONAL PROGRAMS FUND	\$ 168,623	\$ None
SECTION XI. PARK & RECREATION CAPITAL IMPROVEMENT FUND	\$ 400,050	\$ None
SECTION XII. COMMUNITY DEVELOPMENT BLOCK GRANT FUND	\$ 831,400	\$ 25,000
SECTION XIII. PARKING & DOWNTOWN IMPROVEMENT FUND	\$ 166,850	\$ None
SECTION XIV. DRUG LAW ENFORCEMENT FUND	\$ 7,000	\$ None
SECTION XV. LAW ENFORCEMENT TRUST FUND	\$ 9,000	\$ None
SECTION XVI. REVOLVING LOAN FUND	\$ 751,500	\$ None
SECTION XVII. CARES ACT CORONAVIRUS RELIEF FUND	\$ None	\$ None
SECTION XVIII. AMERICAN RESCUE PLAN ACT OF 2021	\$ None	\$ 1,927,962
SECTION XIX. BOND RETIREMENT FUND	\$ 2,271,896	\$ None
SECTION XX. CAPITAL IMPROVEMENT FUND	\$ 11,846,766	\$ None
SECTION XXI. OHIO PUBLIC WORKS COMMISSION FUND	\$ 600,000	\$ None
SECTION XXII. TIF 2003 FUND	\$ 291,500	\$ None
SECTION XXIII. TECHNOLOGY FUND	\$ 80,000	\$ None
SECTION XXIV. STOUDER EQUIPMENT & PLAYGROUND FUND	\$ 2,050	\$ None

<u>SECTION XXV.</u> THE PAUL G. DUKE TRUST FUND	\$ None	\$ None
<u>SECTION XXVI.</u> CEMETERY TRUST FUND	\$ 6,550	\$ None
<u>SECTION XXVII.</u> CEMETERY ENDOWMENT FUND	\$ 26,550	\$ None
<u>SECTION XXVIII.</u> UNCLAIMED FUNDS FUND	\$ None	\$ 2,600
<u>SECTION XXIX.</u> TRI-CENTENNIAL FUND	\$ None	\$ None
<u>SECTION XXX.</u> HOBART ARENA FUND	\$ 2,720,526	\$ None
<u>SECTION XXXI.</u> MUNICIPAL SWIMMING POOL FUND	\$ 301,610	\$ None
<u>SECTION XXXII.</u> STORMWATER UTILITY FUND	\$ 2,534,162	\$ None
<u>SECTION XXXIII.</u> WATER DEPARTMENT FUND	\$ 6,542,778	\$ None
<u>SECTION XXXIV.</u> SEWERAGE SYSTEM FUND	\$ 16,506,343	\$ None
<u>SECTION XXXV.</u> PARKING METER FUND	\$ 72,360	\$ None
<u>SECTION XXXVI.</u> MIAMI SHORES GOLF CLUB FUND	\$ 1,323,370	\$ None
<u>SECTION XXXVII.</u> IMPREST CASH FUND	\$ 1,150	\$ None
<u>SECTION XXXVIII.</u> INVESTMENT FUND FOR CAPITAL IMPROVEMENT	\$ 4,500	\$ 225,000
<u>SECTION XXXIX.</u> BOARD OF BUILDING STANDARDS FUND	\$ None	\$ None
<u>SECTION XL.</u> ENTERPRISE ZONE FUND	\$ 8,500	\$ None
<u>SECTION XLI.</u> FIRE INSURANCE ESCROW FUND	\$ None	\$ None
<u>SECTION XLII.</u> FEMA FUND	\$ None	\$ None
<u>SECTION XLIII.</u> EQUITABLE SHARING FUND	\$ 37,500	\$ None

SECTION XLIV. That the Auditor of the City of Troy, Ohio, is authorized and directed to draw and issue his warrants upon the Treasurer of the City of Troy, Ohio, for payment of any of the appropriations set forth in Section II through Section XLIII upon receiving proper certification and vouchers therefor approved by the officials or boards of the City of Troy, Ohio, authorized by law to approve the same, or upon passage of an Ordinance or Resolution of this Council to make such expenditures; provided, however, that no warrant may be drawn, issued or paid for salaries or wages except for persons employed of, and in accordance with, laws and ordinances.

SECTION XLV. That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____

President of Council

Approved: _____

Attest: _____

Clerk of Council

Mayor