

**TIPP CITY WORK SESSION**

**TIPP CITY, MIAMI COUNTY, OHIO**

**December 15, 2014**

**Executive Session**

The following Council Members answered roll call. President Joe Gibson, Mayor Pat Hale, Katie Berbach, Dee Gillis, John Kessler, Mike McDermott and Matt Owen. President Gibson informed everyone Council will be entering Executive Session for the purpose of discussing pending litigation to include all members of Council, City Manager Tim Eggleston, Law Director David Caldwell and Co-Counsel Kevin Lantz. Ms. Gillis moved to enter Executive Session. Mr. Kessler seconded. Motion carried. Council entered Executive Session at 6:30 pm.

President Gibson informed everyone for purposes of the record and the benefit of those in the audience, Council Members already answered roll call prior to entering Executive Session. Mayor Hale moved to return from Executive Session. Mr. Owen seconded. Motion carried. Council returned from Executive Session at 7:00 pm. Council began the Work Session at 7:00 pm.

**Work Session**

The work session began at 7:00 pm. The following Council members were present: President Joe Gibson, Mayor Pat Hale, Katie Berbach, Dee Gillis, John Kessler, Mike McDermott and Matt Owen. Also attending was City Manager Tim Eggleston, Finance Director John Green, Utilities Director Christy Butera, Law Director David Caldwell, Police Chief Eric Burris, and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

No others were in attendance.

**Franchise Agreement with Pin High Driving Range**

Mr. Eggleston informed Council staff has spoken with Mr. Jason Hadden regarding terms for renewing the franchise agreement with Pin High Golf Driving Range. Mr. Eggleston stated Mr. Hadden was in agreement with the proposed terms of the agreement which include annual payment in the amount of the property taxes paid by the City for Kyle Park plus an additional \$500.00 administrative fee. Mayor Hale asked if Mr. Hadden was current with his monthly rent payment. Mr. Green replied Mr. Hadden is currently two weeks late for an amount due to the City of \$1,242. Mr. Green added the original agreement was for a term of five (5) years, but Council can establish the renewal parameters. Mr. Green suggested a five year renewal or a three year contract with the option to extend for two additional years may be appropriate. Mayor Hale stated he would like to see an additional 5-10% late fee penalty added to the agreement. Mr. McDermott, Ms. Gillis and Mr. Owen agreed with adding a penalty fee to the revised agreement. Mr. Owen said he believes with the closure of the Beavercreek location, Mr. Hadden will be able to focus on the Tipp location and to pay the City his monthly fees. Mr. Caldwell requested the agreement also state that Mr. Hadden's account must be paid in full prior to extending an additional three-year agreement.

**School Interest to purchase Football Field**

Mr. Eggleston informed Council he had been approached by the School Board Superintendent and Board President as to the consideration of the City allowing the schools to purchase the property where the current

football stadium is located plus an additional 10 feet (10') for the new football stadium. Mr. Eggleston stated Mr. Vath has been researching whether there are covenants or restrictions regarding the selling of any of the park property.

Mr. Eggleston added Dennis Donnelly performed a review of the three deeds (involved in the current facility and proposed expansion) and noted there is a revisionary clause that was originally set by the Governor. Mr. Kessler agreed stating the intent of the original usage was as a parks facility. Mr. Kessler added "I think the current use of a football field pushes the definition of park". Mayor Hale inquired if staff should approach the state and request a deed change. Mr. Eggleston added this will not be a speedy process. Currently the City owns this land and it would be necessary for the school to own the land prior to this item being placed on the levy to construct a new stadium.

Mr. Eggleston continued there are other deed restrictions regarding this property. The parking lot is located in a flood plain and not eligible to be built upon. Mr. Eggleston added there is also a sanitary sewer line that runs along the property that would need to be moved. Mayor Hale stated he was looking for solutions and not looking for reasons why this couldn't happen. President Gibson stated he would like to appeal to the state. Ms. Berbach requested staff get estimates in "navigating" the sanitary sewer line. President Gibson agreed with Ms. Berbach. Ms. Berbach added, we (Council/staff) should also see if the schools would be interested in helping to pay those costs. Ms. Berbach suggested a joint meeting with the school board to learn of their intentions with the property and to review a preliminary design. President Gibson agreed, adding, if we don't know what they want, we can't help them. Mayor Hale added he would like to see a revisionary clause in deed that ownership will return to the City if no longer being used under this premise. Mr. Owen also requested staff obtain the pricing to move the sanitary sewer line. Mr. Eggleston stated he would schedule a joint meeting with Council and the School Board to discuss further.

**Adjournment**

Meeting adjourned at 7:30 pm.

\_\_\_\_\_  
Joseph Gibson, President of Council

Attest: \_\_\_\_\_  
Janice Bates, Clerk of Council

**TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**December 15, 2014**

**Council Meeting**

The following Council Members answered roll call. President Joe Gibson, Mayor Pat Hale, Katie Berbach, Dee Gillis, John Kessler, Mike McDermott and Matt Owen.

City Staff in attendance include: City Manager Tim Eggleston, Law Director David Caldwell, Finance Director John Green, Utilities Director Christy Butera, Police Chief Eric Burris, Facilities/IT Supervisor Doug Arnold and Clerk of Council Janice Bates.

Guests signing the register include: Thomas Chaney, Ron Re', Mike McFarland, Sharon Dehus, Bryan Budding, Brad Warkentine, Mo Eichman, Stan Evans and Joanna Pittenger .

**Invocation and Pledge of Allegiance**

Pastor Brad Warkentine of Tipp City Church of the Nazarene gave the Prayer for Guidance. President Gibson led the Pledge of Allegiance.

**Approval of Agenda**

Ms. Berbach moved to approve the agenda. Mayor Hale seconded. Motion carried.

**Minutes**  
12/1/14 Work Session

Mr. Kessler moved to approve the minutes of the December 1, 2014 Pre-Meeting Work Session. Ms. Berbach seconded. Motion passed 7-0.

12/1/14 Council Meeting

Ms. Berbach moved to approve the minutes of the December 1, 2014 Council Meeting. Mr. Kessler seconded. Motion passed 7-0.

**Presentations, Proclamations, & Awards**

There were none.

**Ordinances**  
**(2<sup>nd</sup> Reading)**  
Bond Notes - \$6,069,000

An ordinance providing for the issuance and sale of notes in the maximum aggregate principal amount of \$6,069,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of various public infrastructure projects.

City Manager Comments: The adoption of this ordinance would authorize the re-issuance of bond anticipation notes in an amount not to exceed \$6,069,000 for a period of one year. This ordinance combines and reissues twelve previous bond anticipation notes issued in preparation of the issuance of long-term bonds. However, due to the attractive interest rates on short-term debt, the City will continue to utilize short-term debt until it makes financial sense to issue bonds.

Mr. Kessler introduced the ordinance for discussion and a vote. Motion passed 7-0. Ordinance 27-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Approving the 2015 Annual Budget

An ordinance adopting the 2015 Annual Budget for Tipp City, Ohio.

City Manager Comments: This is the legislation that will put the

budget in place for 2015. This has been proposed by the City Manager and staff. If there are any specific questions, Mr. Green is available to answer those.

Mr. McDermott introduced the ordinance and called for a discussion and a vote. President Gibson requested an elaboration and clarification of items contained within the budget. President Gibson stated he had circulated an email proposing a reduction or cuts in some items as well as raising some concern about certain expenditures. President Gibson first requested information on the entry under "Economic Development Department" in the amount of \$200,000 versus an annual payment of \$100,000. Mr. Green replied "As we put the 2014 budget together for the current fiscal year, you will remember we had the discussion about setting aside money in an Economic Development Fund. The Ohio Revised Code does not permit us to set up a separate fund to be used for Economic Development activities. The compromise we arrived at in 2014 was to set up this separate line item where we would reserve \$100,000 each year to be used for Economic Development incentives in case a company were to come to town and requested assistance other than utilities. This money was established at that point to be used for providing that incentive if there is an economic benefit to the City. We would have a pot of money specifically set aside to be used for those incentives. The understanding at the time, with the understanding that the Ohio Revised Code does not permit a separate fund, was that we would put \$100,000 per year in this line item and each year it would roll over to the next year. This is how it went from \$100,000 in 2014 to \$200,000 in 2015's budget". Mr. Kessler inquired if Council set a cap on this amount. Mr. Green stated a cap was not set on it at that time, "We should be thinking of a cap and that number really should come from Council and what you feel comfortable with. This was direction from the seven Council members that you wanted money to be set aside for this purpose. The \$200,000 line is our attempt to comply with Council's request to have a line item for economic development incentives". Motion passed 6-1. President Gibson voted nay. Ordinance 28-14 was declared adopted and President Gibson affixed his signature in witness thereto.

2015 Appropriations

An ordinance to make appropriations for current expenses and other expenditures of the Municipality of Tipp City, Ohio during fiscal year ending December 31, 2015.

City Manager Comments: The 2015 appropriation ordinance is companion legislation to the operating budget ordinance. The appropriation ordinance authorizes the expenditure of funds while the operating budget sets forth the financial plan for the ensuing fiscal year. The appropriation ordinance mirrors the proposed expenditures set forth in the operating budget presented to Council this evening.

Mr. Kessler introduced the ordinance for discussion and vote. Motion passed 6-1. President Gibson voted nay. Ordinance 29-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Amendment to 2014 Appropriations

An ordinance amending 2014 appropriations and modifying the annual operating budget as a result of this action.

City Manager Comments: The City issued a series of short-term bond anticipation notes in November 2014 and one of those notes was included in the 2014 operating budget at net issuance costs (principal paydown only) versus gross issuance costs.

President Gibson introduced the ordinance and moved for its adoption. Motion passed 7-0. Ordinance 30-14 was declared adopted and President Gibson affixed his signature in witness thereto.

**Resolutions**  
Modification of the DAP,  
Inc. deed – Parcel on  
North Third Street

A resolution authorizing the City Manager to execute a declaration of covenants and restrictions to modify the DAP, Inc. deed for the +/- 2.605 acre parcel on North Third Street.

City Manager Comments: This parcel was donated to the City by DAP Inc. Tipp City Seniors would like to erect a new senior facility. The issue with this parcel is that when DAP Inc. donated the property to the City, a parcel has a deed restriction stating that it could only be used for “a park or other recreational use.” Mr. Vath has been in discussion with DAP Inc. who is supportive of the modification to the deed’s covenants and restrictions to allow the proposed use. The Tipp City Senior Inc. is also in agreement with the modification. This is the first step needed to move this project forward.

Mr. Kessler sponsored the resolution and moved for its adoption. Mayor Hale seconded. Motion passed 7-0. Resolution 58-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Adventures on the Great  
Miami License  
Agreement

A resolution to authorize a license agreement with Adventures on the Great Miami for the use of certain municipal property known as the boat ramp and parking pursuant to the terms and conditions as defined in said agreement attached as Exhibit A.

City Manager Comments: This resolution would allow the City Manager to enter into a non-exclusive franchise/license agreement with Adventures on the Great Miami for the use of the boat ramp and public parking at the Tipp City Boat ramp. The agreement will start January 1, 2015 and expire on December 31, 2017. The contract also included the option to extend the contract an additional two (2) years upon providing written notice 30 days before the expiration date in 2017. The City will receive five percent (5%) of the gross revenue of the operation including but not limited to; canoe/kayak/etc. livery business rentals and equipment rentals.

Mr. Kessler sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Mr. Kessler inquired if this were a new agreement with Adventures on the Great Miami or a renewal of one before. Mr. Green replied this is a renewal agreement with Chris Jackson who is doing business as Adventures on the Great Miami. Mr. Green added the City also still has a license agreement with Barefoot Canoes for the livery and storage facility. Mr. Green continued this is a renewal for Mr. Jackson which provides him access to the property and parking area. This is an extension of the current agreement and puts it in line with the current agreement with Barefoot Canoes. Mr. McDermott asked how parking is handled with both businesses running. Mr. Green replied Mr. Jackson will transport his clientele to the drop off location/ launch site and will pick them up from his property on Ross

Road. Mr. Jackson is at this location long enough to drop off clients and get them started on the river. Motion passed 7-0. Resolution 59-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Pro Oncall Technologies

A resolution authorizing the City Manager to enter into a contract with Pro Oncall Technologies for the purchase of, and five year warranty for, telephone system(s) at a cost not to exceed \$81,500.

City Manager Comments: The proposed phone system upgrade was included in the Capital Improvement Fund for 2015. This upgrade will provide a more reliable system as support for our current system is no longer available and was installed in 2001. The new system will be IP based system which will provide more flexibility and reliability.

Mr. Kessler sponsored the resolution and moved for its adoption. Ms. Gillis seconded. Motion passed 7-0. Resolution 60-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Change in Compensation for the Clerk of Council

A resolution authorizing a change in the compensation of the Clerk of Council.

City Manager Comments: Council is being asked to set the Clerk of Council compensation at \$120 a week. Ms. Bates will receive the additional compensation in addition to her current salary under Chapter 37. The past Clerk of Council received this additional compensation at \$100 per week. It has been since 2004 that it was originally \$100.

President Gibson sponsored the resolution and moved for its adoption. Mr. Owen seconded. Mr. Kessler commented the reading stated the previous Clerk of Council received this compensation, but shouldn't it be the previous Executive Secretary. President Gibson stated it was both. The previous person who held this position was both the Clerk and the Executive Secretary. Mr. Kessler stated the previous Clerk received an additional \$100 in addition to her regular salary. President Gibson replied, Ms. Ross received the additional compensation of \$100/week in addition to her regular Executive Secretary pay and that will be the way this will be. President Gibson thanked Ms. Bates for all of her hard work adding this addition is well deserved. Motion passed 7-0. Resolution 61-14 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances  
(1<sup>st</sup> Reading)**  
Establishing Seasonal and Daily Pass Rates for TFAC

An ordinance establishing seasonal and daily pass rates and related usage fees and charges for patrons of the Tippecanoe Family Aquatic Center.

City Manager Comments: This ordinance would be to increase the Pre-Season Discount in 2015 from \$20.00 to \$21.00. The remaining fees stay as they are.

Mayor Hale introduced the ordinance.

**Motions**

There were none.

**Miscellaneous**

There were none.

**Citizen Comments on  
Items not on the  
Agenda**

**Councilmember  
Comments**

There were none.

Ms. Gillis wished everyone a Merry Christmas and Happy Holidays and we will see you in the new year.

Mr. Owen also wished everyone a Merry Christmas and a Happy New Year. Mr. Owen also encouraged everyone to shop local. Mr. Owen reminded everyone to be safe while driving and to watch for pedestrians.

Ms. Berbach wished everyone a Merry Christmas and a Happy Holiday.

Mr. Kessler reiterated everyone should drive safely. Mr. Kessler also encouraged everyone to donate nonperishable items to the Needy Basket. Any item is greatly appreciated.

Mr. McDermott also wished to extend a very Happy and Blessed Christmas to everyone in Tipp City. "Especially the staff. You guys have gone through quite a bit this year". I want to wish everyone a very Merry Christmas.

Mayor Hale also wished a very Merry Christmas to the citizens of Tipp City. Mayor Hale also informed everyone he attended the Ohio Municipal Electric Association Board of Directors meeting last Thursday and plans to give Council an update on that meeting at the first meeting in January. Mayor Hale informed everyone the EPA in Washington continues to try to overextend its reach in what they are trying to do. Mayor Hale encouraged everyone to look up the EPA Regulation 111D. This will cause major price increases and possible reliability issues down the road.

President Gibson stated, "If anyone was wondering, I did not support the budget this year. I voted against it because of its projected \$300,000 deficit. I made several proposals to cut into this budget deficit and received a consensus over the last two weeks that apparently it did not get the support necessary to bring forth for a discussion here tonight on the dais. I see it as a problem. I see it as a trend that we need to deal with soon. In looking at the past budgets of the City a projected deficit has been presented in seven out of the last eight budgets. The news media didn't cover this much this year, but I do want the record to reflect that I am not a subscriber to deficit spending. Especially when we are on the heels of still uncertain economic times.

President Gibson continued by stating the holiday season is upon us and encouraged everyone to shop at our local businesses. Tipp City has a lot to offer, so please patronize our local businesses, especially during the holiday season. The Downtown is looking as good as ever and we hope to see you around. President Gibson offered congratulations to the organizers of the Holiday Home Tour. President Gibson also wished everyone a very Merry Christmas and best wishes for a Happy 2015. The holidays always provide time to look back and count our blessings. We all have a lot to be thankful for especially here in Tipp City. This is a great community to live in and I am thankful for that. President Gibson stated it has been one year since he was

sworn in as Council President and hoped that I have served you well on Council as well as the City. A lot has happened in the one year that we've been here. Our City Manager left, we had a big flood, we had tremendous construction projects, Abbott opened up, Meijer has broken ground, we've hired a new City Manager and we've had small businesses open up all around Tipp City. There is something great happening around town nearly every week. Tipp City has a lot to offer. President Gibson wished to thank the staff for all of their hard work throughout the year. The Department Heads, and the folks out on the front lines who do all of the work for the City and keeping it running, and managing things and helping us here on Council. They have done a lot to keep the City running and I do appreciate that and all of their hard work. I know I can speak for all of Council when I express my appreciation for all that you do throughout the year. Thank you very much. President Gibson also wished to thank his fellow members of Council. "You have worked with me, or put up with me this past year and it has been a pleasure to work with all of you. Whatever differences we might have on an issue are always amicably resolved. All of these people up here work very hard for the City and they keep the best interest of the citizens in mind when they make their decision". President Gibson reminded everyone there will be a reception in the lobby.

President Gibson reminded everyone these proceedings have been recorded and will be rebroadcast on the local cable access station. In this area it is Time Warner Channel 5. You can also log onto [www.kittv.org](http://www.kittv.org) and download videos of this City Council meeting, Monroe Township Trustee, School Board and other local events.

**City Manager  
Comments**

Mr. Eggleston stated on behalf of himself and everyone on Staff he wished everyone a very Merry Christmas and Holidays.

Mr. Eggleston thanked Council for the opportunity to serve Tipp. Mr. Eggleston encouraged everyone to travel safely attending their holiday parties.

**Adjournment**

Mr. Kessler moved to adjourn. Ms. Berbach seconded. Motion carried.

Meeting adjourned at 8:06 pm.

\_\_\_\_\_  
Joseph Gibson, President of Council

Attest: \_\_\_\_\_  
Janice Bates, Clerk of Council



