

**TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**March 17, 2014**

**Executive Session**

President Gibson informed everyone Council will be entering Executive Session to discuss Personnel, to consider the appointment of a public employee, particularly a new City Manager to include members of Council, City Manager Jon Crusey and Law Director David Caldwell. Ms. Gillis moved to enter Executive Session. Mr. McDermott seconded. Motion carried. Council entered Executive Session at 7:00 pm.

Mr. Kessler moved to return from Executive Session. Mayor Hale seconded. Motion carried.

**Council Meeting**

The regular meeting of the Tipp City City Council began at 7:45 pm.

City Staff in attendance include: City Manager Jon Crusey, Law Director David Caldwell, Finance Director John Green, City Engineer Scott Vagedes, Police Chief Eric Burris, Fire Chief Steve Kessler, City Zoning Administrator Matthew Spring and Clerk of Council Janice Bates.

Guests signing the register include: Mark Bayse, Susan Bayse, Jennifer Creech, Ron Re, Thomas Chaney, Nick Creech, Ralph Brown, JJ Mauro, M & N McAlpin, Mike McFarland, Greg Adkins, Mike Boyd, Tim Logan, Bryan Budding, Joel Gruber, Brian Arnold, Ellen Waldron, Kelly Andray, Lauryn Bayliff, Tony and Johnna Smith, James Hunt, W. S. Connor, Jeff Perilman, Paul Lee and Stacy Wall. Reporters Nancy Bowman, Cecilia Fox and Carla Ungerecht were also in attendance.

**Invocation and Pledge of Allegiance**

Mayor Hale gave the Prayer for Guidance. President Gibson led the Pledge of Allegiance.

**Amendment/Approval of Agenda**

Ms. Berbach moved to approve the agenda. Mr. Owen seconded. Motion Carried.

**Minutes  
3/3/14 Pre-Meeting  
Study Session**

Ms. Berbach moved to approve the minutes of the March 3, 2014 Pre-Meeting Study Session. Ms. Gillis seconded. Motion carried.

**3/3/14 Council Meeting**

Ms. Berbach moved to approve the minutes of the March 3, 2014 Council Meeting. Mr. Owen seconded. Motion carried.

**Presentations,  
Proclamations, &  
Awards**

Mayor Hale swore in new Police Sergeant Nicholas Creech.

**Ordinances  
(2<sup>nd</sup> Reading)**

An ordinance providing dental insurance to members of Council.

**Council Dental Insurance**

City Manager Comments: The adoption of this ordinance would make dental insurance available to members of City Council until December 31, 2015, which is the same date that health insurance is eliminated for members of Council. The Director of Law issued an opinion in October 2013 that "medical insurance", which Council members were entitled to via Ordinance 29-91, cannot be considered to include "dental insurance" and that the

receipt by Council Members is not “under the color of law.” Council members who were participating in the City’s dental insurance program subsequently dropped their dental insurance coverage. This ordinance would also make Council dental insurance retroactive to November 5, 1991 for those members of Council who participated in the City’s dental insurance program prior to the Director of Law’s opinion.

President Gibson sponsored the ordinance and moved for its adoption. Mr. Owen seconded. Mr. Kessler inquired if anyone currently on Council is participating in the dental coverage. President Gibson stated no there is not. Ms. Gillis stated this ordinance would protect those people who had used it before. President Gibson stated that was correct and this puts the dental insurance on par with the medical insurance. In the evaluation of the medical portion, there were discussions whether dental was included. Dental was included just as the medical was, but there was not an ordinance that specifically confirmed that. Mayor Hale inquired if there is any reason why Council cannot make this ordinance to effectively end now rather than December 31, 2015. President Gibson stated there is not, but this would allow both to run concurrently and conclude concurrently. Motion passed 7-0. Ordinance 4-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Repealing Chapters §§  
154 & 155 and Adopting  
Replacement Chapters  
§§ 154 & 155

An ordinance repealing Chapters §§ 154 & 155, adopting replacement Chapters §§ 154 & 155 of the Tipp City, Ohio Code of Ordinances, and amending the Zoning Map.

City Manager Comments: This ordinance would adopt a new Zoning Code, Zoning Map, and Subdivision Regulations for the City of Tipp City. On November 21, 2011 City Council adopted Resolution 36-11 authorizing a contract with Compass Point Planning to undertake a comprehensive update of the City’s land use regulations. City Council also appointed a Steering Committee to assist staff and the consultant in the review and development of the regulations. The update process has included extensive public participation opportunities via the Steering Committee meetings, stakeholder interviews, and public hearings before public bodies. A joint meeting of the Planning Board and City Council was held on January 27, 2014 to review the draft land use regulations. Subsequently, the Planning Board conducted a public hearing at February 11, 2014 and resolved to recommended approval of the proposed updates to the Zoning Code, Zoning Map, and Subdivision Regulations, with four revisions for Council’s consideration:

1. Remove redundant code sections regarding off-street parking for multi-tenant buildings addressed in subsequent section;
2. Modify the definition of Light Manufacturing so that it is performed within a fully enclosed structure;
3. Modify code, as recommended by the Law Director, regarding pre-application meetings not being binding;
4. Modify code to allow multiple EPA approved erosion control measures behind the sidewalk within the public right-of-way. Sod

will still be required between the sidewalk and the back of curb in residential districts.

President Gibson sponsored the ordinance and moved for its adoption. Ms. Berbach seconded. Mr. McDermott recused himself from the vote. Mr. Kessler inquired if Council will be removing “power” from the Planning Board for variance requests or those are to remain with the Planning Board. Mr. Crusey replied that was correct. Mayor Hale stated this is the largest code update the City has undertaken in many years. “Regardless of the changes being made to the Code, it doesn’t prevent items to come before this or future City Council”. Ms. Gillis stated this is something the City has needed for some time. President Gibson thanked Wendy Moeller and Matt Spring for their work on this project. Motion passed 6-0-1. Ordinance 5-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Adopting the Design Manual (Guidelines) for the Old Tippecanoe Restoration and Architectural District

An ordinance adopting the Design Manual (Guidelines) for the Old Tippecanoe City Restoration and Architectural District.

City Manager Comments: The adoption of this ordinance would enact revised Restoration & Architectural District Design Guidelines for the Old Tippecanoe Historic District. The purpose of the guidelines is to stabilize and improve property values within the Historic District through protection and preservation of the basic characteristics, to solicit architectural details of structures compatible within the district, and to encourage new buildings and developments be harmonious with the existing historic architecture. The Zoning Code Update Steering Committee also worked with Compass Point Planning on the update of the guidelines and the Restoration Board reviewed and recommended approval of the revised guidelines at its September 25, 2013 meeting.

Mr. Owen sponsored the ordinance and moved for its adoption. Ms. Gillis seconded. Motion passed 7-0. Ordinance 6-14 was declared adopted and President Gibson affixed his signature in witness thereto.

**Resolutions**  
ODOT – 571 Repaving Project

Final resolution authorizing the City Manager to execute agreements and/or contracts as required, with the Ohio Department of Transportation (ODOT) for the State Route 571 (W. Main Street) repaving project.

City Manager Comments: This final resolution authorizes the City Manager to enter into an agreement with the Ohio Department of Transportation for the repaving of SR 571 between CR 25-A to the northbound ramps of I-75 in State Fiscal Year 2014. ODOT requires 20% local participation in its repaving program, which obligates the City to an estimated expenditure of \$74,464. The 2014 budget included \$69,000 in the Capital Improvement Fund for the City’s share of this project based on a previous ODOT estimate.

**Ordinances  
(1<sup>st</sup> Reading)**  
Supplemental  
Appropriations

Mr. Kessler sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Motion passed 7-0. Resolution 13-14 was declared adopted and President Gibson affixed his signature in witness thereto.

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

City Manager Comments: This ordinance would amend 2014 appropriations as follows:

+ \$10,000      Street Fund – To account for overtime costs related to snow and ice removal

+ \$33,000      Municipal Road Fund – To account for overtime costs related to snow and ice removal and also to purchase additional salt to replenish the salt barn in preparation for next winter.

Ms. Gillis sponsored the ordinance.

**Motions**  
Tax Incentive Review  
Council  
Recommendations

A motion to accept the recommendation of the Tax Incentive Review Council to continue the incentive package for Broadway Hair Studio and to find that the Grainger Group/Randall Residence Tipp City Land LLC is in compliance.

City Manager Comments: The Tipp City Tax Incentive Review Council met on March 13<sup>th</sup> to review the performance and compliance of active Enterprise Zone, Post 1994 Community Reinvestment Area agreements, and Tax Increment Financing agreements. There are currently no active Enterprise Zone Agreements. Broadway Hair Studio is the only active Post 1994 agreement. The Randall Residence Assisted Living Facility is the only active TIF agreement. A motion to accept the recommendation of the Tax Incentive Review Council would be appropriate.

Mr. McDermott moved to accept the recommendation of the Tax Incentive Review Council. Ms. Berbach seconded. Motion carried.

Transfer of a Liquor  
Permit – 1200 W. Main  
Street

A motion to request or not request a public hearing on the stock transfer of a C1 & C2 liquor license for Duncan Oil Co. at 1200 West Main Street (former Valero Facility).

City Manager Comments: An Application for Change of Corporate Stock Ownership related to a C1 & C2 liquor permit for Duncan Oil Co at 1200 West Main Street has been received from the Ohio Division of Liquor Control. The Police Department has no objection to this change. No action on this matter is required unless Council wishes to object to this liquor license transfer.

Ms. Berbach moved not to request a public hearing. Mr. Kessler seconded. Motion carried.

What A Girl Wants  
Fashion Show for a Cure  
– Festival Agreement

A motion to authorize the City Manager to enter into an agreement with Skate for Hope for the 2014 What A Girl Wants Fashion Show For A Cure & Concert.

**Miscellaneous**

City Manager Comments: The What A Girl Wants Fashion Show for a Cure and Concert is scheduled for May 17<sup>th</sup>. The event proposes to close N. Second Street (from Main Street to Walnut Street) and S. Second Street (from Main Street to the first alley) from 2:00 pm Friday, May 16<sup>th</sup> to 12:00 pm Sunday, May 18<sup>th</sup>. Main Street is proposed to be closed from 10:00 am Saturday, May 17<sup>th</sup> to 1:00 am Sunday, May 18<sup>th</sup>.

Because alcohol will be served on City property a motion from Council authorizing the City Manager and Police Chief to sign the Temporary Liquor Permit will be necessary as well as authorizing the City Manager to enter into an agreement with Skate for Hope for this event.

Mayor Hale moved to enter into an agreement with Skate for Hope. Ms. Berbach seconded. Motion carried.

Public hearing to appeal a Board of Zoning Appeals decision (case 03-14) to sustain the Restoration Board's granting of an amended Certificate of Appropriateness for the installation of an Automatic Teller Machine at Monroe Federal Savings & Loan, 24 E. Main Street.

Mr. McDermott moved to open the public hearing. Ms. Berbach seconded. Motion carried.

City Manager Comments: Monroe Federal Bank requested a Certificate of Appropriateness from the Restoration Board to install an ATM in a window on the west side of the bank that would require the window and a portion of the marble façade below the window to be removed. The Restoration Board issued an Amended Certificate of Appropriateness that allowed for the removal of the window but prohibited the cutting/removal of the marble façade. Monroe Federal then appealed to the Board of Zoning Appeals, which sustained the Restoration Board's decision. Monroe Federal has now appealed the decision of the BZA to City Council.

Five affirmative votes of Council is necessary to reverse, modify, reject or remand the decision of the BZA. If Council chooses to take no action within 45 days of the appeal being filed the appeal shall be deemed affirmed. This afternoon additional information was received from Mike Boyd of Monroe Federal.

Mr. Kessler stated he didn't have a problem with the request of the bank. Mr. Kessler stated the marble could be cut cleanly, salvaged and reused within the façade. Ms. Gillis stated as long as the marble is saved, she didn't have a problem with the request.

Mike Boyd of Monroe Federal Bank approached the podium. Mr. Boyd stated the bank has been in Tipp City for 139 years. The issue arose when the bank Board of Directors learned of a computer software issue relating to the ATM. The ATM at Monroe Federal uses XP and Microsoft no longer supports that operating system. The bank was then faced with replacing their ATM machine, during this process, the bank reviewed alternate locations for the new machine. Options were very limited. The current location is not as safe as it possibly could be. The other option was

along the west side by the drive thru. The bank received a quote to replace the last window and install an ATM. Mr. Boyd stated the bank initially went to the Restoration Board and they approved the use of the window in the initial plan. In that plan it was determined there would be a need to cut into the marble. The Restoration Board stated the bank was not permitted to cut into the marble. Mr. Boyd stated the contractor advised the marble must be cut due to height requirements. President Gibson asked if ADA requirements are the main motivator for the request. Mr. Boyd stated yes. President Gibson asked how far exactly would be required to cut. Mr. Boyd stated it would be 13" from the window sill into the marble. President Gibson asked if another machine would fit into the allowable space without cutting the marble. Mr. Boyd replied "No sir". Ms. Gillis stated she does not like to go against the Boards, but with Mr. Boyd's indication that the marble could be saved is a new point for Council. "I think it makes a difference if it can be restored back". Mr. Boyd stated the contractor informed the board if the marble is cut it could be stored for future use. Mr. Boyd also stated there is also a means to replace the marble after it has been cut.

Lauryn Bayliff of 327 W. Main Street approached the podium. Ms. Bayliff stated she is the chairman for the Restoration Board. Ms. Bayliff wanted to provide Council with information on the Restoration Board's decision. In the guidelines, it explicitly states "Window openings should not be reduced or enlarged to accommodate new window units". The Board's decision was based on these guidelines. The request changes the entire relationship of the windows to the rest of the building. Ms. Bayliff added replacing the marble is virtually impossible in making it look like it never happened. "We (The Restoration Board) are very focused on not making changes that are not irreversible. Paint, a fence, things like that can always be un-done. Cutting something, permanently removing something is something that cannot be un-done. Based upon the guidelines presented this was the decision. The Restoration Board understands the goal is to have vehicle access to the ATM. The bank currently has an ATM, and the only reason they are talking about moving it is because they need to update their system. The goal of the Restoration Board is to retain the historical fabric of our historic features of our buildings downtown". Mr. McDermott asked what the decision would have been if they had asked for the ATM to be placed other than in the window. Ms. Baylif replied the guidelines are specific stating creating an opening of any sort is prohibited. It doesn't matter if it is going into an existing hole or creating a new hole, the number of bays that are already on the building are not to be interrupted".

Mr. Boyd returned to the podium stating he understands there are rules and regulations and Ms. Bayliff is trying to stick to the regulation of the Code replacing windows. "That really is not what we are doing. In any kind of business you have to govern by your rules, but sometimes there needs to be exceptions made in circumstances, and that is why we are here tonight".

Mr. Kessler requested the opinion of the Law Director and inquired if this decision would be based on the old Zoning Code even though the new Code has been passed. Mr. Caldwell replied the new Code is not in effect yet. The ordinance has been passed, but its effective date has not come to pass.

Ralph Brown of 300 W. Main Street approached the podium. Mr. Brown stated he is also a member of the Restoration Board. The old code vs.

the new code in regard to window openings is almost word for word. Another option the bank could consider instead of cutting into the marble would be to have a stand-alone machine at the end of the building. This would be away from other cars using the drive thru, would be well lit and would not require the cutting of the marble façade.

President Gibson stated to clarify for voting purposes. This is a public hearing to review the Restoration Board's granting of an Amended Certificate of Appropriateness. A yes vote would affirm the previous determinations and a no vote would be to vacate that. In that case, further action would be necessary. Mr. Crusey replied Council will either have a motion to reverse or a motion to affirm the decision of the Restoration Board. Mr. Caldwell stated once moved and seconded Council will be voting yes to approve the motion as presented. Mayor Hale moved to close the public hearing. Mr. McDermott seconded. Motion carried. Mr. McDermott moved to affirm the Restoration Board's decision. Mayor Hale seconded. Motion passed 6-1. Mr. Kessler voted no.

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

Stacy Wall of 856 Devonshire Avenue approached the podium. Ms. Wall stated she is the Chair of the Planning Board and wished to commend Council on their affirmative vote in the revisions to the Zoning Code. Ms. Wall also informed everyone she is a candidate for Common Pleas Court Judge in the May Primary. She encouraged everyone to get the qualifications of the candidates and also to be informed that early voting starts in April. Contact the Board of Elections if you require an absentee ballot.

**Councilmember  
Comments**

Ms. Gillis congratulated Sergeant Creech on his promotion. Ms. Gillis also took a moment to commend the various Boards and Commissions in the City. They each do wonderful work. "I do want to uphold our Boards and also support our businesses. The vote for the Restoration Board decision was very hard".

Mr. Owen also offered congratulations to Sergeant Creech. Mr. Owen agreed with Ms. Gillis stating the code is what it is. "We might not always like it at times and disagree with it, but it is what it is. I think the work that has been done on our code is an improvement. I appreciate of all the work that has been done on that". Mr. Owen wished What A Girl Wants success on their event and offered his time if needed.

Ms. Berbach congratulated Sergeant Creech and wished everyone a Happy St. Patrick's Day.

Mr. Kessler had nothing additional.

Mr. McDermott said tough decisions were made by Council tonight. Mr. McDermott added Council held a special session before, as the public has been made aware Vandalia has extended an opportunity to our City Manager and City Council will be making some decisions on that in the future. Mr. McDermott added the decision on the ATM was creatively looking for other solutions, as Mr. Brown indicated a freestanding machine at the end of the building, or a second lane in the drive thru. Different options are available to provide the same type of service. Mr. McDermott also wished everyone a Happy St. Patrick's Day.

Mayor Hale thanked President Gibson and the Planning Board and the Steering Committee for all of their hard work for the new Zoning Code. It was hard work over a long period of time. I am glad that we have it done. It has been a long time coming and I am glad we are done with the process. Mayor Hale provided everyone with information about his recent trip to Washington D.C. OMEA is the legislative body that works with AMP (American Municipal Power). AMP is in seven states and build the new electric and water plants that help us bring power to our community. It also helps us have some of the lowest electric rates in the region. The OMEA Board has an annual legislative rally in DC. During the rally members meet and discuss items in relation to municipal power. Mayor Hale stated he participated in meetings with Speaker Boehner. Two main points of discussion included 1). Tax-exempt financing for municipal bonds, 2). Build America Bonds (BABS) which were issued in 2009 & 2010. AMP issued nearly \$3 billion BABS in that period of time. 35% tax subsidy of payments coming from the federal government. Now President Obama has changed the payment structure and has cut the payments of those by 7.2%. What that means over the next ten years the repayment on those bonds is about a 63 million dollar increase in financing on the projects that were being built with those bonds. That 63 million dollars will need to be made up by the tax payers in all of the various communities. This is why it is important for us to attend the rally and talk with the legislators and bring the important issues that are affecting the electric rates to get them to change their minds/ policies. Speaker Boehner stated he would work with his staff to see if there is something they can do to get that reinstated.

President Gibson congratulated Sergeant Creech on his promotion. The What A Girl Wants events are scheduled for May 17<sup>th</sup> and we are pleased you have returned to Tipp City. President Gibson also reminded everyone pool passes to the Tippecanoe Family Aquatic Center are currently on sale and the discounted rate is available until April 30<sup>th</sup>. President Gibson wished Mr. Crusey best of luck and thanked him for his accomplishments at Tipp City. President Gibson stated "We always welcome anyone's thoughts on how to run this City. Whether we are looking for a City Manager, or a guy that's cutting the grass. We welcome any thoughts the citizens might have on the way we run our City now and in the future". President Gibson also stated he is pleased with the passage of the land use code. President Gibson wished to personally thank Wendy Moeller and Matt Spring for all of their efforts on this project. President Gibson concluded by reminding everyone these proceedings are being recorded and will be rebroadcast several times over the next two weeks on local cable access station which is KIT-TV. Video of the meeting can be accessed at [www.kittv.org](http://www.kittv.org).

**City Manager  
Comments**

Mr. Crusey also thanked Matt Spring and Wendy Moeller from Compass Pointe Planning on all of their work for the Zoning Code updates.

Mr. Crusey stated a Maintenance Worker in the Street Department has been promoted to the position of Equipment Operator I in the Parks Department that became vacant due to retirement. We will now begin the process of advertising to back fill the vacant Maintenance Worker position in the Street Department.

Jane Monnin, Finance Clerk in the Utility Billing Department, has announced her retirement after 13 years effective May 31<sup>st</sup>. We will begin the process of advertising for this position in the near future.

The contractor plans to begin construction on the section Westedge between Bellaire and Tippecanoe today. The section between Tippecanoe and Hyatt will be constructed once school is out of session.

The Roselyn Subdivision Water & Sewer Replacement Project and the Walnut, Myles, Bowman & Warner waterline replacement projects are currently out to bid with a bid opening date of April 10.

**Adjournment**

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

Meeting adjourned at 8:45 pm.

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Joseph Gibson, President of Council

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



