

**TIPP CITY WORK SESSION**

**TIPP CITY, MIAMI COUNTY, OHIO**

**March 3, 2014**

**Work Session**

The Work Session began at 7:00 pm. The following Council members were present: President Joseph Gibson, Mayor Pat Hale, Katelyn Berbach, Dee Gillis, John Kessler, Mike McDermott and Matt Owen. Also attending was: City Manager Jon Crusey, Finance Director John Green, City Engineer Scott Vagedes, Law Director David Caldwell, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Others in attendance include Stacy Wall, Bryan Budding and Greg Simmons.

**Deduct Meters  
Follow-up**

At Council's February 3<sup>rd</sup> study session, staff reviewed with Council options for providing a sewer credit for homeowners that irrigate their lawns and gardens during the summer months. Staff was requested to analyze a summer sewer credit program based upon winter consumption averages and to provide a financial analysis of such program. Finance Director Green reviewed the attached Power Point with Council and asked if they had any questions. Bryan Budding asked how Vandalia handles this situation. Mr. Green replied he cannot speak to Vandalia's practice. President Gibson asked the number of times this issue has been raised. Mr. Green replied the Utility Billing Supervisor would know best. Mr. Green stated he would estimate no more than 20 requests over the previous two years. Mr. Green added having separate deduct meters would be difficult to maintain. Ms. Berbach asked how many years could we (the City) go at 150% without a rate increase. Mr. Green replied it is difficult to predict if the percentage would allow for one or two years; but staff would need to go back to Council for a rate increase. Mr. McDermott asked if this were the funds for the Sewer Fund. Mr. Green replied that Mr. McDermott was correct. Mr. McDermott stated he does not see the benefit of deduct meters. Members of Council agreed with Mr. McDermott. President Gibson requested staff look into how Vandalia handles their deduct meters.

**Snow & Ice Removal  
Costs – Supplemental  
Appropriation**

Mr. Crusey provided Council with an updated tally of snow and ice removal for 2014. Through February 14<sup>th</sup> the Street Fund and Municipal Road Fund have used almost 100% of their budgeted overtime, approximately 50% of their fuel budget, and have committed 100% of the salt budget. A supplemental appropriation will be necessary to allow for sufficient overtime and fuel funds to get the Street Department through the remainder of the year. Additional funds will also be necessary to refill the salt barn in the spring so that we are fully stocked and ready for next winter.

Ms. Berbach asked what the normal salt stock is. Mr. Crusey replied normal stock is around 750 tons. Current supply is less than 200 tons. Mr. McDermott asked if these funds are typically overbudgeted. Mr. Crusey replied, "Typically yes but not generally in Streets and Municipal Road funds". President Gibson stated given the weather the additional appropriations make sense. Council was supportive of the additional appropriations being brought back to Council for approval.

**Adjournment**

Meeting adjourned at 7:25 pm.

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

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

**TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**March 3, 2014**

**Council Meeting**

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 and Clerk of Council Janice Bates.

Guests signing the register include: Pastor Greg Simmons, Thomas Chaney, Jim Layer, Braxton Maiolo, Stacy Wall and Bryan Budding. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

**Invocation and Pledge of Allegiance**

Pastor Greg Simmons from the Upper Room Worship Center gave the Prayer for Guidance. President Gibson led the Pledge of Allegiance.

**Amendment/Approval of Agenda**

Mr. Kessler moved to approve the agenda. Mr. Owen seconded. Motion Carried.

**Minutes**

2/18/14 Pre-Meeting Study Session

Ms. Berbach moved to approve the minutes of the February 18, 2014 Pre-Meeting Study Session. Mayor Hale seconded. Vote was 7-0.

2/18/14 Council Meeting

Ms. Gillis moved to approve the minutes of the February 18, 2014 Council Meeting. Mayor Hale seconded. Vote was 7-0.

**Presentations, Proclamations, & Awards**

There were none.

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

Link Plat

An ordinance approving the Preliminary/Final Plat for Link Plat (Subdivision) & accepting the existing public improvements.

Mr. Owen sponsored the ordinance and moved for its adoption. Ms. Berbach seconded. Motion passed 7-0. Ordinance 3-14 was declared adopted and President Gibson affixed his signature in witness thereto.

**Resolutions**

John Deere Tractor  
Koening Equipment, Inc.

A resolution authorizing the City Manager to purchase a John Deere 5065E 4-Wheel Drive Cab Utility Tractor for the Parks Department from Koening Equipment, Inc. at a cost not to exceed \$32,878.73 through the State of Ohio Cooperative Purchasing Plan and declaring a 1998 John Deere 5210 Tractor and a John Deere Zero Turn Mower as surplus property and no longer useful in the general operation of the City.

City Manager Comments: This resolution authorizes the purchase of a 2014 John Deere 5065E Cab Utility Tractor for the Parks Department at a cost of \$32,878.73 through the State of Ohio's Cooperative Purchasing Plan. The 2014 budget appropriated \$38,000 for the purchase of this tractor. This resolution also declares a 1998 John Deere 5210 2-wheel drive tractor and a 2006 John Deere Zero Turn Mower as surplus property and authorizes the City Manager to dispose of such surplus property at public sale, auction, or trade-in; or by sale, donation or agreement to another political subdivision without the requirement of competitive bidding; or disposed of in the most

cost-beneficial means as determined by the City Manager if such equipment cannot be sold, leased or transferred. The surplus tractor will most likely be placed on GovDeals.Com while the zero turn mower is planned to be traded-in on the purchase of a new mower.

Ms. Gillis sponsored the resolution and moved for its adoption. Mr. Owen seconded. Motion passed 7-0. Resolution 10-14 was declared adopted and President Gibson affixed his signature in witness thereto.

AMP-Enerwise Demand Response and 1 CP Pilot Programs

A resolution authorizing the execution of a participating member schedule with American Municipal Power, Inc. ("AMP") to enroll in the AMP-Enerwise Demand Response and 1CP Pilot Programs.

City Manager Comments: This resolution authorizes the City Manager to enter into an agreement with American Municipal Power to enroll in the AMP-Enerwise Demand Response and 1 Coincidental Peak Pilot Program for 2014. Demand Response programs offer incentives to electricity users who volunteer to participate by temporarily reducing their electric usage due to a high, system wide demand for electricity or emergencies that could affect the transmission grid. In this case, generators used by NAWA, TCA, or other City customers who choose to participate in the program could be called upon to be activated thereby reducing the amount of electricity they are using. AMP has contracted with Comverge for this program with financial incentives dispersed as follows: Tipp City would receive 5% of the revenue; AMP – 5%; Comverge – 30%; and the customer would receive 60%. City Council discussed this program during your February 18<sup>th</sup> study session and directed staff to move forward with this legislation.

Mayor Hale sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Motion passed 7-0. Resolution 11-14 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances  
(1<sup>st</sup> Reading)**  
Council Dental Insurance

An ordinance providing dental insurance to members of Council.

City Manager Comments: The adoption of this ordinance would make dental insurance available to Council members until December 31, 2015, which is the same date that health insurance is eliminated for Council members. 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. Mayor Hale asked Mr. Caldwell to provide a more in-depth explanation as to "why this is necessary". Mayor Hale stated he has an issue retroactively approving something that goes back twenty three years. Mr. Caldwell replied it is not necessary to make it retroactive. It is allowable under law and it is under Council's discretion whether or not they make it prospective or retrospective. Mr.

Caldwell added he was requested to write it as retrospective. Mayor Hale asked if there were legal issues as far as going back that far. Mr. Caldwell replied there is not. "Our ordinances specifically state unless they are otherwise stated that it is retrospective that it shall be prospective, but it does not prohibit retrospective application of our ordinances". Mayor Hale inquired if there was a limit to the number of years to go back. Mr. Caldwell replied not in our Charter or Ordinances. Mayor Hale inquired if Council doesn't take action on this ordinance, could past Council Members potentially be required to pay dental? Mr. Caldwell replied the emphasis is on "potentially". Mayor Hale asked would it be for the premiums or payments they have received thereof? Mr. Caldwell stated he has nothing to compare this to. The example that was provided by the private citizen of the Butler Township issue was a completely different type of example. That case involved the Trustees taking a "pickup" of their PERS payment, which was directly contrary to law. "I have not found any other community that has the same issue we have". President Gibson stated he believed this will put the dental and the health insurance on the same par as in terms of the eligibility of Council Members.

Chapters §§ 154 and 155  
and Zoning Code Map

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 those guidelines. 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 on February 11, 2014 and resolved to recommended approval to 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-family tenant buildings addressed in subsequent sections;
2. Modify the definition of Light Manufacturing so that it is performed within a fully enclosed structure;
3. Modify code section regarding pre-application meetings not being binding;
4. 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.

Design Manual for the Old Tippecanoe City Restoration and Architectural District

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

City Manager Comments: 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.

**Motions**  
Setting Public Hearing Date for Monroe Federal Bank's BZA Appeal

A motion setting March 17, 2014 as the public hearing date regarding Monroe Federal Bank's appeal of a decision of the Board of Zoning Appeals.

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/removing 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. It would be necessary for Council to adopt a motion setting March 17, 2014 as the public hearing date for Monroe Federal Bank's appeal.

Mr. Kessler moved to set March 17, 2014 as the public hearing date. Ms. Berbach seconded. Motion carried.

Accepting Tree Board Annual Plan

A motion accepting and approving the Tree Board Annual Plan for 2014.

City Manager Comments: One of the responsibilities of the Tree Board is to "develop or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas." The plan is to be presented annually to Council, and upon their acceptance and approval shall constitute the official comprehensive tree plan. The Tree Board met on February 12, 2014 and recommended acceptance and approval of the 2014 Annual Plan, which was provided to Council as part of your packet.

Ms. Gillis moved to accept the 2014 Tree Board Annual Plan. Ms. Berbach seconded. Motion carried.

**Miscellaneous**

There were none.

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

There were none.

**Councilmember  
Comments**

Ms. Gillis reminded everyone this weekend we spring ahead.

Mr. Owen thanked City workers and Law Enforcement personnel for keeping our streets safe and keeping them clean this winter.

Ms. Berbach had nothing additional.

Mr. Kessler also thanked City Staff for all of their work keeping the streets clean. Mr. Kessler also commended the boy scout in the audience earning his citizenship badge.

Mr. McDermott had nothing additional.

Mayor Hale thanked President Gibson for being at the Downtown Tipp City Partnership Dinner and swearing in the new board members. Mayor Hale stated he was in Columbus last Tuesday for the Ohio Municipal Electric Association Board Meeting. Next week, I will be in Washington D.C. for the OMEA Legislative Rally. Meetings will be held with Senator Portman and Speaker Boehner.

President Gibson thanked Mr. Hale for sponsoring the AMP-Enerwise resolution and all of his work with OMEA and the APPA Policy Makers Board. Tonight was a big night due to the sponsorship of the Zoning Code updates. Copies are available at the City. Many interested parties have worked hard to get this in a workable form. "I am very optimistic that this will get this in a user friendly climate for Tipp City residents as well as those who wish to do business here and those who want to continue to do business here. I think it's a step in the right direction. The final vote on this will be March 17<sup>th</sup>." 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 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 stated tomorrow at 6:30 pm in Council Chambers, the City will be hosting a Hazardous Materials Exercise. The Fire Department will be the primary "players". This event is sponsored by the Emergency Management Agency. State EMA will be present to evaluate the exercise. Council is invited to attend/observe.

The Equalization Tanks being constructed on S. First Street just south of NAWA is now up. It is not yet complete. The second tank is under construction. The week of March 10<sup>th</sup> First Street will be closed at Kyle Park. Detours will be at Evanston and Broadway. There are two sewer lines that need to cross First Street by the Kyle Park entrance.

Mr. Crusey also informed Council shelter rentals began today.

President Gibson informed everyone that Council will not be adjourning at this time, but will be entering Executive Session to consider the investigation of a complaint against a public official and/or the discipline of a public official to include members of Council, City Manager Crusey and Law Director Caldwell. Mr. Kessler moved to enter executive session. Ms. Berbach seconded. Motion carried. Council entered executive session at 8:03 pm.

Council returned from Executive Session at 8:44 pm. Ms. Berbach moved to return from executive session. Mr. Kessler seconded. Mayor Hale moved to adjourn. President Gibson seconded. Motion carried.

**Adjournment**

Meeting adjourned at 8:44 pm.

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Joseph Gibson, President of Council

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





