

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

April 21, 2014

Work Session

The work session began at 6:30 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: Acting City Manager Brad Vath, Finance Director John Green, Utilities Director Christy Butera, Law Director David Caldwell, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates. Reporters Carla Ungerecht and Cecilia Fox were also in attendance.

Others in attendance include Judy Tomb and Tom Turchiano.

1st Quarter Financial Report

Finance Director Green reviewed the attached Power Point with Council and asked if they had any questions. Council had no questions for Mr. Green regarding his presentation.

Escrow Agreements

Mr. Vath provided Council with information regarding escrow agreements. Council was provided a list of communities regarding their approach to escrow agreements. Nine communities were surveyed. Troy is the only community to offer escrow agreements as surety. Mr. Vath stated if we use escrow agreements, staff work becomes more intensive. Mr. Vath continued the mechanism Tipp City currently has in place is the standard across the remaining communities surveyed. Mr. McDermott inquired if this was addressed by developers during the recent Code updates. President Gibson replied no. President Gibson asked if this would be a deviation of code. Mr. Vath replied this would be a deviation from code and would require modification to the Code.

Judy Tomb from Talismanic Properties stated this request is what is in the best interest of Tipp City, not other cities. Ms. Tomb added she has funds to complete the project; however the issue lies with the bonding companies. They are reluctant to lend and sign off on projects. Additional collateral is now being required. Ms. Tomb stated this new practice is "closing out smaller developers". Ms. Tomb added the existing ordinances for Tipp City are old and behind the times. Ms. Tomb stated she and her company would be happy to pay more if able to use an escrow account. Ms. Butera stated staff work load would increase significantly. Staff must track more closely of the work being done creating a higher administrative burden. Mr. Vath added current policy dedication ordinance accepting the public improvements is the release of surety. Mr. McDermott asked what is considered complete for residential developments. Mr. Vath replied the first course of asphalt and completion of required tests. Ms. Butera added the completion of "punch list items" as well. Mr. McDermott requested additional time and cost information regarding Ms. Tomb's request. President Gibson agreed with Mr. McDermott. President Gibson added this was not addressed throughout the Zoning Code Update process and was not an issue and is therefore not inclined to provide a response this evening. Mayor Hale also stated he was not inclined to make a change. Ms. Tomb commented "If it weren't for escrow agreement, growth is not possible". Council agreed not to make a change. Mr. Vath commented this can be reviewed at a later time, potentially when we do a one-year review of the Zoning Code.

Refuse and Recycling
Bids

Mr. Vath informed Council Tipp City bids mandatory refuse, recycling and yard waste every 3-4 years for residential customers. City retains 5% franchise fee and \$0.50 per residential unit per month. The last bid was passed on August 16, 2010 approved a 4-year agreement with Waste Management, and allowed for three one (1) year extensions. Per current bid, the City can extend contract up to three one-year extensions. Extension prices quoted are: +/- 2% (2014), +/-3% (2015) and +/-3% (2016). Law Director Caldwell has indicated the City can adopt an ordinance for a one year extension, each year, for the next three years if it chooses to do so. Mr. Kessler inquired if alley collection could be stopped. Mr. Caldwell indicated this might be considered a change in the contract and not result in extension which would require a new bid. Mr. McDermott stated he has not received resident complaints about the current level of service from Waste Management. Mr. Owen agreed stating "The quality of service is great". Mayor Hale stated he is not willing to get rid of alley collection. Tom Turchiano from Waste Management stated the fleet of vehicles are becoming more energy efficient. Which is keeping it cleaner and tidier. He added otherwise nothing is new. Ms. Gillis stated she would like Council to consider everyone being required to use the recycle totes vs. the bins. This will help to eliminate garbage being blown out of the bins across neighborhoods. Council agreed to extend the existing bid/contract by one year.

Downtown Directional
Signage

Mr. Vath provided Council with information of the Downtown Directional Signage program. This program began in 1993 and allowed two signs per intersection. Businesses paid for the sign (+/- \$450) and \$40 fee collected per year each year thereafter. The Downtown Directional signs were removed from 4th to 1st Streets as part of the Downtown Utilities and Streetscape Project. The sign at Main and 5th Streets is the only one left intact. In late 2013 early 2014 a survey was conducted of the businesses in the program. The only business who wishes to retain the signage is Regal at 4th Street intersection. All others were no longer interested in participating in the program. With the new traffic signal poles, the original mounting brackets will not work for directional signs. Mr. Vath asked Council if this is the image we want for Downtown. Mr. McDermott stated "If Regal wants to pay for installation". Mr. Owen stated the program was originally nice, but might be no longer necessary. Ms. Butera added, only one business is interested in retaining the program. President Gibson stated staff should question other businesses Downtown to determine interest. Mr. Vath stated staff will also research mounting options with the consensus of Council to continue with the program.

Adjournment

Meeting adjourned at 7:35 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

April 21, 2014

Council Meeting

City Staff in attendance include: Acting City Manager Brad Vath, Law Director David Caldwell, Finance Director John Green, Utilities Director Christy Butera, Police Chief Eric Burris, Fire Chief Steve Kessler, and Clerk of Council Janice Bates.

Guests signing the register include: Ken Carpenter, Tom Turchiano, Thomas Chaney, Ron Re', Dalton Stier, Dan Phillips, Pastor Daniel Fullen, Ben Graham, Ali Muse, Ashley Bruce, Meredith Coughlin, Carlie Weir, Alex Harrison, Margo Shiminger, Jennel Chumney, Brittany Andrews, Jay Schairbaum, Kendra Fields, Chelsea Adams, McKenzie McSwan, Tony Rice, Scott Conner, Kyle M., Sam B., Tanya Burris, Claire Deffet, Andrea Degelski, Thomas D. Joann Hawn, Mark Schulte, Amber Lake, Gary Vaughn, Vivica Vaughn, Megan Rauch, Brandi Rauch, John Webb, Jarett Wasson, Tyler Hare, Tyler Hunter, Kelly Parker, Erin Gautherie, Kyla Raypole, Claudia Barhorst, Landen Stafford, Mathew Kuns, Daniel S., Tyler Pine, Brooke Smith and James Hunt. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Invocation and Pledge of Allegiance

Pastor Daniel Fullen from Good Shepherd Church of the Brethren gave the Prayer for Guidance. President Gibson led the Pledge of Allegiance.

Amendment/Approval of Agenda

Mr. McDermott moved to approve the agenda. Ms. Berbach seconded. Motion carried.

Minutes

4/7/14 Pre-Meeting Study Session

Ms. Berbach moved to approve the minutes of the April 7, 2014 Pre-Meeting Study Session. Mr. Owen seconded. Motion carried.

4/7/14 Council Meeting

Ms. Gillis moved to approve the minutes of the April 7, 2014 Council Meeting. Ms. Berbach seconded. Motion carried.

Presentations, Proclamations, & Awards

Mayor Hale swore in new police officer Kelli Rynders.

Mayor Hale read a Proclamation for Arbor Day.

Ordinances (2nd Reading)

Franklin Street Assessments

An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in conjunction with the Franklin Street Reconstruction Project within the City of Tipp City, Ohio.

City Manager Comments: This ordinance would levy special assessments for the construction of Franklin Street, from Second Street to Third Street, in 2012. Council previously adopted Resolution 9-12 declaring it a necessity to construct said curbs, gutters, sidewalks and driveway approaches. Affected property owners were sent an estimate prior to construction and an invoice following construction. The assessments set forth in this ordinance are due by the private property owners within thirty (30) days after its passage. Otherwise, uncollected assessments will be certified to the Miami County Auditor to be placed on the tax duplicate and collected in ten (10) annual installments. There are only three property owners remain who owe those assessments. Totaling \$12,300 in assessments.

Mr. Kessler sponsored the ordinance and moved for its adoption. Ms. Berbach seconded. Motion passed 7-0. Ordinance 8-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Main Street Assessments

An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in conjunction with the Main Street Reconstruction Project within the City of Tipp City, Ohio.

City Manager Comments: The adoption of this ordinance would levy special assessments for the reconstruction of Main Street, from First Street to the CSX Railroad, in 2013. City Council previously adopted Resolution 6-13 declaring the necessity to construct said curbs, gutters, sidewalks and driveway approaches. There are 37 properties that are covered by this specific piece of legislation totaling approximately \$61,500. Some owners have already made payment as part of this process.

Ms. Berbach sponsored the ordinance and moved for its adoption. Mr. Kessler seconded. Motion passed 7-0. Ordinance 9-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Dow Street Assessments

An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in conjunction with the Dow Street Reconstruction Project within the City of Tipp City, Ohio.

City Manager Comments: The adoption of this ordinance would levy special assessments for the construction of curbs, gutters, sidewalks and driveway approaches constructed as part of the reconstruction of Dow Street, from Hyatt Street to Fifth Street, which was completed in 2013. Council previously adopted Resolution 20-13 declaring the necessity to construct said curbs, gutters, sidewalks and driveway approaches. This specific legislation affects 18 property owners at approximately \$28,200 total.

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

South Third Street Assessments

An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in conjunction with the South Third Street Reconstruction Project within the City of Tipp City, Ohio.

City Manager Comments: This ordinance if adopted would levy special assessments for the reconstruction of S. Third Street, from Elm Street to the railroad, which was completed in 2013. City Council previously adopted Resolution 61-12 declaring the necessity to construct said curbs, gutters, sidewalks and driveway approaches. This particular project affects 34 properties totaling \$34,300.

Mayor Hale sponsored the ordinance and moved for its adoption. Mr. Owen seconded. Motion passed 7-0. Ordinance 11-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Resolutions
Alternative Tax
Document

A resolution declaring the intent to proceed under the alternative tax document format provided under Section 5705.281 of the Ohio Revised Code and to refrain from the preparation of a tax budget for the fiscal year 2015,

and authorizing the Finance Director of the City of Tipp City to submit to the Miami County Budget Commission such documents which are necessary to said process, and to take such other actions as may be necessary incident thereto.

City Manager Comments: This resolution declares the City's intention to refrain from adopting a tax budget for Fiscal Year 2015 and authorizes the Finance Director to submit an alternate tax document to the Miami County Budget Commission. The alternative tax document serves the same purpose as the tax budget, but is significantly less time consuming and a more efficient process for the City to follow.

Mr. Kessler sponsored the resolution and moved for its adoption. Mayor Hale seconded. Motion passed 7-0. Resolution 17-14 was declared adopted and President Gibson affixed his signature in witness thereto.

ODOT Bridge Inspection Program Services

A resolution authorizing the Ohio Department of Transportation to perform bridge inspection program services for the City of Tipp City at no cost for 2014, 2015, and 2016.

City Manager Comments: This resolution would authorize the Ohio Department of Transportation to perform bridge inspections on municipal owned and maintained bridges within Tipp City's corporate limits at no cost to the City for the years 2014, 2015 and 2016. There are six bridges that meet ODOT specifications.

Ms. Gillis sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Motion passed 7-0. Resolution 18-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Houston-Galveston Area Council Purchasing Program

A resolution authorizing the City of Tipp City to join the Houston-Galveston Area Council (HGAC) for purchasing certain products and services through their Federal Procurement Program and to authorize the purchase of playground equipment from Service Supply LTD, including installation, for a total amount of \$52,864.32

City Manager's Comments: The Houston Galveston Area Council (HGAC) is a purchasing cooperative similar to Southwest Ohio Purchasers 4 Government (SWOP4G). This resolution authorizes the City Manager submit an application to join HGAC and to purchase play equipment from Service Supply LTD at a cost of \$52,864.32. The City received a NatureWorks Grant for \$27,283 the remaining \$30,331.32 will be paid from City funds.

Mayor Hale sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Motion passed 7-0. Resolution 19-14 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances
(1st Reading)**

There were none.

Motions
Watson/Rice Tent Request

Watson/Rice – Tent at Canal Lock Park. Tyler Watson, the groom has submitted a site plan showing the fencing as proposed to be installed. It will be a 4' high fence. The applicant is required to provide a certificate of

insurance that would meet the City's standard as reviewed and approved by the Law Director prior to the event. The tent will be installed on May 22nd and removed on May 27th. Fencing will be installed after the tent to ensure the entire area is encompassed by the fence. The Watson/Rice wedding would request to be able to serve alcohol to their guests and that the guests would be permitted to have the alcohol in Canal Lock Park within the fenced in area. The Watson/Rice wedding would be responsible for clean-up and removal of all trash, removal of the tent and fencing after the event. A motion by Council approving the tent with the fencing of the entire area and allowing alcohol within the fenced area for this private wedding would be appropriate. Ms. Berbach moved to approve the tent and use of alcohol in Canal Lock Park for the Watson/Rice wedding. Mr. Kessler seconded. Motion carried.

Liquor Licenses

A motion to request or not request a public hearing for any/all liquor license renewals in the City of Tipp City.

City Manager's Comments: The Division of Liquor Contract has notified the City that all liquor permits in the City are subject to an annual renewal on June 1st. Should City Council wishes to object to the renewal of a permit and request a hearing it must do so by resolution postmarked no later than May 2nd. The Police Department has reviewed the attached list of liquor permit holders in the City of Tipp City and does not have any objections to the renewal of any of the permits. A motion not requesting a hearing would be appropriate.

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

Stonehenge & K/C
Utilities Construction
Agreements

A motion approving the Stonehenge & K/C Roads Utilities Construction Agreement – Offsite.

City Manager's Comments: Talismanic Properties, developers of the proposed Cedar Grove Subdivision, are proposing to proceed with the construction of off-site utilities in advance of the resurfacing of Kessler-Cowlesville Road and Stonehenge Drive in July 2014. The developer has provided the necessary surety, insurance certificate and contractor's maintenance deposit. Because all of the off-site utility improvements are located within existing public right-of-way, only a motion by Council authorizing the construction agreement is necessary.

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

Miscellaneous

There were none.

Citizen Comments on Items
not on the Agenda

Dan Phillips of 3500 Cassandra Drive approached the podium. Mr. Phillips requested Council require residents use lidded containers for recycling, or to require the smaller totes rather than the bin. Anything that could be done to help in beautification efforts for the neighborhoods would be appreciated. President Gibson informed Mr. Phillips this had been discussed earlier in the evening at the Study Session. Mr. Phillips also stated he has a concern with kids at Windmere Park playing near electric

**Councilmember
Comments**

transformers. Mr. Phillips inquired if fencing could be placed around them to keep the kids safe, and also free of graffiti.

Ms. Gillis congratulated Ms. Rynders on her appointment to the Police Department. Ms. Gillis also invited everyone to attend the Arbor Day tree planting on April 25th.

Mr. Owen also congratulated Kelli.

Ms. Berbach hoped everyone enjoyed their Easter holiday. Ms. Berbach also congratulated the newest officer on her appointment. Ms. Berbach also reminded everyone registration for Tipp Soccer is still open. Registration can be made at www.tippsoccer.org.

Mr. Kessler welcomed all of the students in attendance. Mr. Kessler also stated the City needs to discuss options for an overpass over the CSX Railroad tracks.

Mr. McDermott also welcomed the City's newest police officer. It is always exciting to bring in new police officers and to see some of the seasoned officers get promoted. Mr. McDermott thanked Mr. Phillips for addressing the topic of trash collection and recycling container options.

Mayor Hale also offered congratulations to our newest police officer. "It is always a pleasure when we have someone that comes forward and who is willing to serve our community". Mayor Hale added last week he participated in the Tree City USA luncheon where over 150 attendees were present. Tipp City was the host City because it was our 30th Year being recognized as a Tree City.

President Gibson thanked Interim City Manager Brad Vath for filling in and thanked him for helping out. President Gibson also thanked the high school students for their attendance. President Gibson encouraged all of the students to continue their interest in their local government. Of all of the levels of government, the local level impacts your daily lives the most. "Get involved, get interested". President Gibson also offered congratulations and best wishes to Officer Rynders on her appointment. President Gibson reminded everyone the Arbor Day Festivities will be held at Rosewood Creek Park for the annual presentation. Also the end of April is the deadline to receive discounted pool passes. The What A Girl Wants Fashion Show for a Cure is scheduled for May 17th at Harrison's Restaurant. Best of luck to those that are involved with that event. President Gibson reminded everyone these proceedings have been recorded and will be rebroadcast on the local cable access station. In this area it is Channel 5 of the Time Warner lineup. You can also log onto your computer at www.kittv.org

**City Manager
Comments**

Mr. Vath informed Council after approximately two years, the City's Zoning, Subdivision, and Design Manual Guidelines for the Restoration District are now in effect and in force for the City of Tipp City. Mr. Vath thanked the Steering Committee, Wendy Moeler, City Planner Matt Spring and everyone else that was engaged in and participated in that process. It was a Herculean task that was undertaken and now in place. We have begun to issue permits under the new process and certificate of appropriateness.

Mr. Vath also informed everyone there will be a new City of Tipp City Parks Brochure included in their April utility bills. The Parks Advisory Board put together a nice flyer. Extra copies are available at the Government Center, Tipp-Monroe Community Services and the Chamber of Commerce. This is a nice tool showing the parks in Tipp City. We are all very proud of our parks, pool, and paths.

Lastly, the Miami Valley Planning Commission has come out with the 2014 Bikeways Guide Map. Copies are available at the Government Center. There is over 300 miles of bikeways in the Greater Dayton Area.

Adjournment

President Gibson informed everyone that Council will not be adjourning at this time but will be entering Executive Session to discuss the appointment of public officials and to consider the appointment of a public employee.

Ms. McDermott moved to go into Executive Session. Mr. Kessler seconded. Motion carried.

Council entered Executive Session at 8:30 pm.

Council returned from Executive Session at 8:37 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



