

**TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**July 21, 2014**

**Executive Session**

President Gibson informed everyone Council will be entering Executive Session to discuss Personnel. To include members of Council and David Krings from Slavin Consulting. Mr. Kessler moved to enter Executive Session. Mr. McDermott seconded. Motion carried. Council entered Executive Session at 7:05 pm. Council invited Mr. Krings to enter Executive Session at 7:08 pm.

Council returned from Executive Session at 7:40 pm.

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

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**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: Bruce Calladine, Jodi Allalen, David Krings, Thomas Chaney, Karen Jackson, Mike Jackson, Cameron Brown, Paul Brown, Stacie Brown, Katie Swank, Anne Johnson-Oliss, Chris Oliss, Patrick Langley, Paul Harto, Elden and Collen Eidemiller, Jeremy Tomb and Joe Bagi. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

**Invocation and Pledge of Allegiance**

Pastor Nick Cunningham from Ginghamburg United Methodist Church gave the Prayer for Guidance. President Gibson led the Pledge of Allegiance.

**Minutes**

6/16/14 Study Session

Mr. Owen moved to approve the minutes of the June 16, 2014 Pre-Meeting Study Session. Ms. Gillis seconded. Motion passed 6-0-1; Ms. Berbach abstained.

6/16/14 Council Meeting

Mr. Kessler moved to approve the minutes of the June 16, 2014 Council Meeting. Mr. Owen seconded. President Gibson moved to modify the minutes in the Council Member comment section the paragraph prior to the City Manager Comments; the last sentence reads "You can also log onto your computer at [www.kittv.org](http://www.kittv.org)" to add the phrase "and download videos of these meetings". Mr. Kessler seconded President Gibson's motion. Motion carried. A vote was taken on the amended minutes. Vote passed 6-0-1; Ms. Berbach abstained.

**Presentations, Proclamations, & Awards**

The AMP Gorsuch Scholarship was presented to Cameron Brown by Jodi Allalen and Mayor Hale.

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

Modifying Code Section  
§52.02 (F) regarding  
Sewer Rates and Charges

An ordinance modifying Code Section §52.02 (F) of the Tipp City, Ohio Code of Ordinances regarding Sewer Rates and Charges.

City Manager Comments: This legislation is crafted to eliminate the current Summer Sewer Credit procedure and implement a Second Water Meter option for residents or businesses who wish to not pay for sewer and wastewater charges for external watering. This ordinance as drafted would become effective on December 1, 2014, thus the existing Summer Sewer Credit system will remain intact for all of this year's lawn watering season. After the June 16<sup>th</sup> Council meeting, information was posted on the City's website and a special note was included in the July utility bills about this potential legislative change.

Mr. Kessler sponsored the ordinance and moved for its adoption. Ms. Berbach seconded. Mr. Kessler stated he didn't realize Council would be eliminating the credit rate and he doesn't like eliminating the credit rate. After continued discussion, Council determined to table this ordinance until the August 4, 2014 meeting. Mr. Kessler withdrew his motion. Mayor Hale moved to table this ordinance until the August 4, 2014 Council Meeting. Ms. Berbach seconded. Motion carried.

Karen Jackson of 720 Columbine Court approached the podium. Ms. Jackson read a prepared statement. Ms. Jackson stated she is pleased with Council's recent discussion. "My goal and that of my neighbors is to convince Council Members to take an approach that will benefit all citizens. The charges for sewer fees affect everyone in Tipp City who uses any water outdoors. The installation of a second meter will only help a small number who chose to go to that expense. The vast majority of residents could incur even higher sewer costs. If the average winter usage is 4,000 gallons per month per household. How is it fair to charge for thousands of gallons more water than what is actually being used and going into the sewer system? The proposed changes in the ordinance do not resolve this issue fairly. It will actually be more unfair to the majority of residents. Since there will no longer be any cap on sewer charges. Anyone who does not install a second meter for outdoor usage will be charged sewer fees for all water purchased with no limit. That could be 30,000 gallons or more. Council Members have been told by City staff that reducing the summer sewer fees would possibly necessitate higher rates to make up the difference in order to balance the budget. That is a possibility but not a certainty and elected officials are always concerned about such changes. Please think what is best for our community and find a solution that is fair to all residents". President Gibson inquired of Ms. Jackson if the choice Council had discussed of the 17,000 gallons were helpful. Ms. Jackson replied "I still think the 17,000 gallons is ridiculously high". Ms. Jackson continued she would think the highest usage for winter and take eight months; all but the four highest summer usage months. This would be the fairest means to determine usage".

Patrick Langley of 735 Baneberry Court approached the podium. Mr. Langley began by stating "choices are good". The fact that Council is looking at a choice between the secondary meter and some other option is certainly a good thing. The 17,000 gallon limit plus the secondary meter will nowhere close meet the needs of most of the citizens of Tipp City. Most people will not buy a second meter. Mr. Langley stated he liked Ms. Jackson's suggestion of taking the highest usage and anything over that in the summer will not

receive a sewer charge. This actually would benefit the City because it is higher than an average. The choice of a second meter and a 17,000 gallon limit is an option. But, I do not think it will address the majority of people in Tipp City. We are trying to get something that meets everyone's needs.

Paul Harto of 657 Fern Avenue approached the podium. Mr. Harto said the goal of the group is trying to affect the beauty of Tipp City. We have a nice community but it has gotten so expensive to continue to water and we are seeing the community deteriorating. All we are asking is that Council look at and be fair about the charges for summer water. We got together so people would look at it reasonably and 17,000 gallons is not reasonable. Mr. Harto encouraged Council to seriously look at their decision based on what the community needs to look like.

Anne Johnson-Oliss of 710 Columbine Court approached the podium. Ms. Johnson-Oliss also had a prepared statement. She stated within the proposed ordinance, there are many unanswered questions. These questions were submitted to members of Council on Friday. Those remain unanswered. President Gibson stated the letter addressed to Council dated July 18, 2014 was very articulate and he hoped staff would be able to provide answers to the questions contained in the letter very soon.

Karen Jackson re-approached the podium and inquired how the guidelines of 17,000 gallons was established. Ms. Jackson asked this be looked into.

**Resolutions**  
Surplus Property – Two  
Crown Victoria's

A resolution authorizing declaring personal property owned by the City of Tipp City to be surplus property and no longer useful in the general operation of the City.

City Manager Comments: This resolution will authorize the City Manager to dispose of two vehicles. First is the former detective 2005 vehicle damaged by deer strike, and the second is a 2008 former police cruiser last used by the City Planner. Both of the vehicles will be disposed of on GovDeals.

Ms. Berbach sponsored the resolution and moved for its adoption. Mr. Kessler seconded. Motion passed 7-0. Resolution 37-14 was declared adopted and President Gibson affixed his signature in witness thereto.

Barratt Paving Materials  
– 2014 Asphalt  
Resurfacing Program

A resolution authorizing the City Manager to enter into a contract with Barratt Paving Materials of Dayton, Ohio for the 2014 Asphalt Resurfacing Program at a cost of \$215,000.

City Manager Comments: This resolution authorizes the City Manager to execute a contract with Barrett Paving Materials for the 2014 paving program. The City had anticipated paving streets (see below), Stonehenge Drive, and in Kyle Park the Timmer Pavilion parking lot, access drive and the main Kyle Park Driveway. Unfortunately, the unit cost was above the estimate, and that NAWA will be replacing the outfall line running parallel to Kyle Park Drive later this fall/winter. Thus the City has adjusted the proposed program for 2014 to include:

- Tweed Wood Subdivision - Larch Street, Chestnut Drive, Banyon Tree Way, and Sequoia Court
- Windmere Subdivision – Pinehurst Drive, Stone Ridge Place & Court, and Charrington Way.

The City will encumber the Kyle Park Paving funds this year and include this work in the 2015 paving program, after the NAWA construction is hopefully completed. Stonehenge Drive will be paved as part of the 2015 Paving Program after the Cedar Grove Subdivision off-site sanitary sewer work is completed and the roadway restored.

Mr. McDermott sponsored the resolution and moved for its adoption. Mr. Kessler seconded. Motion passed 7-0. Resolution 38-14 was declared adopted and President Gibson affixed his signature in witness thereto.

An ordinance approving the final plan/plat for Cedar Grove PR Subdivision, Section 1.

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

Approving the final plan/plat for the Cedar Grove Subdivision

City Manager Comments: This ordinance if approved will re-plat the +/- 15.731 acre, including 44 lot, residential subdivision called Cedar Grove. This property is zoned Planned Residential (PR) and was recommended for approval by the Planning Board in August of 2013. The Developer has now posted the required surety, so this plat can be considered by City Council. In addition to internal roadway public improvements, West Kessler-Cowlesville Road will also be widened as part of Phase 1. The Construction Agreement for the off-site extensions/added depth of the sanitary sewer were approved previously by motion at the April 21<sup>st</sup>, 2014 meeting. As of this date, none of this off-site improvements have begun. There is also "oversizing" provision granted in this agreement for an additional depth to allow sanitary sewer service to properties south of the +/-71 acre Eidemiller property.

Mr. Kessler sponsored the ordinance.

President Gibson inquired how many total units are involved in this project. Mr. Vath replied in this particular phase there are 44 units proposed. President Gibson inquired how many units are proposed in subsequent phases. Mr. Vath replied 117 single family lots are shown in phases 1 – 3. Mr. Vath added quad style units are proposed in phases 4 & 5 and there are 68 units proposed in phases 4 & 5. Mr. Jeremy Tomb of 124 W. Main Street, Troy, Ohio approached the podium. Mr. Tomb stated Mr. Vath was correct with his figures as it has been approved. President Gibson asked of staff the need for this development. Is there a housing shortage within Tipp City? Is there any information that staff can provide regarding vacancies. Mr. Vath stated he cannot address a need. That is a Council/policy decision as to whether there is a need or not. Mr. Vath continued what he can address is that over the last eight years, we have averaged 18.75 single family residential units/year. In 2014 to date, we have issued 14 permits for residential lots. As of January 1, 2014 we began with 66 vacant platted/single family residential lots in Tipp City. If the 14 permits issued is subtracted from the 66, we have approximately 52 platted/lots left in Tipp City. President Gibson inquired if this included the Cedar Grove subdivision. Mr. Vath replied the figures are independent and do not include the Cedar Grove subdivision

because those lots are not platted at this time. Mr. McDermott inquired why the off-site work had not yet been begun yet surety has been posted. Mr. Vath stated he cannot address the specific reason why the developer has decided not to commence at this point and time. Mr. Tomb stated the answer is very simple and unfortunate. The developer selected contractor Chad Miller who suddenly died of a heart attack just three months ago. He was the one who was in contract and who was in place to do all of the work. Due to his passing, it has taken some time to locate a supplemental contractor who will take his place. This happened very recently and most contractor are very busy and finding one that is reputable and that will be insured properly and that will meet the needs of the developer is very difficult.

**Motions**

Liquor Permit 1200 West Main Street – Duncan Oil Company

City Manager Comments: Duncan Oil Company dba Tipp City Citgo (old Valero gas station) have requested a C1 Liquor Permit. The former station has been vacant for 3 ½ years, but they are seeking to maintain the liquor permit. There are NO objections, and Staff recommends NOT to request a hearing on this request.

Ms. Berbach moved to not request a hearing on this matter. Mr. Kessler seconded. Motion carried 7-0.

**Miscellaneous**

North 4<sup>th</sup> Street Culvert Replacement.

City Manager Comments: The City has requested proposals to replace the twin 60" pipes under North 4<sup>th</sup> Street with a 9'x7' concrete box structure. Six contractors were approached and only one submitted a proposal which was significantly above the Engineer's estimate and our budget. Since we are in the middle of the construction season the contractors are already booked up. If an acceptable proposal can't be obtained within 30-days, the City will have to make a temporary repairs, then bid the project over the winter and start the project in the spring.

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

There were none.

**Councilmember Comments**

Ms. Gillis had nothing additional.

Mr. Owen had nothing additional.

Ms. Berbach urged everyone to drive safely in Kyle Park with soccer season in full swing.

Mr. Kessler asked staff to look into feasibility options for an overpass for the railroad over Park Avenue.

Mr. McDermott said he has enjoyed the Tipp City Family Aquatic Center and the bike paths this year.

Mayor Hale stated he had the opportunity to attend Oak Creek Church this past Saturday for their community festival days. Mayor Hale added he had the opportunity to meet a lot of nice people. Mayor Hale also reminded

members of Council that he will be in Washington D.C. next week attending the AMP policy makers legislative rally.

President Gibson stated he and Mr. Vath discussed feasibility options for an overpass over the railroad tracks. President Gibson echoed the wishes of congratulations to Mr. Brown on his scholarship. President Gibson also gave compliments to the residents who made presentations regarding the summer sewer rate issue. I think they made a difference. Council does appreciate all of staff's efforts and providing information on this. 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 Cable 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 at your computer any time of the day.

**City Manager  
Comments**

Mr. Vath was pleased to announce Tipp City will be growing and expanding The Orthopaedic Institute of Dayton will be constructing a new 19,882 square foot medical office building at 70 Weller Drive (NE end corner of Weller Drive). The facility is expected to employ 32 personnel. The Orthopaedic Institute of Dayton began with four full-time employees in 1971 as Dayton Orthopaedic Associates. Since that time it has grown to have offices in eight locations across the Miami Valley. We are pleased that they have chosen Tipp City as their ninth location.

Mr. Vath also informed Council each year monies are budgeted to change out our streetlights to newer more efficient LED streetlights. This year we are focusing on the roadways reconstructed last year for our program, S. 3<sup>rd</sup> Street and W Dow Street.

Mr. Vath congratulated the Electric Department on their results of the recent Electric System Customer Satisfaction Survey conducted by SDS Research. The results are very positive and above the average results (benchmark). A 7 page summary was in the packet, but the full 66 page document is available.

**Adjournment**

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

Meeting adjourned at 8:45 pm.

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Joseph Gibson, President of Council

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

