

**TIPP CITY WORK SESSION**

**TIPP CITY, MIAMI COUNTY, OHIO**

**February 2, 2015**

**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 to discuss Pending Litigation. To include all members of Council, City Manager Tim Eggleston and Law Director David Caldwell. Mr. McDermott moved to enter Executive Session. Ms. Berbach seconded. Motion carried. Council entered Executive Session at 6:31 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. Mr. McDermott moved to return from Executive Session. Mr. Owen seconded. Motion carried. Council returned from Executive Session at 6:57 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, Assistant City Manager Brad Vath, Finance Director John Green, Utilities Director Christy Butera, Law Director David Caldwell, City Engineer John Donnelly, Police Chief Eric Burris and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Karen and Mike Jackson were also in attendance.

**Summer Sewer Credit**

Karen Jackson thanked Council for once again reviewing this matter. Ms. Jackson stated Code Section 50.01 states "It is hereby declared to be the policy of the City to make available the products and services of municipal utilities to all residents and taxpayers of the City, in accordance with such rates, rules, regulations, and other terms and conditions of services...at reasonable rates and without undue discrimination taking into account customer situation, classification, usage and other appropriate fees". Ms. Jackson continued, "I feel we are being charged a fee for usage of service that I am not using in the summer". President Gibson commented the issue isn't the water for bathing and laundry, but for watering flower beds and grass. President Gibson continued, "Based on the current rate structure, you are paying for sewer when this is leaching into the ground".

Ms. Jackson stated she thought the second meter was the only option, but this is not the case for surrounding communities. Ms. Jackson added the City of Troy does not charge sewer fees in summer. Ms. Jackson stated she fears some members of Council will vote this down just because they consider this a "friendly" thing to do. Ms. Jackson stated she would also like to see the City use an average to calculate fees. Mike Jackson stated everyone is frustrated and some will not vote on this to "re-distribute the wealth". Mr. Jackson added, some voted no on the previous measure and stated this current method is not fair "and needs to be studied". Mr. Jackson continued, "Here we are, so many months later and we still need a number.

We are paying for stuff we aren't using at all. Why am I paying for someone's sewer? We are just looking for help".

President Gibson inquired of the Jackson's if they had an estimate for sewer charges. Ms. Jackson replied they have spent approximately \$30/month in sewer charges above the rest of the month. Mr. Jackson responded that he is happy to pay "for what I use". Adding the only City that didn't allow for a second meter is where "I chose to build my house". Ms. Jackson stated in 2012, Ms. Gillis sponsored an ordinance that increased water rates by 3%. The same year former Councilman Budding sponsored a sewer rate increase. Ms. Jackson stated, "Bottom line, we are paying for things we aren't getting". President Gibson asked the Jackson's what they thought if Council would be required to raise rates. Mr. Jackson stated then everyone will pay for what they use. Mr. Jackson added "It would be a shame if rates go up, but why should I pay for something for the guy next to me. If I am at the gas station and filling up my car, I'm not going to go to the guy at the next pump and offer to pay for a gallon for him". Mr. Jackson added he didn't feel a rate increase would be necessary.

Mr. Kessler stated several residents have spoken to him about this issue and have stated this will be an increase for 80-90% of the residents, and only 10% of residents will benefit. Mr. Kessler added many are considering this a luxury tax. President Gibson inquired if this were a break or simply paying for usage. Mr. Jackson once again stated he didn't want to pay for someone else's sewer.

Mr. McDermott stated the last time this issue was before Council, there was the issue about the snowbirds. Ms. Jackson stated she addressed that in her previous presentation and that an average or minimum usage needs to be established. Mr. Jackson stated "You are getting paid to do a job, so do it and lower the arbitrary number". President Gibson requested a copy of the information for Troy.

County Road 25A  
Easement Acquisition  
Update

Ms. Butera reviewed the attached PowerPoint and asked if Council had any questions. Mayor Hale asked if figures could be provided for underground utilities. Ms. Butera stated even though the lines would be overhead, it will be cleaner. Ms. Butera added another consideration for underground utilities would be would the size of the easement we acquire be large enough for the size of those lines.

**Adjournment**

Meeting adjourned at 7:32 pm.

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

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

**TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**February 2, 2015**

**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, Assistant City Manager Brad Vath, Finance Director John Green, Utilities Director Christy Butera, City Engineer John Donnelly, Police Chief Eric Burris and Clerk of Council Janice Bates.

Guests signing the register include: Karen Jackson, Mike Jackson, Anthony Rodgers, Brandon Cox, Thomas Chaney, Johnna Smith, Sharon Johnson, Julie Taylor, Alan Smith, Melissa Smith, Greg & Sarah Adkins, Marc & Susan Bayse, Tony Smith, Jeff Perilman, JJ Slanker, Father Marc Sherlock, Brian Cook, Nick Creech and Martin English. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

**Invocation and Pledge of Allegiance**

Father Marc Sherlock of St. John the Baptist Church gave the Prayer for Guidance. President Gibson led the Pledge of Allegiance.

**Approval of Agenda**

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

**Minutes**  
1/20/15 Council Meeting

Ms. Gillis moved to approve the minutes of the January 20, 2015 Council Meeting. Mr. McDermott seconded. Motion passed 6-0-1. President Gibson abstained.

**Presentations, Proclamations, & Awards**

Anthony Rodgers, Clerk of Council for the City of Huber Heights presented Janice Bates with her Certified Municipal Clerk (CMC) Designation.

Mayor Hale and Chief Burris presented Officer Tony Smith with the 2014 Tipp City Officer of the Year Award.

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

Modifying Code Section Table 154.04-5

An ordinance modifying code section table 154.04-5 of principally permitted uses of the Tipp City, Ohio Code of Ordinances.

City Manager Comments: This ordinance would modify the zoning code to permit fraternal, charitable, and service oriented clubs as a "permitted with standards" use within the Conservation District zoning classification. This modification is required principally to permit the Tipp City Seniors. to pursue placement of a facility on property currently zoned as a Conservation District.

Mr. Kessler introduced the ordinance and moved for its adoption. Motion passed 7-0. Ordinance 3-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Repealing §41.09 and §41.99 of the Tipp City Code

An ordinance repealing §41.09 & §41.99 of the Tipp City Code of Ordinances pertaining to smoking prohibitions within the Tipp City Government Center due to pre-emption by the State of Ohio smoking

prohibitions.

City Manager Comments: This cleans up our section and will place the City in compliance with the Ohio Revised Code.

Mr. McDermott introduced the ordinance and moved for its adoption. Motion passed 7-0. Ordinance 4-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Amending §31.27 of the Tipp City Code

An ordinance amending §31.27 of the Tipp City Code of Ordinances pertaining to smoking, eating and drinking prohibitions within the Tipp City Government Center due to pre-emption by the State of Ohio smoking prohibitions.

City Manager Comments: This ordinance amends §31.27 of the Tipp City Code which makes reference to §41.09 and §41.99.

Ms. Berbach introduced the ordinance and moved for its adoption. Motion passed 7-0. Ordinance 5-15 was declared adopted and President Gibson affixed his signature in witness thereto.

**Resolutions**  
Annexation Agreement

A resolution authorizing the City Manager to enter into an annexation agreement for +/- 1.619 acres located on South CR25A with the Board of Trustees of Monroe Township, Miami County, Ohio.

City Manager Comments: It is the City's past practice is to require annexation of commercial property to obtain services. This resolution approves the annexation of approximately 1.6 acres currently being used as the Gulf Fueling Station located at 3311 S. County Road 25A. The owner of the property, the Hartley Company has requested City utility service.

Ms. Gillis sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Motion passed 7-0. Resolution 4-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Purchase of Three Police Vehicles – Lebanon Ford

A resolution authorizing the City Manager to purchase three vehicles for the Police Department from Lebanon Ford of Lebanon, Ohio through the State of Ohio Cooperative Purchasing Plan at a cost of \$79,491.00.

City Manager Comments: This resolution authorizes the purchase of three 2015 Ford Utility Interceptors at a cost of \$26,497 through the State of Ohio's Cooperative Purchasing Plan. The Utility Interceptor is V-6 powered with All Wheel Drive. The 2015 budget appropriated \$81,600 for the purchase of these vehicles. Being replaced are cars 1, 2, and 7. Car 1 is a 2011 Crown Victoria with 75,537 miles and 3,933 hours (equivalent to 129,789 miles). Car 2 is a 2011 Crown Victoria with 73,034 miles and 4,056 hours (equivalent to 133,848 miles). Car 7 is a 2009 Crown Victoria with 99,497 miles and 5,884 hours (equivalent to 194,172 miles). These are the last of the Crown Victoria's for the Departmental fleet. With this purchase all patrol vehicles will be the Ford Utility Interceptors. The Crown Victoria's will be declared surplus once they are taken out of service and will then be sold on GovDeals.com.

Mr. McDermott sponsored the resolution and moved for its adoption. Mr. Kessler seconded. Motion passed 7-0. Resolution 5-15 was declared adopted and President Gibson affixed his signature in witness thereto.

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

There were none.

**Motions  
Canal Music Festival -  
Agreement**

A motion authorizing the Police Chief and City Manager to sign the temporary alcohol permit application for the Canal Music Festival and authorizing the City Manager to enter into an agreement with the Downtown Tipp City Partnership.

City Manager Comments: The 2015 Canal Music Festival is scheduled for June 13<sup>th</sup> at the lower rear portion of City Park. Because alcohol will be served on City property a motion authorizing the City Manager and Police Chief to sign the Temporary Liquor Permit application will be necessary as well as authorizing the City Manager to enter into the enclosed agreement with the Downtown Tipp City Partnership for this event.

Ms. Gillis moved to approve the festival agreement. Mayor Hale seconded. Motion carried.

**Appointment to the  
Miami Valley Regional  
Planning Staff  
Representative**

A motion appointing one member to the Miami Valley Regional Planning Commission's Technical Committee as a representative (Staff) for one year term ending on December 31, 2015. Mr. Owen moved to open nominations. Mayor Hale seconded. Motion carried. Ms. Gillis nominated John Donnelly. Mayor Hale moved to close nominations. Ms. Berbach seconded. Motion carried. A vote was taken on Mr. Donnelly's nomination. His appointment was unanimous.

**Miscellaneous**

There were none.

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

There were none.

**Councilmember  
Comments**

Ms. Gillis congratulated our Clerk Janice on her designation and Officer Smith for being named Patrolman of the Year.

Mr. Owen also congratulated Janice for her designation. It is a lot of hard work with many hours put in. Congratulations. Mr. Owens also congratulated Officer Tony Smith for being the Officer of the Year this year.

Ms. Berbach also wanted to thank Janice and congratulate her for being a good Clerk. Ms. Berbach also wanted to thank Officer Smith for his service to our country and his service on the Tipp City Police Department. It is hard work and we really do appreciate it. Ms. Berbach also mentioned that Tipp City youth soccer is gearing up for the fall season. Interested parties can contact Ms. Berbach.

Mr. Kessler thanked City staff for being proactive for this predicted storm. They did take care of our icy streets, and working out in inclement weather. Mr. Kessler also thanked the EMS and Fire Departments for their

work during the last few weeks dealing with weather related accidents. Mr. Kessler also offered congratulations to Janice and Officer Smith. Mr. Kessler welcomed the new City Engineer to his new position with the City.

Mr. McDermott also welcomed Mr. Donnelly to his new position. Mr. McDermott also thanked and congratulated Janice. Mr. McDermott added it is wonderful that just over 100 people in the state of Ohio have this credential. Mr. McDermott also thanked Officer Smith for his service.

Mayor Hale thanked Janice. Adding "Every time I call upon you, you are quick to respond. You have worked hard to get this award". Mayor Hale stated he's already thanked Officer Smith this evening, he would like to take a moment and thank Chief Burriss for putting the award together. Adding this is a step in the right direction for the Police Department as a whole. Mayor Hale welcomed John Donnelly to the City staff. "It is a great City and a great staff and everyone is easy to get along with".

President Gibson also congratulated Janice adding, "Well done! In my time as Council President, you have put in a lot of hours and a lot of hard work to accomplish this certification. It is our pleasure to have such a qualified person assisting us, and making us look good. Congratulations and well done and keep up the good work! We know it was a lot of work for you on top of all the other things you have to do during any given week. By attending classes and proving yourself. It is a big deal for the City that we have someone as qualified and as credentialed as her. Our compliments and thanks for all that you do." President Gibson offered similar congratulations to our City Manager. We will make a similar presentation at a future meeting for his certification. President Gibson also offered congratulations to Officer Smith.

President Gibson continued there is plenty to do in Tipp City. "The Gala season is upon us". We have several dinners upcoming to recognize the accomplishments of some of these committee's and groups. Tipp Monroe Community Services will hold their annual dinner in February, as will the Downtown Tipp City Partnership and the Tipp City Arts Council. All of these groups really enhance the experience in living in Tipp City. President Gibson added pre-season passes for the pool are now available. Discounted pre-season passes are available until April 30, 2015. President Gibson stated there was a lively discussion in the pre-meeting work session regarding summer sewer rates/credits. Adding he would like to follow-up on that in a future legislative session. Either to address this once and for all or to obtain enough information where we can justify the decision one way or the other. President Gibson added he will either be introducing legislation to that effect or at least be calling for this issue to be resolved for sure one way or the other. President Gibson reminded everyone these proceedings are being recorded and will be rebroadcast over the next two weeks on the local cable access station or at [www.kittv.org](http://www.kittv.org).

**City Manager  
Comments**

Mr. Eggleston informed everyone the City will be moving forward with the operational study of the EMS Department. Chief Senseman is on board with this and believes this will assist in dealing with some of the issues. The study should take approximately 90 – 100 days to complete. A letter of support was sent to the Township requesting their financial assistance of

\$2,250.00. The contracts are currently on my desk and will be signed and returned to the state so we can begin this process.

Mr. Eggleston also welcomed Mr. Donnelly to the City and in his new position. Mr. Donnelly approached the podium and stated "It is a pleasure to be here and I look forward to joining you in Tipp City. I've always held Tipp City in very high regard, and it is an honor to be able to serve you".

Mayor Hale added the Tipp Optimists are no longer holding their traditional auction, but will be holding a chili cook-off and silent auction on February 24<sup>th</sup>.

**Adjournment**

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

Meeting adjourned at 8:15 pm.

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

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



