

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

March 16, 2015

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, Mike McDermott and Matt Owen. Also attending was City Manager Tim Eggleston, Assistant City Manager Brad Vath, Finance Director John Green, Law Director David Caldwell, City Engineer John Donnelly, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates. Reporters Carla Ungerecht and Cecilia Fox were also in attendance.

CR25A Acquisition Process

Mr. Donnelly reviewed the attached PowerPoint and timelines for the County Road 25A Reconstruction Project with Council. Mr. Donnelly requested a special meeting on Monday, March 23rd to complete the appropriation process. Crews cannot cut down trees after April 1st due to the Brown Bat that inhabits the trees from April - October. Mr. Donnelly continued the best option is to pass the resolution of necessity that is before Council this evening and then present the emergency ordinances at the March 23rd meeting. The two pieces of legislation together permit crews to have the trees cleared by the April 1st deadline and keeping the entire project on track.

Mr. McDermott asked if all of the trees were in the easement. Mr. Donnelly replied they were. Mayor Hale inquired if the residents have been made aware of the timeline. Mr. Donnelly stated residents are not aware of exact dates but they are aware the project is moving forward. Mayor Hale asked if lots 26 & 34 were extensively landscaped. Mr. Donnelly stated the appraiser is using the state appraisal system. Mayor Hale added, "Staff is calling this process appropriation but it is really eminent domain". Mr. Donnelly replied they are essentially the same. Mr. Vath stated it is approximately three acres to be appropriated.

President Gibson inquired what happens if this doesn't pass. Mr. Donnelly replied if the resolution and subsequent ordinances do not pass, we essentially miss the April 1st deadline and the potential May 15 deadline to have the easements cleared. President Gibson asked if the City risks losing funding. Mr. Vath replied we could potentially have ODOT and MVRPC funding problems if they do not pass. Mr. Donnelly added we really need to proceed with legislation.

Adjournment

Meeting adjourned at 7:24 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

March 16, 2015

Council Meeting

The following Council Members answered roll call. President Joe Gibson, Mayor Pat Hale, Katie Berbach, Dee Gillis, Mike McDermott and Matt Owen.

President Gibson moved to excuse Mr. Kessler. Mayor Hale seconded.

City Staff in attendance include: City Manager Tim Eggleston, Law Director David Caldwell, Finance Director John Green, Assistant City Manager Brad Vath, Acting Utilities Director Mo Eichman, City Engineer John Donnelly, Police Chief Eric Burris, Fire Chief Steve Kessler, IT Manager Doug Arnold and Clerk of Council Janice Bates.

Guests signing the register include: Samuel Patry, Simon Patry, Thomas Chaney, Linda Eidemiller, Judy Tomb, Elden Eidemiller, Joe Bagi, Susan Langley, Michael Begley, Phyllis Hale, Gordon Pittenger, Ryan Sherman, Anne Oliss, Chris Oliss, Brad Warkentine, Jean Calladine, Bruce Callandine, Ralph Croug, Ron & Jean Mettert, Darik & Sheli Gayle, Ben Detrick, Frank Scenna, Terry Glass, Lorraine Craig, Eric Eidemiller, Vonda Alberson, Heather Bailey, Ericka Thornbury, Andrew Thornbury, Brian Ault, Suzanne Bordem, Craig Miller, Paul & Kathryn Lee, Robert Schwab, Catherine Schwab, Daniel Trick, Sonia Gibson and Karen Jackson. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Invocation and Pledge of Allegiance

Pastor Brad Warkentine from Tipp City Church of the Nazarene gave the Prayer for Guidance. President Gibson led the Pledge of Allegiance.

Approval of Agenda

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

Minutes

3/2/2015 Work Session

Mr. McDermott moved to approve the minutes of the March 2, 2015 Pre-meeting Work Session. Mr. Owen seconded. Motion passed 4-0-2. Ms. Berbach and Ms. Gillis abstained.

3/2/15 Council Meeting

Mr. Owen moved to approve the minutes of the March 2, 2015 Council Meeting. Mr. McDermott seconded. Motion passed 4-0-2. Ms. Berbach and Ms. Gillis abstained.

Presentations, Proclamations, & Awards

There were none.

Ordinances (2nd Reading)

Modifying Code Section §52.02 – Regarding Sewer Rates and Charges

An ordinance modifying code section §52.02 of the Tipp City, Ohio Code of Ordinances regarding sewer rates and charges.

City Manager Comments: There was a memo that had been submitted with some suggestions and taking a strikeout of the 17,000 gallons per month. Mr. Green is here if you have any questions regarding how this would function. I would be remiss in saying, I was trying to follow what Troy had

with two separate ways to calculate the sewer rate; but my understanding is also that the red markings on this ordinance would constitute substantial change and this would be a first reading. We added in single family residential, commercial and industrial buildings from January 1, 2015 shall have the plumbing installed and the installation of a backflow preventer. In lieu of installing a second meter as stated in F(2) there would be an allowance. If Council would be willing to accept those changes.

President Gibson stated he introduced this legislation and wished to discuss the requested amendments proposed by Mr. Eggleston that addresses these issues. President Gibson stated the proposed amendment ultimately permits the summer sewer credit to be calculated by use of a formula similar to that of the City of Troy. A separate meter can be used, or residents can remain at the 17,000 gallon cap. It allows for the resident to choose one of those three options, or none at all. President Gibson proposed those amendments to the legislation. Mr. Owen seconded. President Gibson added "This allows for anyone who is not indulging in the summer sewer credit; nothing will happen to them. If someone is on the 17,000 gallon plan, there is no change for them. But, you can elect to install your own meter or have a formula as set forth in paragraph three of the proposed legislation". President Gibson added he did not believe those were substantial changes because the 17,000 gallons is already in effect. President Gibson added he would request Council consider this legislation as amended. Mayor Hale inquired if there were additional changes other than what Mr. Eggleston had sent to Council earlier in the day. Mr. Eggleston replied what he had sent was initially to show the strikeout in the original ordinance. There is a strikeout of the original 17,000 gallons and it was addressed that that wasn't the intent, it was just an addition. Mayor Hale asked if this still incorporates what the City of Troy does. Mr. McDermott stated Council had not been provided of the true verbiage of the legislation without the strikeouts. President Gibson stated he believed that is contained in the memo dated March 13th. That memo addressed to City Council members is the final legislation. Mr. McDermott inquired if the verbiage regarding the 17,000 gallons remained. President Gibson stated it does. President Gibson added the ordinance contains four options. 1). Do nothing and remain a regular consumer, 2). 17,000 cap, 3). The separate meter, 4). The formula. A vote was taken on amending the ordinance. Motion carried.

Karen Jackson of 720 Columbine Court approached the podium. Ms. Jackson stated she began looking into this approximately three years ago. Ms. Jackson continued she had been thinking of a comment Mr. Kessler had made during a recent study session regarding this topic. He said this was a luxury tax. He felt he was against raising anyone's bill by even a penny. "I've thought about that a lot. I think he has the wrong impression as to why I even approached Council. He probably doesn't know me very well". Ms. Jackson stated she understands the value of a dollar and is pretty frugal. She stated she is a retired school teacher and her husband is retired from the military and they don't have big incomes and they never had. "But, we've always paid our own way. We've never expected anybody else to cover costs for anything we were using. And I never will." Ms. Jackson encouraged Council to look at the fair thing and make these changes.

Amending the Fee
Schedule to include
irrigation meters

A vote was taken on the amended ordinance. Motion passed 5-1; Ms. Gillis voted no. Ordinance 7-15 was declared adopted and President Gibson affixed his signature in witness thereto.

An ordinance amending the schedule of fees to include irrigation meters and an administrative appeal fee.

City Manager Comments: In August 2014, Council adopted Ordinance 7-14 that permits legislation for irrigation meters to water usage outside the home that is not treated at the wastewater treatment plant. This ordinance establishes pricing for residents to purchase irrigation meters, remote read transmitter, and the costs involved with having a City employee inspect the lines to ensure the lines served by the irrigation meter will terminate at outside spigots or irrigation system and to set the meter into the customer's pre-plumbed yoke.

Mr. McDermott introduced the ordinance and moved for its adoption. Motion passed 6-0. Ordinance 8-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Cedar Grove PR
Subdivision, Phase 1

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

City Manager Comments: This ordinance will approve the +/- 15.731 acre, 44 lot, residential subdivision for Cedar Grove, which is zoned Planned Residential (PR). A copy of the complete packet including an Amended Construction Agreement has been included in your packets.

Ms. Berbach introduced the ordinance.

Mr. Caldwell stated the consideration of a plat is an administrative act, so anyone who comes to speak on this matter should be sworn in. President Gibson inquired if it would be appropriate to open a public hearing. Mr. Caldwell stated, that was correct. President Gibson moved that a public hearing be opened. Mr. McDermott seconded. Motion carried.

Mr. Caldwell swore those who wished to give testimony en masse. President Gibson stated, "Let the record reflect all those who are standing have been appropriately sworn in".

Phyllis Hale of 665 N. Hyatt Street approached the podium. Ms. Hale had questions regarding the proposed Cedar Grove Development. Ms. Hale stated it was quoted in today's Dayton Daily News that Talismanic said they care about the community, "We are committed to the community". Ms. Hale stated she wonders how they can say that if they propose to ruin the land, add to the schools, and require the City to hire more EMS and Fire personnel. "To me this seems contradictory". Ms. Hale also inquired if an environmental study was completed to see exactly how this development would impact "Our only planet". Mr. Eggleston replied it would depend on the type of environmental study being asked. Those that are chemically driven or those that would benefit the community. Ms. Hale replied, "Environmentally. How it could help or hurt the environment".

Denise Langston of 8106 Bush Clover Drive in Tipp City. Ms. Langston added her home is not located within Tipp City corporate limits. Ms. Langston stated her home is a Ryan home. She said when discussing her home and building options with Ryan Homes, it was "A good process. They are a very good developer. We have had no issues with our home, and any questions or concerns that we had ever had with Ryan Homes, they were very forthcoming and very good about taking care of any needs or concerns that we had in regards to the home". Ms. Langston added she grew up in Tipp City and had this development been available "For me to build a home here, my children could be going to Tipp City schools, but now I am in Bethel school district". Ms. Langston continued, she believes this development is a good thing for the City.

Heather Bailey of 304 W. Broadway approached the podium. Ms. Baily began by thanking Council for what they do and bring to the community. She added no one in the audience tonight would want to do what you do. "I want to say tonight I am pro development. I am pro thoughtful development. I am interested in growth that promotes the brand 45371. Countless people have invested 175 years to make Tipp City an outstanding place to live. This is not just my opinion. Tipp even won Dayton's Business Journal's "Number One Place to Raise a Family". A superior rating is not to be squandered. We have a set amount of developable land remaining in 45371. There is a demand for housing and to be a part of this superior community. When supply and demand meet, values and prices rise. From my perspective I believe that we should hold out as a community for a housing development of high priced, higher quality homes. These would further raise the values of everyone's homes. These will add to the brand 45371. I am not a person who likes to compromise when it comes to anything that has to do with quality. I don't believe that Tipp City should compromise either. Hold out please for higher valued homes on this very valuable property. God isn't making any more land, it is finite. We cannot squander it. Please don't squander this land".

Wayne Waite from 911 Union Road of Xenia, Ohio approached the podium. Mr. Waite informed Council he works in Dayton as an attorney at the firm Freund, Freeze and Arnold. Mr. Waite stated he represents the Eidemiller Land Company, the owner of the 71 acres that is being discussed. As well as Talsmanic Land Company LLC, the developer. Mr. Waite asked Council to use their hearts and their minds to come to a fair just decision. "The reason we are here and supporting this comes down to four or five basic words. 1). This meets a demonstrated need within the City. Reasonable growth is certainly important. 2). It creates jobs. This is a project that is going to create approximately 250 jobs during its development. Those jobs will be going to local contractors and workers that will benefit. Construction workers that will support local businesses. Construction supplies that will be purchased from these local businesses. There will be long term growth opportunities. 3). Cedar Grove will be a long term source for tax revenue for the City. Cedar Grove will add over \$50 million dollars of economic value to the tax base. Real estate taxes will directly benefit the local schools and the other services. It is also important to note there is no tax abatements, no deals or blue light specials in any way that is going to hurt the schools or the City. President Gibson inquired where Mr. Waite got the \$50 million dollar figure. "You stated that is \$50 million dollars, is that over a year, ten years, or

one hundred years? Where do you get that estimation that its 50 as opposed to any other number?" Mr. Waite replied, "The number that I have, and it is an estimate it is based on the value of the homes that will be put into that entire development". President Gibson asked if this were in income taxes. Mr. Waite replied, "No it is the value of the taxes of the property that would be invested and taxes". Mayor Hale commented it would be \$50 million dollars of total value, not tax base. Mr. Waite agreed. The Cedar Grove development, until the last few months, has not been controversial. There has been 13 approvals from the Planning Board and Council. These are the experts whose job it is to look at this and the developer. They've made the developer jump through the hoops and the developer has jumped through the hoops. We recommend you move forward. In the amended development plan that is before Council has further compromises, further concessions, further things that ensure everyone is protected. 4). The Developer has demonstrated experience. It has a track record and it has the means of support. In this particular case, over \$1 million dollars of cash surety is with the City. To make sure that this property is developed properly. "That's a big deal. That is a lot of money, and a lot of surety. That is a lot of security for you to discharge your duty to make sure things are moving along properly". Mr. Waite added all Ohio EPA approvals have been in place for section one. All engineering is complete. President Gibson stated "To Ms. Hale's point, are you saying you have complied with the environmental regulations. Was there any kind of impact study done? Was there ever a separate study done to address that issue? Or was it "everything looks good with the EPA standpoint?" Mr. Waite replied "The answer to your question is I don't know. However, I do know that staff has requirements with respect to the drainage, where that water will go. We are talking about homes, not nuclear power plants. We are talking about these homes comply with each and every regulation that your commissions and planners come up with. They have done all of that to the same extent that you hold any other property owner to in the City. I know the property will be benefiting the schools, and I also looked into and saw some information from your Superintendent. Who wrote to us and said the school population in the area has around 2,600 students. In order to make that number work, there has been open enrollment". Mayor Hale commented there is a little bit to that. "The school district makes money having that open enrollment and bringing in those extra students. It is more about making money and bringing funds into the school that it is the fact that we need more kids in our school system. Don't claim that we need more kids in our school system and that's why we have open enrollment. That is not the case". Mr. Waite stated he mis-spoke. "Not only is there enough room for the kids who live in Tipp City, but also for the kids outside of Tipp City. That's a good thing. I'm saying there is room in the schools for kids that come into your City too. I apologize. It seems to me that we have a program that can create jobs, we've got a program that can be long term tax base generator, we have a program that has been traditionally approved and recommended by staff, we have a program for residential development that meets the statutes on the books and regulations, a developer with demonstrated experience, we also have an opportunity to make the City for more families to live here rather than anywhere else". President Gibson stated, "For the record, you work for Freund, Freeze and Arnold". Mr. Waite replied he does. President Gibson then stated, "Which is the law firm that is involved in litigation against the City". Mr. Waite replied, "That's right".

Simon Patry of 182 S. Tippecanoe Drive approached the podium. Mr. Patry stated he is an attorney but he does not represent any party today but his self. "I won't pretend to know the job you guys have. I've said it before, I respect everybody here. I think everybody the City has working for it and on Council has the utmost integrity. I am only here for my own selfishness. In July 2014, my wife and I sold our home in Centerville with the intent to build at Cedar Grove. At the time, there had been numerous approvals from the Planning Board and Council. There was no indication that there was any situation would arise and Council would not move forward with something they had approved at that point since 2007. Including as of April 21, 2014, City Council had unanimously voted to approve the construction agreement allowing Talsmanic Properties to begin offsite improvements. That being said, we felt reasonably certain that we could sell our home, and a place to build a new home. I started studying the Tipp City housing market in 2013 when I was offered to become a partner at Dysinger & Patry here in town, at that time it was Dysinger & Associates. When I say study, I look at the MLS and the Dayton Area Board of Realtors every single night. I can tell you if a piece of real estate has come onto the market, I know exactly which property has been listed in the \$250,000 - \$450,000 price range. The truth is there just isn't anything that satisfies that need. I was really candidly shocked in August when I came and spoke before Council and explained our position and some of the reasons that were raised. I don't want to make this an adversarial process. Because I respect every single person up there. Nearly all excuses, at least I feel they are, were facts that were present. Or which should have reasonably been thought about since 2007. It seems to me that there is no rational basis for what was stated that day as being the reason as to why we shouldn't move forward with Cedar Grove. Including we wanted to keep our town the same size and school issues. Whether you are accepting students on open enrollment or not, Tipp City has been able to accommodate that number of students before without the open enrollment. I think the property taxes that you will gain will be worth that exchange. Especially given the fact that we are losing people that could be in Tipp City and they are going elsewhere. I know an attorney who works at a firm in Troy and she's very well involved with the Tipp City community and she opted to go to Carriage Trails. You've lost a good person that day. In fact, there are some members of Council that live in Windmere. Had that development been shut down, maybe you wouldn't live in Tipp City, and I would argue, that we would not have benefitted from your leadership. I don't want to come in and point fingers at all of the things that I feel were or reasons why I feel this should move forward. I can only tell you that I have two kids, I've got a business here and the housing market is just nonexistent in the \$250,000 - \$450,000 range for the type of home we are looking for. My wife and I are both professionals. The existing market requires too much work for us and with twins who have had considerable issues, it is just not possible. Given an example, I've looked it up today, in the \$250,000 - \$450,000 range, 4 bedroom homes listed at the Dayton Area Board of Realtors, there are 10 homes that meet that criteria. Only 4 have been built within the last 15 years. Only 2 have been built in the last 10 years. Of those two, one was built 8 years ago, is under power lines and in my belief in an undesirable location for my family and I. The second was built 9 years ago and has been listed for 205 days, has had three price reductions totaling \$28,800 from the last time it sold and \$19,500 from the original listing price back in August 2014. There is a home in Hampton Woods that has been listed since June

2014 and has had four price reductions, has been taken off of the market, relisted in January with 7 price reductions. There is another in Sycamore Woods has been listed for 189 days. There are two homes in Deercliffe, one listed in 2013 with 8 price reductions and the other listed in 2014 with 6 price reductions. The point I am trying to make here is the reason these many homes I just listed around the market is because they are not appropriately priced and not what people are looking for. What people are looking for are Energy Star Certified homes that have open concepts and quality building materials. I have a friend who is an attorney and he built a Ryan Home in Kettering, and it is gorgeous. It is beautiful. I don't know if anybody here on Council has had the opportunity to go look at a Ryan development lately, but it is not the Ryan development that you used to know. They are beautiful homes and they are desperately needed. There is a development, Rosewood Creek, that meets the need of the \$430,000 and above price range and those are lovely homes as well. But I think you are going to lose a lot of the young professionals such as myself. I think that I have demonstrated that I have dedication to this community. I want to continue to do that, my wife wants to do that. We desperately want to be part of this community, but if this development doesn't go through, I don't know if I can find a home that we can call home here. That would be very sad, at least for me. President Gibson asked of Mr. Patry, "You've mentioned that this stuff passed through the Planning Board without any issue and it was a surprise to you that Council voted the way that they did when they did. Did I understand that correctly?" Mr. Patry replied, "That is correct". President Gibson asked, "What do you think Council should have done, how were we supposed to have... you aren't suggesting we influence the Planning Board at their level of review are you?" Mr. Patry stated "I'm not sure I understand your question". President Gibson stated, "The way I understood your presentation, you were surprised because Planning Board had no problem with it, and then the next step was City Council to approve it, and you were surprised and had no idea that the vote would go the way it would go. The question I would have is when are we supposed to raise this issue? We certainly can't tell the Planning Board what as City Council members. What was Council supposed to have done?" Mr. Patry replied, "That's a great question Mr. Gibson. I am not trying to insinuate that Council should influence the Planning Board. But, now that you mention it, Planning Board has recommended it. I would think on April 21, 2014 that when City Council unanimously voted to approve the construction agreement to allow Talsmanic Properties to begin offsite improvements, for Phase 1. It would appear to me that if Council didn't have the intent to go forward with this development, they would have raised those objections at that point before allowing someone to invest money, to go forward and to rely upon that representation. I would also say that if there were concerns related to the size and zoning of residential development, Council would have taken the opportunity to act against that. Or back in 2007 when the City rezoned 66.634 acres on the property to have a residential zoning designation. I would think that also Council may have want to act differently than what they did on June 4, 2012. It is my understanding that Council unanimously approved the preliminary plans 7-0 for this. I would note that the people on Council that were present, and I don't want to make this adversarial, but Mr. Hale, Mr. Gibson and Ms. Berbach appeared to have all joined in in the approval of that plan. It seems to me that at some point in time, that there was reservations regarding the development or the feasibility of that development that they would have raised those concerns at that

point. I can keep going, but I don't want to make this an adversarial thing here. What I am trying to say here, is there is a need here for this. You are losing people like me and there is a need in Tipp City for these homes. You are absolutely losing great people. I think the fact that we are losing our kids who are moving out and they can't come back home because there is not something within their price range. This isn't an inexpensive price range. This is \$250,000 - \$450,000. If this goes in, my wife and I plan to build a home that is probably around \$380,000. I don't think that we are going to be hurt by that type of home and those who will reside in the development. It might be pretty pompous of me, but I think I am pretty awesome. I really do think this is needed. It is absolutely needed for me and my family. I can tell you if there was a house I could have bought that is on the market I would have put an offer on it. I have been doing this every single night since July. It is absolutely needed. I implore you to approve this. I really do mean this, and I don't envy your position. I respect every single one of you".

Dan Trick of 1098 Rosenthal Drive approached the podium. Mr. Trick stated his address is Troy, Ohio but lives in Tipp City City limits because of postal regulations. "My wife and I came to Rosewood Creek five years ago, and purchase an existing home and entered the market at less than \$350,000. There are homes currently back there for sale at over the \$450,000 market, but I am sure with proper approach houses could be bought brand new or already under construction and already inhabited for less than the \$450,000 range. My concern is that the Council do its best for Tipp City. Cementious, what is the definition of cementious? Online definition states any building materials which may be mixed with a liquid such as water to form a cement substance. Are we going to spray on the siding of these houses? Are we going to include manure? What is going to be the content of cementious siding? I am not opposed to the development of Tipp City. Whether it is for the High School, whether it is for the number of people that inhabit Tipp City or for the tax base. My question is, how are we going to maintain or improve property values of current members living in Tipp City. Especially those in adjoining to the new proposed areas we are talking about tonight. I have every faith in the Council. They will make the deciding vote or even tender a vote to a later date pending on what they choose here tonight. My belief is that I have a firm faith in this Council and they will make the best decision for what's right for Tipp City, Ohio.

Suzanne Borden of 1040 Rosewood Creek Drive approached the podium. Ms. Borden had questions regarding Council's previous vote where Council had voted 4-3 against the development. Ms. Borden inquired what changed between then and now. "Does that override that other vote? Does it only if the judge says one thing or another, what's the procedure there? What does tonight's vote mean"? Mr. Caldwell replied, "This has nothing directly to do with the pending litigation. This is a re-introduction of the legislation. Any anything involving the lawsuit, we cannot comment from the dais". Ms. Borden stated, "The prior vote is null and void, and you are basically starting over"? Mr. Caldwell replied, "That is not entirely accurate. The proceeding vote is what it is. It stands as a vote of Council. This is a re-introduction of the legislation to approve Phase 1, Cedar Grove with an amended construction agreement". Ms. Borden asked, "If you vote to approve it, it overrides the last one if you vote or it stands on its own". Mr. Caldwell stated "To use your words, yes, it would take the place of".

Samuel Patry (Simon's identical twin brother) approached the podium. Mr. Patry stated he is also an attorney with Dysinger and Patry and lives at 14 N. Fourth Street Apt. A. Mr. Patry stated he is often not as diplomatic as his brother but nevertheless "I will be diplomatic in this particular instance. When I first was provided the opportunity to work for my brother here in Tipp City. I absolutely declined. The reason I declined was because I felt that this would not be a welcoming environment for a young 27 – 28 year old guy. About three years ago I did accept employment in Tipp City. It took me two years to find a place in Tipp City that had an open floor plan. I love the Downtown. I live Downtown. I am the President of the Downtown Tipp City Partnership. I love our history, I love our historic structure. I believe that our proud 175 year history that everybody worked for is one which should be preserved. With that said, I don't think that our history is contradictory to bringing in new development. I don't necessarily think the Downtown will suffer from new development. Since my employment here in Tipp City, I have been involved in several organizations. The Tipp City Mum Festival, The Chamber of Commerce, The Downtown Tipp City Partnership and The Rotary Club. I can tell you that every one of those organizations the main goal for all of these events is to bring people into Tipp. We want people shopping here, we want people eating here, and we want people to spend money in this town. I can think of no better way to do that then to have a development where you have young professionals. I am also worried about our branding. I don't want us to be seen as elitist. I don't want us to be seen as stagnant. I look around, I analyze business and the potential growth that we have in our City and we are not competing against ourselves. We aren't competing against Carriage Trails, we are competing against communities being built South. We are competing against places like Austin Landing. Those are all brand new homes. They all have these great dining places like we do, but they don't have our charm. The only thing this City is missing is an affordable home that is more modern. That has the modern amenities inside those homes. Because those are the people we are preventing from coming here. If we prevent young professionals from coming here, we are going to continue to have what I like to refer to as brain drain. I can tell you that Scott Vagedes the former City Engineer, told the Planning Board that this development meets all standards. That is a fact. We aren't speculating. We aren't speculating on environmental impact. That's a fact. This City's Engineer okayed the plans. I would propose to this Council, in light of those facts, in light of the fact that no one is going to stand here at this podium is to give something that is more concrete than this City's own employee. That there is no rational basis for this Council not to approve this particular community. Thank you very much".

Ms. Berbach moved to close the public hearing. Mr. Owen seconded. Motion carried. President Gibson noted this is a very tough decision. "I hear both sides of the argument. Tipp City is what it is because over the years it has been fortunate enough to have the right kind of growth at the right time with the right people. As Ms. Baily has pointed out, the question always for any development project is whether it is right thing for the City. On one hand, you do have a plan that was duly approved by the Planning Board. Preliminary actions by City Council did seem to indicate that everything should move forward. On the other hand were the concerns that were raised at previous meetings. And there are questions here tonight to see if this is the right decision to make and the right development at the right time and is

it right for the City. What we have to look at is what happens later on if we do not vote yes and what is going to happen if we vote no. That is what I have to consider along with everything else that has been heard tonight and the previous arguments that were made at prior proceedings. The analysis is this a good development for residences. Is this a good development for businesses, is the price range of the houses right for Tipp City. What about the neighboring neighborhoods? Do they have a right to expect these houses in their neighborhood? These are all things that we have to weigh in and it's tough. It's a very tough decision. I'll grant that. It was a difficult one at the first hearing when we voted on it. I appreciate everyone's comments, I appreciate the comments of Council. It is good to have a lively discussion like this. I wish that all Council meetings were like this. Unfortunately most of the seats are empty. Barring any other comments or calls for any other action by Council, I shall now bid Madam Clerk to please call the roll". A vote was taken. Motion passed 5-1; Ms. Berbach voted no. Ordinance 9-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Mayor Hale requested a brief recess. President Gibson seconded. Motion carried. Council adjourned into recess at 8:45 pm. Mayor Hale moved to return from recess. Mr. Owen seconded. Motion carried. Council returned at 8:50 pm.

Resolutions
Right of Way
Appropriations (Inside
Corp Limits)

A resolution of necessity for improvements on County Road 25A and declaring the intent of the Municipality of Tipp City, Ohio to appropriate certain property inside the corporation limits and declaring an emergency.

City Manager Comments: The presentation we had at the work session for the appropriations. This resolution covers the three parcels that are inside the corporate limits. This was drafted as an emergency so the timelines that are required for the right-of-way taking and commence construction will be maintained. A three-fourths majority (5 affirmative votes) of Council is necessary to adopt this resolution. Property owners will then be notified in writing of the Notice of Intent sent out tomorrow. President Gibson inquired if this allows us to proceed with the 25A project. Mr. Eggleston replied yes.

Mr. Owen sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Motion passed 5-1. Mayor Hale voted no. Resolution 11-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Right of Way
Appropriations (Outside
Corp Limits)

A resolution of necessity for improvements on County Road 25A and declaring the intent of the Municipality of Tipp City, Ohio to appropriate certain property outside the corporation limits and declaring an emergency.

City Manager Comments: This is outside. There are 15 properties and at this time we have had some that have agreed to the offers. This legislation is necessary to keep the project moving forward. Legislation is drafted as an emergency so that the timelines required for the Right-of-Way take, and thence construction, can be maintained. A three-fourths majority (5 affirmative votes) of Council is necessary to adopt this resolution.

Ms. Berbach sponsored the resolution and moved for its adoption. Mr. Owen seconded. Motion passed 5-1. Mr. Hale voted no. Resolution 12-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Resolution of Necessity
Payments in excess over
\$25,000

A resolution authorizing the City Manager to make payments for the acquisition of right-of-way on the CR25A Project in excess of \$25,000.

City Manager Comments: This resolution will allow the City to put funds into an account. Because of the succeeding \$25,000 threshold for purchasing, Council is being asked to authorize staff to cut the check for 37,000. We will need this to file our paperwork.

Mr. McDermott sponsored the resolution and moved for its adoption. Mr. Owen seconded. Motion passed 5-1. Mayor Hale voted no. Resolution 13-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Street Sweeper –
Contract Sweepers and
Equipment

A resolution authorizing the City Manager to purchase one street sweeper for the Street Department from Contract Sweepers and Equipment, through the State of Ohio Cooperative Purchasing Plan at a cost not to exceed \$240,000 and declaring personal property owned by the City of Tipp City as surplus property and no longer useful in the general operation of the City.

City Manager Comments: This authorizes the Manager to purchase a 2015 Tymco 600 street sweeper for the Street Department at a cost of \$222,512.80. An appropriation of \$240,000 was approved in the 2015 budget. This resolution also declares a 1999 Tymco street sweeper (10,632 miles and 1,455 engine hours) as surplus property and authorizes the Manager to dispose of this street sweeper by public sale or auction to the highest bidder, to trade-in, or dispose of in the most cost-beneficial means as determined by the City Manager.

Mr. Owen sponsored the resolution and moved for its adoption. Mayor Hale seconded. President Gibson inquired if there was a plan to place this item on GovDeals. Mr. Eggleston stated that was correct. Motion passed 5-0. Resolution 14-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Contract with Seven
Brothers Painting

A resolution authorizing a contract with Seven Brothers Painting of Shelby Township, Michigan for the painting and rehabilitation of 1.0 MG elevated water storage tank at a total cost of \$771,300.

City Manager Comments: This project has been in the capital plan for a while. Mr. Eichman is here if anyone has any questions regarding this project. The apparent low bidder on this project is Seven Brothers Painting, at a cost of \$771,300. President Gibson asked if staff knew a timeframe when this might start. Mr. Eichman stated he is not sure when they will begin. President Gibson confirmed this is the water tower located behind Menards. Mr. Eichman confirmed.

Contract John R.
Jurgensen – 2015
Asphalt Program

Mr. Owen sponsored the resolution and moved for its adoption. Ms. Gillis seconded. Mayor Hale asked if we are doing anything special with the painting to commemorate the 175th anniversary. Mr. Eggleston replied we are planning to put the logo, but we can ask to have something for the 175th included if that is Council's direction. President Gibson stated he thought "that would be a great idea". President Gibson asked Mr. Eichman to see what the additional costs would be to have this added. Motion passed 6-0. Resolution 15-15 was declared adopted and President Gibson affixed his signature in witness thereto.

A resolution authorizing the City Manager to enter into a contract with the John R. Jurgensen Co. of Springfield, Ohio for the 2015 Asphalt Resurfacing Program at a cost of \$547,645.06.

City Manager Comments: Bids were opened on March 9, 2015. The 2015 budget includes \$580,000 for street resurfacing and \$75,000 to resurface parking areas, drives and walkways in Kyle and City Park. The low bid for both projects was \$547,645.06. Streets proposed for resurfacing include: Copperfield Lane (Peters to Greensward), Chevington Chase (Kessler-Cowlesville to N. terminus), Stonehenge Drive (Kessler-Cowlesville to Chelsea), Donn-Davis Way (Park Avenue to N. terminus), Kilgore Blvd. (N. Fifth to N. Third), Bowman Avenue (N. Westedge to S. of Kyle), Kyle Drive (Bowman to N. Hyatt), Warner Drive (N. Garber to Tippecanoe), Bowman Avenue (W. Main to N. terminus), W. Walnut Street (Miles to Hyatt), W. Plum Street (Miles to Bowman), Burr Oak Drive (Whispering Pines to Primrose), Whispering Pines Avenue (Burr Oak to S. Hyatt), Tallow Tree Way (Burr Oak to Whispering Pines) and Douglas Way (Barbara to Barbara).

Mr. McDermott sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Ms. Gillis asked if Douglas Way was still scheduled for water and sewer replacements. "Why would we be paving Douglas Way?" Mr. Eichman replied "We do have this scheduled this year, and there is an amount of money from the street budget set aside where we can incorporate that project. Rather than us paving it then tear it up and try to fix it, we are going to do it all at the same time". Mr. Donnelly stated, "We have coordinated the projects to coincide with the water/sewer line projects". Motion passed 6-0. Resolution 16-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Ohio Benefits
Cooperative

A resolution authorizing the City Manager to enter into an agreement with the Ohio Benefits Cooperative to provide medical, dental and life insurance benefits for its employees.

City Manager Comments: This resolution, if adopted, will confirm the City's commitment to the Ohio Benefits Cooperative (OBC) for a three-year term. There are changes coming to the Affordable Health Care Act and we want to be sure we make those adjustments. We are self-funded and this will eliminate several of the taxes levies under the "Cadillac taxes". We are making this commitment to avoid some of those taxes.

Ohio Department of
Transportation
Cooperative Purchasing
Program

Ms. Berbach sponsored the resolution and moved for its adoption. Mr. Owen seconded. Motion passed 6-0. Resolution 17-15 was declared adopted and President Gibson affixed his signature in witness thereto.

A resolution authorizing the purchase of road salt from the Ohio Department of Transportation Cooperative Purchasing Program at a rate per ton including piler charge for an amount up to 800 tons.

City Manager Comments: This allows us if we so choose to participate in the program. Mr. Eggleston inquired of Mr. Donnelly the specifics of the resolution. Mr. Donnelly stated, "The purpose of this resolution is to allow us to participate in the bid program as provided by the Ohio Department of Transportation Cooperative Purchasing Program. This does not commit us to purchase any salt. However, the way the program changed this year, they are requiring a resolution stating authority of the Council. It is like our "electronic signature". Thus is the reason there is not a price stated in the resolution". President Gibson stated that was going to be his next question..."What is the price? This just allows us to participate". Mr. Donnelly agreed. Mr. Eggleston stated "We are doing our due diligence in getting the best price". President Gibson inquired how much salt the City currently has in storage. Mr. Donnelly replied the City currently has 175 tons remaining. "We purchased 100 tons several weeks ago and that will carry us through. We are in a good position, unless we should have more snow".

President Gibson sponsored the resolution and moved for its adoption. Mr. Owen seconded. Motion passed 6-0. Resolution 18-15 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances
(1st Reading)**

Revised Codification of
the Tipp City Municipal
Code.

An ordinance adopting a revised codification of the Tipp City Municipal Code.

City Manager Comments: This would allow us to codify legislation that has been passed by City Council from January 1, 2014 – December 31, 2014. This would include codes that have been passed and allows us to do this again.

President Gibson introduced the ordinance.

Motions

Appointment to the Civil
Service Board

A motion to make one appointment to the Civil Service Commission for a six-year term commencing April 5, 2015 and expiring April 4, 2021.

Ms. Berbach moved to open nominations. Mr. McDermott seconded. Vote passed 6-0. President Gibson nominated Jim Williams. Mayor Hale moved to close nominations. Mr. McDermott seconded. Vote passed 6-0. A vote was taken on Mr. Williams' nomination. His appointment was unanimous.

Property Donation

A motion to make approve Form 8283 – Approving the value of the property donation for the South CR25A Reconstruction Project by Gateway Center Ltd.

City Manager Comments: Mr. Eggleston referred this topic to Mr. Vath. Mr. Vath stated, "As part of the CR25A Reconstruction Project we have a public partnership with Gateway Development which has the Northgate Commerce Center, Industrial Park on Blauser and Kinna Drive. They had agreed for the initiation of this project when we submitted our applications to donate the required right-of-way and easements for a portion of the project adjacent to their property. The form 8283 is the standard federal form that is required for them to be able to take a tax donation if it is appropriate by their tax accountants for that portion of the property that they are donating and is specified on the form that was included in your packets. Parcel 10 and parcel 32 that they are donating to the City".

Ms. Gillis moved to approve Form 8283. Ms. Berbach seconded. Motion carried.

Accepting the Tax Incentive Review Council incentive package

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

City Manager Comments: The Tax Incentive Review Council (TIRC) met on March 12th to review the performance and compliance of active Enterprise Zone, Post 1994 Community Reinvestment Area agreements, and Tax Increment Financing (TIF) agreements. There are currently no active Enterprise Zone Agreements. Broadway Hair Studio is the only active Post 1994 CRA 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 to continue the incentive package for Broadway Hair Studio and to find that the Granger Group/Randall Residence Tipp City Land LLC is in compliance would be appropriate. A copy of the TIRC report is attached for your review.

Mayor Hale moved to approve the TIRC's recommendations. Mr. McDermott seconded. Motion carried.

Miscellaneous

Mayor Hale stated in reference to the 175th, as we continue to think about this, "I had noticed a couple of weeks ago and spoke about this with Mr. Owen, the signs that state Tipp City Historical driving into town have the wrong year on them. They say 1841, when they should say 1840. Am I correct on that Mr. Owen?" Mr. Owen replied the Mayor was correct. The Mayor requested we get those signs changed prior to the 175th celebrations. Mr. Owen stated there are some signs that were installed in 2006, that were "an unfortunate repeated mistake". "I would like to see if we could change those or at least take those down, especially since we are celebrating the 175th and that is the wrong date".

Citizen Comments on Items not on the Agenda

Phyllis Hale of 665 N. Hyatt Street approached the podium. Ms. Hale stated she has a concern with Leshar Woods. "Tipp City would be stuck even with a generous grant, we would still be stuck paying \$37,450. That's if there are no over runs. Plus the maintenance and Police involvement. I am wondering, it seems a little bit deceptive to apply for a recreational trail, and that's how we got the money. But it is not a recreational trail. The article I have from the Dayton Daily News, Saturday, October 25th, 2014. It says five

local recreational trails get federal funding. The others were really recreational trails for bicycling and stuff. But, I don't know how ours was considered recreational and how we got that grant. It is not recreational. It cuts through to the High School". Ms. Berbach asked Ms. Hale why this isn't considered recreational. Ms. Hale replied it would be for the high school students to get to school. Ms. Berbach added it would also be used for biking. Ms. Hale said that's good since it was applied for as recreational. Ms. Berbach stated there will be a variety of uses and it is a safer way to connect to the high school instead of using 25A or N. Hyatt because there aren't currently any sidewalks. Ms. Hale added, "Where the sidewalk ends before Manchester Chase, then the house and barn then the High School. I understand that it is in the County, but if we worked with the County and perhaps annexing that or perhaps they would be willing to put a sidewalk in would be so much easier. To just extend that sidewalk. Is that a possibility"? President Gibson stated "We would have to obtain the consent of the resident for annexation type movement. It is my understanding it is outside of the City limits and not within our jurisdiction. We would have to get the property owners consent for the annexation process". Ms. Hale stated she understands the process would be lengthy, but "wouldn't it be worth it"? "We are getting stuck with \$37,450 even though the grant was very generous. I don't like the basic idea of going through the woods. That's my concern. Why don't they just say eminent domain"? Mr. Eggleston stated we can't take from the County. Ms. Hale asked if other options can be considered. Ms. Berbach stated she is not willing to consider annexation and extending the sidewalk. Mr. Owen inquired if Ms. Hale was concerned with the safety of going through the woods. Ms. Hale replied she is concerned with the idea of "tearing though beautiful pristine woods". Mr. Owen replied, "It is not a concern of safety, rather than environmental". Ms. Hale agreed. "It is a beautiful woods and we don't have that many areas in Tipp City that are that pristine and I would hate to see it torn up. There are bicycle paths that parallel along Canal Road. Please reconsider". President Gibson stated we will keep all of our options open.

**Councilmember
Comments**

Ms. Gillis had nothing additional.

Mr. Owen had nothing additional.

Ms. Berbach informed everyone Tipp City Youth Soccer will be doing registrations beginning April 1st by visiting www.tippsoccer.org.

Mr. McDermott stated "we decided a lot of stuff tonight. We covered the water issue. That was probably one of the lengthiest thing, since I have been on Council that Council had to take into account. I appreciate the folks who brought the issues to our attention. I am sorry it has taken quite so long to get from our initial discussion to legislation. I believe that it was really necessary to go in and discover the "fairest way" of dealing with that issue.

Mayor Hale had nothing additional.

President Gibson thanked Mr. Eichman for filling in. We appreciate your willingness to do that. President Gibson also thanked Council for "~~my~~ **their** efforts working on this sewer credit rate. I think we did the right thing. And I think it is the fairest outcome that we can have on this. We now have a

lot of choices to make. I thank staff for having to do all of the extra work on this. I know there might be some issues in terms of computer programming and set-up but we do appreciate the staffs' willingness to work with us on that. Thank you to the citizens who brought this to our attention. Yes, we did spend a lot of money tonight and I thank staff for their prep work on that. It is good to see that much of this is under budget".

As to the subdivision vote, I will say again it was a tough decision. I don't think anyone of us up here did not take a great deal of time and effort in weighing all of the issues. In seeing what was best for the City both in the short term and in the long. I hope the vote and the way it went results in a positive impact on the City and that the project can move forward with all deliberate speed now.

President Gibson reminded everyone pool passes are available at a discounted rate until April 30th. President Gibson also 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.

**City Manager
Comments**

Mr. Eggleston had nothing additional.

Adjournment

Mr. Owen moved to adjourn. Mr. McDermott seconded. Motion carried.

Meeting adjourned at 9:26 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



