

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

April 20, 2015

Executive Session

The following Council Members answered roll call. Mayor Pat Hale, Katie Berbach, Dee Gillis, John Kessler, Mike McDermott and Matt Owen. Mayor Hale moved to excuse President Gibson. Ms. Berbach seconded. Motion carried. Mayor Hale informed everyone Council will be entering Executive Session for the purpose to discuss Collective Bargaining. To include all members of Council, City Manager Tim Eggleston, Assistant City Manager Brad Vath and Police Chief Eric Burriss. Mr. Kessler moved to enter Executive Session. Mr. McDermott seconded. Motion carried. Council entered Executive Session at 7:02 pm.

Ms. Gillis moved to exit Executive Session. Ms. Berbach seconded. Motion carried. Council returned from Executive Session at 7:15 pm.

Work Session

The work session began at 7:20 pm. The following Council members were present: 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, Law Director David Caldwell, Police Chief Eric Burriss and Clerk of Council Janice Bates. Reporter Nancy Bowman was also in attendance.

Also in attendance were Steven Alvarez, Brandon Slifer and Aly Griffin.

Trash Bid Renewal

Mr. Eggleston informed Council the current contract for refuse collection expires in September. Waste Management has provided a memo for revised rates depicting the Miami County Fee decreases. This decrease is \$0.39 and will be honored as long as no other fee structures change.

Mr. Kessler stated he would like to see this go to bid. Adding the citizens were pleased to get the \$0.64 back from the monthly leaf collection fee. If all trash collection were moved to the front that could save an additional \$0.50. Mr. Eggleston added when he spoke to Waste Management they stated by eliminating alley collection there would not be much of a difference in cost.

Ms. Gillis stated she would like to see everyone have a container for their recyclables rather than a bin. Mr. Kessler commented he will not pay extra for a container. He asked if Ms. Gillis wanted the recycle containers to be mandatory. Ms. Gillis stated this cost could be added to the current rate. Mr. Vath added the cost for the lidded container would be \$2.00 extra per month or \$24.00 for the year. Ms. Gillis added we (Council) do all kinds of things to beautify the City, yet we let trash blow around neighborhoods. Mayor Hale stated he was not in favor of mandating covered toters. Ms. Berbach and Mr. McDermott agreed. Mr. Vath stated when residents sign up for trash services, they typically choose the cheapest option.

Mayor Hale stated he was in favor of staying with Waste Management with no additional bid. He added he was curious to see the reduction of alley collection and what that rate might be. Mr. Vath added a statement could be added to the contract regarding alley collection and Council could modify at a

later date. Ms. Berbach stated she was fine with Waste Management and extending their contract for another two years. Mr. McDermott added he appreciates alley pick-up, yet understands it is of greater burden to the City to repair the alleys. Mr. Kessler stated he is looking for a cost saving measure. Ms. Berbach stated she could foresee problems if all residents on Dow Street had to place their trash in the front. Traffic would not be able to pass through while the truck is on the street.

Mayor Hale, Mr. McDermott, Mr. Owen and Ms. Berbach agreed to continue the contract with Waste Management for a two year agreement.

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 20, 2015

Council Meeting

The following Council Members answered roll call. 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, Finance Director John Green, Assistant City Manager Brad Vath, City Engineer John Donnelly, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates.

Guests signing the register include: Ron Re', Thomas Chaney, Steven Alvarez, Brandon Slifer. Aly Griffin, Rev. Daniel Fullen, Officer Perilman, Patrolman Hunt, Officer Rynders, Larry Brown, Marc Bayse, Matt Bereda, Jake Burritt, Heather Dorsten, Tanya Burris, Heidi Messer, Seth Messer and Sgt. Nick Creech. Reporters Nancy Bowman, Carla Ungerecht and Cecilia Fox were also in attendance.

Invocation and Pledge of Allegiance

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

Approval of Agenda

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

Minutes

4/6/15 Pre Meeting Work Session

Ms. Berbach moved to approve the minutes of the April 6, 2015 Pre-Meeting Work Session. Mr. Kessler seconded. Motion passed 6-0.

4/6/15 Council Meeting

Mr. Kessler moved to approve the minutes of the April 6, 2015 Council Meeting. Mr. Owen seconded. Motion passed 6-0.

Presentations, Proclamations, & Awards

Mayor Hale swore in new police officer Daniel Harris.

Mayor Hale read a Proclamation for Arbor Day.

Ordinances (2nd Reading)

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: Staff is recommending the adoption of this ordinance so the city can move forward with levying special assessments for the construction of public improvements for the reconstruction of Dow Street, from S. Hyatt east to S. Fifth Street in 2014. The assessments set forth in this ordinance are due by the private property owner within thirty (30) days after its passage. Otherwise, uncollected assessments will be certified by the County Auditor be placed on the tax duplicate and collected in ten (10) annual installments with interest.

Ms. Berbach introduced the legislation and moved for its adoption. Motion passed 6-0. Ordinance 21-15 was declared adopted and Mayor Hale affixed his signature in witness thereto.

2015 Appropriations

An ordinance amending 2015 appropriations and modifying the annual operating budget as a result of this action.

City Manager Comments: Staff is recommending adoption of this ordinance which will appropriate monies for several unanticipated expenses including the purchase of road salt, purchase of data server, EMS Operational Review and the Cash Surety posted for the Cedar Grove Subdivision.

Mr. Owen introduced the legislation and moved for its adoption. Motion passed 6-0. Ordinance 22-15 was declared adopted and Mayor Hale affixed his signature in witness thereto.

Amending Code §34.004

An ordinance amending §34.004 of the Tipp City Code of Ordinances Pertaining to Municipal Purchasing Procedures.

City Manager Comments: Staff is recommending the adoption of this ordinance which would amend the City's purchasing procedures by raising the amount in which a project would need to be formally bid from \$25,000 to \$50,000 as allowed under the ORC concerning purchases and competitive bidding thresholds.

Mr. McDermott introduced the legislation and moved for its adoption. Motion passed 6-0. Ordinance 23-15 was declared adopted and Mayor Hale affixed his signature in witness thereto.

Resolutions

Alternate 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 2016, 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: Staff is asking Council move this resolution forward. The Ohio Revised Code allows cities to utilize an alternative format to the annual tax budget requirements to the Miami County Budget Commission. The alternative tax document serves the same purpose as the tax budget, but is less time consuming.

Mayor Hale sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Mayor Hale added the City has been doing this for a number of years and this isn't anything new to the City, it just shortens the process and makes it easier on our Finance Director. Motion passed 6-0. Resolution 22-15 was declared adopted and Mayor Hale affixed his signature in witness thereto.

Intervening User Fees

A resolution permanently extending the intervening user fees for water and sanitary sewer main extensions on Kessler-Cowlesville, Tipp-Cowlesville (Hyatt), and Crane Roads authorized by Ordinance 17-05.

City Manager Comments: Staff is asking Council approve this resolution, in 2004/2005, the City of Tipp City in cooperation with the Monroe Township Trustees, Miami County Engineer, and Tipp City Schools

constructed public improvements to include water and sanitary sewer lines which were necessitated by the location of the new Tippecanoe High School. The City expended \$91,900 from the Water Fund and \$61,300 from the Sewer Fund for the project. Additionally, the City has also expended +/- \$77,500 from the Water Fund to connect the above referenced project to the existing 12" water main at the intersection of Manchester Chase Drive and North Hyatt Street. The initial ten (10) year Intervening User Agreement is near expiration and needs to be extended in perpetuity.

Mr. Kessler sponsored the resolution and moved for its adoption. Mr. Owen seconded. Mayor Hale asked Mr. Vath to provide further information. Mr. Vath approached the podium. "As part of the construction of the High School in 2003/2004, we had to connect water from Manchester Chase Drive up to the intersection to Hyatt and Crane at East Kessler-Cowlesville Road. We also extended sanitary sewer because we were widening the streets in that particular area. As our past practices when the City expends municipal funds out of our enterprise funds or our Water and Sewer funds, we implemented and Intervening User Agreement to recoup the taxpayers' dollars as individual property owners choose to tie into the water or sanitary in that particular area. When we originally set up this agreement (IU), we originally set up a ten year period which will be lapsing soon. It has a provision we can renew it in the future. This resolution basically permanently renews it. In the past, we have also done a permanent renewal of the Intervening User. At that particular time, we chose to do a ten year window. A permanent implementation of the intervening user fees for this particular project". Mayor Hale stated "We put in part of the infrastructure with the intent of recouping the City's costs". Mr. Vath replied that was correct. Mayor Hale inquired if those costs have been recouped. Mr. Vath stated at this point, it has not been recouped. "There have been one or two properties that have tied into the water in that area. There might be a couple that have tied into the sanitary, but we keep this on records so that anytime a property adjacent isn't covered by the intervening user document, they pay the appropriate fees back to the City to replenish our Enterprise Funds. We also afford this to residential developers, commercial developers if they have to extend the sanitary sewer to their subdivision and their property. We offer what is called protection which is the Intervening user type of agreement so if adjacent type of property owners were doing this on either side tied in with that developer, we would be eligible to get their costs back. Identical process that we are using for both scenarios". Mr. McDermott stated, "If we do not approve this tonight, that intervening user fee will fall off". Mr. Vath stated that was correct. Mr. McDermott added if anyone were to improve upon or add to that area, we could not impose those fees. Mr. Vath replied that was correct. Adding we would get our normal tap fees, but we would not recoup the City's expense that those utilities to facilitate the new school building. Mayor Hale asked if this were for undeveloped properties. Mr. Vath replied there is some undeveloped land. Mostly in the area we are looking at here are single family residential properties that are on Crane Road and on N. Hyatt toward the intersection of E. Kessler-Cowlesville Road and Hyatt Street. There are some farms on both sides of Hyatt Street that this applies to and also on the South side of Kessler-Cowlesville Road. There is some farming property there that this particular document would also apply to. There is an exhibit that is attached, it is the original ordinance that shows the map of the

properties that are affected by this. John Green approached the podium and added the fees aren't assessed until the property owner ties into the system. That is what hasn't been assessed in the last ten year period. The pipes are there, the fee is set, the fees aren't assessed until they actually tie into the system. Mayor Hale stated he wanted to make sure this was for people that had not developed or tied into the system. This isn't for people who already have homes there. Mr. Vath replied that was correct. We would only recoup this tie in once when they tie into our water or sanitary sewer system. It is a one-time charge. Mayor Hale stated he just wanted to make sure. Motion passed 6-0. Resolution 23-15 was declared adopted and Mayor Hale affixed his signature in witness thereto.

**Ordinances
(1st Reading)**

Appropriate a Fee
Simple Title, Parcel 1 -
EMERGENCY

An ordinance to appropriate a fee simple title and utility easement in certain described property and declaring an emergency.

City Manager Comments: This is the last property for the CR25A Right-Of-Way appropriations. Staff is recommending adoption of the ordinance as an emergency measure to appropriate the strip of land needed for the reconstruction project. The property owner was given proper notice. This is the last parcel.

Mayor Hale inquired of Law Director Caldwell if a first and second were required since this is emergency legislation. Mr. Caldwell stated to pass as an emergency would be appropriate.

Mr. Kessler introduced the ordinance as emergency legislation. Mr. Owen seconded. Motion passed 5-1. Mayor Hale voted no. Ordinance 24-15 was declared adopted and Mayor Hale affixed his signature in witness thereto.

Motions

Alcohol Permit for
Antique and Artisan
Show

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

City Manager Comments: That is scheduled for June 20th. Staff is asking for approval to do that.

Mr. McDermott moved to approve the alcohol permit for the Antique and Artisan Show. Ms. Berbach seconded. Motion carried.

Miscellaneous

There were none.

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

Larry Brown of 6650 S. Tipp-Cowlesville Road approached the podium. Mr. Brown inquired on the status of a noise ordinance for the City. He inquired what are the benchmarks being used to determine if the existing ordinance were successful in combating the issue of excessive noise. Mayor Hale informed Mr. Brown that this topic will be addressed at the May 4th Study Session. Mayor Hale continued, "The whole noise ordinance discussion, if you will, will be happening during our next Study Session. If you are available for that I would welcome you and any of your other friends that you know that are interested about this topic to feel free to come and talk to

us at that point". Mr. Brown stated he would be available for that. Mr. Brown asked if Council would not like to hear his presentation. Mayor Hale stated Mr. Brown was welcome to speak, but he is addressing a topic that is was discussed over a year ago and the outcome of that discussion is not recalled. Mayor Hale added The Chief of Police was in attendance and perhaps could provide additional insight. Mr. Brown stated, "If you set aside a year to study the problem to see if you can combat it successfully with existing ordinances, I would think there would be some benchmarks". Mayor Hale stated he did not recall setting aside one year to study the situation, rather provide an update on the topic in general. Mr. Kessler added we did say we would take a year to look at it trying to use existing ordinances to get an idea. Chief Burriss approached the podium and stated, "As a refresher for Council's memory, we had a presentation one year ago where we talked about four different alternatives that we could do for new legislation. At that time, Council decided to hold off on any new legislation and go one year with the understanding that the Police Department was going to more strictly enforce those current ordinances that we have on the books. We do have a presentation for the next Study Session. There is a graph that shows number of warnings given, number of tickets we have written since our last Study Session. I can give you a better idea of benchmark at that time and compare back to 2014. We will also review those different alternatives and see if Council wants to move forward with anything else". Mr. Brown inquired if this were something that could be revealed now. Mayor Hale replied "I honestly think May 4th will be the best time, because there will be a presentation on the screen and will be a better opportunity to discuss". Mr. Brown stated he feels very strongly about this and the City needs to reduce the excessive noise because it is "audio trespassing". Mr. Brown continued by discussing after-market mufflers with Council. He said in discussions with the AMA (American Motorcyclist Association) there is no proof that loud after-market pipes saves lives. Mr. Brown said he still believes signage would be a good idea. Mayor Hale asked if he could ask Mr. Brown a question without being disrespectful. "Do you have new information that you are going to give us tonight"? Mr. Brown replied he did have "a little bit". Mr. Brown stated he wanted to revisit this because it has been several months and "I think a reminder or I feel like a reminder is helpful". Ms. Berbach stated she is confused because we will be having a meeting regarding this topic on May 4th. Ms. Berbach added, "We have heard the same information. I oppose any new signs or legislation. I am open about that and have no problem saying that. At the same time, I think you are going to be repeating the same information and will be repeating the same information on May 4th. I don't understand why we need a refresher course both nights". Mr. Brown stated there might be some audience members who haven't heard this before. Mayor Hale requested Mr. Brown be kind and move forward with his new information he wished to present. Mr. Brown asked "Are you saying I shouldn't repeat something you have heard before? I don't understand why that wouldn't be permissible unless all of the audience members have also heard it". Mayor Hale told Mr. Brown to go ahead with his presentation. Mr. Brown continued "The signs would be used to illicit cooperation. We don't need to work on trying to punish people who is violating the ordinance. I like the Tipp Likes Quiet Bikes. It is welcoming yet it is getting the message out. The use of signs with clever slogans, I think would help get the point across without making people anymore defensive than they need to. I think Police contacts could also go a long way. We are trying to promote cooperation

between the bikers and those in other vehicles in terms of lowering the noise level in our City. I did recently talk to an attorney in the Civil division of the NYPD. New York City's ordinance states that if any vehicle is under 10,000 pounds can be heard 150 feet away or further, they are in violation of the noise ordinance. Any vehicle over 10,000 are in violation if they can be heard 200 feet or more". Mr. Brown suggested if an ordinance were forthcoming to consider a distance of the perpetrator for the sound. Mr. Brown was curious as to if any Council member or staff rode motorcycles. Mr. Kessler stated he supports a group that rides. Adding most groups that he knows are considerate riders. Mr. Brown asked if there were anyone else, adding he is not anti-motorcycle. Mr. Caldwell stated that he owns a Harley Davidson. Mr. Brown inquired of Mr. Caldwell if he has an after-market muffler on his bike. Mr. Caldwell replied that he did. Mr. Caldwell added that he was not going to answer any questions about his preference for pipes on his motorcycle. Mr. Brown stated the only reason he asked the question was because "There could be a bias against an ordinance for excessive noise from a motorcycle". Mayor Hale stated he does not believe there is a bias. Adding he can not speak for the other Council Members, but does not know of a bias. Mayor Hale added he is personally opposed at this time to support a new ordinance pertaining to noise at this point in time. Mr. Brown inquired why that would be. Mayor Hale stated "I haven't seen anything that would determine for me an easy way that it can be patrolled without it becoming an excessive amount of time and effort by our Police force. To have to worry about something that I consider to be a minor issue in our community. You and only one or two other people in the three years that you have been coming here and giving your comments are the only people who have come forward and have made comments at a Council meeting. I haven't seen anybody else come forward on a regular basis and bring this topic up. Unless there is a far outcry by the community as a whole, I don't really see it being an issue within our community". Mr. Brown replied "That could be. But when so much time goes by and nothing gets done, sometimes people get discouraged". Mayor Hale stated "We had a pretty stable group of people who came over a year about the water meters and our summer sewer rates for our community for a number of months and times over and over again and something was done within our community about that. I have not seen an outpouring in our community who is concerned about the noise from motorcycles in our town". Mr. Brown reminded Council that 140 people signed his petition. Ms. Berbach stated, "I live on Dow Street and I hear the highway, trains, the fire station exhaust fans and motorcycles are the least of my concerns. I personally hear it on Main Street, at midnight, you can definitely hear someone roaring through town. Just like I can hear the J brakes on the highway, just like I can hear when the fire house exhaust fan kicks on. I understand that noise is annoying, and that sometimes motorcycles can sometimes be annoying, but I don't think that it is necessary to put forth an ordinance to burden our Police Officers when they already do their job and this is just an aspect of their job. It is just not as important portion of their job that I feel they should be wasting their time on. It is something that is personal preference. I understand that the noise is irritating and I like to sit on my back porch and read a book, but I hear many different noises, loud obnoxious noises that aren't even close to a motorcycle sound. I understand that portion, but putting time into an ordinance and time and effort into signs, that I don't think will help, is not in our community's best interest". Mr. Brown stated it seems like Council is advocating for those making all of

**Councilmember
Comments**

the excessive noise rather than the residents who would rather not hear it. Ms. Berbach stated, "You are the only person that I have heard about who has a problem with the noise". Mr. Brown commented that he had presented 140 signatures. Chief Burris approached the podium and addressed Mr. Brown's comment that nothing has been done. Chief Burris stated, "That is not the case. Enforcement has been stepped up. There have been more arrests made, more warnings since last year. I don't want you to stand up here and say that things nothing has been done because the officers are doing more than what they were doing in the past". Mr. Brown apologized. Ms. Gillis stated we (Council) talked about something that was already in our ordinances that could be enforced more readily. And at that time we didn't feel like we needed something new because we already have something and we have asked that the Police step up the enforcement of that and we will find out the outcome of that. Mayor Hale stated "At this point his suggestion would be that if you believe that you have 140 people who feel the way that you do, bring them to the May 4th Study Session, and we will hold the Study Session here in Council Chambers. Mr. Brown stated that is easier said than done.

Mr. Kessler stated that spring is the time when the interest is piqued in our government and operations with the Seniors. As the weather warms up, they will be like flowers and blossom up more and more. Welcome!

Mr. Owen congratulated Officer Harris and welcomed him onboard. Mr. Owen also reminded everyone FC Tippecanoe soccer tryouts will be May 26 – 27 at Kyle Park. Times will be posted on the website. Mr. Owen also wanted to remind the community that we are planning a 175th celebration for Tipp City on Friday, July 3rd and Friday July 4th. There is a designated FaceBook page for the plans for that. That will be the hub where information will be placed. That will include entertainment, food and special things happening on Friday night. As things start to get planned, we will notify you through the FaceBook page. FaceBook page is Tipp City Ohio 175th Celebration 1840 – 2015. Mayor Hale asked if this link could be added to the City's webpage.

Mr. McDermott had nothing additional.

Ms. Gillis stated also welcomed the Seniors in attendance. Ms. Gillis also congratulated our newest Police Officer. "We are pleased to have him on board with us".

Ms. Berbach also welcomed our new officer and informed everyone FC Tippecanoe tryouts and sign-ups are located on www.tippsoccer.org. You can also register for SAY Soccer. Registration is open until May 15th.

Mayor Hale inquired about the secretarial position vacated by Marilyn Fennell with her retirement. Mr. Eggleston replied this has been replaced with a part-time position. Mayor Hale added he had someone from staff we might want to talk about making that full time. Mayor Hale informed everyone he had the opportunity to attend the Tree City USA celebration in Wyoming, Ohio which is near Cincinnati. It was a nice celebration with a large turn-out. This was Tipp City's 31st year in a row receiving that award. That is quite an accomplishment. An Arborist with the Cincinnati Zoo was the

guest speaker for this event. He spent a lot of time showing photographs of communities and discussing what was good and what wasn't. "A lot of times, I think we take trees for granted and what trees do for our community as a whole. There is a lot to be said for the value of trees not only for how they help with water runoff and shading, just the overall community aspect about how people feel in the community or the neighborhoods that they live, but also the property values that those trees provide to those owners of the properties". Mayor Hale reminded everyone the Arbor Day celebration will be Friday, April 24th at the Rosewood Creek subdivision at 10:00 am.

**City Manager
Comments**

Mr. Eggleston had nothing additional.

Adjournment

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

Meeting adjourned at 8:20 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



