

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

June 1, 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, John Kessler and Mike McDermott. Also attending was City Manager Tim Eggleston, Assistant City Manager Brad Vath, Law Director David Caldwell, Finance Director John Green, City Engineer/Service Director John Donnelly, Police Chief Eric Burriss, Fire Chief Steve Kessler and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

July 4th Special Council Meeting

Mr. Eggleston inquired if Council wished to hold a special meeting on July 4th to read a special proclamation in correlation with the City's 175th Anniversary Celebration. President Gibson stated this would be a great idea. Mr. Owen stated the 175th Committee had planned for Mayor Hale and Senator Beagle to be part of the ceremony and their proclamations would be read at that time. Mr. Owen continued, if Council chooses to do something formal, it would need to be held in front of the hotel. President Gibson stated if Council will hold a special meeting it must be advertised. Mr. Kessler stated if Mayor Hale will be participating in the ceremony already, then holding a ceremonial meeting is moot. President Gibson stated the goal of this special meeting was to be commemorative and if a proclamation will be read by the Mayor at Watson's then we should forego a special meeting. Mr. Caldwell stated if Council is not calling this a meeting, then it would be okay for members of Council to be present while the Mayor reads the proclamation. Council was in support of the suggestion and will not be holding a special meeting on July 4th.

Storm Water Utility

City Engineer/Service Director John Donnelly reviewed the attached PowerPoint with Council. Current problems consist of an aging and deteriorating infrastructure, erosion in ditches and waterways, flooding, standing water and pollution caused by runoff. Mr. Donnelly stated there are various means to fund Storm Water Projects including, General Fund, through various taxes, State and Federal Assistance, assessments, various bonds and storm water utility. There are currently 15 municipalities with storm water utilities.

Mr. Donnelly stated the benefit to incorporating a storm water utility would be fairness and equity for residents. Mr. Donnelly stated there would be a flat rate for residents and the rate would be based on impervious areas for non-residential properties. Mayor Hale inquired if the Equivalent Rate Unit (ERU) has been established for Tipp City. Mr. Donnelly replied at this point he is hesitant to give a figure. Adding the City of Piqua hired a consultant. Mayor Hale inquired if the residential customer would be picking up the costs for the commercial customers. President Gibson inquired if there were a benefit to a flat rate versus the use of a formula. Mr. Green stated the incorporation of a fee would have been established in the 5-year plan. Mayor Hale inquired if a flat rate fee could be established similar to the leaf collection fee. Mr. Green replied if Council sets an arbitrary number, you must then account what those projects are. Mr. Vath stated we need to ensure legal qualities are met.

Mr. McDermott stated the main resident complaint he is aware of is storm water; such as flooding, and the catch basins are full. Mr. McDermott

added he would support authorizing more than \$30,000 for this. Mr. Green added Council already has plans for the following projects; basins along I-75, and the Amokee Ditch. President Gibson stated there are three items for Council to consider. Do nothing at all, ok with the two projects that have been approved, or create a specialized fee or fund. Mr. Green reminded Council funds within the Storm Water line item cannot be used for any other project other than storm projects. Adding that funds could be taken from the General Fund to supplement Storm Water projects.

Ms. Berbach stated she needed additional information before making a decision. She added she would like information based on Tipp City rather than other cities. Ms. Gillis stated she wants to make sure this is absolutely necessary "Before we put another fee on the citizens". Mr. McDermott agreed that additional information was required. Mr. Kessler stated that Council should also consider, there might not be a need now; but some systems are getting older and thinking about them now could be beneficial in the future.

Chapter 38

Mr. Eggleston informed Council he will be bringing legislation before Council at their next meeting to bring Chapter 38, Collective Bargaining, into conformance with State and Local Laws.

OPWC Updates

Mr. Vath reviewed the OPWC 3-year pipeline with Council. Mr. Vath informed Council Maple Hill Bridge/ Road could be a suitable project in future OPWC rounds. An option would be to completely relocate Maple Hill Bridge to Kyle Park. Mr. Vath stated an estimate for this project would be \$750,000. Mr. Vath added this would be a narrow roadway with no parking on either side. Mr. Kessler stated he does not want to see the road abandoned. Mr. Owen stated he likes the concept of the road going straight into Kyle Park, but is not in favor of closing off the current road. Mr. Owen added there is only one entrance into Kyle and we have become a satellite for various sporting events to hold their tournaments. Mr. Kessler stated "I am not going to spend \$750,000 to build a road and bridge and another \$300,000 to destroy the old bridge". Mr. Vath stated the bridge currently has a diminished load capacity and it will be closed soon anyway. Mr. Vath inquire if Council would like to make the \$300,000 investment or increase the investment to provide a seemingly better path into Kyle. Mr. Kessler stated he is aware that Maple Hill is in poor condition, but also knows we haven't spent money to repair it. It always gets moved into another year. Ms. Berbach stated she was okay with moving forward with the grant for \$750,000 (creating the new road). President Gibson stated he was reluctant to move the Maple Hill Bridge. Mr. Owen inquired of its current condition. Chief Kessler stated the current load capacity is 4 ton limit. This only would be for cars, no trucks or busses or the fire truck. Mr. Vath added the estimate of \$750,000 includes the addition of a bike path.

Mr. Vath reviewed other project options with Council. To include the I-75 Ditch and Widening CR25A at Springmeade. Mr. Kessler stated he would prefer to see N. Garber (I-75 Ditch) be moved forward and swap with the Maple Hill Bridge project. Ms. Gillis agreed but wants to know what can be done legally with the easement for the Maple Hill Bridge project. Mr. Eggleston stated staff will provide additional information at the June 15, 2015 Study Session.

Adjournment

Meeting adjourned at 7:40 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

June 1, 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, City Engineer John Donnelly, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates.

Guests signing the register include: Thomas Chaney, Tim Logan, Andrew Thornbury, Barb DeAngelis, Fr. Marc Sherlock, Gordon Pittenger, Sarah Hall and Tim Drake. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Invocation and Pledge of Allegiance

Father Marc Sherlock from Saint John the Baptist Catholic Church 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

5/18/15 Pre Meeting Work Session

Mr. Kessler moved to amend the minutes of the May 18, 2015 Pre-Meeting Work Session. Ms. Berbach seconded. Motion carried. Mr. Kessler moved to amend the minutes to correct the typo on page 4 from "board" to "bored. Mayor Hale seconded. Motion carried. Mr. Kessler moved to approve the amended minutes. Mr. McDermott seconded. Motion carried.

5/18/15 Council Meeting

Ms. Berbach moved to approve the minutes of the May 18, 2015 Council Meeting. Mayor Hale seconded. Mr. Kessler moved to correct the misspelling of Mr. Martino's name on page 9 from "Martin" to "Martino". President Gibson seconded. Motion carried. Mr. Kessler moved to approve the amended minutes. Mayor Hale seconded. Motion carried.

Presentations, Proclamations, & Awards

Mayor Hale made a Proclamation for the Miami Conservancy District 100th Anniversary.

Ordinances (2nd Reading)

Adopting the Revised Thoroughfare Plan

An ordinance adopting the revised thoroughfare plan for the City of Tipp City.

City Manager Comments: At the May 18th Council meeting, Council introduced this ordinance for its first reading. Staff is recommending Council approve the ordinance to remove Berry Logan Drive from the official Thoroughfare Plan. There is no plans in developing the vacant land the drive would give access to this recommendation was approved by the Planning Board.

Mr. McDermott introduced the ordinance and moved for its adoption. Mr. Tim Drake of 3434 Tipp-Cowlesville Road approached the podium. Mr.

Drake stated he is the owner of the adjacent property that will be affected by this proposal. Mr. Drake asked why the City would chose to cancel an agreement that they had with an adjacent property owner when Donn Davis Way was constructed in the first place. "It would appear to me that if the thoroughfare, an opening at both ends that this proposal, in my opinion would close off the Donn Davis Way end. It would require me as the only property owner, if that land were to be developed, to foot that bill on that piece of property. I am not real clear as to why the City would take that position and allow a former agreement to be abandoned for an adjacent property owner unless there is some issues with property values or trying to sell land or whatever is the reason is. If the City decides to continue with the thoroughfare plan, which is still there and would be amended. I would be forced then to pick up the tab on the rest of that roadway through Berry-Logan properties". Mr. Eggleston commented he could provide Mr. Drake with the background but could not tell him who would be responsible for paving the road. Mr. Drake inquired if this amendment were to pass if would it grant the other property owner the ease of not being required to complete the roadway. President Gibson asked of Mr. Drake if he would not be entitled or relieved that he (Mr. Drake) would not be responsible for putting his portion of the curbs and gutters as the applicant had requested. Mr. Drake stated "I would understand if the road were going in based on when I purchased it, it would be my responsibility. I have not applied for relief as the adjacent property owner has. It is based on history and past practice and responsibility that would be mine; therefore that little portion of property line from Donn Davis Way would be the other property owner's responsibility. I am not trying to duck responsibility as it appears the other property owner is at this time". President Gibson stated "If that road doesn't go through there isn't really anything for you to construct". Mr. Drake replied that was true if it doesn't, "But the thoroughfare plan exists, so I only have the assumption that one day with the thoroughfare plan being active. If the thoroughfare plan does exist, then as a property owner and that thoroughfare plan does go through my property. I have no other reason than to assume that it does not. As this proposal and until it is rejected, the thoroughfare plan in its entirety still exists. I can't assume that it's not going to happen if it is in a plan". President Gibson stated, "If there is an applicant that is on a property that is adjacent to yours, and asking for the relief that they are requesting, doesn't that eliminate the likelihood that a road will be going through your property as well". Mr. Drake stated he has no reason to assume that. "If the Planning Board wanted to be realistic, my opinion would be that the thoroughfare plan or thoroughfare plan proposal would have been eliminated therefore this would have been needless in the first place. The thoroughfare plan was not taken away, the thoroughfare plan still exists, and is referenced in the amendment. If the thoroughfare plan exists and only one piece of the plan is being challenged, then we are a little bit backward here. If you take the thoroughfare plan off of the table, and this amendment becomes realistic, that becomes realistic to me. But, that is not the way it is proposed". President Gibson stated, "At the same time, if this goes through, you still have the ability to come in and seek the same or similar relief as the applicant. That would be an easing of the financial burden on your part". Mr. Drake stated he could but based on past practice, it is the responsibility of the property owner and always has been. "I would hope though, that accountability and responsibility are still the importance of the day". President Gibson stated that Mr. Drake had provided a letter to him that was dated May 30th. Mr. Drake stated that was correct. President Gibson stated he provided copies to the

other members of Council so they were aware of his (Mr. Drake's) concerns. Mr. Drake stated "My concern is that the City has secured an agreement by the property owner to provide that portion of the roadway in conjunction with the thoroughfare plan at which time we were trying to ramrod a rapid release of responsibility for someone that has already signed an agreement. No they will not be held responsible. If the thoroughfare plan does exist, and will continue to exist because it is still referenced. It looks to me like we are backing off of the thoroughfare plan and it should have been proposed that the thoroughfare plan go away. Then my land wouldn't be involved in the first place". President Gibson inquired of Mr. Drake if he believes that is something that Council should take a look at. Mr. Drake replied that is up to the City. "The City has to generate tax dollars, they have to promote business, but that road was proposed so that businesses could be developed in that part of the area. The fact of the matter is the plan exists, and it is a means for the City to generate tax revenue and I cannot see why the City would not want to eventually proceed with that plan". President Gibson stated that plan can be modified. Mr. Drake stated that was correct and it is something we cannot predict for the future. "We have to deal with the facts. The facts are the thoroughfare plan exists, it is tied together on both ends and one end is being challenged. That in itself really challenges the term thoroughfare". President Gibson asked what Mr. Drake would like Council to do. Mr. Drake replied "I want you to reject the Planning Board's proposal or recommendation to proceed. Someone went to a lot of trouble when Donn Davis Way was constructed to ensure that that roadway piece was installed adjacent to Donn Davis Way. That was agreed to. And all of a sudden, we are not going to recognize the agreement that was previously set forth. So anytime anybody doesn't like what they have to deal with. Is it because it makes that property more available because of price, or is it some other political reason? It doesn't make a lot of sense to me". Mr. Berbach asked Mr. Drake for clarification. Ms. Berbach continued by asking, "It will potentially do harm to you as a property owner"? Mr. Drake replied "It will cause me, as I read this, a piece of responsibility that I wouldn't normally have to do". Ms. Berbach inquired how so. Mr. Drake stated the Planning Board recommendation stated the responsibility would fall back onto the property owner. Mr. Drake added was he incorrect with this assumption. Ms. Berbach replied she believes Mr. Drake was incorrect. Adding it would be the responsibility of the Developer, whoever decides to develop that land. Mr. Drake replied that was correct. Ms. Berbach inquired how this would be Mr. Drake's responsibility. Mr. Drake responded "If the City were to determine that Berry-Logan Drive needed to exist, who else would be the developer, besides the property owner?" Ms. Berbach stated the developer would be whoever bought that piece of property. Mr. Drake stated the property was his and would be dependent on if he wanted to sell it or not. Ms. Gillis inquired if the entire thoroughfare belonged to Mr. Drake. Mr. Drake stated, "If it exists today, and holds the adjacent property owner accountable for the roadway, then why are we proceeding with an amendment to relieve the property owner the responsibility the City already has an agreement on? If it is already secured for the property owner to bear that responsibility, why would we proceed to relieve him of his responsibility?" Ms. Gillis stated, "My understanding is that we are relieving him of it at this time. Because there is no property being sold out there, there is no businesses going up out there". Mr. Drake inquired if this is why he will be getting the relief. "What is the reason that we proceed with this in the first place?" President Gibson stated sometimes the market would lend itself to changes and trends for businesses and business

opportunity in locations such as ours. This property is not as marketable to sell under this current zoning classification. Mr. Drake stated, "If someone wanted to buy on that property, if they saw a proposed addition or extension to the development which would be the thoroughfare, it would lead me to believe that they would be more interested or at least have the theory that Tipp City was developing that area and there would be an additional road to bring more business. Just by development purposes, and price increases, you would want to get on the ground floor because as it develops the property that they develops becomes more profitable". President Gibson stated, "Conversely it could provide a potential buyer/developer/or business more options because they are not tied to a particular set of regulations that are in place and that does happen frequently". Mr. Drake stated it is similar to someone who signs a contract to pay rent and about half way through the contract they decide they no longer want to pay the rent. The City secured an agreement with the property owner or it wouldn't be requested to be amended at this time. If the property owner signed an agreement with Tipp City, to proceed in that direction, then all of a sudden they change their mind, to me that's a change of accountability and responsibility. That's the only reason I am here. I don't understand why the City would relinquish an agreement that is already in place to have that piece of road built by the property owner. I just don't understand why all of a sudden it's an issue unless it's pricing or something political". Mayor Hale asked for others to provide input to this issue. Mayor Hale asked Mr. Tim Logan to approach the podium.

Tim Logan of 236 Seneca Drive Troy, Ohio approached the podium. Mr. Logan stated he is a vested Tipp City property owner with his partner Mr. Berry. The reason we are here is to try and correct or make clear misunderstandings such as Mr. Drake. There is no separate agreement between the City and Berry-Logan Properties to put in that road. Thirteen years ago, we worked with the City and the County and the Schools, to put in Donn Davis Way at the last moment because the thoroughfare plan calls for potential connection. Going to Tipp-Cowlesville Road. We put in \$1,400,000 of our own money for Donn Davis Way and the utilities. We didn't need that connection. We put a four lane road through our property. We agreed to give the right-of-way but we aren't putting it in. And we were not required to put it in. We made a joke about it and named it after ourselves, Berry-Logan Drive. The plat calls for it to be put in if we need it, if we want access to it. When we subdivided the adjoining land, we had a buyer about ten years ago. It was an entertainment facility, it went through all approvals and it fell through because the buyer could not get the financing. It said in the replat that access will be at a shared point on Donn Davis Way and no access onto Berry-Logan Drive until it was needed to be put in. We don't need it, he didn't need it. We don't want it, if somebody else wants it, they can pay for it and pay to put it in. We have agreed with the second part of the hearing tonight, to give you an easement. To let an easement be there. If somebody such as Mr. Drake or a developer of the property wants to have a road that connects through our property they can do it. President Gibson asked if additional financial burdens would be assumed by others that Mr. Logan wouldn't with this action. Mr. Logan replied no. Mr. Logan replied, "If they want it, they will have to pay for it. If we want it, we are going to have to pay for it. We don't want it, we don't need it. I doubt we will ever want to do it. But he may want to. If he wants to, he will have the right to do it with that easement". President Gibson stated "It won't be at any extra burden on his part". Mr. Logan stated "If he is going through our property,

sure he will have to pay for it. Whatever he puts in, he will have to pay for. We aren't paying for it. We don't need it. Mayor Hale asked for Mr. Vath to approach the podium.

Brad Vath, Assistant City Manager/Economic Development Director for the City of Tipp City approached the podium. Mayor Hale inquired if what Council was hearing from Mr. Logan accurate. Mr. Vath replied, "The question remains the definition of need. That is trying to be addressed by the action or actions that are being proposed before Council. Mr. Logan has indicated they don't need it for their property. If you take a strict interpretation or an interpretation of our code, if a thoroughfare is shown on the thoroughfare plan, if the adjacent property develops, it is required that you make improvements to that thoroughfare and put the curb, gutters, sidewalks and put the roadway in. This modification that is being requested eliminates the need because the thoroughfare goes away. It then becomes a private matter. As mentioned by both Mr. Logan and Mr. Drake if either property needs the roadway, they can then install it. It is the definition of need that is driving this particular issue. Ms. Berbach stated the only cost associated would be if somebody were to want to put that road in. Mr. Vath stated she was correct. Adding, roadways go in Tipp City, by private property owners who own the land and has developed those private properties. Very infrequently does the City or the taxpayers incur those costs. Ms. Gillis asked for clarification on the removal of the thoroughfare. Mr. Vath replied the entire thoroughfare, would be removed from Donn Davis Way to Tipp-Cowlesville Road. There is 1100' on Logan Berry property, and approximately 3,000' – 4,000' would be deleted if Council takes that action to modify the thoroughfare plan. There would be no requirement that a roadway go in there. It could if someone wanted to do it. Mr. McDermott stated it was his understanding from Mr. Drake that if a specific thoroughfare plan does exist, and Mr. Logan builds on his end, it would then somehow force him to go in and complete construction of the thoroughfare all the way through his property. Mr. Vath stated it depends on the mechanism that would require the roadway to go in. It would depend on the subdivision going through that process. There is a multitude of ways that could potentially occur. It may not be required immediately, it depends on how the development goes. If the adjacent property sells that need question is still there when you look at our code. It would imply that that road has to be built at the time when those properties develop. Mayor Hale inquired if there is a change in financial responsibility based upon what we are doing tonight. If that land were developed, would Mr. Drake be responsible to finish. Mr. Vath replied "If the property were developed, Mr. Drake would be responsible to finish across his property, but if Mr. Drake wants the road built from Tipp-Cowlesville Road all the way to Donn Davis Way, and Council goes through the actions tonight, then Mr. Drake incurs and additional 1100' of roadway across the Logan-Berry property. Mayor Hale wanted to confirm that Mr. Drake would not be picking up any additional financial responsibilities by the changes being made by Council. Mr. Vath replied, "If he wants the roadway...". Mayor Hale stated he understood if Mr. Drake wanted to do that himself, he would incur financial costs. Aside of that, there is no additional financial responsibility. Mr. Vath replied that was correct and this would actually reduce Mr. Drake's liability. If he develops his land or chooses to subdivide his land, that road is not going to be required with the change in the thoroughfare plan. If he wants to put it in, that is fine. We would not mandate or force him because the thoroughfare plan would be modified by Council's action.

Mr. Drake returned to the podium. Mr. Drake stated there "Is a lot of reference there to "they" and "we" but the fact of the matter remains the thoroughfare plan that was proposed by the City. It wasn't proposed by me or Berry-Logan Properties. The proposal was presented by the City to build a thoroughfare between Tipp-Cowlesville and Donn Davis Way. As I previously mentioned, the fact of the matter is that plan is on the books, if that plan was stricken, it would make no difference to me one way or the other. Then the need for an amendment to an agreement however it is stated, would not exist. For someone to amend the requirement on a proposed thoroughfare plan that has not been eliminated makes no sense. We are backward on our whole idea. It's the City's plan. The City proposed the thoroughfare". Mayor Hale stated the City also modifies plans all year long. Whether it is a budget plan, and tonight we would be modifying the thoroughfare plan that had been previously approved by Council. Mr. Drake stated that modification as presented and the way he understands it, it would revert back to the property owner left holding the bag for the thoroughfare that the City proposed. "To me that's not fair, that acceptance of responsibility by one property owner and not the other". Ms. Gillis commented that the approval of this ordinance would remove Berry-Logan Drive from the official City of Tipp City thoroughfare plan. Ms. Gillis added "To me that means there is no proposed road through there". Mr. Drake stated it needs clarification because he understands it as only the portion of the roadway that goes through Berry-Logan Properties. Mr. Vath commented it would be the entire thoroughfare. Mr. Drake stated this was not the way it is presented at the Planning Board meeting. Mr. Drake added, as he understands it, this amendment goes far deeper than the responsibility of Berry-Logan and to stricken the thoroughfare plan from complete reference. Mr. McDermott agreed. President Gibson inquired of Mr. Logan if this was his understanding as well. Mr. Logan replied it was. Adding the entire thoroughfare plan would be amended.

Mr. McDermott stated he remembers when this was originally proposed. He remembers the entertainment center that was being proposed there and the City was very amendable to making changes and even put in a thoroughfare plan in 2003. I think that was the City taking some action to go in and make it more viable economically. Now it is 2015 and we are a dozen years away from when that point was and things change. I believe getting rid of this thoroughfare relieves some of your burden as well as his. Mr. Drake stated he didn't draw this from the Planning Board discussion at their meeting. Mr. Drake requested Council clearly defines that in their vote. President Gibson stated the legislative history and intent of Council "is to remove the thoroughfare from your property as well as theirs".

Mr. Vath provided a brief summary. The concept that should have been presented at the Planning Board meeting was the total elimination of Berry-Logan Drive from Tipp-Cowlesville Road to Donn Davis Way. That is the action that would be going before Council this evening. There would be no requirement for that roadway. The thoroughfare plan itself will still remain. We have to have a thoroughfare plan in accordance with the Ohio Revised Code, our Charter and our Ordinances. All we are doing is amending our existing thoroughfare plan to remove Berry-Logan Drive from Tipp-Cowlesville down to Donn Davis Way.

Vacating Berry-Logan Drive

A vote was taken on Mr. McDermott's motion. Motion passed 7-0. Ordinance 26-15 was declared adopted and President Gibson affixed his signature in witness thereto.

An ordinance vacating Berry-Logan Drive.

City Manager Comments: Planning Board at their May 12th meeting approved at the request of Tim Logan and Jack Berry to vacate Berry-Logan Drive. Staff is recommending Council approve vacation with the condition the City retain a highway/utility easement where the former Berry-Logan Drive was would have been, so if the property owner desires access to Donn Davis Way, the highway/utility easement would allow that.

Ms. Gillis introduced the ordinance and moved for its adoption. Mr. Vath clarified this is only the portion in connection with Berry-Logan properties. This ordinance would not in any way affect Mr. Drake's property. It is vacating the public right-of-way saving the easements and keeping the setbacks as noted on the plat that is before Council. This is just for Berry-Logan properties. Mr. Logan returned to the the podium. Mr. Logan stated for the record, there are two owners, Berry-Logan Properties, LLC on one side of the right-of-way and Berry Development on the other side. Motion passed 7-0. Ordinance 27-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Amending Zoning Code Map on Donn Davis Way

An ordinance to amend the Zoning Code and the map attached thereto by changing the zoning +/- 8.666 acres (all of Inlots #3739 & 3740) located on Donn Davis Way from Light Industrial (LI) to Office Service (OS) Zoning Classification.

City Manager Comments: At the May 4th City Council meeting, Council set a public hearing for June 1st for the proposed rezoning. These properties are next to the school off of Donn Davis Way. Staff is recommending passage of the ordinance based on the Planning Commission's recommendation.

Mr. Kessler introduced the ordinance and moved for its adoption. Motion passed 7-0. Ordinance 28-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Resolutions
Adopting Engineering Standard Drawings

A resolution adopting engineering standard drawings and details for the City of Tipp City.

City Manager Comments: The design standards were last adopted in 1987. Since then the engineering designs have changed as well as the introduction of the Americans with Disabilities Act for state and local governments in 1992. This document reflects those changes as well as others staff believed needed updating. Staff is asking Council to approve this resolution.

Mr. Kessler sponsored the resolution and moved for its adoption. Ms. Berbach seconded. President Gibson inquired if this would update the Zoning Code or Land Use Code. Mr. Eggleston stated this resolution updates the design code we go by and that is referenced in the other ordinances. Motion

Lease Agreement with
the Tipp City Seniors

passed 7-0. Resolution 29-15 was declared adopted and President Gibson affixed his signature in witness thereto.

A resolution to authorize a lease agreement with Tipp City Seniors, Inc. for use of certain municipal property on North Third Street (pt. Inlot 1775) pursuant to the terms and conditions of said agreement.

City Manager Comments: This agreement would approve the 50-year lease between the Tipp City Seniors, Inc. and City of Tipp City at \$1.00/year. There are a number of components to the agreement, the one that deserves mentioning is that the Tipp City Seniors have agreed to provide 10 parking spaces to access the Great Miami River bike trail which will allow access to the Nature Center to be closed to vehicle traffic. The Tipp City Seniors have approved the lease and Staff is requesting Council approve the resolution allowing the City Manager to sign the agreement and this allows the Tipp City Seniors to proceed with their funding plans.

Ms. Gillis sponsored the resolution and moved for its adoption. Mayor Hale seconded. Mr. Kessler inquired if the lease is effective once the levy for the Seniors passes. President Gibson stated that was correct. Mr. Kessler asked "If their levy doesn't pass, then this lease is void". President Gibson stated he believed that was a condition of the lease. Mr. Vath commented it is the intention and it has been relayed to the Senior Citizens that we not execute the lease until after their funding has been passed. Otherwise, this action as indicated would be null and void and we would not move forward with it without their funding. Mr. Kessler inquired if another resolution would be necessary to terminate the lease if they are unable to receive funding. Mr. Vath stated we hope that doesn't happen, but if it does occur, we would need to check with the Law Director as to what we would need to do. Mr. Caldwell stated, "I don't think we will need legislation, it is just a "never was". Mr. Eggleston added this is contingent upon them (the Seniors) receiving their funding. Mr. McDermott stated he thinks it will be an exciting plan and would appreciate the rest of Council supporting this. President Gibson stated he also hoped this would turn out as well as it can. "It is a great idea and I wish the Seniors the best of luck on this". A vote was taken on Ms. Gillis' motion. Motion passed 7-0. Resolution 30-15 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances
(1st Reading)**
Amending Zoning Code
Map – Kinna Drive

An ordinance to amend the zoning code and map attached thereto by changing the zoning of +/- 4.831 acres (all of Inlots #4104 & 4105) located on Kinna Drive from Highway Business (HB) to Light Industrial (LI) Zoning Classification.

City Manager Comments: This rezoning change was approved by the Planning Commission at their May 12th meeting. At the May 18th Council meeting, Council was asked to set a public hearing for June 12 regarding Inlot 4104 and Inlot 4105. The properties are located behind Menards on Kinna Drive. Staff is asking Council approve the first reading of the ordinance.

Mr. Kessler introduced the ordinance.

Design Standards for Streets

An ordinance modifying code section 155.04(F)(8)(E), Tables 155.04-1 and 155.04-03 of the Tipp City, Ohio Code of Ordinances regarding design standards for streets.

City Manager Comments: These changes are due to the changes in the Design Standard that Council passed earlier this evening. Staff is requesting approval of this first reading of this ordinance.

Mr. McDermott introduced the ordinance.

Motions

There were none.

Miscellaneous

There were none.

Citizen Comments on Items not on the Agenda

There were none.

Councilmember Comments

Ms. Gillis had nothing additional.

Mr. Owen had nothing additional.

Ms. Berbach had nothing additional.

Mr. Kessler reminded everyone June 14 is Flag Day we will once again be putting flags out. Mr. Kessler added it is also the time for ceremonial burning of flags. One of the largest demonstrations in the area will be at the New Carlisle American Legion Post. They will burn nearly 9,000 flags. If you would like to see an impressive sight, the New Carlisle Post is on 235 north of the city. It is a very touching ceremony.

Mr. McDermott stated this evening Council had discussion regarding the thoroughfare plans. It is always good to see folks come up and address Council by asking questions. I believe Mr. Drake walked away with understanding with how our plans are laid in the City and how we make decisions.

Mayor Hale stated we are only 3 – 4 weeks away from our 175th anniversary. I am constantly running into people, people who are pretty well connected with the City who do not know that we even have this being planned. Mayor Hale requested the news media get in touch with the 175th committee, maybe Mr. Owen and try to get some of the information out in the paper as much as we can over the next few weeks. We are starting to run out of time to get that word out.

President Gibson wished the Seniors good luck with their project. We hope that things go well now and things can now move at an accelerated pace and good things will happen. As Mr. McDermott stated, we do appreciate the folks that came out to inquire and to testify about this new thoroughfare. It is a very complicated question. Hopefully the applicant is still satisfied with our actions as well as the effected neighbor. This is why you should go to a City Council meeting. It is why you should go to a Planning Board meeting. To get clarification, so you can understand the issues better. Sometimes, it is just a

matter of clearing something up in a meeting such as this. We always welcome that opportunity. We hope to keep it approachable for people to come and raise issues. Thank you for staff assistance on that very complicated issue. As Mayor Hale said, Tipp city will be turning 175 years old. There is a July timeframe celebration. Check your local newspapers, check the advertisements, and local websites. That is coming up on the 4th of July weekend. That includes a parade and a lot of activity Downtown as well as music. Speaking of music, we have the Canal Music Fest coming up in two weeks (June 13th) and after that, we have the Antique and Artisan Show. Then there will be the 175th over the 4th of July weekend. And then in mid-July there will be the Miyelo Music Festival which promises to be an outstanding time. President Gibson also reminded everyone the pool is open. Tipp City remains a great town to be in. President Gibson reminded everyone these proceedings were being recorded for rebroadcast over the next two weeks on our local cable access station. This area it is channel 5 of the Time Warner cable lineup. Council Meetings and Monroe Township Meetings and School Board Meetings can be viewed by logging on to either the City's website or kittv.org. President Gibson informed everyone prior to adjourning, Council will be entering Executive Session. Council will adjourn for a brief recess prior to entering Executive Session.

**City Manager
Comments**

Mr. Eggleston informed everyone the 2015 paving program is completed. The re-location of the gas line on CR25A is in the process, so please watch out for the workers along the roadway.

Mr. Eggleston also informed everyone when the pool is closed, to call 667-2781. The City is working on other ways to notify residents of closures.

Adjournment

President Gibson informed everyone Council would be entering Executive Session for the purposes of personnel to consider the appointment and compensation of a public employee to include all members of Council after a brief 10 minute recess. Mayor Hale moved to enter into Executive Session. Mr. Kessler seconded. Motion carried.

Ms. Berbach moved to return from Executive Session. Mr. Owen seconded. Motion carried. Council returned from Executive Session at 9:10 pm.

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

Meeting adjourned at 9:10 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



