

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

August 17, 2015

Work Session

The work session began at 6:45 pm. The following Council members were present: President Joe Gibson, Mayor Pat Hale, Katie Berbach, Dee Gillis, John Kessler, Mike McDermott and Matt Owen. Also attending was City Manager Tim Eggleston, Assistant City Manager Brad Vath, Law Director David Caldwell, Finance Director John Green, 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.

Chapter 37

City Manager Eggleston presented Council with the attached memo outlining the proposed changes to Chapter 37. Mr. Eggleston stated he was seeking guidance from Council regarding the retire/rehire option currently offered to Management level employees. Mr. Eggleston stated he “can see the pros and cons” of this option. Adding those who are currently in the system will retain their current titles until they complete their term or move on. Mr. Eggleston added if Council wishes he could add a section limiting the amount of time one can be rehired with other conditions. Mr. Eggleston provided Council with suggesting phrasing that could be incorporated into the new policy. **“No employee rehired shall work more than two (2) years and shall not be eligible for rehire in the future unless it is to assist the City while they are working to fill a position and only for a period of six (6) months or less”.**

Ms. Gillis inquired if the rehire continues to accrue vacation time. Mr. Green replied the employee continues to receive service credit, employee is treated as a continuing employee until their final day of service. President Gibson stated he had received comments from residents against the retire/rehire process and were against it. Ms. Berbach stated the language regarding retire/rehire should be left the same and not changed to the suggested language Mr. Eggleston suggested. Ms. Berbach added the rehire situation would be reviewed on a case by case basis. Ms. Berbach stated if this were taken out, you (the City Manager) would be limiting hiring/staffing options. Sometimes rehiring a retiring employee is beneficial to the City. President Gibson inquired if Council can direct the City Manager regarding this issue. Mayor Hale stated Council isn’t telling Tim what he can and can’t do regarding hiring. Adding, “I agree with Katie and we need to keep it the same. This is just another tool in the City Manager’s toolbox for hiring employees.” Mayor Hale added this practice is more common in the government sector and so far our track record with this practice has been good.

President Gibson inquired of Ms. Gillis why she is not in favor of this practice. Ms. Gillis stated, “It is “double dipping” and the employee is receiving double pay. Young professionals need a place to begin their careers and we are preventing that by continually rehiring retired employees.” Mr. Kessler stated if the City does not permit a retiree from being employed that would also eliminate any candidate who is a retiree from any other municipality. Ms. Gillis stated that wasn’t what she was saying, but that she is not in favor of rehiring a retired employee who worked for the City of Tipp City.

Mr. Green informed Council that the rehired employees’ wages are frozen and are not eligible for merit or cost of living increases. Mr. Eggleston

stated this is the only municipality where he sees this practice and is aware of the pros and cons and public perception. Mr. Eggleston added sometimes there is a need for a younger perspective and approach. President Gibson stated he has heard concerns regarding this from many people. "It is a substantive concern. Will there be an immediate cost savings to the City with reduction in costs? That presentation will make the practice more palatable to residents". President Gibson agreed the keeping the knowledge of the City and history of practices is a benefit of rehiring a retired employee as well. Ms. Gillis added on the other side, a younger candidate will be employed at a lower cost which would save money.

Mr. Owen made the comparison to the School Board and how they are now regretting not letting more senior teachers retire and be rehired back into the system. He added the district lost a lot of teachers who had seniority. Now the district is hiring younger teachers who are recent college graduates and have no seniority and lack experience. Mr. Owen continued there are many complaints that they (the School Board) didn't utilize the rehire option. Mr. Owen continued, the power is in the City Manager's hands. "I am fine with the way it is written. I don't see any red flags that this is an issue. Are there 5 concerned residents or 500?" Ms. Berbach added "This is why we leave the hiring up to you (the City Manager). Mayor Hale said this is not a constant topic he hears residents discussing. Mr. Kessler agreed stating that he hears this issue less than 5%. Mr. McDermott also agreed stating there is "no drum beat on this on". Mr. McDermott added he would like to see the hiring decisions left in the hands of the City Manager. Mr. Kessler added an employee who is a rehire is not double dipping. They are not receiving two pensions. Their income will only raise slightly. Council agreed to leave this section of Chapter 37 the way it is currently written and not make the changes suggested by Mr. Eggleston.

President Gibson stated he had concerns with §37.35 Injury Leave and the references to Worker's Compensation. President Gibson stated specific language needs to be included regarding work place injuries. A written report must be made within 24 hours of the incident. President Gibson continued page 21 section 2 (a) should state work related injury rather than service related injury as currently stated. President Gibson continued the section needs to include language that any injury sustained while working be subject to drug test. President Gibson read the following from the Ohio Bureau of Workers' Compensation. "The burden of proof is on the employee to prove the presence of alcohol or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act". President Gibson suggested additional language be included in the Injury Leave section as a separate point for vacation time while out on workers' compensation. Mr. Eggleston replied this falls under FMLA. President Gibson stated "There needs to be language if time is extended and if the injury is work related....to offset. Section 4123.54".

President Gibson also inquired if there was an acknowledgement page in the Personnel Manual for employees to sign and be placed in their files. Mr. Eggleston stated it can be added at the end of the manual.

Mr. Eggleston informed Council staff will once again advertise for the Human Resources Generalist position. The top candidate needed to withdrawal her application.

**Miscellaneous**

Mr. Kessler asked staff to provide Council with the usage of the three electric charging stations around town. He stated when Council originally opted to use the charging stations, it was discussed after one year to revisit and determine if they are being used and if they are being used in excess should the City begin charging for the use of the station? And should there be a time limit? Mr. Kessler added this will be a good time to see if the City should purchase more units, or if this project was useless. Mr. Eggleston stated Council can consider reserved parking signs for these parking spaces. Mr. McDermott a report determining usage would be beneficial. Mr. Eggleston stated staff would have a report at the next meeting.

**Adjournment**

Meeting adjourned at 7:30 pm.

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

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

**TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**August 17, 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: Vonda Alberson, Joe Rothstein, Shelly Huntington, Zack Grou. Reporters, Carla Ungerecht and Cecilia Fox were also in attendance.

**Invocation and Pledge of Allegiance**

Pastor Joe Rothstien from Tipp United Methodist 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**

8/3/15 Pre Meeting Work Session

Mr. Kessler moved to approve the minutes of the August 17, 2015 Pre-Meeting Work Session. Ms. Berbach seconded. Motion carried. Vote was 6-0-1; Mr. McDermott abstained.

8/3/15 Council Meeting

Mr. Owen moved to approve the minutes of the August 17, 2015 Council Meeting. Ms. Berbach seconded. Motion carried. Vote was 6-0-1; Mr. McDermott abstained.

**Presentations, Proclamations, & Awards**

Mayor Hale presented a proclamation to the Feed Ohio organization.

**Ordinances**

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

Rezoning of 3311 S CR25A

An ordinance to amend the zoning code and the map attached thereto by changing the zoning of +/- 1.619 acres (Inlot 4158) located at 3311 South CR25A from HB (Highway Business) interim zoning to HB (Highway Business) zoning classification.

City Manager Comments: When a commercial property is annexed into the City, it is given a temporary designation in which the Planning Board reviews the zoning designation and makes a recommendation to Council. At the July 12<sup>th</sup> meeting, the Planning Board met on the matter and is passing to Council to approve the new zoning of 3311 S. CR25A to Highway Business (HB).

Mr. Kessler introduced the ordinance and moved for its adoption. President Gibson clarified the zoning designation is simply removing the temporary designation. Mr. Eggleston replied that was correct. Motion passed 7-0. Ordinance 35-15 was declared adopted and President Gibson affixed his signature in witness thereto.

**Resolutions**

Contract with R. B. Jergens for the CR25A Reconstruction Project, Phase 1

A resolution authorizing the City Manager to enter into an agreement with R.B. Jergens Contractors, Inc. for the South County Road 25A Reconstruction, Phase 1 Project in an amount of \$3,395,327.71 and declaring an emergency.

City Manager Comments: This is for Phase 1 of the 25A Reconstruction Project. Of the six contractors that bid, R.B. Jergens was the lowest at \$3,392,852.96.

<b>Contractor</b>	<b>Bid Amount</b>
R.B. Jergens	\$3,392,852.96
Milcon Construction	\$3,410,784.18
Double J. Construction	\$3,660,852.60
Brumbaugh Construction	\$3,867,618.00
John J. Jurgensen	\$4,239,900.00
L.J. Deweese	\$4,337,745.75

Staff is asking Council to pass the resolution as an emergency measure and award the contract to R.B. Jergens Contractors, Inc. and authorize the City Manager to sign the same.

Mr. Kessler sponsored the resolution and moved for its adoption. Ms. Berbach seconded. President Gibson inquired why emergency legislation was necessary. Mr. Eggleston said this will allow staff to get the contract signed and to keep the project moving forward. Mr. Donnelly approached the podium and stated, the emergency is to keep the project moving forward, allowing staff to sign the contracts and allowing R. B. Jergens to begin work on the project. President Gibson inquired if this were the section of 25A where we had "timing issues" with funding and grants requiring the City an urgency to proceed. Mr. Donnelly replied that was correct. Mr. Eggleston commented this project consists of SR 571 to Michaels Road. President Gibson inquired of Mr. Caldwell as an emergency measure, a vote of 3/4 of Council is required for passage. Mr. Caldwell replied that was correct. President Gibson comment that would be 5 rather than 4. Mr. Caldwell replied that was correct. Motion passed 7-0. Resolution 38-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Contract with Miami County Public Defender

A resolution authorizing and directing the City Manager to enter into a contract with the law office of the Miami County Public Defender.

City Manager Comments: This is our yearly contract so we can pay the Public Defender for legal services. We are asking for this resolution be adopted.

Mayor Hale sponsored the resolution and moved for its adoption. Mr. Kessler seconded. Motion passed 7-0. Resolution 39-15 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances**

**(1<sup>st</sup> Reading)**  
Bond Anticipation Notes - \$1,806,000

An ordinance providing for the issuance and sale of notes in the maximum aggregate principal amount of \$1,806,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of various public infrastructure projects.

City Manager Comments: This note will be reissued for three projects: South Third Street Reconstruction, costs of renovating, expanding, equipping and furnishing the City's Fire Station and Main Street Improvements. The City's Bond Counsel has advised there may be issues with reissuing the debt for this project with the new engineer's estimate which is the Rosalyn project was significantly higher than the 2012 funding levels. We are going to pay off the notes for Rosalyn and re-issue the bond when rebidding the project. This will clean up all of those little nuances. Staff is asking that this ordinance be introduced for a second reading.

Mr. Kessler introduced the ordinance.

Modifying Code Section  
Table 154.04-5

An ordinance modifying Code Section Table 154.04-5 of principally permitted uses of the Tipp City, Ohio Code of Ordinances.

City Manager Comments: This ordinance will modify the zoning code to permit fraternal, charitable, and service oriented clubs as a "permitted with standards" use within the Light Industrial District zoning. This modification is required to permit the Tipp City Seniors Inc. to pursue placement of a new facility on property currently zoned as Light Industrial. Staff is asking that this ordinance be introduced.

Ms. Gillis introduced the ordinance.

Amending Chapter 37

An ordinance amending Chapter 37 Exhibit "A" of the Codified Ordinances of the City of Tipp City establishing pay and benefit schedules for all City employees not covered by a collective bargaining agreement and declaring an emergency.

City Manager Comments: This ordinance would include the HR Generalist position, the Director of Municipal Services & Engineering and the Deputy Director of Municipal Services & Engineering. Staff has asked that be passed as an emergency, so when we do hire an HR employee and the individual who has been promoted, can collect their appropriate pay. This is just the first step. We are still in the process of going through a salary study. Once that has been completed, staff will be approaching Council with the salary issues and ordinance.

Ms. Berbach introduced the ordinance and moved for its adoption. Mr. Kessler inquired since it is being declaring as an emergency would it be necessary to call for a vote at this time. Mr. Caldwell stated it depends on Council's intention. They can approve as an emergency and set another date of effectiveness. Mr. Caldwell inquired the need for the ordinance to be emergency legislation. Mr. Eggleston replied we have two individuals whose position has been changed and are not able to be funded until such time that the ordinance has been passed. Mr. Caldwell replied "Those positions have already been created and without this, they will not get paid". Mr. Eggleston replied that was correct. President Gibson asked if they do not receive pay or not at the level. Mr. Eggleston stated what is changing is the Assistant Utilities Director and Utilities Director in title only. The pay scale remains the same, it allows the Finance Director to enter into the system and ensure they are paid based on their title. Motion passed 7-0. Ordinance 36-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Adopting revised codification

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

City Manager Comments: This will allow us to move forward with the codifying the balance of ordinances adopted in 2014. We will get them in the books so that our Code Books are up-to-date and this will also update our website.

President Gibson introduced the ordinance.

**Motions**

Setting Beggar's Night in Tipp City.

City Manager Comments: It is my understanding that we set the same date that coincides with the county. That date has been set for Thursday, October 29<sup>th</sup>, 2015 from 6:00 – 8:00 pm. We are asking Council to approve the motion.

Mayor Hale moved to approve. Mr. Kessler seconded. Motion carried.

**Miscellaneous**

There were none.

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

There were none.

**Councilmember Comments**

Ms. Gillis had nothing additional.

Mr. Owen informed everyone another season of the Tipp Aquatic Center has come to a close. After a slow start, I think we finished strong. We might have squeezed in a better year than the previous two years. Mr. Owen continued that he loves the city pool and is a big "cheerleader" for it. Mr. Owen also reminded everyone that school starts this week and to watch for the little ones crossing intersections in the morning and afternoon. Mr. Owen also reminded everyone Tipp City soccer is underway and Kyle Park will be extremely busy and please be careful and use caution.

Ms. Berbach agreed with Mr. Owen's comments adding Saturday mornings are extremely busy at the park. Ms. Berbach reminded everyone there is no parking on the grass and encouraged parents to park in the lots.

Mr. Kessler also followed up with Mr. Owen's comments adding with school being back in session, the busses will be back on the roads. Mr. Kessler reminded everyone to watch their speed in school zones. Mr. Kessler also congratulated the City of Tipp City for being included in *Ohio Magazine*.

Mr. McDermott had nothing additional.

Mayor Hale reminded everyone the Mum Festival is coming up and encouraged everyone to come to the festival and enjoy everything we have going on that weekend.

President Gibson echoed the sentiment of the Mayor reminded everyone the Mum Festival is a great time and will be the last weekend in September. It is our opportunity to shine. Please come and visit. President Gibson encouraged everyone to come and participate and to volunteer to help the effort out too. President Gibson informed everyone that he and the Law Director have been meeting to discuss ways to streamline and improve the process involving Council rules. If there is anyone wishing to provide comment or suggestions about the process, the order which we do business, please feel free to let me or any other Council Member know. "We are making progress and hope to provide a package that is user friendly not only to Council but to the public. P resident Gibson stated an email was circulated to Council and interested parties regarding soccer issues and soccer field issues. "I want to make sure everyone is aware of that and all stakeholders might be interested in that". Ms. Berbach added Jr. Baseball was also included in the distribution list. President Gibson stated the issue has been brought forward that the conditions at Kyle Park. Including if the City should spray for weeks, fill holes etc. "If anyone has an issue about that, I would be happy to send them my email that I've sent to Council Members and some other folks. We will also have a Study Session on that whenever we can slot one in. I wanted to let the public know we are looking into that issue and the other. Please let us know if you have any concerns". President Gibson thanked the Tipp City Police Department for finding and returning his wallet. President Gibson reminded everyone these proceedings have been 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.

**City Manager  
Comments**

Mr. Eggleston stated water tower #2 off Kinna Drive has been filled and is back in operation. The equalization tank project on 1<sup>st</sup> Street is now also completed.

The West Walnut project will begin August 24<sup>th</sup> please avoid the area. There will be lane restrictions. The project is expected to take approximately three weeks.

I have received a call from *Ohio Magazine* to begin the interview process. During the call they stated, "they visited the City and just loved it. They thought it was fantastic!"

**Adjournment**

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

Meeting adjourned at 8:10 pm.

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

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



