

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

August 1, 2016

Work Session

The work session began at 7:00 pm. The following Council members were present: President Joe Gibson, Mayor Pat Hale, Katie Berbach, John Kessler, Tom Merritt and Matt Owen. Also attending was City Manager Tim Eggleston, Finance Director John Green, Interim Law Director Kevin Lantz, Director of Municipal Services John Donnelly, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Old Electric Building Discussion

City Manager Eggleston provided Council with information regarding the old Electric Building. Mr. Eggleston informed Council Shell Meyer was contracted to perform a structural analysis of the structure in October 2014 following the majoring floor that occurred in May the same year. This report recommended removing the concrete floor above and to remove any steel supports and replace with masonry supports. Remove the grating in the basement area and fill compacted material and cover with concrete. The grating from the 1947 addition is deteriorating and becoming corroded and should not be used.

Mr. Eggleston continued; he, members of staff as well as Robert Dryer from CT Consultants toured the building June 2016. In his report, Mr. Dryer observed the following: the sump pump was pumping water on a continuous basis, cracks in the exterior wall due to settlement and the foundation is settling. Mr. Dryer recommended checking for water main leaks within the building, decide how the building is to be used and determine repairs based on use, or chose to demolish it. Mr. Dryer also suggested a team of environmentalists, architecture, electrical and HVAC, structural engineer and a contractor go through the building in its entirety and provide rehab and/or demolition costs based upon Council's direction.

Mr. Eggleston informed Council the preliminary estimate from 2014 to rehab the building (the west bay only) was \$183,484.00 with an allowance of \$10,000 to allow for masonry tuck pointing and asphalt sealant around the cast iron roof drains. At this same time, the estimate to demolish the building was between \$300,000 and \$500,000.

Mr. Merritt inquired the current use of the facility. Mr. Eggleston replied, "Since the flood, it has been used mostly for storage". Mr. Kessler commented he thought the reason the new Electric Building was purchased was to ultimately demo the existing building. Mayor Hale agreed with Mr. Kessler's comments. Mr. Kessler added the costs to rehab the facility with the additional costs of HVAC will be more than to demolish it. Council agreed with Mr. Kessler. President Gibson inquired if "there were value in keeping it...the original need isn't ours anymore". Mr. Eggleston stated we could erect a nice pole barn and use for storage and add an office if necessary. Council asked what will happen with Sparky. Mr. Eggleston stated Sparky will be moving to the new facility, staff is just looking for the perfect place for him. Mr. Eggleston informed Council staff will obtain quotes for demolition and will keep Council informed.

Adjournment

Meeting adjourned at 7:15 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

August 1, 2016

Council Meeting

The following Council Members answered roll call. President Joe Gibson, Mayor Pat Hale, Katie Berbach, John Kessler, Tom Merritt and Matt Owen.

Mr. Kessler moved to excuse Ms. Arblaster. Mayor Hale seconded. Motion carried.

City Staff in attendance include: City Manager Tim Eggleston, Interim Law Director Kevin Lantz, Assistant City Manager Brad Vath, Finance Director John Green, Director of Municipal Services and Engineering John Donnelly, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates. Reporters Nancy Bowman, Cecilia Fox and Carla Ungerecht were also in attendance.

Guests signing the register include: AJ Gross, Ron Re', Marc Smith, Gina Lewis, Alvin Stokes, Bryan Budding, Andrew Doviak, Sheli Tomlin, Doug Tomlin, Alexis Clary, Brett Vance, Bob & Brenda Vore, Eric & Tara Sandborg, Shawn & Lisa Cook, Stephanie Lewis, Otha Lewis, Tony Smith, Johnna Smith, James Hunt, Stephanie Dickerson, Daniel Harris, Amie Davis, Corey Rismiller, Mary Thomas, Ruth Safreed, Darren Soutar, Stephanie Black, Marc Bayse, Nick Creech, Tanya Burris, Heather Dorsten and Kelli Schulte.

Invocation and Pledge of Allegiance

Mayor Hale 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

7/18/16 Council Work Session

Mr. Kessler moved to approve the minutes of the July 18, 2016 Work Session. Ms. Berbach seconded. Motion carried.

7/18/16 Council Meeting

Mayor Hale moved to approve the minutes of the July 18, 2016 Council Meeting. Mr. Kessler seconded.

Presentations, Proclamations, & Awards

Mayor Hale swore in new police officer Brianna (Bri) Smith.

Heather Dorsten provided Council with the quarterly update about the Downtown Tipp City Partnership.

Ordinances (2nd Reading)

Waste Management Contract

An ordinance to authorize the extension of a franchise, approval of a permit and the execution of a contract with Waste Management of Ohio, Inc. for the collection & disposal of solid waste, recycleables, and yard waste from residential properties pursuant to §55.12 of the Codified Ordinances of Tipp City, Ohio for a one year period commencing on October 1, 2016.

City Manager's Comments: This is the last extension Waste Management will have. Staff is asking Council pass the ordinance.

Mayor Hale introduced the ordinance and moved for its adoption. Mr. Kessler moved to amend the proposed contract as in Exhibit A of the ordinance to remove alley collection within the City. President Gibson seconded. A vote was taken on Mr. Kessler's motion. Mr. Kessler and Mayor Hale voted yes. President Gibson, Ms. Berbach, Mr. Merritt and Mr. Owen voted no. Seeing as the motion to amend the contract failed, President Gibson asked for a vote on the contract as written. Motion carried 5-1. Mr. Kessler voted no. Ordinance 11-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Amending Code Section 55.29

An ordinance modifying Code Section 55.29 of the Tipp City, Ohio Code of Ordinances.

City Manager's Comments: This ordinance updates our codified ordinances to reflect the changes in the fees. This is reflective of the reduction of the tipping fees from the County. Staff is asking this be approved.

Mr. Kessler introduced the ordinance and moved for its adoption. Motion carried 6-0. Ordinance 12-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Codification of 2015 Ordinances

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

City Manager's Comments: This yearly legislation where the Clerk of Council sends all legislation to our provider to keep our codes current. Staff is asking this be adopted.

Ms. Berbach introduced the ordinance and moved for its adoption. Motion carried 6-0. Ordinance 13-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Right-of-Way Dedication

An ordinance authorizing and directing the Assistant City Manager to file the annexation petition for City owned property (ROW) with the Miami County Commissioners.

City Manager's Comments: Due to all of the right-of-way that was acquired on CR25A, the City is going to move forward with the annexation to make it clear, the responsibilities of the City.

Mr. Owen introduced the ordinance and moved for its adoption. Motion carried 6-0. Ordinance 14-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Resolutions
Bank Depositories

A resolution to authorize and ratify an agreement for the deposit of active, inactive and interim funds of the municipality of Tipp City pursuant to declaration of depositories therefore.

City Manager Comments: This resolution is presented to Council every 5 years and allows the Finance Director to be able to deposit funds into various lending institutions and to take advantage of investment opportunities that are an advantage to the community. Staff is asking this resolution be passed.

Mr. Kessler sponsored the resolution and moved for its adoption. Ms. Berbach seconded. Motion passed 6-0. Resolution 17-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Barefoot Canoes, Inc.
Contract Renewal

A resolution to authorize a license agreement with BSquared LLC, DBA Barefoot Canoes, Inc. of Tipp City for the use of certain municipal property known as the canoe livery pursuant to the terms and conditions as defined in said agreement as Exhibit "A".

City Manager Comments: The last agreement between the City and Barefoot Canoes allowed for a two-year extension, if requested prior to August 31, 2016. Barefoot Canoe requested an extension on February 17, 2016. It is before Council to approve the extension to the agreement.

Mr. Kessler sponsored the resolution and moved for its adoption. Mr. Owen seconded. President Gibson inquired if the agreement were the same "that has been going on for years". Mr. Eggleston replied that was correct. Motion passed 6-0. Resolution 18-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Final Terms of
Settlement – 274 Miles
Avenue

A resolution settling claim, authorizing the Finance Director to distribute funds, and authorizing the Interim Law Director to negotiate final terms of settlement.

City Manager Comments: This legislation allows the City to purchase 274 Miles Avenue for the amount of \$128,500 and allows the Law Director to negotiate the final terms of the settlement. Staff is asking this resolution be approved.

Mr. Owen sponsored the resolution and moved for its adoption. Mr. Kessler seconded. Mr. Lantz informed Council after fees and expenses the total is \$129,247. Motion passed 6-0. Resolution 19-16 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances
(1st Reading)**
Medical Marijuana –
Emergency Moratorium

An ordinance imposing a moratorium for a period of one hundred and eighty (180) days in the granting of any permit allowing retail dispensaries, cultivators, or any processors of medical marijuana within the City of Tipp City, Ohio and declaring an emergency.

City Manager Comments: As you are aware Governor Kasich has signed a medical marijuana bill which takes effect on September 9 of this year. It is my understanding that a number of communities have worked collectively to draft a model ordinance. Communities are passing emergency legislation placing a 180 day moratorium on the uses permitted under law. Council has the chance to review the proposed language of the model ordinance to make an informed decision, which I believe is in the best interest of the community.

Ms. Berbach sponsored the ordinance and moved for its adoption. President Gibson stated by declaring the ordinance an emergency, it would require a vote this evening and passage would require an affirmative vote of supermajority (5 votes). Mr. Lantz agreed. President Gibson added, "This is a moratorium, which means nothing can happen in terms of medical marijuana in this City for 180 days". Mr. Eggleston replied that was correct. Motion passed 6-0. Ordinance 15-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Modifying Code Sections §154.06(A)(4)(u) and §154.14(B)

An ordinance modifying code sections §154.06(A)(4)(u) and §154.14(B) of the Tipp City, Ohio Code of Ordinances regarding swimming pools, hot tubs and spas (outdoor).

City Manager Comments: This legislation corrects some minor language and allows water depth to be standard 24" which is in conformance with the Ohio Building Code.

Mr. Kessler introduced the ordinance.

2016 Sidewalk Assessments

An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in conjunction with the 2016 sidewalk improvement project within the City of Tipp City, Ohio.

City Manager Comments: This is our annual legislation for the sidewalk improvement program is completed. This authorizes staff to file a final invoice to the property owners of which they will have 30 days to pay.

Mayor Hale introduced the ordinance.

Motions

A motion authorizing the Police Chief and City Manager to sign the temporary alcohol permit application for the Tipp City Area Arts Council Show and Reception and authorizing the City Manager to enter into an agreement with the Tipp City Area Arts Council.

City Manager Comments: The City Manager and Police Chief are asking Council to approve the temporary liquor permit allowing the Arts Council to apply for a temporary liquor permit from the State.

Ms. Berbach 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

Mr. Merritt congratulated and welcomed the newest officer (Bri Smith) to Tipp City. Mr. Merritt thanked Ms. Dorsten for her presentation.

Mr. Owen also congratulated Officer Smith and welcomed her aboard

and wished her best of luck in her new position. Mr. Owen also thanked Ms. Dorsten for her presentation regarding the Downtown Tipp City Partnership. All events that have happened since her last presentation have been great. Mr. Owen also commented on the new bike racks that have been placed around town. "They are fantastic! Leslie Trimbach did a fantastic job in the design and her brother Steve did a great job in actually executing them. They are great!" Mr. Owen reminded everyone to attend the Miami County Fair and the Tippecanoe Family Aquatic Center.

Mr. Kessler had nothing additional.

Ms. Berbach reminded everyone to be safe while traveling near Kyle Park as soccer practices are in full swing. Ms. Berbach informed everyone there will be a Kids Consignment sale on August 6 at Ginghamburg Church. Also on August 6, there will be the Children's Art Adventure in City Park. Ms. Berbach also congratulated Officer Smith on her new position.

Mayor Hale also congratulated Officer Smith. Mayor Hale also stated he participated in the "Back the Blue" event which happened earlier in the day. "This is a program that took place all over the United States. There was a nice turn-out, and lunch was provided here for the Police Officers". Mayor Hale also offered congratulations to Officer Tony Smith who will be promoted to Detective.

President Gibson also congratulated and welcomed our newest officer. "I also had the opportunity to talk with her. In follow-up with the Mayor's comments, the Back the Blue program was also a great idea. That is evidenced by the blue ribbons that you will see at a lot of the intersections. They have the blue ribbons and some with the Tipp City Police logo. It is a nice feature to have in our City. To show that we support our law enforcement. I don't think we can thank, on a daily basis what our law enforcement people do enough. They have to put on that uniform, and they do not know what is going to happen to them that day. Whether it be in Tipp City, Atlanta or in LA or New York. The duties of a Police Officer are getting more and more dangerous. More and more are being asked of our men and women who protect us and I just want to show my support for our local law enforcement, for our Chief and for the staff that helps those efforts every day. Thanks to those who participated and thanks to those who serve us every day. The Chief has informed us luminaries have been placed Downtown tonight. The ceremony will begin this evening around 9:00 pm".

President Gibson reminded everyone, "We still have a ton of stuff happening in Tipp City. The Mum Festival is coming up. The Mum Festival is next month. A lot of the festivals preliminary activities do happen in August. We would love for you to volunteer or sponsor any of the events. Also, the Christmas in the Village Committee is forming as well. There is a FaceBook presence on that". President Gibson reminded everyone that school will be starting soon, and offered good luck to the schools in the upcoming school year. President Gibson added, "We would love to hear from you on your thoughts regarding the stadium as well".

President Gibson reminded everyone "These proceedings have been recorded and will be rebroadcast over the next two weeks on the local cable access station. In this area, on the Time Warner Cable lineup it is Chanel 5. You can also download City Council meetings, Monroe Township Trustees meetings, School Board meetings, and other local community events by logging onto kittv.org." President Gibson informed everyone it was necessary for Council to enter into Executive Session after tonight's proceedings. "After a 15 minute comfort break, we will enter Executive Session to discuss Pending Litigation to include the City Manager, all members present of City Council, the Law Director and the City Engineer".

**City Manager
Comments**

Mr. Eggleston informed everyone that this portion of the CR25A project is coming to an end with milling and paving being completed over the next few weeks.

Mr. Eggleston informed everyone the new after-hours call center is now in operation for outages and water main breaks. This service is for outages or utility concerns between the hours of 5:00 pm and 8:00 am. Mr. Eggleston stated this information is being dispersed among the City's social media accounts and newsletter. Mr. Eggleston reminded everyone not to call 911 for this type of event.

Mr. Eggleston informed everyone the Leshar Woods walking trails/bike path project is progressing.

Adjournment

Mr. Kessler moved to enter Executive Session after 15 minute break. Ms. Berbach seconded. Council entered Executive Session at 9:00 pm.

Mayor Hale moved to return from Executive Session. Mr. Owen seconded. Motion carried. Council returned from Executive Session at 9:26 pm.

Mr. Merritt moved to adjourn. Mr. Kessler seconded. Motion carried. Meeting adjourned at 9:27 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



