

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

December 19, 2016

Executive Session

The following Council Members answered roll call. President Joe Gibson, Mayor Pat Hale, Carrie Arblaster, John Kessler, Tom Merritt and Matt Owen. City Staff in attendance included City Manager Tim Eggleston, Assistant City Manager Brad Vath, Finance Director John Green, Director of Municipal Services & Engineering, Law Director Jonathan Freeman, Police Chief Eric Burris, EMS Chief Jeff Calicoat and Clerk of Council Janice Bates. Mr. Kessler moved to excuse Ms. Berbach. Mr. Owen seconded. Motion carried. President Gibson informed everyone Council will be entering Executive Session for the purpose of considering the compensation of a public employee(s) to include all members of Council. Mayor Hale moved to enter Executive Session. Mr. Kessler seconded. Motion carried. Council entered Executive Session at 6:35 pm. Council returned from Executive Session at 7:18 pm. Mr. Kessler moved to return from Executive Session. Mr. Owen seconded. Motion carried.

Work Session
Meet "Bob – New K9 Officer

Council and Staff moved into the lobby area of the Government Center to meet and learn about the new incoming K9 Officer Bob. Prior to Bob's introduction, Council was also afforded the opportunity to bid farewell to the outgoing K9 Officer, Gitta. Staff provided Council with information regarding the history of the K9 program for the City.

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

December 19, 2016

Council Meeting

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

City Staff in attendance include: City Manager Tim Eggleston, Law Director Jonathan B. Freeman, Assistant City Manager Brad Vath, Finance Director John Green, Director of Municipal Services and Engineering John Donnelly, Police Chief Eric Burris, EMS Chief Jeff Calicoat and Clerk of Council Janice Bates. Reporters Nancy Bowman, Cecilia Fox and Carla Ungerecht were also in attendance.

Guests signing the register include: Patrick Langley, Mike McFarland, Steve Staub, Terri Bessler, Andrew Doviak & Scott Knick.

Invocation and Pledge of Allegiance

President Gibson ~~Mr. Owen~~ gave the prayer for guidance. President Gibson led the Pledge of Allegiance.

Approval of Agenda

Mr. Kessler moved to approve the agenda. Mr. Owen seconded. Motion carried.

Minutes

12/5/16 Council Work Session

Mr. Owen moved to approve the minutes of the December 5, 2016 Work Session. Mr. Kessler seconded. Motion carried.

12/5/16 Council Meeting

Mr. Owen moved to approve the minutes of the December 5, 2016 Council Meeting. Mr. Merritt seconded. Motion carried.

Presentations, Proclamations, & Awards

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

Ordinances (2nd Reading)

Bond Anticipation Notes - \$5,232,000

An ordinance providing for the issuance and sale of notes in the maximum aggregate principal amount of \$5,232,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of various public infrastructure projects.

City Manager Comments: Staff is using short term notes as opposed to long term bonds at 1% interest rate. We are funding approximately \$6,035,000 worth of projects and buying them down by \$803,000. Our notes will be \$5,232,000. This covers 13 projects. Staff is asking Council for the adoption of the ordinance.

Mayor Hale introduced the ordinance and moved for its adoption. President Gibson seconded. Motion carried 6-0. Ordinance 28-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Bond Anticipation Notes - \$5,000,000

An ordinance providing for the issuance and sale of notes in the maximum aggregate principal amount of \$5,000,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the

municipal electric utility by replacing transformers at the City's Electric Substation #1, together with all necessary appurtenances thereto.

City Manager Comments: This is to purchase the transformers that will be 12KV transformers, replacing 4KV transformers. The existing equipment would then be removed and disposed of when the new substation is online. Staff is asking the ordinance be adopted.

Ms. Arblaster introduced the ordinance and moved for its adoption. Mr. Owen seconded. Motion carried 6-0. Ordinance 29-16 was declared adopted and President Gibson affixed his signature in witness thereto.

2016 Appropriations

An ordinance amending 2016 appropriations and modifying the annual operating budget as a result of this action.

City Manager Comments: This ordinance adjusts the budget line items, purchased power and other costs that have gone over our estimates. We are asking this be adopted.

Mr. Owen introduced the ordinance and moved for its adoption. Mr. Merritt seconded. Motion carried 6-0. Ordinance 30-16 was declared adopted and President affixed his signature in witness thereto.

Zoning Code Map Amendments

An ordinance to amend the Zoning Code and map attached thereto by changing the Zoning of Miami County Parcel G15-090600 (PT. OL 15), +/-0.598 acres, located at the southeast corner of N. Sixth Street and Crane Street from two-family residential (R-2) to Legacy Development (LD) Zoning Classification.

City Manager Comments: There is a part of Tipp Novelty that when the Zoning Map was updated, somehow half of the parcel was missed. This will make a correction to the Comprehensive Master Development Plan. Staff is asking the ordinance be passed so the correction can be made.

Mr. Kessler introduced the ordinance. Mr. Merritt seconded. Motion carried 6-0. Ordinance 31-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Resolutions
Right of Way
Appropriations (Outside
Corp Limits)

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

City Manager Comments: The needs to acquire the necessary right-of-way for sidewalks as part of Phase 2 of the CR25A Reconstruction Project. We are working with the property owner to sign the agreement and to move forward with the purchase of the property. In order to maintain the schedule, we must pass the Resolution allowing Council to have pass and Ordinance in January if necessary. We ask that you pass this Resolution in the hopes that we will have a closing date prior to the need of an ordinance.

Mr. Kessler sponsored the resolution and moved for its adoption. Mr. Owen seconded. Motion carried 6-0. Resolution 33-16 was declared adopted and President Gibson affixed his signature in witness thereto.

Ordinances
(1st Reading)
Medical Marijuana

An ordinance amending the Zoning Code to prohibit the use of property for the cultivation, processing, and/or sale of medical marijuana within the City of Tipp City.

City Manager Comments: On June 8, 2016, the legislature passed HB 523, which allowed the medical use of marijuana. On August 1, 2016, Council passed a moratorium to allow the Planning Board, Council and Staff to research the impact on the community. There are some communities that are waiting to see what the rules will be promulgated by the state on the issuance of permits for the establishment of retail dispensaries, cultivators, and processors of medical marijuana. With the moratorium expiring in January, the Planning Board was asked to look at the issue and to suggest language that reflect the values of the community. The legislation being presented is by the suggestion of the Planning Commission. When the state determines how to regulate, Council can always ask the Planning Board to reevaluate the issue. The ordinance does not prohibit the use of medical marijuana in the home. It does prohibit the cultivation, processing, dispensing of medical marijuana in the corporate limits. Staff is asking this be introduced tonight.

Mr. Kessler introduced the ordinance.

Ms. Arblaster raised concerns/questions regarding the proposed legislation. Ms. Arblaster stated "As a body, we did request research to be done so that we can collectively have some understanding about what the legal landscape looked like and what other communities around the state were doing. I personally have not received any of that research prior to this being put on the agenda tonight. I also see noted the Planning Board vote was a 4-1 vote, I am not certain who the no vote was at this point because the minutes of that meeting are not yet posted on the website. It is my recommendation...I personally would like to get that memo about what the research was, have a chance to speak with our colleagues on the Planning Board and perhaps Mr. President if you are so inclined to make maybe a short work session where we just have our Police Officers weighing in...maybe having a bit more of a conversation about what we want to do with this. To the City Manager's point, there is no rush, we are covered by our moratorium. I just don't want to rush into something and have it legally challenged and have to deal with all of that." President Gibson stated "In the timing of all of this we have to do this now because our ordinances have a "lag time" ...there is a period of time ordinances have to take effect otherwise it would need to be declared an emergency. And we have a pretty good agenda on our January 3rd agenda. I don't mind doing it then, I think it is a good idea because of the "weightiness" that is involved." President Gibson inquired if this were something that were worthy of being tabled. "Or is there a timing issue to proceed with the two meetings as is and if that is the case, we need to get some more information prior to our second reading." President Gibson asked if this item could be added as a work session item for the next meeting. Mr. Eggleston stated this item will be added as a Study Session item for the next agenda. Mr. Kessler stated he would like to keep the ordinance on the agenda and not withdrawal his introduction. Adding, "If the legal climate changes, you cannot amend your ordinance." President Gibson stated that was correct. Mr. Kessler added, "As Columbus moves forward, we can adjust ours accordingly." President Gibson added,

“From information obtained from our Clerk. There is a 30 day referendum period, and that puts us at the end of our 180 days for the moratorium. If we do not do it in the order in which we are trying to do it now; where it is the first reading today, and the second reading at our January 3rd meeting. If we push everything back, that is going to cause a calendar issue and that would be a problem with us not being covered. And legislation would have to be passed as an emergency.” Ms. Arblaster stated she was fine with the ordinance not being tabled as long as information is provided before the next meeting.

Motions

Setting Public Hearing Date – Comprehensive Master Development Plan

A motion setting the Public Hearing for the Comprehensive Master Development Plan.

City Manager Comments: Staff is asking for a public hearing on February 6th to coincide with the second reading of the ordinance. If you recall the process to update the 2003 Comprehensive Master Development Plan stated in late 2015. Wendy Moehler of Compass Point Planning in Cincinnati facilitated the process and incorporated the community’s vision into the document. The community’s input was solicited from those representing all walks of life, high school students, senior citizens and even collected data during community events. The Planning Board accepted the document at its regular December meeting. This item will be placed on the January 17th Study Session agenda where Ms. Moehler will provide a brief overview.

Mr. Owen moved to set the Public Hearing date for February 6, 2017. Mr. Kessler seconded. Motion carried.

Miscellaneous

There were none.

Citizen Comments on Items not on the Agenda

Patrick Langley of 735 Baneberry Court approached the podium. Mr. Langley requested Council “take another look” of the location of the water tower that is currently being planned for Hyatt. Mr. Langley added the location of this tower will be an eyesore in the middle of a residential street. Mr. Langley stated he had two main concerns; the eyesore effect, but also the potential reduction of property value. President Gibson requested an upcoming Study Session on the Water Tower location.

Steve Staub approached the podium. Mr. Staub stated he lives in the Windmere subdivision and recently purchased the “Brownlee” Farm on Hyatt. Mr. Staub that the City needs a new water tower. “The tower on Bowman certainly needs to be replaced and a new tower is the best option. My concern is property values. This is definitely a concern and I would like to be involved in any study sessions. There is a large concern from the residents in the Springhil Subdivision. I would appreciate it if you reconsider this and look forward on working together on it more.”

Scott Knick of 528 Michael Place approached the podium. Mr. Knick informed Council he wished to speak to them regarding a basketball pole that they have located in the right-of-way. This pole is located in the cul-de-sac of Michael Place. “This pole has been there for a couple of years. When the streets were gone, we took the pole down for the construction. We recently put it back up for the kids and we were told we weren’t allowed to have it in the right-of-way. I have gone around the neighborhood and have 21 houses that have signed the petition to keep the basketball pole where it is. In the

four houses, next to and including mine, there are over 10 kids from ages 16 – 6 months old. The neighborhood enjoys the kids out there. It is a very nice basketball pole. It is something I am willing to maintain and keep up, but it is in the right-of-way. I was told this is the right venue to come and talk to you and see if we can get permission to leave it.” President Gibson inquired if there had been any changes with the pole location since construction. Mr. Knick stated it was in the same location as before. John Donnelly, Director of Municipal Services and Engineering approached the podium. Mr. Donnelly stated he was the one who had informed Mr. Knick of the violation. Mr. Donnelly stated, “The ordinances of Tipp City do not allow fixed structures of that nature in the right-of-way. I have notified Mr. Knick and drafted a letter which Law Director Freeman is reviewing to make sure that I have my facts in order before I send it to him. In fairness to the ordinances of Tipp City, we have requested that not be put back in the right-of-way. Another big issue is, we have a water line that goes approximately that same vicinity, near or below the basketball hoop. Typically, when people place things in the right-of-way, they do a pole permit. The recommendation of staff is to adhere to the ordinance.” President Gibson inquired if this were a permanent structure. Mr. Donnelly replied it is, “with a concrete foundation with four bolts, big post and a full size basketball hoop.” President Gibson inquired if there were photographs of the basketball hoop. Mr. Donnelly replied there are. President Gibson requested those photographs be circulated amongst Council for their review. President Gibson inquired of Mr. Donnelly if Mr. Knick could have been granted permission for the construction of the pole. Mr. Donnelly replied, “The City, from my interpretation of the ordinance would not have granted it. We have had other people request to put other fixed structures in the right-of-way, whether it be large rocks, or oversized mailboxes, or big hitching posts...in accordance to the ordinance...no the City would not have granted.” President Gibson stated that would be the decision of the Administrator to make an appeal to the Planning Board, BZA and/or us (Council).” Mr. Donnelly replied that was correct. Mr. Donnelly argued to keep in mind of the water line that is 4’ below. Mr. Eggleston stated he was unaware of a variance process allowing people to put apertures in the right-of way. “This could become a liability issue if someone hits it and we’ve allowed someone to put fences, basketball poles and those types of things....” Mr. Merritt asked for clarification between the basketball pole and the water lines. Mr. Donnelly stated, “The primary issue...and I am just adhering to the ordinances that are established which did prohibit fixed structures in the right-of-way. The secondary issue would be, our new water line, which we just installed, is all along that road. It goes along and directly under the curb lawn where the basketball hoop has been placed.” Mr. Eggleston requested Council allow staff to look at the ordinance, get an opinion from our insurance carrier as to what they would cover or not cover. “That would allow Council to be more informed and to make a better decision.”

**Councilmember
Comments**

Mr. Merritt thanked Ms. Dorsten for coming in and giving her presentation. Mr. Merritt also congratulated the Partnership on their recent Main Street Designation. Mr. Merritt thanked the individuals who came to speak before Council. Mr. Merritt wished everyone a Merry Christmas and a Happy New Year.

Mr. Kessler also wished everyone a Merry Christmas and reminded everyone to be careful during the cold weather. Mr. Kessler notified both Chief

Calicoat and Chief Burris that the Legion would be providing Christmas dinner to the EMS and Police employees who are on duty that day.

Ms. Arblaster also wished everyone "Happy Holidays". Ms. Arblaster encouraged everyone to visit Downtown for any last minute Christmas shopping.

Mr. Owen thanked all of the previous canine officers for their service. "It is neat to see how they come and go and what they do in their retirement. Welcome Bob! It is certainly great to have a canine unit in our town. I am very appreciative that we have that." Mr. Owen thanked the EMS Department for their recent help with his sister-in-law and her trip on the ice. Mr. Owen stated Council wants to make the best possible decisions for the community. Mr. Owen also wished everyone a Merry Christmas and Happy New Year.

Mayor Hale also wished everyone a Merry Christmas and Happy New Year. Mayor Hale also thanked Ms. Dorsten on her presentation and keeping Council updated. Mayor Hale also thanked Mr. Green for continuing to eliminate debt for the City (referring to Ordinance A).

President Gibson reminded everyone after the Council Meeting, Council is hosting their annual Holiday Reception. President Gibson also thanked the Police Department for allowing Council to meet the new canine officer and to see the retiring officer. President Gibson also thanked everyone who came and spoke to Council. "Sometimes it is a tough decision, sometimes something might look good on paper, it might be the cheapest, but it might not be the best, and that is where the citizenry comes out. Thank you for coming. It is always tough to come up and speak your mind." President Gibson also thanked Ms. Dorsten for her presentation. "Congratulations again and continued success on the Partnership and Main Street Designation. Keep up the good work there and thank you for coming. President Gibson also thanked the Finance Department for all of their hard work in eliminating the City's debt. President Gibson wished everyone a Merry Christmas and Happy New Year. "As we concluded, this is our last meeting in 2016. This is the end of the first year of a two-year term for our legislative session. I have been privileged to have been President this past year. I will be President in '17 and as Mayor Hale will continue to be Mayor for the second year of his second term. I want to thank him for all of his help. It has been a pleasure to have worked with him as an officer on the dais. He was a former President, so he has given me insight. He attends all the City functions, and it has been a privilege and pleasure to work with him on things. I want to thank him for his time and his efforts. As with all Council members. It is a pleasure and privilege to work with each of you and I am very thankful to be your President. I am honored that you chose me and I can talk to each and every one of you, we can be candid, we can be snotty, but I know everybody has the City's best interest in mind. I really enjoy this and I really enjoy working with each and every one of you. Thank you Tipp City for allowing us to serve you and for making it such a great community.

President Gibson reminded everyone "These proceedings have been recorded and will be rebroadcast over the next two weeks over the local cable access station. In this area, it is channel 5 of the Time Warner Cable lineup. You can also download these meetings on your computer by logging on to kittv.org."

**City Manager
Comments**

Mr. Eggleston informed everyone Randall Residence has submitted plans to add three additions to their facility. Additionally, Springmeade Senior Center is in the process of also adding onto their facility as well.

Mr. Eggleston also informed everyone the OPWC Loan Application for the Water Tower is being looked at favorability with a final decision being made by the OPWC Committee in January. "The City has asked OPWC for \$2.4 million for the project. Staff will be getting appraisals for all three sites and will be discussing with Council the appraisals."

Mr. Eggleston informed everyone that on April 8, 2017, Tippecanoe High School will be hosting the Tipp City Police Department who will be taking on the Tipp City Fire Department in a basketball game. Tickets will be \$5 for adults, \$3 for children 12 and under and can be purchased at the Police Department or Community Services. All proceeds go to Tipp-Monroe Community Services.

Adjournment

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

Meeting adjourned at 8:37 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



