

**TIPP CITY WORK SESSION**

**TIPP CITY, MIAMI COUNTY, OHIO**

**January 3, 2017**

**Executive Session**

The following Council Members answered roll call. President Joe Gibson, Mayor Pat Hale, Carrie Arblaster, Katie Berbach, 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 John Donnelly, Law Director Jonathan Freeman, Police Chief Eric Burris and Clerk of Council Janice Bates. President Gibson informed everyone Council will be entering Executive Session for the purpose of pending litigation and to consider the appointment of a public official(s). The first session included all members of Council, City Manager Eggleston, Law Director Freeman, and Special Council Kevin Lantz. Mr. Kessler moved to enter Executive Session. Ms. Berbach seconded. Motion carried. Ms. Arblaster did not enter Executive Session. Council entered Executive Session at 6:33 pm. Mr. Eggleston, Mr. Freeman and Mr. Lantz exited Executive Session at 7:00 pm. Ms. Arblaster entered at that time. Council returned from Executive Session at 7:09 pm. Ms. Berbach moved to return from Executive Session. Mr. Kessler seconded. Motion carried.

**Work Session**  
**Medical Marijuana**

The work session began at 7:10 pm. The following Council members were present: President Joe Gibson, Mayor Pat Hale, Carrie Arblaster, Katie Berbach, John Kessler and Tom Merritt. Also attending was City Manager Tim Eggleston, Law Director Jonathan Freeman, Assistant City Manager Brad Vath, Director of Municipal Services John Donnelly, Police Chief Eric Burris and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Others in attendance include: Mike McFarland.

Mr. Eggleston provided Council with the requested information regarding medical marijuana. Mr. Eggleston informed Council the proposed ordinance for their consideration would be establishing a permanent moratorium on the cultivating, processing, and dispensing of medical marijuana in the City of Tipp City. Mr. Kessler agreed with the ban stating he would like "the state to set the guidelines". Mr. Vath added if this legislation were not in place, a dispensary could go into any retail district within the City. Ms. Arblaster added, "We are asked to be wide open; or legislate on something we might not completely understand...there are a lot of questions".

**Adjournment**

Meeting adjourned at 7:27 pm.

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

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

**TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**January 3, 2017**

**Council Meeting**

The following Council Members answered roll call. President Joe Gibson, Mayor Pat Hale, Carrie Arblaster, Katie Berbach, 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 and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Guests signing the register include: Bob Archer, Mike McFarland, Andrew Doviak, Pat Langley and Stan Evans.

**Invocation and Pledge of Allegiance**

Pastor Jeff Seekins of Community Bible 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. Mr. Kessler moved to amend the agenda to remove Motion Items D & E for lack of appointments. Mayor Hale seconded. Motion carried.

**Minutes**

12/19/16 Council Work Session

Mr. Owen moved to approve the minutes of the December 19, 2016 Work Session. Mr. Merritt seconded. Motion carried. Vote was 6-0-1; Ms. Berbach abstained.

12/19/16 Council Meeting

Mr. Owen moved to approve the minutes of the December 19, 2016 Council Meeting. Ms. Arblaster seconded. President Gibson moved to amend the minutes to *President Gibson offered the prayer for guidance; from Mr. Owen offered the prayer for guidance*. Mr. Owen seconded. Motion carried. Vote was 6-0-1; Ms. Berbach abstained. A vote was taken on the amended minutes. Vote was 6-0-1; Ms. Berbach abstained.

**Presentations, Proclamations, & Awards**

There were none.

**Ordinances (2<sup>nd</sup> 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 August 1, 2016, Council adopted ordinance 15-16 enacting a 180 day moratorium on the issuance of permits for the establishment of retail dispensaries, cultivators, and processors of medical marijuana. As part of this ordinance, Council also asked staff to investigate and review regulations and to give a presentation; which we did at tonight's Study Session. The direction of the City Manager is recommending Council pass this ordinance, knowing that it is not an end but more of a beginning. Until appropriate agencies develop rules and this can be revisited.

Mr. Kessler introduced the ordinance and moved for its adoption. Mr. Kessler added, "The state needs to be establishing the guidelines..what they expect. There are all kinds of problems. And until the state decides what they want to do with all of this, I think we do not need to have them here at all". President Gibson clarified this ordinance is from the zoning standpoint. President Gibson stated, "We are addressing the cultivation, processing and sale of medical marijuana". President Gibson inquired of Mr. Freeman if someone who has a medical need and has legally obtained a prescription, has the right to use this in the privacy of their own home. "This ordinance does not stop that from happening." Mr. Freeman stated, "No that doesn't stop that from happening. They wouldn't get a prescription, they would get a recommendation from their physician. Which could be used in accordance to the law in their homes." President Gibson stated, "This is mostly for our business district, and is subject to amendment or revision at a later time once the state comes down with their rules and regulations." Mr. Freeman stated that was correct. President Gibson stated he agreed with Mr. Kessler at this time. "My thoughts are similar to that of Mr. Kessler's at this time." Ms. Arblaster stated, "It is frustrating that we have to legislate on something that we really don't know...and at the same time the way that the legislature chose to address this by not putting in a statute and letting it play out have left cities and municipalities vulnerable as far as how this goes. And to Councilmember Kessler's point, we don't know what we are getting. And to say yes or no, I think is a bit premature." President Gibson added, this is also a timing issue. "If we don't do this that leaves us exposed to the potential for permits to be requested before the state does their regulatory effort and the City would have to address is someone wanted to put a marijuana sale place next to the toy store or next to a restaurant. This action today allows us to best address that specifically or concretely. It's not good action to take, but it is the only appropriate action to take." Mr. Merritt inquired if there have been any requests from someone wishing to open a dispensary. Mr. Eggleston replied no. President Gibson added, "We are still in a moratorium from the previous legislation." Mr. Stan Evans of 231 W. Main approached the podium and was sworn in prior to providing his testimony. Mr. Evans stated he was in support of Council and their decision about the marijuana issue. "Tipp City has long time been a real leader in the area for many things. I am thinking in terms of our first responders, our Police Department, or our volunteer Fire Department and Emergency Squads, but also that we are Tree City USA and the register of all of our historic properties, Community Services. I think Council has been very wise on this issue not to be a leader in the manufacture or growing and selling of marijuana. I think the majority of the community supports you in your decision and I applaud you and thank you for your actions in this case." Motion carried 7-0. Ordinance 1-17 was declared adopted and President Gibson affixed his signature in witness thereto.

**Resolutions**  
Tipp City Municipal  
Building Restroom  
Project

A resolution authorizing the City Manager to enter into a contract with Heyne Construction, Inc. of Minster, Ohio for the Tipp City Municipal Building Restroom Renovation Project at a cost of \$93,985

City Manager Comments: Five bids were received for this project. The lowest bid did not comply with the prevailing wage requirements. Therefore staff is asking that Heyne Construction, Inc. be awarded the bid for the construction of the restrooms at the Old Municipal Building. This item has been in the CIP for a number of years. Staff is asking this be adopted.

City Manager  
Compensation

Mayor Hale introduced the resolution and moved for its adoption. Ms. Berbach seconded. Motion carried 7-0. Resolution 1-17 was declared adopted and President affixed his signature in witness thereto.

A resolution authorizing the amendment of an employment contract between the City Council of Tipp City, Ohio and the City Manager.

City Manager Comments: This resolution would increase the Manager's bi-weekly salary from \$3,735.90 to \$3,876. This is a 3.75% increase. This does not change any other terms of the Manager's contract. The Manager asks you approved this resolution.

Mr. Kessler introduced the resolution and moved for its adoption. Mr. Owen seconded. Motion carried 7-0. Resolution 2-17 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances  
(1<sup>st</sup> Reading)**

There were none.

**Motions**  
Board & Commission  
Appointments – Board of  
Zoning Appeals

A motion to make two appointments to the Board of Zoning Appeals for three year terms expiring December 31, 2019. President Gibson stated the floor was open to nominations. Ms. Berbach nominated Mike McFarland. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. A vote was taken on Mr. McFarland's nomination. His appointment was unanimous.

Community  
Reinvestment Area  
Housing Council

A motion to make two appointments to the to the Community Reinvestment Area Housing Council for three year terms expiring December 31, 2019. President Gibson stated the floor was open to nominations. Mayor Hale nominated Stan Evans. Ms. Berbach nominated Pat Liening. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. A vote was taken on Mr. Evans' nomination. His appointment was unanimous. A vote was taken on Ms. Liening's nomination. Her appointment was unanimous.

Planning Board

A motion to make three appointments to the Planning Board for three year terms expiring December 31, 2019. President Gibson stated the floor was open to nominations. Ms. Arblaster nominated Stacy Wall. Ms. Berbach nominated Jeff Sebor. Mayor Hale nominated Jamie DeSantis. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. President Gibson called for these nominations to be voted upon as a slate. A vote was taken on the nominations as a slate. Motion carried 7-0.

Economic Development  
Committee

A motion to appoint three councilmembers plus three (3) staff members to the Economic Development Committee for one year terms ending on December 31, 2017. President Gibson stated the floor was open to nominations. Mr. Kessler nominated Matt Owen. Ms. Berbach nominated Tom Merritt. Ms. Arblaster nominated John Kessler. President Gibson nominated Tim Eggleston. Mr. Merritt nominated John Green. Ms. Berbach nominated Brad Vath. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. President Gibson called for these nominations to be voted upon

as a slate. A vote was taken on the nominations as a slate. A vote was taken on the slate of nominations. Motion carried.

Miami Valley Regional Planning Commission & Transportation Committee

A motion to make appointments to the Miami Valley Regional Planning Commission & Transportation Committee as a representative (Councilmember) and alternate (Councilmember or Staff) for one year terms ending on December 31, 2017. President Gibson stated the floor was open to nominations. Ms. Arblaster nominated Ms. Berbach as the representative. Ms. Berbach nominated Ms. Arblaster as the alternate. President Gibson called for these nominations to be voted upon as a slate. A vote was taken on the nominations as a slate. A vote was taken on the slate of nominations. Motion carried.

Miami Valley Regional Planning Commission's Technical Advisory Committee

A motion to make appointments to the Miami Valley Regional Planning Commission's Technical Advisory Committee as a representative (Staff) and alternate (Staff) for one year terms ending December 31, 2017. Ms. Arblaster nominated John Donnelly as the representative. Mr. Kessler nominated Brad Vath as the alternate. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. President Gibson called for these nominations to be voted upon as a slate. A vote was taken on the nominations as a slate. Motion carried.

Volunteer Fireman's Dependent Board

A motion to appoint two (2) Councilmembers to the Tipp City Volunteer Fireman's Dependent Board for a one year term ending on December 31, 2017. President Gibson stated the floor was open to nominations. Mr. Kessler nominated Katelyn Berbach as the representative. Ms. Arblaster nominated Tom Merritt as the alternate. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. President Gibson called for these nominations to be voted upon as a slate. A vote was taken on the nominations. Both appointments were unanimous.

Tipp-Monroe Community Services

A motion to appoint one (1) Councilmember as representative and one (1) as alternate to the Tipp-Monroe Community Services, Inc. Advisory Board for one year terms expiring on December 31, 2017. President Gibson stated the floor was open to nominations. Mr. Merritt nominated John Kessler as the representative. Mr. Kessler nominated Katelyn Berbach as the alternate. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. President Gibson called for these nominations to be voted upon as a slate. A vote was taken on the nominations. Both appointments were unanimous.

Tax Incentive Review

A motion to make two (2) appointments to the Tipp City Tax Incentive Review Council for one year terms ending on December 31, 2017. President Gibson stated the floor was open to nominations. Ms. Arblaster nominated Brad Vath. Ms. Berbach nominated John Green. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. President Gibson called for these nominations to be voted upon as a slate. A vote was taken on the nominations. Both appointments were unanimous.

Tipp Improvement Corporation Board

A motion to appoint all Councilmembers plus four (4) staff members to the Tipp Improvement Corporation Board for one year terms ending on

December 31, 2017. President Gibson stated the floor was open to nominations. Mr. Kessler nominated all Council Members. Mayor Hale nominated Tim Eggleston. President Gibson nominated Jonathan Freeman. Ms. Berbach nominated John Green. Mr. Owen nominated John Donnelly. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. President Gibson called for these nominations to be voted upon as a slate. A vote was taken on the nominations. All appointments were unanimous.

**OMEA Board**

A motion to appoint one (1) Councilmember as a representative to the OMEA Board and one (1) staff member as an alternate for one year terms ending December 31, 2017. President Gibson stated the floor was open to nominations. Ms. Arblaster nominated Pat Hale as the representative. Mr. Owen nominated John Donnelly as the alternate. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. President Gibson called for these nominations to be voted upon as a slate. A vote was taken on the nominations. Both appointments carried.

**Downtown Tipp City Partnership**

A motion to appoint one (1) council member and one (1) staff representative to the Downtown Tipp City Partnership for one year terms ending December 31, 2017. President Gibson stated the floor was open to nominations. Mr. Kessler nominated Carrie Arblaster. President Gibson nominated Tim Eggleston. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. President Gibson called for these nominations to be voted upon as a slate. A vote was taken on the nominations. Both appointments were unanimous.

**Miami County Council**

A motion to appoint one (1) council member to the Miami County Council for a one year term expiring December 31, 2017. President Gibson stated the floor was open to nominations. Mr. Owen nominated President Gibson. President Gibson stated all Council Members have been afforded the opportunity to be heard and the floor is now closed to nominations. A vote was taken on President Gibson's nomination. President Gibson's appointment carried. Votes were 6-0-1. President Gibson abstained.

**New Liquor Permit – Dos Lunas**

A motion to request or not request a public hearing on the issuance of a new D5I liquor license to 2 Lunas LLC, dba Dos Lunas at 12. S. Tippecanoe Drive.

City Manager Comments: The City has received a notice from the Ohio Division of Liquor Control regarding the issuance of a new D5I Liquor Permit to 2 Lunas LLC, dba Dos Lunas located at 12 South Tippecanoe Drive. This permit would allow spirits liquor for on premise consumption only. This permit is the same classification as restaurants meeting certain criteria. The Police Department has no objection to the issuance of this liquor license.

Ms. Berbach moved to not request a public hearing. Mayor Hale 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 “find another location” of the location of the water tower that is currently being planned for Hyatt. Mr. Langley added the location of this tower will be in a residential area. “I don’t think it should be located in any residential area. We should find an area that is either industrial or commercial.” Mr. Langley informed Council he had over 40 signatures on his petition of individuals who are not in favor of the tower being placed at the S. Hyatt Street location. President Gibson informed Mr. Langley that all options for the location of the tower are still open. Adding, “There is that factor that the public is not wanting this in a certain area. That certainly has to weigh into our decision. And it does....for me at least. I know the issue has been raised. I know others have also raised that issue. There are other options. Cheaper or not...sometimes the cheaper is not the best, but at the same time, it might work out better because of the aesthetics of it.” Mr. Eggleston stated staff will be coming back to Council with some other modeling regarding the other sites.

**Councilmember  
Comments**

Mr. Merritt thanked Mr. Langley for sharing his concerns. Mr. Merritt also thanked everyone for their willingness to serve on the various Boards and Commissions. Mr. Merritt wished everyone a Happy 2017.

Ms. Arblaster echoed Mr. Merritt’s comments. MS. Arblaster also thanked those who are serving on the various boards. Mr. Arblaster encouraged others to volunteer as well. Ms. Arblaster also thanked Mr. Langley for his presentation. Ms. Arblaster wished everyone a Happy New Year.

Mr. Kessler had nothing additional.

Mr. Owen stated regarding the ordinance regarding medical marijuana, “I certainly stand by the decision that Council made tonight. I certainly appreciate the input that we had from the community as well. I think this is smart legislation. I think we were proactive and I appreciate the support that Council gave and the input that we had. This is something that is important and I thought this was handled very well. I appreciate the staff as well.” Mr. Owen congratulated Mr. Eggleston on his pay raise. “You do a great job and this is very well deserved”. Mr. Owen thanked staff for all of their hard work through-out the year. “You do a great job! We have a great staff here in Tipp City.”

Ms. Berbach had nothing additional.

Mayor Hale also thanked Mr. Eggleston for his work and congratulated him on his pay raise. “It was well deserved.” Mayor Hale also congratulated and thanked all of the volunteers for the various boards. “We have a lot of people who serve on many boards over the course of the year. We still have a number of vacancies on a number of our boards. This will give you the opportunity to get involved. Call Janice and see what boards are open and come in and fill out an application.” Mayor Hale stated he was glad the restroom project is finally moving forward.

President Gibson thanked everyone who came out and shared their views. “We always appreciate that. We do like to hear from folks. It is good to have the public’s input. It is our job to hear from you.” President Gibson

also wished everyone a Happy 2017. President Gibson informed everyone both he and Mayor Hale have one year remaining on their legislative term. "As Mr. Owen stated, this is a great group of people to work with. I am privileged to do that. I congratulate Mayor Hale on his work regarding the restroom project. A lot of the delay was budgetary. It certainly wasn't a question or matter of Mr. Hale's leadership or anything with Council. Mr. Hale has always been a proponent of this and expressed his displeasure and disappointment when the budget, to your credit, it is going to be a reality now. We thank you for your leadership on that. Compliments to the Municipal Manager for surviving another year. Congratulations and well done. It is a pleasure working with you. I have the privilege of working with Mr. Eggleston closest because of the agenda and trying to keep the meetings running. He is always thinking of the City. To his credit, I wanted to pass along those compliments. Great job and thank you for being here. Mayor Hale is right about those board positions as well. If you applied for something, even if you applied last year, and as we weren't able to nominate you, we still have openings at this time. If you are interested in serving your community, get involved. There is no better way than to sit on the Planning Board because you will learn so much about your community. That is where a lot of us got our start. Get involved. To see what is really going on in your community. You would be surprised how enlightening it is replacing sidewalks, and you will see the complexities by getting involved in your local government. Anyone out there who is considering that, please do so. We would love to have you on these boards. You can contact the Clerk and there is also information on the City's website." President Gibson stated the marijuana legislation was a tough call. "The discussion the Planning Board's minutes I thought were very enlightening as well. It is a tough call. But at the same time, we still need to protect our citizens. I think we need to take the proactive measure that we do. It is kind of a sloppy messy thing because of the state legislature and the position they have put us in. We don't do this lightly. The discussions we have had leading up to this testifies to that. Let us know your feelings one way or the other.

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 Time Warner channel 5 of the Time Warner Cable lineup. You can also log onto kittv.org and download meetings of the Tipp city Council, Monroe Township Trustees, School Board and other community activities. With that, I thank Council, and the people of Tipp City for their time and attention."

**City Manager  
Comments**

Mr. Eggleston stated he appreciates Council's support. Mr. Eggleston informed everyone staff has received a memo from the Parks Board asking for Council to consider legislation to prohibit smoking in park areas. "I have asked Mr. Freeman to look at the law regarding this and to ensure if this is possible. Council will be receiving information soon on that matter.

Mr. Eggleston also informed everyone that he met with Dr. Kumpf earlier in the day, "She presented me with a proposal for soil borings at City Park in the amount of \$4,235. In talking with her, this is a benefit to the City, if the stadium were to go into that area. The City would be able to have the necessary information if the Board decides to move the stadium in a different location. This is something that would benefit us down the road if we do decide to update the restrooms or develop that area. I am looking for guidance

from Council as to whether or not you want to expend \$4,235 for the soil borings. This would be an additional cost to the \$10,000 paid toward the study." Mr. Kessler stated he didn't have a problem with the expense, because it will provide the City information for potential future development. Mr. Owen agreed. Mr. Eggleston added the topic of the stadium will be discussed at the January 17<sup>th</sup> Council Meeting.

**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



