

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

March 6, 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. President Gibson informed everyone Council will be entering Executive Session for the purpose of imminent litigation to include all members of Council, City Manager Eggleston and Law Director Freeman. Mr. Kessler moved to enter Executive Session. Mr. Owen seconded. Motion carried. Council entered Executive Session at 6:32 pm. Council returned from Executive Session at 6:48 pm. Ms. Berbach moved to return from Executive Session. Mr. Kessler seconded. Motion carried.

Work Session

The work session began at 6:50 pm. The following Council members were present: President Joe Gibson, Mayor Pat Hale, Carrie Arblaster, Katie Berbach, John Kessler, Tom Merritt and Matt Owen. Also attending was City Manager Tim Eggleston, Assistant City Manager Brad Vath, Law Director Jonathan Freeman, Director of Municipal Services John Donnelly, Deputy Director of Municipal Services and Engineering Eric Mack, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Others in attendance include: Karen Jackson, David Wirth and Mike McFarland

Amendments to Chapter 35 – Public Safety

Mr. Eggleston reviewed the proposed changes to Chapter 35 – Public Safety with Council. Mr. Eggleston stated the need for the modification is to amend outdated content. Mr. Eggleston stated this amendment looks toward the future of the departments.

Tree Ordinance

Mr. Eggleston provided Council with additional information regarding replacing trees in the curb lawn. Mr. Eggleston reminded Council this question arose after a resident desired not having a tree replaced in the curb lawn after a damaged tree was removed. Staff provided language for the Tree Board for their review. Mr. Eggleston noted the major changes include: deleting reference to shrubs, bushes and other woody vegetation throughout the ordinance, removing the reference of the length of terms for the initial formation of the board. Section 97.24 – Reforestation was added into the ordinance. This section allows a property owner to petition the Tree Board and to decline the replanting of a new tree in the curb lawn on their property. This section also allows the property owner an appeal before Council if denied by the Tree Board. Section 97.30 was modified to clarify when and how the City can perform pruning on limbs located on private trees that project into the City right-of-way. Mr. Eggleston continued, Section 97.31 clarified the notification process for tree removal on private property. Mr. Eggleston stated staff hopes to bring this before Council at their next meeting.

Mr. Kessler inquired why someone would be required to maintain the tree if it is planted in the City’s right-of-way. Mr. Eggleston replied it is the homeowners’ responsibility to maintain trees that are located in the right-of-way. “It is philosophical to some degree. If it is Council’s decision to add another step.” Mr. Kessler suggested something similar to what is being used

Smoking in Parks –
Tobacco Free Zones

Downtown. Mr. Eggleston replied that would be an additional expense, but could be something that could be looked into.

Mr. Eggleston informed Council the Parks Board has requested an ordinance prohibiting smoking in all public parks. Mr. Eggleston stated the current ordinance states there is to be no smoking in the restrooms or any enclosed structures. Mr. Eggleston added he asked the Law Director to research potential legislation on the matter.

Enforcement could consist of persons violating the “No Tobacco Use” Policy being asked to refrain from using tobacco products. If the individual does not comply, the individual will be asked to leave the area and or event. Mr. Eggleston added, Council could determine penalties for violating the policy. President Gibson inquired if this “were a burning issue.” Mr. Kessler added he hadn’t heard complaints or that this was a big concern. Mr. Merritt commented that he personally, does not like the cigarette butts on the ground. Adding, “I am not in favor of the City telling people what they can do.” Ms. Arblaster added she has an asthmatic child and simply walking by a smoker causes her to require the use of her inhaler. President Gibson inquired of Chief Burriss enforcement options. Chief Burriss replied, “Would Council want the Police Department to ask the offender to leave the premises, issue a ticket, or not do anything?” Ms. Arblaster stated, “This is a broader policy statement. We are seeking a healthy community.” Mr. Freeman commented, the original policy was written to include structures with walls. “However, if the offender refuses to put out the cigarette or refuses to leave the premises, this is a 4th degree misdemeanor, which is a felony.” Mr. Eggleston inquired of Council if this is a matter they would like himself and the Law Director to look into.

President Gibson stated he would be willing to consider “smoking areas” within the parks. “Is this what we want our Police Department working on? Versus speeding, kids breaking into cars or “Freddy the Murderer?” Mayor Hale stated, “We are creating a solution for a problem that doesn’t even exist.” Ms. Arblaster reiterated her position of this being a public health issue. Ms. Berbach stated, “It is not my place nor position to tell people they can’t smoke.” Mr. Eggleston stated Staff will conduct additional research and will provide information at a later Study Session.

Adjournment

Meeting adjourned at 7:35 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

March 6, 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, Deputy Director of Municipal Services and Engineering Eric Mack, Police Chief Eric Burris, Fire Chief Steve Kessler, EMS Chief Jeff Calicoat, HR Generalist Joanna Pittenger, Streets/Parks Superintendent Tony Hunt and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Guests signing the register include: Karen Jackson, Mike McFarland, Andrew Doviak, Jim Sommer, Pat Langley, Gordon Pittenger, John Richards, Ruth Rutherford, Michael Rice, Chris Heckaman, Dave Wirth, Mike Jackson and Steve Staub.

Invocation and Pledge of Allegiance

Pastor Chris Heckaman from Ginghamburg 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. Kessler seconded. Motion carried.

Minutes

2/21/17 Council Work Session

Mr. Kessler moved to approve the minutes of the February 21, 2017 Work Session. Ms. Berbach seconded. Motion carried. Mr. Merritt and Mr. Owen abstained.

2/21/17 Council Meeting

Ms. Arblaster moved to approve the minutes of the February 21, 2017 Council Meeting. Ms. Berbach seconded. Motion carried. Mr. Owen abstained.

Presentations, Proclamations, & Awards

There were none.

Ordinances (2nd Reading)

Public Impound Lots

An ordinance enacting code section 154.04(G)(41), modifying code table 154.04-5 and code section 154.14(B) of the Tipp City, Ohio Code of Ordinances regarding the establishment of public impound lots.

City Manager Comments: This ordinance will allow the staff to move the impound lot from the Public Works site to the Electric Building, where Substation #1 is. Allowing us to make other improvements to the property. Staff is asking Council adopt this ordinance.

Mr. Kessler introduced the ordinance and moved for its adoption. Ordinance 6-17 was declared adopted and President Gibson affixed his signature in witness thereto.

Resolutions

CR25A – Phase II –
Brumbaugh Construction

A resolution authorizing the City Manager to enter into an agreement with Brumbaugh Construction, Inc. for the South County Road 25A Reconstruction, Phase 2 Project in an amount of \$1,753,385.00.

City Manager Comments: Eight bids were received for this project with Braumbaugh Construction being the lowest. The bids were evaluated to make sure they are in compliance with the specifications and staff is asking Council award the bid to Braumbaugh Construction for Phase II of 25A.

Mr. Merritt moved to approve the resolution. Mr. Kessler seconded. Resolution 8-17 was declared adopted and President Gibson affixed his signature in witness thereto.

Substation #3 –
Glenwood Electric

A resolution authorizing the City Manager to enter into a contract with Glenwood Electric, of Walton, Kentucky for the construction of the Substation #3 upgrade at a cost of \$440,890.

City Manager Comments: Three bids were received with Glenwood Electric at \$440,890. The bids were evaluated by the vendor and Staff is asking Council approve the resolution.

Mayor Hale moved to approve the resolution. Ms. Berbach seconded. Motion carried. Resolution 9-17 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances
(1st Reading)**

There were none.

Motions

Setting Public Hearing –
Agricultural District –
58.55 Acres

A motion to set the public hearing date of March 20, 2017 to consider the renewal of Agricultural District designation for 58.55 acres located along County Road 25A and Donn Davis Way.

City Manager Comments: Berry-Logan Properties has applied to renew their Agricultural District Designation, which allows them to postpone payments on certain special assessments; sewer/water, electric service. This motion sets the public hearing date for March 20th.

Ms. Berbach moved to approve. Ms. Arblaster seconded. Motion carried.

Setting Public Hearing –
Agricultural District –
81.20 Acres

A motion to set the public hearing date of March 20, 2017 to consider the renewal of Agricultural District designation for 81.20 acres located at 3401 Peters Road.

City Manager Comments: Mary Berhardt, Trustee has applied for this designation for the property. It is my understanding we do this every five years. We ask Council set the public hearing date for March 20.

Ms. Arblaster moved to approve. Mr. Owen seconded. Motion carried.

Setting Public Hearing –
Agricultural District –
147.26 Acres

A motion to set the public hearing date of March 20, 2017 to consider the renewal of Agricultural District designation for 147.26 acres located on S. County Road 25A (Leshar Farms LTD Property).

City Manager Comments: Leshar Farms LTD, has applied to renew its Agricultural District Designation. Staff is asking Council approve the motion setting the public hearing for March 20.

Ms. Arblaster moved to approve. Mayor Hale seconded. John Richards approached the podium and informed Council the total acreage is incorrect. Motion carried.

Setting Public Hearing –
Agricultural District –
19.42 Acres

A motion to set the public hearing date of March 20, 2017 to consider the renewal of Agricultural District designation for 19.42 acres located along Donn Davis Way (IL 4025 & 4204).

City Manager Comments: Berry Development LLC has applied to renew their Agricultural District Designation for a 5 year period. Staff is asking the motion be approved to have the public hearing on March 20.

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

Authorizing a New
Liquor Permit – Board &
Brush Creative Studio

A motion to request or not request a public hearing on the issuance of a new D1 & D2 liquor license to Rosella LLC (dba Board and Brush Creative Studio Tipp City).

City Manager Comments: The City has received the notice from the Ohio Division of Liquor Control regarding the proposed issuance of the new D1/D2 liquor permit for the location at 816 W. Main Street. The permit allows the business to sell beer, wine and mixed beverages for on-premise consumption or in sealed containers for carry-out only until 1:00 am. The Police Department has no objection to the issuance of this liquor permit. No action is required unless Council wishes to object to the issuance of the liquor license.

Mr. Kessler moved to not request a public hearing. Mayor Hale seconded. Motion carried.

Establishing Site for
Water Tower #1

A motion approving the Service Center Site as the new location for Water Tower #1 to be erected.

City Manager Comments: Based upon multiple Study Sessions and discussions, staff is comfortable with allowing this to be at the Service Center. We recommend a motion approving the tower to be located at the Service Center.

Ms. Arblaster moved to approve. Ms. Berbach seconded. Mr. Kessler stated, "I would like to think that we have the foresight to look at the future. As we improve our City, with streets and infrastructure, we will be increasing mains. There may or may not be other business construction to go on N. Third, or around that area, which will start straining the current system. By putting the tower up there, we will be losing that extra 500 gallons per minute. That in the future could become critical. I realize there is some opposition to it, but the needs of the few should not outweigh the needs of the many. We have an overall obligation to this end of town to look at. As we upgrade, our facilities that 500 gallons per minute that we are giving up could be a critical issue." Mayor Hale asked Chief Kessler to provide his thoughts. Mayor Hale asked

Chief Kessler to speak to the gallons/minute issue between the two sites under consideration (Hyatt and the Service Center). Chief Kessler stated, "Basically, my view is as a Fire Chief, anytime I can get extra water, I am going to take it. The best way I can relate the two sites over the original tower that is there now; 300 gallons/minute will have one hose line, 800 gallons/minute would be one aerial truck. That is a lot of difference in fighting fires Downtown. I will concede that this amount may not be enough to protect the Downtown; depending on weather, winds, those types of conditions. My view is, the more water, the better." Mayor Hale inquired, "Which amount might not be enough?" Chief Kessler replied even the Hyatt Street location. Mayor Hale asked if this were based on a multiple fire type of situation. Chief Kessler stated, "For instance, last week, the high winds that we had, if we would have had a fire Downtown during those high winds with the embers blowing, it would have been very critical. It is like the forest fires in California. At some point they get so big, there is nothing we can do to stop them. I feel that the extra 800 gallons over the 300 would give us a better chance to stop it. Basically, this amount would have to be taken from fire flows that we would receive. We might have a problem that we would run out of water either way. The extra 500 gallons would give us an extra 500 gallon margin." Mayor Hale stated, "Not to belittle it in any way, stretch or form, but you are talking about a major fire." Chief Kessler replied, yes. Mayor Hale stated, "On a normal year in Tipp City, site 2 still gives you more gallons per minute than what you have been getting." Chief Kessler stated that was correct and hopefully he wouldn't have to be dependent on either amount. "That would have to be a major fire and fire wise, you play in percentages. Physically and financially, the Council and the voters determines how much money the City can justify putting toward fire protection. We are hoping 85-90% of any fire that is Downtown we have adequate water to fight it. It is that extra 10% that we don't know. The ISO is a company that grades us on our ability to fight fires. They are basically saying that we need 3,500 gallons per minute potential for Downtown fires. Even with the South #1 site, of 2,800 we would have to be able to get water from the high side, opening valves and so forth. It is an extra margin of safety." Mr. Kessler stated, "You are just focusing on Downtown. We have been blessed in town, but there is a slight chance that you have multiple residential fires which will ultimately affect your trying to fight those fires because of water flows, due to a potential pressure drop or lack of water." Chief Kessler stated, "My biggest concern would be embers blowing and landing on nearby structures." President Gibson inquired if there would be a difference in the gallons for a single run Downtown. Chief Kessler stated, "Eighty to ninety percent of the time we would have more than adequate amount of water. It's that extra 10% when we go to the country, we do not have hydrants at all. The Township just purchased a new tanker so we can carry more water to the Township. We fight fires with water and the more water we have, the more comfortable we are with it. It is a decision that you have to make on what you will give me to fight fires with. My job is to take what you give me and do the best I can." Mr. Merritt asked, "In your experience, the marginal amount more water from site #1, how many fires in your experience would that marginal amount had made a difference in? Ten percent is a big number." Chief Kessler added this is purely an estimate, "I can tell you I have been a fireman for a long time and we've never run totally out of water." Mr. Merritt stated this wasn't to suggest this would never happen but based on your experience and historically how this would happen." Chief Kessler stated, "We have never had a major fire on the low side where we've run out of water...so far." Mayor Hale stated going from

the old tower to the new tower at Site #2, the Service Center, will still give you more flow than what you had. Chief Kessler stated it would increase 300 gallons/minute. "To provide an illustration, it would be one hose line that the firemen carry and if we go from the old tower to Site #1, I could basically supply an aerial truck. Which for a major fire is quite a difference. That is roughly what the two flows would be."

Pat Langley 735 Baneberry Court approached the podium. "I heard what the Chief has to say and I think his comments are relevant. But it is pretty unclear if margin between the two sites is 10% is it 5%, is it 3%? It sounds like we've never had a fire in Tipp City that we couldn't handle. Could we ever have one? I suppose we could. But what are the chances? Maybe we should build three new towers. I am happy that you're considering the Park Avenue site. I would like to thank the Council for listening to us and proposing at least that we move it to Park Avenue. I would also like to thank whoever asked the Water Department to take another look at the Park Avenue location. Regardless how this goes, I would like to compliment the Water Department. If you will remember when we first looked at the Service Center Site, was lower than the proposed location of the other tower. They took initiative and took another look and was able to bump that to an additional 300 gallons per minute above what had originally been proposed. I want to thank those who took a creative look at that. They could have left it the way it was, but they didn't. I think we have a viable alternative at the Service Center Site.

Mr. Kessler stated, "It doesn't hurt to be prepared for what may or may not happen. Thinking of the Boy Scouts premise, "Always Be Prepared", you always have things lined up in case it happens. We have been blessed, and we haven't had a major fire in town. We have been blessed that we haven't had multiple fires in town. But it would be a shame that we weren't prepared for something if it did happen." A vote was taken on the motion. Motion carried; 5-2. Mr. Kessler and Mayor Hale voted no.

Miscellaneous

Introduction of new employees

Mr. Eggleston welcomed Joanna Pittenger, the City's new Human Resources Generalist and Tony Hunt, Streets/Parks Superintendent to the City and their new positions.

Citizen Comments on Items not on the Agenda

Jim Sommer of the Needy Basket approached the podium. Mr. Sommer stated, "As most of you know, we are an all-volunteer organization and our mission is to provide food and personal items to residents of Tipp City, Monroe Township and Bethel Township. We are in need of some assistance." Mr. Sommer provided Council with some of the benefits of the organization. "We are aware that the City provides relief to other community organizations. Tonight, we are asking if the City Council would consider supporting us as well. The support we are looking for is utility relief. If Council is will to consider that, we can provide additional information. Whatever you need. We ask what the next steps would be." President Gibson inquired if Needy Basket was a non-profit. Mr. Sommer replied they are a non-profit, a 501C3. President Gibson inquired of the relief they seek. "Mr. Sommer stated, "We would ask for free utilities, basically 100% relief at this point, but I don't know what the Council will allow. Last year our bill was approximately \$4,500." President Gibson stated, "You have been in existence since 1946, what has prompted you to come forward now?" Mr. Sommer stated, "We know you support Community Services to whatever that entails, we know the Senior Citizens have been

**Councilmember
Comments**

getting free electric service for many years. That is what has prompted us to come forward to see if we could possibly get some additional support." President Gibson stated, "What would be required next if you seek such assistance would be providing information to the Staff and the Electric Department and see if there is a consensus on Council to move forward with that legislative action in the form of either a utility reduction or a stipend or something along those lines. This is new, in terms of someone asking like this." Mr. Eggleston stated, "It should be noted, at this time, Council has not yet decided whether they are going to continue to provide utilities to the Senior Center. They have granted them, which has been done for other businesses and industries the connection fees for their new facility, but have not yet come to a consensus at this point as to whether or not that will be something they are going to continue. Until that point, it is not something that can be granted to other organizations at this time."

Mr. Merritt informed everyone if they are interested in receiving a recording of the Study Sessions, to contact the City Manager/Clerks Office. Mr. Merritt also welcomed Ms. Pittenger and Mr. Hunt to their new positions.

Mr. Kessler thanked the Electric Department for their work changing out a transformer near his home while working in high winds. Mr. Kessler also reminded everyone this is "Scouting for Food" month and to be on the lookout for the donation bags.

Ms. Arblaster had nothing additional.

Mr. Owen agreed the recording the Study Sessions will be a benefit for those who were unable to attend. Mr. Owen also welcomed the City's newest employees. Mr. Owen also thanked the citizens for providing feedback on the water tower, "I certainly appreciate that. Always need guidance." Mr. Owen reminded everyone that Spring soccer will be starting soon. Mr. Owen also reminded everyone to "Spring Forward" this weekend.

Ms. Berbach informed everyone soccer signups will begin on April 1st. "This is the time that you sign up for SAY soccer as well as select try-outs." Ms. Berbach also welcomed the newest employees to the City. "March 11 there will be a fish fry and free throw basketball competition at Community Bible Church. This will benefit the Guns and Ribbons event in June. All proceeds will go to Pink Ribbon Girls and Hospice of Dayton. Also, Battle of the Badges Tipp City/Fire Department basketball game is coming up on April 8th. Tickets can be purchased at the Police Department. With the donation of a canned good, the price is \$1 off each ticket. Proceeds benefit Community Services."

Mayor Hale stated, "Welcome to our new employees. Beginning of last week, I attended the Ohio Municipal Electric Association Legislative Rally. We go over some of the main topics which we want to discuss with the legislators and one continues to be tax exempt financing and municipal bonds. This remains something they continue look at removing from local communities. Statistically speaking, 75-80% of local infrastructure is done through the use of the issuance of tax exempt municipal bonds. It just seems backwards to even consider taking that away. When on the other side, we have an administration talking about a trillion dollars in infrastructure improvements across the United States. Also from the FRC (Federal Regulatory Committee) does not currently

have enough members for a quorum to hold a meeting, which delays some of the things that we want to do locally. While there, we were able to meet with Senator Portman to discuss this concern. Our meetings do make a difference.”

President Gibson stated, “About this Water Tower, the Chief makes a good point in the terms for the need for water pressure. But I don’t think the majority here would vote in ~~anyway~~ ~~any way~~ if safety wasn’t their priority-, ~~first~~ ~~First~~ and foremost for the town. The way I have read the material and the information that has been submitted, and in light of what was spoke by Mr. Langley, I think we are still safe. I don’t think that is an issue. If it ever were to be, we would certainly take appropriate action. I also want to welcome our new employees. Congratulations and our sympathies both. A lot of what makes Tipp City great are the people who work for us and with us. We wish you both the best of luck and continued success. With our new HR person, that is a newly created position, we really are hoping you are successful. We do have a system in place where we are recording Study Sessions. We used to do that, then we stopped and I felt the need to try to do that again. I am in the process of trying to effectuate a policy with regard to those Study Sessions. We will be in touch with everyone with how that will work. There are space issues, storage issues, public records issues that we have to take a look at before we do anything formal on that. But we are looking that way. We are working on improving the décor of the lobby. Not too long ago, we had new couches and paint and so forth put in, but we are looking at an “Artists in Residence” program. Tipp City is known for a great many artists, whether they be paintings or sculptures. It has been suggested that we share a little bit of our lobby space and allot it for local artists who might want to share off their wares. It will share a little bit about the artist and a little bit about the City and what we have to offer. Several folks come into City Hall here and never venture into the Downtown area which is what makes this town so famous. We are looking at doing that and we are calling on local artists to come forward. We are going to have a little directory, we are going to have a schedule. And hopefully rotate some different folks in the lobby. We will be providing additional information as well. We are looking into another program as well. If any civic group, whether it’s the Boy Scouts or the Daisy Scouts or the local VFW wish to assist us in leading us in the Pledge of Allegiance, we encourage you to come forward and let the President know or the Council Clerk. We will be publishing some stuff on that. I think it is a neat opportunity for our young people in class. Maybe some of the Government students that are required to come to these meetings in the Spring. If Mr. Johnson’s Government Class is Seniors and they wish to lead us in the Pledge of Allegiance, I think that would be a delight to have that happen rather than having your President do it. We are opening that up as well. If anyone wishes to lead us, whether it is the Pink Ribbon Girls, the Legion, the VFW whoever, please let us know on that. We will be circulating that information to various groups as well. We’d love to have you. I would love to be able to start that tradition.”

President Gibson reminded everyone “these proceedings have been recorded and will be rebroadcast over the local cable access station over the next two weeks. It Channel 5 of the Spectrum lineup. You can also download the video of this meeting and any meeting of Township Trustees and the School Board by logging onto kittv.org. There is also a link on the City’s website.”

**City Manager
Comments**

Mr. Eggleston informed everyone Speaker of the Ohio House of Representatives, Rosenberger will be forming a task force for the recent drug epidemic.

Mr. Eggleston also informed everyone the EMS Ambulance Committee is hoping to have Council approve an ambulance purchase in May. The committee is taking their time to make sure they make the right decision.

Mr. Eggleston reviewed the local government funds spreadsheet that was provided by the Ohio Municipal League (OML).

Adjournment

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

Meeting adjourned at 8:30 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



