

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

March 20, 2017

Work Session

The work session began at 7:00 pm. The following Council members were present: President Joe Gibson, Carrie Arblaster, John Kessler, Tom Merritt and Matt Owen. Also attending was City Manager Tim Eggleston, Law Director Jonathan Freeman, Finance Director John Green, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates. Reporter Carla Ungerecht was also in attendance.

Others in attendance include: Josh Burton, State Auditor's Office

Treasurer's Office
Presentation

Mr. Eggleston introduced Council to Mr. Josh Burton for his Open Checkbook presentation. Mr. Burton presented Council with the State Auditor's Office Open Checkbook program. Mr. Burton stated there are approximately 3,962 municipalities in the State of Ohio. Each municipality was mailed a letter regarding this program and its benefits. Mr. Burton continued, of those 3,900 municipalities, 1,500+ have joined Open Checkbook.

Mr. Burton explained Open Checkbook is an easy process to begin with initial design and rollout. Total time from design to implementation is approximately 2-3 weeks. Mr. Merritt inquired the obstacles or concerns why other municipalities haven't joined Open Checkbook. Mr. Burton replied, "There are many smaller Villages within the State of Ohio that are using older auditing systems. The main concern or comments are, "we don't feel like we need this service." President Gibson commented, the City already provides information on all expenditures over \$1,000 every month. "I am not sure of the advantage." President Gibson added, "Is this the beginning of centralized collection?" Mr. Burton replied, "That is above my pay grade." Mr. Burton added, "This is a new way for municipalities to present the information. Transparency is something we try to stay on top of and this is a new dynamic way to present the information. This system is a means to give the public the tools to keep public employees accountable." Mr. Kessler inquired the cost. Mr. Burton stated there are no costs associated for the service for the City. Mr. Kessler stated, "That is not what I asked." Mr. Burton stated the cost to build the site was \$800,000. Mr. Kessler added, "This is then an expense I am paying for indirectly." Mr. Burton added there is not a foreseeable cost to the City for this service. President Gibson inquired if a new State Treasurer would ~~incite~~ impose a fee for this service. Mr. Burton replied that is not foreseeable adding the City's participation is not mandatory. Council thanked Mr. Burton for his presentation.

Police Department in
Schools – Contracts/
Reimbursements

Chief Burris informed Council in late 2016, the entire policy manual was reviewed. Upon that review, many changes were made to improve policy compliance. Chief Burris added the current policy regarding outside employment contradicts the way the Department currently handles officers working in the schools. "Currently, Officers are working for the schools and are considered sub-contractors by the school. They are being paid directly by the school for working all school related details. To include: regular sporting events, tournaments and daily school detail. Officers are not being paid by the City, but are using City equipment and wearing the Department uniform." Chief Burris informed Council of the following potential problems:

- FLSA issues: Officers are in City uniforms and working over 80 hours.
- Worker’s Compensation Issues: If an Officer is injured working a school detail, but they are wearing a City uniform representing the City Department.
- Potential liability to the City if an Officer uses force while working for the schools.
- Chain of command is unclear when the Officer is not working for the City.
- MVRMA, the City’s insurance provider, recommends all Officers in uniform are paid by the City.

Chief Burris stated, “In order to comply with policy and the recommendations of MVRMA, it is suggested that the school and City split the cost of the overtime rate of the assigned Officer. The schools would pay 60% of the overtime rate for the Officer and the City would pay 40% of the cost. Last school year the Officers worked a total of 704.5 hours for the schools at varying rates depending on the job. All hours would now be paid at the Officer’s overtime rate. The cost to the City would be approximately \$15,000 at current rates.”

Chief Burris stated he had spoken with Superintendent Kumpf and the School Treasurer, David Stevens who are both open to the proposal. Chief Burris stated, “It is my hope that Council sees the value of maintaining our Police Officers in the schools and at school functions. It is my preference to have our Officers in the schools and at school events rather than utilizing security officers or another Law Enforcement agency. We truly gain a benefit with the interaction with the kids.”

Chief Burris stated the next step is for School Board approval. “If the Board is in agreement, the Law Directors for both entities will meet and develop a contract.”

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 20, 2017

Council Meeting

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

Mr. Kessler moved to excuse Mayor Hale and Ms. Berbach. Mr. Owen seconded. Motion carried.

City Staff in attendance include: City Manager Tim Eggleston, Law Director Jonathan B. Freeman, Assistant City Manager Brad Vath, Finance Director John Green, Deputy Director of Municipal Services and Engineering Eric Mack, Police Chief Eric Burris, Fire Chief Steve Kessler, EMS Chief Jeff Calicoat and Clerk of Council Janice Bates. Reporter Carla Ungerecht was also in attendance.

Guests signing the register include: Andrew Doviak, Ruth Reinhard, JJ Slanker, Paul Ward, Heather Dorsten and Abby Bowling.

Invocation and Pledge of Allegiance

Pastor James Brown from Tipp City Church of the Nazarene gave the prayer for guidance. President Gibson led the Pledge of Allegiance.

Approval of Agenda

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

Minutes

3/6/17 Council Work Session

Mr. Owen moved to approve the minutes of the March 6, 2017 Work Session. Mr. Merritt seconded. Motion carried.

3/6/17 Council Meeting

Mr. Kessler moved to approve the minutes of the March 6, 2017 Council Meeting. Mr. Owen seconded. President Gibson moved to amend page 9 of the minutes from; "But I don't think the majority here would vote in anyway if safety wasn't their priority. First and foremost for the town." To, "But I don't think the majority here would vote in any way if safety wasn't their priority, first and foremost for the town." Mr. Owen seconded. Motion carried.

Presentations, Proclamations, & Awards

Heather Dorsten provided Council with the quarterly update about Downtown Tipp City. (~~Formally~~ **Formerly** known as the Downtown Tipp City Partnership).

Ordinances (2nd Reading)

There were none.

Resolutions

2017 Asphalt Program – John R. Jurgensen Co.

A resolution authorizing the City Manager to enter into a contract with John R. Jurgensen Co., of Springfield, Ohio for the 2017 asphalt resurfacing program at a cost of \$401,489.55.

City Manager Comments: Two bids for the asphalt resurfacing project were received and opened on March 8, 2017. The 2017 budget includes \$550,000 for street resurfacing. The low bid for the project was \$401,489.55

from John R. Jurgensen Co. of Springfield, Ohio. Streets proposed to be resurfaced include:

Repairs and Resurfacing:

- Stonehenge Dr. (Chaucer to Greensward)
- Greensward Dr. (Chevington Chase to cul-de-sac)
- Woodlawn Dr. (Kessler-Cowlesville to Heathwood)
- Elas Ct.
- N. Bellair Dr. (Arapaho to Windsor Crossing)
- Park Ave. (Hyatt to RR)
- Ford Ave.
- N. Seventh St. (W. Main to Walnut)
- Primose Ln.

Repairs areas including milling and patching:

- N. Hyatt St. – various areas (W. Main to Plum)
- N. Third St. – various areas (Nature Center to Industry)
- Kessler-Cowlesville @ Donn Davis Way

| <u>Contractor</u> | <u>Bid</u> |
|-----------------------|--------------|
| John R. Jurgensen Co. | \$401,489.55 |
| Barrett Paving | \$426,754.55 |

Mr. Kessler moved to approve the resolution. Mr. Owen seconded. Motion carried. Resolution 10-17 was declared adopted and President Gibson affixed his signature in witness thereto.

**Ordinances
(1st Reading)**
Amending Chapter 97 –
Trees

An ordinance amending Chapter 97 – Trees Section(s) 97.01, .11, .26 - .27, .30 - .33 and adding Section 97.24 of the Codified Ordinances of the City of Tipp City.

City Manager Comments: The Tree Board has recommended these changes for Council. This is in response to Council’s concern of replanting a tree in the curb lawn that might not be able to support the tree. This ordinance also deletes reference to shrubs, bushes and other woody vegetation. The ordinance removes language regarding the initial formation of the Board and adds a section titled “Reforestation”.

Mr. Kessler introduced the ordinance.

Amending Chapter 35 –
Public Safety

An ordinance amending Chapter 35 – Division of Public Safety, Police and Fire Divisions by Amending Section(s) 35.01, .10 - .13, .45 - .47, .60 - .67 and .80 - .82 and deleting Section 35.25 - .32 and appendix – Fire Department By-Laws of the Codified Ordinances of the City of Tipp City.

City Manager Comments: This ordinance amends Chapter 35 in the Tipp City Code of Ordinances by adding or revising language to further clarify the duties of the Police, Fire and EMS Departments. Such changes/modifications are necessary in keeping current with City policy and operations.

Mr. Merritt introduced the ordinance.

Motions
Closing of Flexible
Spending Account

A motion authorizing the Finance Director to close the flexible spending bank account due to current inactivity.

City Manager Comments: The Auditor of State's office has recommended City Council review and formally approve the opening or closing of any bank accounts used by the City. The City opened a bank account in 2010 to hold payroll deposits related to the City's Flexible Spending Plan. The City employees would authorize a pre-tax payroll deduction to be set aside for medical expense reimbursement. When the employee incurred eligible medical expenses they would submit the receipt to the plan administrator, Flexbank, for reimbursement. With the advent of Health Savings Accounts the flexible spending plan became less and less popular and in 2015 it was determined the monthly administrative fee for the program was too expensive for the limited benefit. The monies remaining in the separate FSA bank account have been transferred into the general checking account and it is appropriate at this time to close this account to reduce bank service charges. Staff asks for a motion authorizing the Finance Director to close this bank account.

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

Cost Allocation
Methodology and Future
Charge Backs

A motion approving the Cost Allocation Methodology and Future Charge Backs as proposed by the Finance Director.

City Manager Comments: In accordance with a verbal (nonbinding) recommendation by the Auditor of State's office the Finance Department has completed a review of the administrative fee charged to the Enterprise Funds (Electric, Water, Sewer, and Refuse) for shared costs paid by the City's General Fund. The current administrative charge/reimbursement mechanism has been in place since at least 1998 and is based on an allocation of 4% of utility service charge revenues. With the City's recent growth and development, this 4% allocation has grown to amounts which may not appropriately represent the original costs paid by the General Fund. The Finance Department has reviewed the charges paid by the General Fund and has prepared the attached allocation to more accurately allocate these charges back to the Enterprise Funds. Staff asks for formal approval of the allocation formula to be in compliance with the Auditor's recommendation.

Mr. Green approached the podium reviewing the State Auditor's recommendations on the matter from previous audit cycles. President Gibson stated, "On a preliminary point of order, we have two Council Members who are not present tonight, including our Mayor. Maybe it would be appropriate to have all seven members of Council address this issue since it does affect our accounting; every years' budget and our financial picture. Changing a process that we have found to be acceptable for the last twenty years or so; I think this is a big step. It is great for the auditor's to come in and say your books are good. But, I am just seeing a pattern of chipping away at the Home Rule authority that this community has. Weather it is local government funds or centralized collections etc. Perhaps for the purpose of a complete and lively debate on this, it might be appropriate to have all seven members of Council present for the vote. In order to do that, it would require a tabling of the issue tonight and resetting it for the next available meeting which would be April 3rd."

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| <p>Approving – Agricultural District – 58.55 Acres</p> | <p>Mr. Kessler moved to table until the April 3, 2017 meeting. Mr. Owen seconded. Motion carried.</p> <p>A motion to consider the renewal of Agricultural District Designation for 58.55 acres located along County Road 25A and Donn Davis Way.</p> <p>City Manager Comments: Every five years the property owner petitions the City to approval the deferral of various assessments and being declared and Agricultural District. When this property is sold or taken out of the Agricultural District designation, they would then have to pay the assessments.</p> <p>Mr. Kessler moved to approve. Mr. Merritt seconded. Motion carried.</p> |
| <p>Approving – Agricultural District – 81.20 Acres</p> | <p>A motion to consider the renewal of Agricultural District Designation for 81.20 acres located at 3401 Peters Road.</p> <p>City Manager Comments: Mr. Eggleston stated his comments from the previous Agricultural District Designation motion apply to this motion as well.</p> <p>Mr. Kessler moved to approve. Mr. Merritt seconded. Motion carried.</p> |
| <p>Approving – Agricultural District – 25.87 Acres</p> | <p>A motion to consider the renewal of Agricultural District designation for 25.87 acres located on S. County Road 25A (Leshar Farms LTD Property).</p> <p>City Manager Comments: Mr. Eggleston stated his comments from the previous Agricultural District Designation motion apply to this motion as well.</p> <p>Mr. Owen moved to approve. Mr. Merritt seconded. Motion carried.</p> |
| <p>Approving – Agricultural District – 19.42 Acres</p> | <p>A motion to consider the renewal of Agricultural District designation for 19.42 acres located along Donn Davis Way (IL 4025 & 4204).</p> <p>City Manager Comments: Mr. Eggleston stated his comments from the previous Agricultural District Designation motion apply to this motion as well.</p> <p>Mr. Kessler moved to approve. Mr. Merritt seconded. Motion carried.</p> |
| <p>Setting Public Hearing – Agricultural District – 94.15 acres</p> | <p>A motion to set the public hearing date of April 3, 2017 to consider the renewal of Agricultural District designation for 94.15 acres located at 2081 SR 571.</p> <p>City Manager Comments: This sets the public hearing as it did with the previous four. Staff is asking the motion be approved setting the public hearing date of April 3rd.</p> <p>Mr. Kessler moved to set the public hearing for April 3, 2017. Mr. Owen seconded. Motion carried.</p> |
| <p>Canal Music Fest Temporary Alcohol Permit</p> | <p>A motion authorizing the Police Chief and City Manager to sign the temporary alcohol permit application for the Canal Music Festival and authorizing the City Manager to enter into an agreement with the Tipp City Area Arts Council.</p> |

City Manager Comments: The 2017 Canal Music Festival is scheduled for June 10th at the lower rear portion of City Park. Because alcohol will be served on City property a motion authorizing the City Manager and Police Chief to sign the Temporary Liquor Permit application will be necessary as well as authorizing the City Manager to enter into the enclosed agreement with the Tipp City Area Arts Council for this event.

Mr. Owen moved to approve. Mr. Merritt seconded. Motion carried.

TIRC Recommendation

A motion to accept the recommendation of the Tax Incentive Review Council to continue the incentive package for Broadway Hair Studio and to find that the Granger Group/Randall Residence Tipp City Land LLC is in compliance.

City Manager Comments: The Tipp City Tax Incentive Review Council (TIRC) met on March 9th to review the performance and compliance of active Enterprise Zone, Post 1994 Community Reinvestment Area agreements, and Tax Increment Financing (TIF) agreements. There are currently no active Enterprise Zone Agreements. Broadway Hair Studio is the only active Post 1994 CRA agreement. The Randall Residence Assisted Living Facility is the only active TIF agreement. A motion to accept the recommendation of the Tax Incentive Review Council to continue the incentive package for Broadway Hair Studio and to find that the Granger Group/Randall Residence Tipp City Land LLC is in compliance would be appropriate.

Mr. Owen moved to approve. Mr. Merritt seconded. Motion carried.

Miscellaneous

There were none.

Citizen Comments on Items not on the Agenda

Abby Bowling of 861 Hawthorne Drive approached the podium. Ms. Bowling suggested at the next Charter Review the Commission look at possibility of having wards or districts within the City. "We need someone to champion the interests of the Northeast section of the town. For example, we have Gateway Plastics coming in with their 30 rail cars and some type of plastics, that was not anything to be super concerned about and I still don't have any information on that. You did the impound lot legislation, and that was a very stealth move. We have taken a special use permit that you had and we now have that the municipal lots can be anything that is light industrial. The people that are next to the "old" Electric Plant have no recourse. If they want to object to an impound lot being there. I think that will probably impact their residence if they try to sell it. Then we had the issue of the water tower. You had to move the impound lot so you could put the water tower at the City's Service Center, even though that was not the recommendation of the Engineer or the Fire Chief. So, if it would devalue Springhill property, I think it would also devalue the property in that area as well. I was wondering since Springhill got to dodge the bullet on the water tower, if they would like the new stadium. That seems to be to also be a devaluation of property of those people around City Park. Since you are talking about a no-smoking policy in the park, how does that fit in with the stadium? At this point, I cannot figure out what you are thinking. If the park is going to be completely no smoking, are they going to have designated areas or is there going to be designated areas out in the stadium or will they have to come outside of the stadium and then they can smoke in the park or will they have to smoke on the property across from the park? I think we need to look at that involved as well as the

stadium. With the stadium, putting in the artificial turf, there is some research out there that's saying that the runoff from the artificial turf can be potentially hazardous and that is located feet away from the well fields. My question is, if we do have a problem with that, who is responsible? Is that the City because it is their property? The School Board because they rent? Or would that be Tipp Pride because they paid for it?" Mr. Kessler stated, "On the smoking aspect, that's a school function and there is no smoking at any school function. The schools will be controlling the stadium. If someone wants to smoke, they will need to exit the stadium. That's a School Board issue not really our issue." Ms. Bowling stated, "My issue is if they allow them out, then they will be in the park. There is talk the stadium is not only going to be used for school functions...possible corporate events. So, where do we go there?" Mr. Kessler stated he was unaware of corporate events. "The school will theoretically have control". Ms. Bowling stated that is not what is being presented in the literature that is being presented regarding the stadium." President Gibson stated, "With regard to some of your other issues, on the Charter Review Committee regarding Wards and Districts. The Charter Review Committee met in 2016. I actually proposed in dividing the City into Wards/Districts and it did not pass for consideration. The next time the Charter Review Committee meets, under our Charter, would be 2024. For whatever it is worth, you are not alone in your concepts of having to divide everyone out and people coming from different areas of the City representing Council." President Gibson inquired of Mr. Eggleston, with regard to the impound lot, and the water tower location "Did we actually have to change and move the location of the impound lot to accommodate the location of the water tower or was that part of an overall plan anyway?" Mr. Eggleston replied this was part of the overall plan. President Gibson inquired the number of vehicles in the impound lot. Mr. Eggleston replied, "We are only expecting 10." Mr. Eggleston added this impound lot will be for the Police Department and not for a private entity. Ms. Bowling stated there is now a need to construct a six-foot high fence and "would affect the people who have to look at it". President Gibson added, "The water tower relocation was the subject of several meetings and several members of the community coming forward. In terms of the new stadium and the runoff, that is something for the school." Mr. Owen stated, "We have had several different meetings pertaining to what type of materials are used, and many of the materials over the course of a decade have changed because of this. We have not made our decision as to what type of turf we are going to have, let alone what the material is made out of. And that is an issue because we are close to the river, we are close to residences as well and the park. We are taking that into consideration as to what it is being made out of. They have to be compliant with EPA standards as well. We haven't seen anything that they have presented yet that has changed our minds on that. We are still looking into that. And obviously I am one of the environmentally friendly because we are close to the Great Miami River. I certainly don't want to get us into any trouble in the future. We have not seen any red flags in any of the presentations we have been given." Ms. Bowling replied, "Those presentations came from the companies who are trying to sell you the turf." Mr. Owen replied that was right. President Gibson added it might be worthy at the next meeting to find out additional information. President Gibson thanked Ms. Bowling for her comments.

**Councilmember
Comments**

Mr. Merritt thanked Ms. Dorsten for her presentation. ~~Mr. Bowling~~ Mr. Merritt also thanked Ms. Bowling for her comments.

Ms. Arblaster had nothing additional.

Mr. Kessler had nothing additional.

Mr. Owen also thanked Ms. Dorsten for her update and the great work they do. Mr. Owen stated he was excited that HarvestFest is coming back. Mr. Owen informed everyone *Satisfaction* will be performing at Canal Music Fest this year.

President Gibson also thanked Ms. Dorsten for her presentation and her preparation on the many upcoming events. President Gibson also thanked Mr. Green for his presentation as well as thanking Ms. Bowling for raising her issues.

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, it is Spectrum Channel 5. You can also download meetings of City Council, School Board and Township Trustees by logging onto kittv.org. There is also a link on the City’s website.”

**City Manager
Comments**

Mr. Eggleston informed everyone applications for the Water/Wastewater Maintenance Specialist position closes on Friday.

Mr. Eggleston also informed everyone wells for Kyle Park irrigation should be completed this week. Staff anticipates installation to be complete by mid-April.

Adjournment

Mr. Kessler moved to adjourn. Mr. Owen seconded. Motion carried.

Meeting adjourned at 8:44 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



