

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

April 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. President Gibson informed everyone Council will be entering Executive Session for the purpose of pending litigation to include all members of Council, City Manager Eggleston and Law Director Freeman. Mr. Kessler moved to enter Executive Session. Mr. Merritt seconded. Motion carried. Ms. Arblaster did not enter Executive Session. Council entered Executive Session at 6:32 pm. Council returned from Executive Session at 7:04 pm. Mayor Hale moved to return from Executive Session. Mr. Kessler seconded. Motion carried.

Work Session

The work session began at 7:05 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, Law Director Jonathan Freeman, Deputy Director of Municipal Services & Engineering Eric Mack, GIS Technician Wil Begley, Police Chief Eric Burris, Fire Chief Steve Kessler and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Mobile 311 Presentation

Mr. Mack updated Council one the new Mobile 311 work order system. Mr. Mack stated this system replaces the system from 1991. The new system allows various data pulls allowing staff to review history of work orders, track work hours and materials used for projects. The system also has the ability to track employee time and upload photos of work completed.

Mr. Mack added the Mobile 311 system is connected to the City's GIS data. Mr. Mack continued the features for the system are the same for both staff and citizens. Mr. Eggleston inquired if a citizen were to report an issue are they notified the issue has been corrected. Mr. Mack stated the person who raised the issue will receive an email upon completion. Mr. Merritt inquired how the residents will be notified of this new system. Mr. Mack replied a notice will be issued in upcoming utility bills and *Tippecanews*.

Amendments to Chapter 76 – Parking Regulations

Mr. Eggleston provided Council with a sample ordinance with proposed amendments to the existing parking code. Chief Burris stated upon passage of the new ordinance, procedures will be modified regarding vehicles violating the 72 hour parking regulation. "This is a mechanism for the officers to make contact. We are not looking at this as a means to write more tickets. The focus is to get nuisance vehicles moved."

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

April 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, 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.

Guests signing the register include: Andrew Doviak and Abby Bowling.

Invocation and Pledge of Allegiance

~~Pastor Dan Glover from Tipp United Methodist Church~~ **President Gibson** gave the prayer for guidance. President Gibson led the Pledge of Allegiance.

Approval of Agenda

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

Minutes

3/20/17 Council Work Session

Mr. Kessler moved to approve the minutes of the March 20, 2017 Work Session. Ms. Arblaster seconded. President Gibson moved to amend the minutes on page 1 under the Treasurer's Office Presentation to change the word "incite" to "impose". Mayor Hale seconded. Motion carried. A vote was taken on the amended minutes. Motion carried. Mayor Hale and Ms. Berbach abstained.

3/20/17 Council Meeting

Mr. Kessler moved to approve the minutes of the March 20, 2017 Council Meeting. Mr. Owen seconded. Mr. Merritt moved to correct the typo under Council Member Comments – to change Mr. Bowling thanked Ms. Bowling for her comments to Mr. Merritt thanked Ms. Bowling for her comments. President Gibson also moved to correct the typo on page 3 under presentations from formerally to formerly. President Gibson moved to amend the minutes to include both corrections. Ms. Arblaster seconded. Motion carried. A vote was taken on the amended minutes. Motion carried. Mayor Hale and Ms. Berbach abstained.

Presentations, Proclamations, & Awards

There were none.

Ordinances (2nd 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 approved these changes. Major changes include deleting reference to shrubs, bushes and other woody vegetation throughout the ordinance. Section 97.24 adds "Reforestation".

This section allows the property owner to petition the Tree Board to not have a tree planted in the right-of-way and if denied can appeal to Council. Section 97.30 is modified to clarify when and how the City can prune limbs on private trees that project into the right-of-way. Section 97.31 clarifies the notice and process needed when a tree on private property needs to be removed. Section 97.33 allows the property owner to elect the tree that would have been planted in the right-of-way to be planted on their property by signing a waiver. This section also adds language if the tree lawn was not wide enough for proper tree growth, we would not plan a tree.

Mr. Kessler introduced the ordinance. Mayor Hale inquired about Section 97.24 – Reforestation. “As I read this, there is only two ways that could happen. I don’t see anything that says out of their whim, they can come in and request for it to not be planted. I wanted to make sure this was the objective of the language.” Mr. Eggleston stated that was correct. Mayor Hale verified, “Those are the only two reasons a person can say no we can’t do it”. Ms. Arblaster inquired how the resident will know if it will be over a sewer line or to know the type of tree they want planted. “Will there be a notification process?” Mr. Eggleston replied, “A lot actually will come down to spacing”. President Gibson inquired if the resident be notified if there is an issue. “The way I read that first paragraph, it states, if it is deemed not enough space... Is that for the citizen to determine or will the City tell them?” Mr. Eggleston replied the City will look at that. President Gibson added, “Going back to what Mayor Hale said, the only time that a property owner can say I don’t want this tree here is if one of these two criteria are met, not I just don’t want a tree there.” Mayor Hale added, “This is why I asked. If that is the only two reasons, that’s fine. I’m ok with them not being able to come in and arbitrarily and say that they don’t want to have a tree. My thinking is if we do a StreetScape project or we re-do some streets, and the plan is we are going to make this real nice street and this will be where all the trees will go and all of a sudden you have four or five property owners coming in and saying they don’t want the trees. I am ok with that. I just want to be clear that someone just can’t come in and say they don’t want the tree. That it must meet one of these two requirements.” Mr. Kessler felt this amendment was too “restrictive”. “We are putting the burden of the maintenance of this tree on the homeowners, which he would have to trim around. I think we are imposing a bit too much on the citizens for the maintenance. I’m not overly fond of that. If we are putting it in and they don’t have a choice, then we should maintain it. I think they should have the option.” President Gibson stated he agreed with Mr. Kessler, “If you impose upon a property owner, the median is the City’s property technically, but it is still your land and the City is going to impose upon you to maintain.” Mr. Merritt stated he felt it is only a “slight imposition” for the homeowner to maintain a tree. “It adds to the continuity of the neighborhood, continuity of the scenery, continuity of the City”. Ms. Arblaster stated she wanted the details of the ordinance to be clarified publically and the discussion had accomplished that. “If the City is not going to plant trees in spaces to accommodate or over sewer lines, then what is the impetus for adding new language to the code?” Mr. Eggleston replied “If someone really wants a tree and the City is unable to plant it in the right-of-way, they can then request that tree be planted on their property”. President Gibson stated, “That’s not what this says”. President Gibson added, “Mayor Hale brings up Section 97.24 and it says “If it is deemed that there is not enough space, we

are going to take the tree out, and that's it. While at the same time, the owner may elect not to have a new tree replanted". Ms. Arblaster stated, "In 97.31 B, it does speak about notification that the tree will be removed. But there is no language indicating that attached to that information would there be information informing the resident that they then could opt or challenge if you will, had the tree replaced based on the above criteria". President Gibson stated, "The question before Council is, does the language "as-is" in section 97.24 pass the muster for clarity and for what it is intended to address." Mr. Eggleston stated there is no rush on this to be passed. "I would rather Council be comfortable with what they are doing than to pass something then have to come back and try to do something to correct it." Mayor Hale agreed. Mr. Eggleston stated, if this needs to be modified, staff can take it back to the Tree Board.

Mr. Kessler withdrew his introduction. No other Council Member chose to introduce this item. No action was taken on this matter. Staff was directed to take this ordinance back to the Tree Board for modification.

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: We have removed the language stating the Police Department will be combined with the Fire and EMS. We removed the section on Auxiliary Police. The word volunteer was removed from Volunteer Fire Department because the Fire Department is made up of other classifications rather than just volunteers.

Mr. Merritt introduced the ordinance and moved for its adoption. Mr. Owen seconded. Motion carried. Ordinance 7-17 was declared adopted and President Gibson affixed his signature in witness thereto.

Resolutions

There were none.

**Ordinances
(1st Reading)**

There were none.

Motions
Agricultural District
Designation – 94.15
acres

A motion to consider the renewal of Agricultural District Designation of 94.15 acres located at 2081 SR 571.

City Manager Comments: At the last meeting Council passed four of these and approved them. We are asking that this one be approved as well. As long as the property remains in the Agricultural District, the property owner doesn't have to pay any special assessments in sewer, water, and electric. Staff is asking Council approve this motion.

Ms. Berbach 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. Owen moved to take this item from the table. Mr. Kessler seconded. Motion carried. Mayor Hale moved to approve. Mr. Kessler seconded. Motion carried 5-2; President Gibson and Mr. Owen voted no.

Liquor License Renewals
– City Wide

A motion to request or not request a public hearing for any/all liquor license renewals in the City of Tipp City.

City Manager Comments: The Division of Liquor Contract has notified the Clerk that all liquor permits in the City are subject to an annual renewal on June 1st of each year. Should City Council wish to object to the renewal of a permit and request a hearing it must do so by resolution. The Police Department has reviewed the attached list of liquor permit holders in the City of Tipp City and does not have any objections to the renewal of any of the permits.

Ms. Berbach moved to not request a hearing. Mr. Kessler seconded. Motion carried.

Civil Service Board
Appointment

A motion to make an appointment to the Civil Service Board for a six year term expiring April 5, 2022.

City Manager Comments: The Clerk of Council has received the enclosed application from person's interested serving on a board or commission. The vacant position on the Civil Service Board is a six year term expiring April 5, 2022.

Ms. Berbach nominated Ron Re'. 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. Re's nomination. His appointment was unanimous.

Board of Tax Appeals -
Appointment

A motion to make an appointment to the Board of Tax Appeals for a two year term expiring December 31, 2018.

City Manager Comments: The Clerk of Council has received an application from a person interested on serving on the Board of Tax Appeals with a term ending December 31, 2018.

Restoration Board -
Appointment

Ms. Arblaster nominated Ryan August. 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. August's nomination. His appointment was unanimous.

A motion to make an appointment to the Restoration Board for a three year term expiring December 31, 2019.

City Manager Comments: The Clerk of Council has received an application from a person interested on serving on the Restoration Board with a term ending December 31, 2019.

Ms. Arblaster nominated Josh Hartman. 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. Hartman's nomination. His appointment was unanimous

Miscellaneous

There were none.

**Citizen Comments on
Items not on the
Agenda**

Abby Bowling of 861 Hawthorne Drive approached the podium. Ms. Bowling had questions regarding the trees in the right-of-way. Ms. Bowling stated she had owned the office building across the street from the Government Center and was responsible for the maintenance of those trees. "The concern that I have is that those trees had fruit, and they would drop on the sidewalk, creating an additional liability." Ms. Bowling also wanted to make Council aware of trees that produce allergens as something additional to consider in rewriting the ordinance.

**Councilmember
Comments**

Mr. Merritt stated he enjoyed the tree discussion.

Ms. Arblaster thanked those who have volunteered to be on a board. Ms. Arblaster informed everyone her brother will be deployed to Mosul, Iraq. "On Saturday we attended his leaving ceremony in McConnellsville, Ohio. It was my first time ever being at such a ceremony and I have to say it was incredibly moving. I think when we think of a war that we have been fighting for 16 years, the coming and going of troops kind of comes benign but on Saturday, I was reminded on a deep and personal level that continues to effect a lot of people in the State of Ohio and across the nation. To the City of McConnellsville, for housing and feeding my brother while he was there training, thank you. And of course, I wish his unit all of the best and everyone all of the best who is doing the good work of the United States".

Mr. Owen thanked Mr.'s Re', August and Hartman for volunteering. Mr. Owen also reminded everyone of the upcoming Police/Fire Basketball Game. The game will be April 8th at Tippecanoe High School. Concessions and doors open at 6:00 pm and the game starts at 7:00 pm. Tickets can be purchased at the Police Department or at the door and all proceeds benefit Tipp-Monroe Community Services and Needy Basket.

Ms. Berbach reminded everyone that soccer registrations are now open.

Mr. Kessler had nothing additional.

Mayor Hale also thanked those who have volunteered to be on a Board or Commission. Mayor Hale also reminded everyone of the upcoming Arbor Day celebration at the end of April. "This year it is Friday April 28th at 10:00 am in Kyle Park".

President Gibson also thanked the citizens and their willingness to serve. President Gibson also thanked those who made presentations at the meeting and Study Session. "It is that time of year where a lot is going on. The Tipp Swim Team, the Tipp Torpedo's, their registration is ongoing right now. The Antique and Artisan Show will be coming up in June, the 4th of July Celebration is still in the works. Also in June is the rifle competition known as "Guns and Ribbons" will be held on Saturday, June 18th. Pool passes are still available. I think we have one of the finest pools in the area.

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 of the cable access lineup. You can also download meetings of City Council, Monroe Township Trustees and the School Board by logging onto kittv.org. I want to thank those at KIT-TV for all they do. Thank you!"

**City Manager
Comments**

Mr. Eggleston agreed with Ms. Arblaster's comments. "Anytime you can thank a soldier for their time in the service, you need to do that".

Mr. Eggleston informed everyone the Tipp City Schools has applied for a variance to the Board of Zoning Appeals to waive the parking requirements at the new stadium. The BZA will meet on April 19th at 7:30 pm in Council Chambers.

Adjournment

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

Meeting adjourned at 8:31 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



