

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

April 17, 2017

Work Session

The work session began at 7:00 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, Finance Director John Green, Police Chief Eric Burris and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Waste Management Presentation

Mr. Eggleston informed Council the current refuse bid expires later this year. Mr. Turchiano Public Sector Representative for Waste Management informed Council of trends among other local communities. Many communities are beginning to comingle their yard waste and regular refuse. This allows for one pick-up rather than creating a separate collection date for yard waste. Other communities are also moving to cart collection and eliminating alley pick-up.

Mr. Kessler questioned why yard bags purchased from Menards do not get collected by Waste Management. Mr. Turchiano replied "It costs the company money to haul the yard waste. The cost of the bag pays for the service."

Mr. Merritt inquired if the other municipalities developed their contracts on their own, or if they received assistance from Waste Management. Mr. Turchiano stated, "We work with the communities to find the best solution for residents' long term." President Gibson commented that alley pick-up has been an issue for some time. Mr. Turchiano stated many communities are trying to simplify. "We know it is a difficult decision to make; but trucks aren't getting smaller and alleys are harder to navigate through." Mr. Turchiano added there has been a decline in the purchase of yard bags over the last 3 years.

President Gibson inquired about pricing. Mr. Turchiano replied, "We want to maintain business with Tipp City, but we must follow the bid process."

Adjournment

Meeting adjourned at 7:25 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

April 17, 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, Finance Director John Green, Director of Municipal Services and Engineering John Donnelly, 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: Tom Tuchiano, Ron Re, Mike Hild Sr., Gary Moorman, Elizabeth Moorman, Seth Shuchat, Mason Bonifas, Steve Shuchat, Andrew Doviak, Christina Neal, Aletha Friesen, Craig Johnston, Kathleen Johnston, Sophia Johnston, Daniel Harris, Ryan Johnston, Greg Adkins, Kelli Schulte and Tanya Burris.

Invocation and Pledge of Allegiance

Mayor Hale 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

4/3/17 Council Work Session

Mr. Kessler moved to approve the minutes of the April 3, 2017 Work Session. Ms. Berbach seconded. Motion carried.

4/3/17 Council Meeting

Ms. Arblaster moved to approve the minutes of the April 3, 2017 Council Meeting. Mayor Hale seconded. Mr. Merritt moved to change the Invocation from Pastor Glover to President Gibson. President Gibson seconded. Motion carried. A vote was taken on the amended minutes. Motion carried.

Presentations, Proclamations, & Awards

Mayor Hale swore in Officer Ryan Johnston.

Mayor Hale read a proclamation for Arbor Day.

Ordinances (2nd Reading)

There were none.

**Resolutions
CHIP Agreement**

A resolution authorizing the City Manager to enter into a partnership agreement with the Miami County Commissioners, City of Piqua and the City of Troy for the PY2017 Community Housing Impact and Preservation (CHIP) Program.

City Manager Comments: Within this partnership, it allows for us to ask for additional funding. Applying in the group helps to possibly get funding we would not have received individually. At the February 6, 2017, Mr. Vath presented this option at the Study Session as an option to possibly receive

additional funding. If awarded, the funds would go income qualified property owners for rental and home rehabilitation and home owner repair. Miami County will administer the program for Tipp, Troy and Miami County, while Piqua will administer their own projects. There are no “guaranteed” amounts for each community, but the overall goals and obligations for Miami County must be met to satisfy CHIP requirements.

Tipp City intends to primarily focus on removing houses from septic systems in the Woodlawn & South Tipp-Cowlesville Road areas and rental and/or home owner repairs.

Mr. Owen moved to approve the resolution. Ms. Berbach seconded. Motion carried. Resolution 11-17 was declared adopted and President Gibson affixed his signature in witness thereto. Vote was 6-0-1; Mayor Hale abstained.

Alternative Tax Document

A resolution declaring the intent to proceed under the Alternative Tax Document format provided under Section 5705.281 of the Ohio Revised Code and to refrain from the preparation of a tax budget for the Fiscal Year 2018, and authorizing the Finance Director of the City of Tipp City to submit to the Miami County Budget Commission such documents which are necessary to said process, and to take other such actions as may be necessary incident thereto.

City Manager Comments: The Ohio Revised Code allows for the cities to use this alternative. The Budget Commission has designated the specific information required under the alternative tax document format. The alternative tax document serves the same purpose as the tax budget, but is less time consuming and is an annual process.

Ms. Arblaster moved to approve the resolution. Mayor Hale seconded. Motion carried. Resolution 12-17 was declared adopted and President Gibson affixed his signature in witness thereto.

DLZ – Construction Inspection & Material Testing Services

A resolution authorizing the City Manager to enter into an agreement with DLZ for construction inspection & material testing services for the County Road 25A Reconstruction, Phase 2 Project in an amount of \$172,770.00.

City Manager Comments: This is for Phase 2 which will go from Michaels to Evanston. ODOT will reimburse the City 80% of the cost. We are asking this resolution be adopted.

Mr. Owen moved to approve the resolution. Ms. Arblaster seconded. Motion carried. Resolution 13-17 was declared adopted and President Gibson affixed his signature in witness thereto.

ODOT Winter Salt Contract

A resolution authorizing participation in the ODOT Winter Contract (018-17) for road salt.

City Manager Comments: Each year we adopt this resolution to participate in and to purchase road salt through the state. We must have our

documents submitted by May 10. We are asking Council to approve this resolution.

Ms. Berbach moved to approve the resolution. Ms. Arblaster seconded. Motion carried. Resolution 14-17 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: After the last meeting, staff went back at Council’s request and discussed with the Tree Board some options and the language that came up under Reforestation. The proposed language is: “The City shall notify the property owner 14 calendar days prior to planning a tree in the right-of-way. The property owner may submit an application to the Tree Board requesting that a tree not be planted in the City right-of-way and stating the reasons why within 14 calendar days within receipt of the notice. Failure to file an application reasonably will constitute the approval to plant the tree”. The Tree Board does not have problem with this language. It still gives them the opportunity to discuss with the individual the ability to plant or not plant a tree. Mr. Eggleston clarified it will be calendar days versus business days.

Mr. Kessler introduced the ordinance.

Amending Chapter 76 –
Parking Regulations

An ordinance amending Chapter 76 – Parking Regulations Section(s) 76.07, .09, and .16 of the Codified Ordinances of the City of Tipp City.

City Manager Comments: After further discussion with Council regarding the changes, instead of stating a renter or property owner, we changed it to state “A person may not park his or her vehicle”. Violations are on complaint basis.

Mr. Kessler introduced the ordinance.

Amending Chapter 98 –
Abandoned and Junk
Vehicles

An ordinance amending Chapter 98 – Abandoned and Junk Vehicles, Section 98.04 of the Codified Ordinances of the City of Tipp City.

City Manager Comments: Upon review of the first ordinance regarding parking, the Police Chief, Law Director and myself looked through the language for Junk Vehicles and more clearly defined what junk vehicles are. We added language to specify non-operating. Semi-trailers and recreational vehicles were taken out of this section.

Ms. Berbach introduced the ordinance.

Motions
Parks Board
Appointment

A motion to make an appointment to the Parks Board filling a partial unexpired term ending on December 31, 2019.

Ms. Berbach nominated Dawn Kremer. President Gibson stated all Council Members have been afforded the opportunity to be heard and the

Miscellaneous

floor is now closed to nominations. A vote was taken on Ms. Kremer's nomination. Her appointment was unanimous.

There were none.

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

Elizabeth Moorman of 20 Kiowa Court approached the podium. Ms. Moorman informed Council that over 18 trees were removed from the rear of her property due to the I-75 sound wall project. Ms. Moorman asked Council to save the remaining 300 year old Burr Oak tree that remains in her yard. "We received notice that the encroachments would need to be removed; but we had no idea that included our 200 and 300 year old trees. Those trees were there long before I-75 was made and I am upset about that. After those other 18 trees have been taken down, it is really loud back there."

John Donnelly, Director of Municipal Services and Engineering approached the podium. Mr. Donnelly stated there is a noted problem along the noise wall along N. Garber along to Belaire. Mr. Donnelly also informed Council that it is actually an ODOT contractor (ASPLUNDH). ODOT is paying the bill to have them remove all of the trees out of their easement and the right-of-way. President Gibson inquired if this is a City project. Mr. Donnelly replied it is a joint project with ODOT. "It is a joint City/ODOT project". President Gibson inquired the purpose of the project. Mr. Donnelly stated there has been a noted drainage problem along the noise wall. There have been a list of complaints logged and those complaints have increased over the years. "In September of 2016, the City and ODOT sent out a joint letter saying the easement from ODOT and the City would need to be cleared of all trees and encroachments". President Gibson inquired if the letter specifically stated trees. Mr. Donnelly stated, "ODOT contracted with ASPLUNDH to remove the trees and stumps. Residents were asked to remove their sheds and other encroachments prior to the beginning of this project". Mayor Hale asked if the remaining tree in Ms. Moorman's yard will be coming down. Mr. Donnelly replied yes. "Everything that is inside the easement of the City and the State of Ohio has been slated to be removed". Mr. Donnelly added he had visited with every resident since September regarding this project and explained what was to be going on. Mr. Donnelly added he met with Mr. & Ms. Moorman on March 30, 2017 when he received their call. President Gibson inquired if there were any way the tree could be spared. Mr. Donnelly stated this decision would need to be made by Council. "I have simply enforced the agreement between ODOT and Tipp City as stated. I have been consistent in telling everybody along the way. There have been buildings, gazebos, sheds and flower beds. I've told everybody that would need to be cleared." Ms. Berbach inquired if the tree was in the easement. Mr. Donnelly replied that it was. Ms. Berbach asked if it is in the State of Ohio easement or our (the City of Tipp City) easement. Mr. Donnelly replied, "It is in our electric easement. It would be in the Tipp City Electric easement. This area is being graded to improve a swale, what would be for the next step of the project." President Gibson stated, "Any changes or attempts to spare the tree, would require modification of a contract that we have with ODOT." Mr. Donnelly replied ODOT has the contract with the tree removal company. President Gibson added, "It would be of extreme difficulty for us to be intervening in any way from the City's stand point as opposed to the State of Ohio being able to do that." Mr. Donnelly replied, "The State of Ohio name and number was on the letter and I did instruct the Moorman's to call Matt Kendal, who is the other individual. I am not sure if

they have called him or not. Anytime someone has had a disagreement with what I have presented to them during the visits, I have informed them they are free to contact ODOT to discuss that as well.” President Gibson stated, we are a Tree City and this is unfortunate. Mr. Merritt inquired of the impact of this one tree remaining. Mr. Donnelly replied the project is not yet designed. “We have been consistent as the City in telling every resident along that noise wall that all trees along these easement stakes need to be removed. As far as how it will affect the entire project, I am not sure because it has not been designed. The next step will be to design the project using these easements that are available in order to establish that drainage swale.” Mr. Eggleston added at this point the City is not certain how the repairs will be handled. “It may be possible to request from ODOT the tree remain until the design work is completed. That would have to be something we contact ODOT about. And if some point if the design includes a swale and the tree will need to be removed, it will need to be removed. That will be an additional expense because they have a contract. If this is something Council would like staff to look into...but the first part of this was to clear the easements then get the engineering ready to determine how they will handle the storm water.” Mr. Donnelly stated he has received many requests from other residents asking to “save this one building, this one tree”. “I have been consistent throughout the entire process.” Mr. Kessler added, “There are going to be many other property owners who are going to be upset because there’s wasn’t spared. The consistency...I feel like we are going to have to carry-on. I know the flooding there has been major.” President Gibson inquired of the Moorman’s if they contacted ODOT. Ms. Moorman indicated her and her son both had spoken with Mr. Kendal regarding the matter. Ms. Moorman stated Mr. Kendal was “nasty” stating “This was the way it is to be done”. “To lose this 300 year old Burr Oak is just a sin. It is near the utility box and chances are they aren’t going to go that far anyway. If they do, they will have to move the utility box.” President Gibson verified the tree in question is on Ms. Moorman’s property. Ms. Moorman replied it was, but in the easement. Mr. Merritt inquired if the letter from ODOT stated trees or just encroachments. Mr. Moorman approached the dais with a copy of the letter they received from ODOT. President Gibson inquired if staff could reach out to the State regarding this particular tree. “I also understand Mr. Kessler’s point. If we save this one, the neighbors might have an issue because theirs wasn’t saved too. But they also had the opportunity to come to a meeting like this too. It is a tough call either way.” Ms. Berbach stated, “Playing devil’s advocate, we did say this needed to be cleared out for the drainage. I see the pain for this resident, but I also appreciate that Mr. Donnelly has been consistent with all residents 100% and truthful and honest with them. I also see where the issue lies. We either fix the drainage problem or you don’t. It’s one or the other. More than one resident is affected by that drainage issue. It has been in our budget for a long time and it is now finally getting done.”

**Councilmember
Comments**

Mr. Merritt thanked the Moorman’s for bringing their issue to Council’s attention. Mr. Merritt also thanked Mr. Turchiano for his presentation earlier in the evening. Mr. Merritt welcomed Officer Johnston to his new position with the Police Department and thanked Ms. Kramer for her willingness to serve. Mr. Merritt asked if we could save that tree, he would like to.

Ms. Arblaster thanked Mr. & Ms. Moorman for their presentation. Adding she was sorry for their loss. “That is a lot of trees to have been lost

from your yard and I am very very sorry that that had to happen.” Ms. Arblaster also thanked Officer Johnston for his service and for joining our Police Department. Ms. Arblaster also welcomed Ms. Kramer and thanked her for serving on the Parks Board.

Mr. Owen also congratulated Officer Johnston for joining the force. “Best of luck! We are glad you are serving our community.” Mr. Owen thanked Ms. Kramer for her willingness to serve on the Parks Board. Mr. Owen thanked Mayor Hale for his proclamation. Mr. Owen stated he is adjacent to this project and he has over a dozen neighbors who live along the sidewall that have experienced floods. “Whether it be minor or major dependent upon the rain. I also know there are others along that area that do not experience the floods, it is mixed. This has been a long standing project that this has been going on. I understand the loss of trees. I have had to take down two Ash Trees because of the Ash Borer. They were each over 60 years old. They were big and covered our yard and now it looks like a big gaping hole. I’ve also had to take down two Sycamore Trees due to wind damage. I have lost 4 trees in twenty years. I miss them a lot. I share Council Member Merritt’s issue and maybe we can do something to save this last one. I would vote, if we were, to somehow see if we could hold this off to possibly see what the project extent is. And if it does have to come down because of the project, at least we did something.”

Mr. Kessler reminded everyone the Senior Classes will be visiting soon. Mr. Kessler also addressed previous citizen comments. “In reference to the “stealth movement” of our storage yard, was not stealth. That was very public. We were trying to get a storage lot for cars because of the movement of the water tower. Additionally the Public Services building was one of the initial sites for the water tower, it wasn’t the primary location. Additionally, Council had previously discussed the development of Wards. That is not a bad idea but I am not certain if this community is large enough to do that. What happens if someone from a certain ward doesn’t want to run, then we appoint someone At Large, which is basically what we have now. I think we come pretty much spread across the community as it is. I personally am not convinced that Tipp is big enough. Stadium parking and the location of the stadium have been discussions with the Planning Board and the School Board. It is a major assumption that we are going to pack that stadium every time. We have other events within the community which ties up the streets than any football game will. A lot of discussion was had regarding its location and ultimately, the School picked the park for cost. And finally, we have already put, in my opinion, the low pressure end of the community on the water system, in a minor peril by moving the water tower and losing 500 gallons per minute, which could be an issue.” Mr. Kessler added a train recently had all crosses completely blocked for nearly an hour. “The only way to get across the tracks was to go to Ross Road or Crane Road. There was no other access. Had that train been there when that Downtown bookstore caught on fire, would it have been saved as much as it was? Would the water pressure have made a difference if we could have gotten the proper truck over there? I am already disappointed that the water tower got moved over what I feel is unsubstantiated claims. There has not been devaluation of property. That was the best location for the City and the community as a whole and we bowed down to a few and moved it. I would like staff to start looking into the overpass. An overpass is needed and it is needed soon. Trains are getting longer, they are sitting longer and we are also having a new spur put in. Meaning more train traffic. I cannot help but think

had we had a fire on the other side of the tracks when that train parked there, the potential could have been a loss of life. That blockage was a serious problem for me. I received many phone calls over it. If CSX is going to keep doing that to us on a regular basis, we need to put an overpass in where we think it needs to be and not where CSX thinks it needs to be. They are not the ones who protect this community. I would like staff to look into this sooner than 15 – 20 years.

Ms. Berbach congratulated Officer Johnston on his new position. Ms. Berbach reminded everyone soccer sign-ups are currently underway. Ms. Berbach encouraged everyone to watch out for the kids at the parks and along the streets while they are playing.

Mayor Hale also congratulated Officer Johnston on his new position. Mayor Hale informed everyone he attended the “Battle of the Badges” and had a good time attending that event. Mayor Hale stated, “In regard to the tree, we are a Tree City USA. I understand the need to take them down for the project. I am curious as to how far into the easement is this tree.” Mr. Donnelly wasn’t certain. “I would like to see if we could save it, it may still have to come down, I don’t know. Can the tree be moved?” Mr. Eggleston replied, not a tree that size.

President Gibson also apologized to the Moorman’s that this is happening to them. “The City has to be consistent and in working with the State a lot of times our hands are tied on stuff like this. I am going echo Mr. Merritt’s sentiments as well. I am going to ask, if nothing else, a phone call be made. Maybe this is something that we can save. I do not recall hearing anything about an environmental impact on this project. I am going to ask staff one last time, that while they are making plans and submitting drawings and if there is any way that we can spare the tree, please do so. If we can make one last inquiry.

President Gibson also informed everyone earlier in the evening Council heard from Waste Management and discussed the viability of continuing alley pick-up. The City will be receiving bids this summer. We ask the citizens let us know their thoughts. Let us hear from you. What are your thoughts about garbage collection?

President Gibson also welcomed and congratulated Officer Johnston on his new position. President Gibson thanked Ms. Kramer on her willingness to serve on the Parks Board.

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.”

Mr. Eggleston let everyone know that business owned websites must be ADA compliant.

Mr. Eggleston informed everyone Dos Lunas is getting closer to opening.

**City Manager
Comments**

Adjournment

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

Meeting adjourned at 8:46 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



