

TIPP CITY WORK SESSION

TIPP CITY, MIAMI COUNTY, OHIO

August 21, 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, Finance Director John Green, Law Director Jon Freeman, Director of Municipal Services and Engineering John Donnelly, Deputy Director of Municipal Services and Engineering Eric Mack and Clerk of Council Janice Bates. Reporters Nancy Bowman and Cecilia Fox were also in attendance.

Guests include Abby Bowling

TREX Agreement (Liquor Permit Agreement)

Law Director Freeman provided Council with information on the proposed TREX Agreement. This agreement allows the owner, Shree Gurudev of 3311 S. CR 25A to purchase a C2 liquor permit (wine carry-out sales) from another entity within the state. Mr. Freeman added each political subdivision has a certain number of liquor permits. Tipp City has reached the allowable number of C2 permits for the municipality. The only way to offer Mr. Gurudev the opportunity to apply for an additional permit would be to allow him to purchase the permit from another entity and to apply for that permit in Tipp City.

Mr. Freeman added Mr. Gurudev has already purchased this permit from another carry-out in the Akron area. It is Mr. Gurudev's intention to employ an additional two employees at \$8.15/hour or \$1,800/month. Mr. Freeman continued, Mr. Gurudev has also invested \$450,000 at the Tipp City location. Mr. Freeman added, Council and the City has a right to weigh in on this. "We could go through with this and the state might still decline the application." The TREX allows the City to sign off on the application process. Ms. Arblaster inquired if the Police Department had any objections. Mr. Freeman replied, no. Mr. Merritt inquired if the City had any more permits to issue. Mr. Freeman stated, "No, we are completely out." Ms. Arblaster asked if this would be a permanent relocation of the permit. Mr. Freeman stated it would be. Council thanked Mr. Freeman for his presentation.

Sewer Systems Study Update

Mr. Mack provided Council with an update on the City's Sewer System. Mr. Mack informed Council there are three main objectives; 1). Identify problem areas in the system. 2). Identify future system capacity to include known development. 3). System improvements. Mr. Mack stated the main problem area is the crossing underneath interstate 75. Currently this is ok, and with known future developments, we will have 50% capacity. Mr. Mack added the reason for the issue is due to the bend near N. Commerce Park and S. Floral Acres. Mr. Mack informed Council that the repairs could be a 2 phase approach. First, relieve the pinch points on CR25A and Commerce Park Drive. Phase Two would include rerouting flow from the Rosewood Liftstation to free up additional capacity. Mr. Mack added Phase One would be short-term or 2-4 years and Phase Two would be long-term at 5-10 years depending on growth. Mr. Mack informed Council Phase One is estimated to cost \$600,000 and Phase Two is estimated to cost \$1,300,000. Phase One will allow the system to

handle all anticipated future developments. Next steps would be discussions with the Township on easements for projects.

President Gibson inquired how the system was in other areas of town. Mr. Mack replied there are very few and minor issues in other areas and those repairs are included in future Capital Plans. President Gibson inquired if the two projects were tied together. Mr. Mack replied they are not. Ms. Arblaster stated she would prefer to see these items included in the CIP. President Gibson agreed. Mr. Mack added, "As it looks today, there is plenty of capacity; but it all depends on future growth." Mr. Kessler stated for the long term, he would like to focus on Phase Two first, and by doing so, Phase One might not be required. Mr. Mack informed Council he would look into that as an option.

Adjournment

Meeting adjourned at 7:22 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

August 21, 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 & Engineering Eric Mack, Police Sergeant Marc Bayse, 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: John Berk, Ruth Reinherd, Walter Burton, Dan Glover, Tim Evans, Abgy Bowling, Amy Hackenberger, Jeff Sebor and Frank Senna

Invocation and Pledge of Allegiance

Pastor Daniel Glover of Tipp United Methodist Church gave the prayer for guidance. President Gibson led the Pledge of Allegiance.

Approval of Agenda

Mr. Kessler moved to approve the agenda. Ms. Berbach seconded. Motion carried.

Minutes
8/7/17 Work Session

Mr. Kessler moved to approve the minutes of the August 7, 2017 Council Work Session. Mr. Owen seconded. Motion carried.

8/7/17 Council Meeting

Mayor Hale moved to approve the minutes of the August 7, 2017 Council Meeting. Mr. Kessler seconded. Motion carried.

Presentations, Proclamations, & Awards

Mayor Hale read a Proclamation for Clerk of Council Janice Bates for her being elected the Vice President for the Ohio Municipal Clerks Association.

Ordinances
(2nd Reading)

There were none.

Resolutions
EMH&T Agreement – Professional Design Services

A resolution authorizing the City Manager to enter into a professional services contract with EMH&T of Columbus, Ohio for professional design services for the Water Tower Project at a cost not to exceed \$128,035.00.

City Manager Comments: On April 4th, the City issued and publically advertised a Request for Qualifications for the Professional Design Services of the Water Tower. On April 21st, the Statements of Qualifications were received from three professional design firms interested in providing services. All three professional design firms' proposals were reviewed by the Review Committee. Which consisted of the Director of Municipal Services, Deputy Director of Municipal Services, Finance Director and Water Superintendent. It was determined by the review Committee that EMH&T, of Columbus, Ohio was the most qualified professional design firm for this project.

**Ordinances
(1st Reading)**
Amending Code Table
154.04-5

Ms. Berbach moved to approve the resolution. Mr. Owen seconded. Motion carried. Vote was 6-1; Mr. Kessler voted no. Resolution 27-17 was declared adopted and President Gibson affixed his signature in witness thereto.

An ordinance modifying Code Section Table 154.04-5 of Principally Permitted Uses of the Tipp City, Ohio Code of Ordinances.

City Manager Comments: Council has passed this once before when the Senior Citizens purchased the property on Hyatt Street. They are now purchasing a building further down on Hyatt and this would allow a modification to the table that would allow a non-profit type uses into the Office Service (OS) Zoning. Staff is asking Council to introduce this ordinance.

Mr. Kessler introduced the ordinance.

Mr. Kessler inquired if Council could do “a speedier” second reading on this matter. President Gibson added, “To clarify, I was approached by interested parties to see if this measure could be adopted in a more timely manner to facilitate a quick closing of the property and so they can begin work and they are not stuck in a limbo state between the first and second readings. Just for the audience’s edification, we are on our summer schedule, so our next meeting is not until the third Monday of September, which is a month from now. The permissible use that is embraced in the purchase of the real estate, needs to be factored into this and that is why this change is necessary. So they can use the property for all the things that the Tipp Seniors want to use it for. And right now there’s a zoning issue that doesn’t permit them to do so. Legislation has been proposed to change that to allow for their use accordingly. I was approached by more than one person to inquire whether or not this could be passed as emergency legislation. Is that where you are heading as well Mr. Kessler? Are we on the same page about that?” Mr. Kessler replied, “Yes we are on that.” President Gibson continued, “At this point, I know our Council Rules permit for a motion to address that as an emergency, to address this today, instead of a first reading, second reading, and to do it all today and have the effective date much sooner if it is passed as an emergency measure. The question then lies whether or not Council is willing to proceed in that regard, in that manner on an emergency basis. I think that would require the ordinance to be modified to the effect that we declare an emergency in accordance with Council Rules. I do note that the Charter addresses this in section 4.15. This doesn’t ~~enumerate~~ **qualify**, in my view **an emergency**, but I am willing to entertain any arguments that merit an emergency status. The other alternative that has been presented is to call a special meeting of City Council to allow for the second reading to take place sooner rather than the late September schedule. That would require the President of Council or 4 members of City Council to call for that special meeting. We have before us three options. The first is to proceed in due course. The second option would be to declare an emergency, which requires a higher number of votes for passage. Our third option is to call for a special meeting of Council. I would entertain any motions or no motion at this time.”

Mayor Hale inquired “Is there a way if we call the special meeting, to make this effective on that date?” President Gibson stated the thirty day referendum period would still be in effect. Mr. Freeman concurred.

Ms. Berbach moved to hold a special meeting. Mayor Hale seconded. Mr. Kessler stated, "It is in our best interest for our citizens to try to expedite this as quickly as we can without the potential of a referendum. I think part of our responsibility as Council is to look at our citizens of town and help them get some of their monies that they have put into this project moving again." Ms. Arblaster inquired if Council has reassurance that this will work. "Because we have modified the Zoning Code...this will be the third request for the same project. Which I am highly supportive of. I believe a special meeting is warranted." Mr. Owen stated he was also in favor of a special meeting. "I don't think this is an emergency meeting, or an emergency vote tonight. I do not feel comfortable about that whatsoever. It certainly does not stipulate from our guidelines that this is an emergency. It does need us to move upon and a special meeting would expedite that as quickly as possible."

President Gibson inquired of Mr. Freeman if it were appropriate to set the date for the special meeting at this time, or to circulate availabilities. Mr. Freeman suggested Council circulate availabilities and the days for giving notice are adhered to. "If Council wishes to estimate a time, that's fine, but I don't know that we might end up sticking to it. That would be my concern. If we pick a date, and something is different requiring a change." President Gibson added, "Any information that we have at this meeting, if we wished to have something published, will not reach the newspaper of general circulation for this jurisdiction in time for their publication." Mr. Merritt stated he is generally against special meetings. "People count of the meetings to be held when they are supposed to be held and I have been confronted with that in the past about special meetings that I've had with other bodies. You leave yourself open to "we didn't know", "had we known we'd been there" that type of thing. That is not to say I wouldn't be in favor of it, I am just generally speaking, I am opposed to that."

President Gibson reminded everyone the question being called is whether to schedule a special meeting of Tipp City Council. A vote was taken on Ms. Berbach's motion. Motion carried. Date of the special meeting of the Tipp City Council will be forthcoming.

Amending Chapter 39.05

An ordinance amending Chapter 39.05 of the Codified Ordinances of the City of Tipp City.

City Manager Comments: This is just a simple language change. This ordinance changes the language in item B to clarify "an asset of a market value less than \$1,000 must be declared surplus by the City Manager.

Ms. Berbach introduced the ordinance.

Amending Chapter 150
Sections 150.20-.21

An ordinance amending Chapter 150 Sections 150.20-.21 of the Codified Ordinances of the City of Tipp City.

City Manager Comments: In review of the ordinances, the City still has on the books "Building Codes". Basically, there is a state building code, therefore the City does not have to adopt them. We are asking Council to delete that section and to reserve it for future use. The County performs our inspections and there is state regulations and we are to use what the state has adopted.

Motions
Accepting TREX
Agreement

Mr. Owen introduced the ordinance.

A motion accepting TREX Agreement with Shree Gurudev Inc.

City Manager Comments: Mr. Eggleston deferred to Mr. Freeman. Mr. Freeman stated, "Gurudev Inc. has tried to obtain and will be obtaining a C2 Liquor Permit from the Akron area which he would like transferred to Tipp City, to a location at 3311 S. CR25A. Pursuant to a TREX Agreement, which allows for economic development and which then that for wine take-out would be able to be transferred to that location and its use."

Ms. Berbach moved to approve. Mr. Merritt seconded. Mr. Merritt stated it is his understanding Law Enforcement has no problems with this agreement. Clerk Bates replied that was correct. Mr. Owen inquired if there were any "red flags" with this owner. Mr. Freeman replied there were not. Motion carried. Vote was 6-0-1; Mayor Hale abstained.

Providing Legal Services
up to \$380

A motion providing for legal services rendered on behalf of the City Inspector up to \$380.

City Manager Comments: As what Council previously did for the City Manager, due to an on-going lawsuit, our City Inspector contacted an attorney for legal representation. We are asking for \$380 for the cost of this expense.

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

Approving Conceptual
Drawings

A motion approving the proposed conceptual drawings for the Tippecanoe Exempted Village Schools Football Stadium.

City Manager Comments: Within the lease for the Schools, before they can complete any modifications to the site, they are required to have Council's approval. Council has approved an initial conceptual drawing for the site. Since then, they have developed a new conceptual design that I believe Council does have to approve. The rendering was included in Council's packets.

Mayor Hale moved to approve. Mr. Owen seconded. Mr. Kessler stated he realizes this is the second conceptual drawing, "But, I was under the impression from the get-go that the current restroom facilities would be incorporated into the plan. Now we are apparently extending further into the park than I had originally anticipated. I am not saying I am against it, but I am concerned that we are doing that." President Gibson stated that was a valid question and inquired if staff had any input. Mr. Eggleston stated, "They were never really proposed to be located under the stadium. They had a separate facility for the concessions and restrooms. This is a new design. I know they changed seating and those things, so that might have changed the location just a bit more. They are going to need to go to the South a bit more due to the stands due to the depth of them. They now have determined what they depths will be and have adjusted everything accordingly." Motion carried.

Miscellaneous

There were none.

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

Amy Hackenberger of 28 Parkwood Drive approached the podium. Ms. Hackenberger requested Council consider an amendment/modifications to the existing noise ordinance. Ms. Hackenberger stated the current noise ordinance does not address noise levels, only issues dealing with vibration. "The City is currently working to update and construct new facilities within the City; including projects such as the new water tower, the Gateway Facility, a community stadium and possibly a new railroad overpass to list a few. One can consult minutes and agendas over the last several months from the Zoning Board, Planning Board and city Council to see a more comprehensive list of current and proposed projects. Several of these projects will be completed close to residential areas and will require major construction projects for the non-residential structures to be correctly and safely completed. The proposed noise ordinance would not prohibit these needed construction activities from taking place, but it would ensure that the loudest portions of those projects occur during accepted hours. For those who argue the City has been fine without an ordinance for years and therefore doesn't need one now, the number of improvement projects currently underway and under construction for the future, seems to be quickly growing and has the potential to impact multiple areas across the City. Whether it is improving infrastructure; such as widening roads, or constructing new facilities for commerce, recreation, or education. Your Zoning text review criteria 154.03(C)(5)(b) specifically states, "A proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions." And although according to Mr. Spring in an email, "The topic of a noise ordinance was discussed several times during the code review process in 2014. It was the consensus of the Planning Consultant expert, Ms. Moeler and the Steering Committee that the noise violations were not a Zoning issue and should ideally be handled by the Police Department." Many communities within the area do consider noise to be a Zoning issue and already have a noise ordinance in place to promote the general welfare of the community. These ordinances appear to be very similar across communities and using the EPA guidelines for health and safety. Again, your Zoning text review criteria 154.03(5)(C) reads: "The proposed amendment will promote the public health, safety and general welfare." These ordinances still allow for both necessary activities such as building, commerce, trains, highway noise aircraft and so forth, emergency equipment and necessary repairs for public safety. As well as community events. The noise ordinance would also coincide with the Comprehensive Plan's Guiding Principle #2. "Protect neighborhoods and activity centers." Zoning text amendment review criteria 154.03(C)(5)(a) reads: "The proposed amendment is consistent with the Comprehensive Plan, other adopted City plans and the stated purpose of this Code. Thus helping to maintain "the quality of life and neighborhood stability"." Ms. Hackenberger provided Council with copies of noise ordinances from other municipalities. "I am asking that you amend your current code to include a similar ordinance based on this information and the general background and rationale."

**Councilmember
Comments**

Mr. Merritt thanked Ms. Hackenberger for her presentation. Mr. Merritt congratulated Ms. Bates on her recognition. "It is well deserved!" Mr. Merritt also thanked Mr. Mack for his presentation during the Study Session.

Ms. Arblaster also congratulated Janice. "Very good work!" Ms. Arblaster also commented there are lots of sports currently going on throughout the City. Pay attention because of the traffic. Ms. Arblaster also

reminded everyone that school starts this week. “Best of luck to our teachers and our classes this year. I hope it is a successful school year.” Ms. Arblaster encouraged everyone to participate in the first Downtown Tipp City tomato fight on September 2nd. Ms. Arblaster also encouraged everyone to get out and vote in November.

Mr. Owen also congratulated Janice. “The only other thing, my neighbor of over thirty years, Barb Lehman Oaks passed away this past week. Our family resided next to the Oaks for three decades. Her family owned the Tipp Florist, Russell and Alice Lehman and they provided me with my first job here in Tipp City delivering flowers. Their family and their three girls grew up next to us and I just wanted to say, I love you Barb and I am going to miss you.”

Mr. Kessler reminded everyone that September is going to be a busy month with the Mum Festival and the Mum Motorcycle Ride.

Ms. Berbach added the Tomato Fest is Saturday, September 2nd and it is BYOT – Bring Your Own Tomatoes. If you are planning on fighting, you will need to bring your own. Ms. Berbach continued, “Soccer season is in full swing and I am aware of a group trying to get a lacrosse team together. If you have kids who might be interested, email me and I will get the information to you.” Ms. Berbach also congratulated Janice.

Mayor Hale also congratulated Janice. “It is well deserved. And congratulations on being President next year.” Mayor Hale informed everyone he participated in the recent Hope Over Heroine event, and the Miami County Fair where he won Best of Show for his cheesecake.

President Gibson applauded Mr. Kessler on his efforts regarding heroin and opiate awareness and addiction.

President Gibson also congratulated Janice. “I would like to think, along with Mayor Hale and all other former President’s know how much we depend on our Clerk. Janice being able to keep a handle of all of this on Council as well as doing things for the Municipal Clerks Association is a huge effort. She does it with grace and professionalism and I thank for her that. Congratulations, continued success and best of luck!”

President Gibson reminded everyone the Mum Festival will be the last full weekend in September. There is still time to have a unit in the parade. We also will have the Fun Run that weekend.

“In regard to the noise ordinance, we have received citizen comments regarding motorcycles and loud cars and so forth. I think it is worthy to look at again. I’ve raised this issue a time or two in my tenure here. It is a difficult issue as one person’s noise is another person’s “not noise”. But it isn’t a tough decision when it is 3:00 in the morning and the neighbor is doing a roofing job. Maybe this does merit another look, and we are going to do that. Thank you for bringing that to our attention.

President Gibson also reminded everyone HarvestFest is also coming up, on October 21 and our own 7th Street Band will be performing.

**City Manager
Comments**

Mr. Eggleston informed everyone that Charter Communications will be closing their office on Commerce Park on September 22nd. Customers can still pay their bills in Troy at 1450 Experiment Farm Road.

Mr. Eggleston informed everyone the City has received a certificate from the US Department of the Interior celebrating 50 years of the National Historic Preservation Act of 1966 and thanking Tipp City for being a certified local government and partner in the Federal Preservation Program since April 14, 2005.

Adjournment

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

Meeting adjourned at 8:35 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council



