

## TIPP CITY STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

MAY 3, 2010

### Study Session

The Study Session began at 6:45 p.m. The following Councilmembers were present: President Patrick Hale, Katie Black, Bryan Budding, Joseph Gibson, Mayor Dolores Gillis, John Kessler, and George H. Lovett.

Also attending was: City Manager Jon Crusey, Assistant City Manager Brad Vath, City Attorney Joseph Moore, City Engineer Scott Vagedes, Fire Chief Steve Kessler, Utilities Director Mo Eichman, Finance Director Richard Drennen, and reporters Nancy Bowman and Marilyn McConahay.

Mr. Crusey noted that the first item for discussion would be the Hartman and Horton Reconstruction Projects. Mr. Vagedes informed Council that the Horton Avenue Reconstruction project bids came in under budget by \$16,331, with the low bidder being Coate Construction from West Milton, Ohio. Mr. Vagedes reported that Coate Construction has done other projects for the City and has done a good job.

The Hartman project bids came in over budget by \$130,175. Mr. Vagedes noted that \$33,207 will be requested from Tri-Cities designated I&I Funds, \$61,200 would be collected in curb, sidewalk and driveway assessments, \$245,675 was returned to the general fund in 2009, and receipt of approximately \$301,000 is anticipated from the USDA for the Kyle Park easement. Mr. Vagedes informed Council that they should not count on the assessments this year as most residents will probably request that the assessments be added on to their taxes to be collected over the next 10 years. Mr. Vagedes recommended that Council approve the project even though it is over budget.

City Attorney Moore provided Council with a handout and reviewed their responsibilities regarding Executive Sessions, Public Records, and Public Meetings. Mr. Moore reminded Council that Tipp City's Charter lists the reasons Council is permitted to go into Executive Session. Mr. Moore requested that Council read Section 102.03, specifically number 7B, E, and F. He also requested that they read Section 102.99, Section B, which discusses that violations of 102.03 is considered a misdemeanor. Mr. Moore also noted that there is no duration clause in 7B, so that your confidentiality with Executive Sessions extends even after you are no longer on Council. Mr. Crusey asked if Executive Session discussion items are later brought back on the agenda for a vote, is it still confidential. Mr. Moore stated that the discussion in Executive Session is still confidential.

Mr. Moore then reminded Council of items in his memo of January 10, 2010 which discussed the Public Records Act and the fact that text messages and emails are considered a public record. He added that there has been no Supreme Court ruling regarding Facebook and Twitter. Mr. Crusey reminded Councilmembers that the City stores emails that are sent from the tippcity.net email address they were assigned. If personal computers and email addresses are being used, Council is responsible for storing the emails.

Mr. Moore stated that any "prearranged discussion" between four or more council members is considered a meeting and must be advertised and minutes must be taken. Mr. Budding asked if this included Breakfast with the Mayor. Mr. Moore answered if there are four or more council members present and they voice their opinion at the meeting or participate in discussion, it is considered a meeting and minutes would need to be taken. The Mayor's meetings are currently advertised.

Mr. Gibson asked if Council should attend public records training. Mr. Crusey noted that the Clerk of Council has been designated to go in the place of Council members. Mrs. Ross noted that she is required to attend a 3 hour training session any time a new council member is appointed. Mr. Crusey also stated that Council members are welcome to go to any public records training and that they will be notified of any upcoming training available.

Mr. Vath reviewed the history of CDBG grants and noted that Tipp City has recently been notified that we are now again an "acquired city" and will receive an annual CDBG allocation from the state that is administered by Miami County. The project being considered for the 2010 grant is to create handicapped parking in Kyle Park and a paved area to make the existing ADA restrooms accessible to handicapped individuals. He noted that with the CDBG grant, a possible grant from the Miami County Foundation, and various other funds available, the City could possibly be responsible for \$10,000 of this project. If the bids come in lower than expected, the City may not have any financial responsibility for this project. Council requested that Mr. Vath proceed with applying for the grants.

The Study Session adjourned at 7:32 p.m.

\_\_\_\_\_  
Patrick Hale, President

Attest: \_\_\_\_\_  
Cathy Ross, Clerk of Council

**TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**MAY 3, 2010**

**Council Meeting**

President Patrick Hale called to order the regular meeting of the Tipp City Council at 7:34 p.m. The following Councilmembers were present: President Patrick Hale, Katie Black, Bryan Budding, Joseph Gibson, Mayor Dolores Gillis, George H. Lovett, and John E. Kessler.

Others in attendance: City Manager Jon Crusey, Assistant City Manager Brad Vath, Finance Director Richard Drennen, City Engineer Scott Vagedes, Chief of Police Tom Davidson, City Attorney Joseph P. Moore, Fire Chief Steve Kessler, and Clerk of Council Cathy Ross.

Guests signing the register included: Steven Chaney, Natalie Kepfel, Nathan Stum, Clare Noone, Jessica Peele, Linnea Barnard, Mike McFarland, Rev. Gary Boggs, James Persing, Pauline Persing, Kristin Patterson, Ashley Stearns, Steven McGeorge, Tina Davis, Shelby Rhodes, Mike Black, Robert Schwarts, Sonya Lyons, Reporters Marilyn McConahay, Mike McDermott, and Nancy Bowman.

**Invocation and Pledge of Allegiance**

Reverend Gary Boggs from the First Baptist Church delivered the invocation and President Hale led the Pledge of Allegiance.

**Approval of Agenda Amendment**

President Hale made a motion to amend the agenda to add an Executive Session at the end of the Council meeting to discuss pending litigation. Motion was seconded by Mr. Lovett and unanimously approved. President Hale made a motion, seconded by Mayor Gillis to approve the amended agenda. Motion was approved with a 7-0 vote.

**Adoption of Minutes Council Meeting**

Mr. Lovett made a motion to approve the minutes of the April 19, 2010 Council Meeting. Motion was seconded by Mr. Budding and approved with a 6-0 vote; Mr. Kessler abstained.

**Presentations, Proclamations, and Awards**

Mayor Gillis read two Proclamations:

- National Day of Prayer
- Police Week

**Ordinances (Second Reading)**

There were none.

**Resolutions (one reading required) Resolution 22-10 Surplus Property**

A resolution declaring personal property owned by the City of Tipp City to be declared surplus property and no longer useful in the general operation of the City.

Clerk of Council Summary: This resolution declares the 1997 Ford ¾ ton pickup surplus property and authorizes its disposal at the most cost-beneficial means as determined by the City Manager.

City Manager's Comments: The adoption of this resolution would

declare an Electric Department 1997 Ford ¾ ton, 4x4, long bed, regular cab pickup with 95,545 miles to be surplus property and authorize the City Manager to dispose of said property by public sale, auction or trade-in or to be disposed of in the most cost-beneficial means as determined by the City Manager.

There being no further discussion, Mr. Kessler sponsored this resolution and moved for its adoption. Motion was seconded by Mayor Gillis.

Mr. Budding stated that Mr. Lovett noted that it was a good buying environment and he agrees, but he doesn't see any value in buying something that the City does not need. He added that if this was his car, he would do repair and have the vehicle repainted and keep it for a few more years. He also noted that if the vehicle breaks down, it is only 7 minutes away from help.

Mr. Lovett asked Mr. Eichman who uses the truck and if it is used by one employee or if two are always in the vehicle. Mr. Eichman replied that the Electric Department uses the vehicle for off road, back yard-easements, and at a number of different industries behind primary leads and most of the time is staffed with two employees. Mr. Lovett then asked if Linemen were using this vehicle and requested confirmation that they are some of the highest paid employees. Mr. Eichman stated that Mr. Lovett was correct. Mr. Lovett asked how many times this vehicle has broken down in the past few years. Mr. Eichman did not have those statistics but noted that it has been repaired several times for ball joints, the thermostat, and the starter and added that it is rusted out in the bed and the door does not work. Mr. Eichman added that when a vehicle is down, it is not an efficient use of personnel. Mr. Lovett asked if the trucks were used to haul expensive equipment and if an employee was required to leave the vehicle to get help, could that equipment be stolen. Mr. Eichman confirmed that the equipment would be expensive to replace if it were stolen. Mr. Lovett asked if it would be helpful to employees to replace this vehicle. Mr. Eichman stated that this vehicle has been well used, and that the City is not overloaded with people, but departments try to keep good equipment to keep people working efficiently. The vehicle has been well used it does run, and has a lot of wear on it. He added that the maintenance budget would go up if Council determines that vehicles need to be kept longer.

There being no further discussion, roll call vote was taken and Resolution 22-10 was approved with a 4-3 vote; Mr. Gibson, Ms. Black, and Mr. Budding voted no. Resolution 22-10 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 23-10  
Surplus Property

A resolution declaring personal property owned by the City of Tipp City to be declared surplus property and no longer useful in the general operation of the City.

Clerk of Council Summary: This resolution declares two items as surplus property and authorizes their disposal at the most cost-beneficial means as determined by the City Manager.

City Manager Comments: The adoption of this resolution would declare a Parks Department 2006 Progressive tri-deck mower and a Police Department 2000 Dodge Durango with 131,651 miles to be surplus property

and authorize the City Manager to dispose of said property by public sale, auction or trade-in or to be disposed of in the most cost-beneficial means as determined by the City Manager.

The Progressive mower has 2,400+ hours on it and is 4 years old. The mower is also in need of repairs totaling \$1,600 for the parts. Mowers are typically traded-in at the 1,500-2,000 hours after 3 years. However, most vehicle/equipment replacements have been pushed back due to budget constraints. \$9,750 was appropriated in the 2010 Capital Improvement Reserve Fund for a replacement mower. The Progressive mower has a trade value of \$4,307; therefore, the cost to the City for a replacement mower would be around \$8,100.

City Council adopted Resolution 11-10 at its March 1, 2010 meeting authorizing the purchase of a replacement SUV for the Police Department. The replacement vehicle is on order and should be delivered in the next 4-6 weeks. The City of Waynesville Police Department may be interested in acquiring the Durango vehicle for their K-9 unit. Otherwise, the vehicle will be auctioned.

There being no further discussion, Mr. Kessler sponsored this resolution and moved for its adoption. Motion was seconded by Mr. Lovett

Mr. Budding asked what the City of Waynesville would pay for this vehicle. Mr. Crusey replied that it would be sold for approximately the same amount we would expect to receive if placed on GovDeals.

The Resolution passed with a 6-1 vote; Mr. Gibson voted no. Resolution 23-10 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 24-10  
Horton Ave.  
Reconstruction

A resolution authorizing the City Manager to enter into a contract with Coate Construction of West Milton, Ohio for the Horton Avenue Reconstruction Project at a cost of \$112,929.30.

Clerk of Council Summary: Thirteen bids were received for this project with Coate Construction of West Milton providing the lowest and best bid.

City Manager Comments: Thirteen bids were received on April 27 for the Horton Avenue Reconstruction Project. The Engineer's Estimate for this project was \$175,943. The apparent low bid was received from Coate Construction of West Milton at a cost of \$112,929. Appropriations for this project total \$150,000 (\$100,000 Capital Improvement Reserve Fund and \$50,000 Municipal Road Fund). However, design and engineering costs for the project were \$12,884. Therefore, budgeted funds remaining for this project are \$137,116. The apparent low bid is below available funding by \$24,187, less any change orders that may occur during construction.

There being no further discussion, Mr. Budding sponsored this resolution and moved for its adoption. Motion was seconded by President Hale and unanimously approved. Resolution 24-10 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 25-10  
Hartman Avenue  
Reconstruction

A resolution authorizing the City Manager to enter into a contract with Bruns Building & Development of St. Henry, Ohio for the Hartman Avenue Reconstruction Project at a cost of \$387,688.35

Clerk of Council Summary: Ten bids were received for this project with Bruns Building & Development providing the lowest and best bid.

City Manager Comments: Ten bids were received on April 27 for the Hartman Avenue Reconstruction Project. The Engineer's Estimate for this project was \$414,562. The apparent low bid was received from Bruns Building and Development of St. Henry at a cost of \$387,688. Appropriations for this project total \$264,000 (\$100,000 Water Improvement Reserve Fund and \$164,000 Capital Improvement Reserve Fund). However, design and engineering costs for the project were \$22,818. Therefore, budgeted funds remaining for this project total \$241,182. The apparent low bid exceeds available funding by \$146,506, plus any change orders that may occur during construction. While there are sufficient unencumbered funds in the CIRF to move forward with this project at this time, Council would need to adopt a supplemental appropriation ordinance in the future to transfer additional funds from the General Fund balance to the CIRF. The General Fund balance has increased more than \$430,000 over the past two years.

There being no further discussion, Mr. Lovett sponsored this resolution and moved for its adoption. Motion was seconded by Mr. Kessler and unanimously approved. Resolution 25-10 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 26-10  
Alternate Tax Document

A resolution declaring the intention to proceed under the Alternate 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 2011, 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 such other actions as may be necessary incident thereto.

Clerk of Council Summary: The Ohio Revised Code allows Cities to utilize an alternate format to meet annual tax budget filing requirements of the Miami County Budget Commission.

City Manager Comments: The adoption of this resolution authorizes the Finance Director to submit an alternative tax document to the Miami County Budget Commission. The Miami County Budget Commission has waived the requirement that the City file a tax budget for the 2011 calendar year. 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. The alternative tax document accomplishes the following:

- To request the City's share of the General Property Tax of 1.4 mills.
- To file an estimate of the 2011 receipts with the County Budget Commission. The Budget Commission then certifies the Estimated

Resources for 2011. This is the first step in determining the City's "maximum" budget appropriation for 2011.

There being no further discussion, Mr. Kessler sponsored this resolution and moved for its adoption. Motion was seconded by President Hale.

Mr. Budding asked if there was any downside to this type of reporting. Mr. Drennen stated that it requires a lot less paperwork and is a more up-to-date way of reporting.

Roll call vote was taken and Resolution 26-10 was declared passed with a 7-0 vote and President Hale affixed his signature in witness thereto.

**Ordinances  
(First Reading)**

There were none.

**Motions  
Park Bench Donation**

Mr. Lovett made a motion to accept a donation for two park benches in honor of Becky Mohr Brown. Motion was seconded by Mayor Gillis and unanimously approved.

Mr. Lovett stated that he was privileged to know Becky Brown. Becky was a past Clerk of Council in the mid 1980's and was the past chairman of the Tipp City Chamber of Commerce. He added that she was a decent and kind woman who cared about her employees and this community and stated that he misses Becky as does this community.

**City Council Goals**

President Hale made a motion to accept City Council's 2010 Goals. Motion was seconded by Mr. Kessler and unanimously approved.

**Liquor License Transfer  
SAMRA TO SAI Gas**

Mr. Lovett made a motion to not request a hearing regarding the transfer of a liquor license from SAMRA LLC to SAI Gas LLC. Motion was seconded by Mr. Budding and unanimously approved.

**Liquor License Transfer  
Superamerica to  
Speedway**

Mayor Gillis made a motion to not request a hearing regarding the transfer of a liquor license from Superamerica Beverage LLC to Speedway Superamerica LLC. Motion was seconded by Mr. Lovett and unanimously approved.

**Citizen Comments**

Sonya Lyons, 632 W. Walnut. Ms. Lyons stated that it was cold in the building and suggested that Council set the thermostat lower as a cost saving measure. She also noted her disappointment that Council is spending additional money appealing the decision made on the art display on I75. Ms. Lyons stated that her neighbor's electric was shut off and two employees were sent to turn it off and two sent to turn it back on. She asked why two employees were needed for this job. Mr. Eichman replied that the City's policy is to send two people because it is a safety situation both technically and personally. Ms. Lyons then stated that the tennis courts are in disrepair and wondered if the City could resurface the courts, replace the nets, and fix the fencing. Mr. Crusey noted that the Parks Department is responsible for the upkeep of the tennis courts, but added that money for upkeep was removed from the budget. He will speak to Jim Asher, Superintendent of Parks, and request that some of the smaller items be researched (nets, fence). Mr.

**Councilmember  
Comments**

Gibson agreed that it is rough and stated that Council will look at it for the upcoming budget for next year. Ms. Lyons then stated that she wanted Council to do all they could to save money.

Mr. Moore stated that Council is trying to resolve the “art display” matter, but added that no discussion could take place regarding this subject.

Mayor Gillis reminded everyone that Thursday, May 6<sup>th</sup> at 12 noon is the National Day of Prayer event and that the week of May 15<sup>th</sup> is in honor of Police Officers Memorial. Mayor Gillis also noted that Clerk of Council Cathy Ross would be participating in the Relay for Life this weekend and wished her well.

Mr. Lovett stated that he has been on Council for six years and expressed his dismay of the fact that there is no money available to fund key projects as two levies have failed. He thanked Ms. Lyons for attending the meeting and added that he is doing everything he can to try to save money and make sure all of the City’s key infrastructure needs are met.

Mr. Budding also thanked Ms. Lyons for attending as well as the students that were in the audience. For advice to the seniors, he quoted Dr. Suess by saying: Be who you are, say what you believe, those who would mind don’t matter, and those who matter don’t mind.”

Mr. Kessler reminded everyone that Mother’s Day is Sunday. Mr. Kessler also stated that he understands the frustration of the citizens who want Council to save money, but don’t want their services cut or reduced and noted that Council is working on it.

Mr. Gibson thanked students for attending and reminded everyone that Tuesday is election day and encouraged everyone to get out and vote. He also noted that the goals that were adopted at this meeting are a good blueprint for the City Council to work from. Mr. Gibson stated that a very productive meeting to discuss the sign code as it relates to interstate signage was held at Chamber of Commerce this week. A workshop will be held by the Planning Board on May 11<sup>th</sup> at 6:45 p.m. to address signs along I-75 and he encouraged interested parties to attend. Mr. Gibson noted that the cancer fundraiser held by Harrison’s went well and he offered his thanks to those responsible. Mr. Gibson then reminded residents that Council proceedings are being recorded by KIT-TV on Channel 5 and noted that the schedule is available on TippNewsDaily, the Tippecanoe Gazette, and Tippcityohio.gov. He added that the Cable Access Commission is always in need of volunteers to record meetings, ballgames, etc. and submit to Cable Access Commission for rebroadcast. Training is available.

Mayor Gillis asked how many Council members could attend the Planning Board Workshop without it being considered a public meeting. Mr. Crusey stated that if Council is just listening it is not an issue; the issue occurs if Council is participating in discussion. He noted that it would be advertised that a majority of Council members may be present so that all may participate. KIT-TV will be broadcasting the workshop at 6:45 and the meeting after.

President Hale stated that the Planning Board meeting on May 11<sup>th</sup> will be starting at 6:45 p.m. and noted that the focus is primarily on highway signs at Exit 68 and 69 and invited interested parties to attend.

**City Manager Comments**

City Manager Crusey reported that income tax collections for April are up over 9%. This is the first time since February/March 2008 that the City has experienced two positive months in a row in income tax collection. Mr. Crusey noted that pool pass sales neared \$10,000 on Friday and topped \$25,000 for the week; the pre-season discount ended on Friday. Over \$55,000 in memberships have been sold this year which is a 100% increase over last year during the same time period. Mr. Crusey then added that Cathy Ross would be receiving a HUGE bonus for selling such a large number of passes.

**Executive Session**

President Hale made a motion to adjourn to Executive Session to discuss pending litigation to include City Council, City Manager Jon Crusey, and City Attorney Joseph Moore to discuss pending litigation. Mr. Kessler seconded the motion and it was unanimously approved.

**Adjournment**

The meeting was adjourned at 8:12 p.m. on a motion by Ms. Black, seconded by Mr. Lovett, and unanimously approved.

\_\_\_\_\_  
Patrick Hale, President

Attest: \_\_\_\_\_  
Cathy Ross, Clerk of Council

