

TIPP CITY STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

SEPTEMBER 20, 2010

Study Session

The Study Session began at 6:34 p.m. The following Councilmembers were present: President Patrick Hale, Katie Black, Bryan Budding, Joseph Gibson, Mayor Dolores Gillis, George Lovett and John Kessler.

Also attending was: City Manager Jon Crusey, Finance Director John Green, Assistant City Manager Brad Vath, Assistant Director of Utilities Christy Butera, Police Chief Tom Davidson, City Engineer Scott Vagedes, and Clerk of Council Cathy Ross. Also attending was Scott Brownlee and reporter Nancy Bowman.

Efficiency Smart

Mrs. Butera reviewed with Council the attached Powerpoint presentation regarding the AMP Efficiency Smart Power Plant program and explained the options available to Tipp City. City Council requested an additional two weeks to review both options and that Mrs. Butera bring two resolutions to the October 4, 2010 meeting. Council will then discuss this item at a pre-meeting study session and amend the agenda to include the selected resolution.

Citizens Committee

Mr. Crusey informed Council that he received responses from 17 residents wishing to be appointed to the Citizens Committee to review the 10 year Capital Improvement Plan and would like to have no more than 20-25 on the Committee. This Committee will be charged with the responsibility of reviewing the 10 year CIP and making recommendations to Council on priorities and how to fund the items needed. Mr. Crusey added that he would like to have the first meeting a few weeks after the Committee is appointed. Council requested two weeks to recruit citizens and will notify Mr. Crusey of additional interested residents at the next City Council meeting.

911 System

Mr. Crusey reported that major upgrades are being made to the county-wide 911 system including the Records Management System, the cost of which is not being paid for by the County. Area communities who use the records management system will be sharing the cost, based on population. Tipp City's share is approximately \$32,700. Mr. Crusey explained that the current system is out of date and was last upgraded in 2003. The plan is to have the system operational by December 14, 2010. The County has asked the City to sign a Public Safety Information System Agreement agreeing to the City's share of the capital cost and on-going maintenance. Mr. Crusey stated that this item will be placed on the next agenda.

MVRPC/ODOT Grant Opportunities

Mr. Vath notified Council that Transportation Grant funds are currently available through MVRPC/ODOT, totaling \$33M for projects in FY2016 and recommended a \$7.3M project widening CR25A from 571 to Evanston Road. Right-of-way acquisition would be required and the city's out-of-pocket cost would be approximately \$285,000. Funding assistance would be sought from the Miami County Engineer and the Ohio Public Works Commission (grant). Mr. Vath stated that he would like to include this on the October 4th agenda as applications are due October 14th. Council agreed that Mr. Vath should proceed with the grant application process.

Adjournment

The Study Session adjourned at 7:28 p.m.

Patrick Hale, President

Attest: _____
Cathy Ross, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

SEPTEMBER 20, 2010

Council Meeting

President Patrick Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. The following Councilmembers were present: President Patrick Hale, Katie Black, Bryan Budding, Joseph Gibson, Mayor Dolores Gillis, John E. Kessler, and George Lovett.

Others in attendance: City Manager Jon Crusey, Finance Director John Green, City Law Director Joseph P. Moore, Fire Chief Steve Kessler, Assistant City Manager Brad Vath, Assistant Director of Utilities Christy Butera, City Engineer Scott Vagedes, and Clerk of Council Cathy Ross.

Guests signing the register included: Steven Chaney, Mike McDermott, Ben Johnson, Rebecca Woodward, Steve Slanker, Lona Slanker, Jennifer Slanker, Kathy Johnson, Frank Scenna, Mike McFarland, Heather Bailey, Daniel Ash, Belinda Dye, Matt Black, Terri Bessler, Crystal Krieger, Matt Owen, Gordon & Joanna Pittenger, Rex Spencer, Ruth Safreed, Molly Spencer, Wade Timmer, Harrison Timmer, Carol Graf, Paula Lantz, Lorayne Howard, Michael Gross, Brad Gross, Liz Sonnanstine, Scott Brownlee, Sonya Lyons, Claire Timmer, and reporter Nancy Bowman.

Invocation and Pledge of Allegiance

Pastor Jeff Seekins of the Community Bible Church delivered the invocation and President Hale led the Pledge of Allegiance.

Approval of Agenda

Mr. Lovett made a motion to approve the agenda. Motion was seconded by Mayor Gillis and unanimously approved.

**Adoption of Minutes
Study Session 8-16-10**

Mr. Lovett moved to approve the minutes of the August 16, 2010 Pre-Meeting Study Session. Motion was seconded by Ms. Black and unanimously approved.

Council Meeting 8-16-10

Mr. Budding made a motion to approve the minutes of the August 16, 2010 Council meeting, seconded by Mr. Lovett and unanimously approved.

Study Session 8-16-10

Ms. Black made a motion to approve the minutes of the August 16, 2010 Post Meeting Study Session. Motion was seconded by Mr. Kessler and unanimously approved.

**Presentations,
Proclamations, &
Awards**

Joanna Pittenger of the Tree Board and Mayor Gillis presented Carol Graf, Wade Timmer, and Harrison Timmer with the 2010 Big Tree Award.

**Ordinances
(Second Reading)
Ordinance 15-10
Property Tax Levy 2011**

An ordinance accepting amounts and tax rates as determined by the Miami County Budget Commission, authorizing the regular statutory tax levies authorized and allowed by law thereby for the municipality of Tipp City, Ohio, for such fiscal year beginning January 1, 2011 and certifying such levies to the County Auditor.

Clerk of Council Summary: This ordinance sets the rate for the Property Tax Levy to be collected in 2011.

City Manager Comments: The Miami County Budget Commission is scheduled to meet the last week of August to approve the City's authorized "inside" millage property tax rate for 2011. Our current levy millage is 1.4 mills. Inside millage refers to the 10 mill property tax limitation that can be established without voter approval. Various taxing units may seek to levy taxes on the same property, but the total amount of unvoted taxes actually levied may not exceed ten mills. The county budget commission is responsible for considering tax budgets submitted by the various taxing units and determining the amounts of taxes each taxing unit may levy. Inside millage is not rolled back like voter approved millage to account for increased in property valuation. This revenue source will generate an estimated \$344,585 in FY 2010 revenues. The City receives approximately \$0.03 of every property tax dollar collected.

Mr. Budding shared that when he heard that the City only received \$.03 of every tax dollar collected, he researched where the rest of the money went: 73% goes to the school; 2% to the Township, 3% to the City, 16% County, 4% CTC, 2% to the health district and the library.

There being no further discussion, Mr. Lovett sponsored this ordinance and moved for its adoption. Motion was seconded by Mr. Kessler and unanimously approved. Ordinance 15-10 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 16-10
Downtown Holiday
Lighting

An ordinance authorizing the City Manager to enter into a multi-year agreement with Christmas Décor of Troy, Ohio for the lease and installation of certain holiday lights at an annual cost not to exceed an amount of \$20,277.60.

Clerk of Council Summary: This ordinance authorizes the City Manager to enter into a contract with Christmas Décor for holiday lights in the Downtown area.

City Manager Comments: This ordinance authorizes the City Manager to enter into a three-year contact with Christmas Décor for the City's downtown holiday lighting program. Council discussed Christmas Décor's proposal at its August 16 study session. A majority of Council directed that this ordinance be prepared for the lighting of the downtown trees only, along Main Street from Fifth Street to First Street, at a cost of \$20,277.60 annually.

Matt Owen, representing the Downtown Tipp City Partnership and the Chamber of Commerce, provided council with a petition signed by 322 people in favor of Christmas lights in the downtown area.

Heather Bailey, 304 W. Broadway, thanked Mr. Budding for responding to her email and informed Council that she chairs the Tippecanoe Christmas in the Village (formerly house tour). Ms. Bailey stated that she anticipates 800+ people will come to Tipp City for this event whether we have lights or not, but added that the lights do add to the overall lasting impression. Ms. Bailey reported that Tavern on the Green in NYC was unique because they kept their white Christmas lights up all year round and wondered if the City could save money by leaving the lights up all year to eliminate the fee of removing the lights at the end of the season.

Ruth Safreed, 105 W. Main St. informed Council that she has been a merchant in the downtown area in the past and has always bragged because the City has considered the downtown area as an important part of the City, the heart of the Community. She has been concerned because she has heard statements that the downtown is just a small part of the community and offered the following analogy. The heart is a small part of the entire body, but if you don't nourish the heart and keep it healthy the entire body suffers. In order to keep the entire community healthy, you need to keep the heart healthy. The Community always looks forward to the lights, the entire area enjoys them, and removing that could weaken the strength of the heart of the City. She would like for Council to vote yes to allow Christmas lights.

Terri Bessler, 831 Claymore Park, stated that she is a downtown merchant. She believes that lighting the downtown speaks to the whole community, the vibrancy of the downtown, the interest that we have and the care we show for the whole community. She added that she would love to be able to assist with the lights, but her profit during the holiday time would in no way give the City any assistance and the lights she could put up on her own would not look as nice as they do when the City contracts the project.

Mr. Kessler stated that he was initially opposed to putting up lights, but after spending some time with friends, he was reminded of times he spent enjoying the lights and displays at Rike's in downtown Dayton and has now changed his thinking and will be voting for the Christmas lights.

Mr. Budding read the following statement: "I think it is important to explain my position on the Christmas lights. First, I am a fan of the lights. I am willing to donate both MY time and MY money to the cause. I am not willing to donate or vote money from anyone else's pocket for a cause that I view as community function as opposed to a government function. The original lighting contract was \$28,000 dollars. The new contract is \$20,200 for 3 years, totaling \$60,600. If we assume 4, households it comes to 15.15 per household. I cannot vote to take money (no matter the amount) from the person who earned it, whether it be a single parent or the millionaire next door. I sincerely hope that you do not find my position petty or punitive, for I have no reason to be either.

Now, what fund does the money come from? It is it ob e paid for out of the electric fund, which is "rich". If our electric company were a for-profit entity and that company wanted to give the residents of Tipp City lights as a "thanks" for being a customer, no problem, but that is not the case. No matter what fund the money comes from, we as a government only have one funding source – the people that live or work in Tipp. The fact that we enjoy some of the lowest utility rates in Ohio does not mean that we could not be cheaper. I do not want you to feel that I am voting to take something away from you, but to consider that it is not mine to give or take. It is my position that \$15.15 is better left in the hands that earned it to do with whatever they may wish, including the light display if they so choose.

"But we already have the money!!" True, but I feel that the money collected by the utility should be used against the debt we are sure to take on as a result of the Smart Meter project. I am not a fan of the Smart Meter project, however, it is a reality and will have to be paid for. It is the city

government's intention (yes, I am included in that designation) to sell bonds (debt) to pay for this project. If we assume a 3% bond over 10 years, the \$60,600 (for the Christmas lights) could save us about \$18,18.00 in interest payments equaling 4.55 per household.

It will always be my goal to shrink the role of government in our lives.

Tell me what day to be there and I'll bring a ladder and some lights."

Ms. Black disagreed with Mr. Budding and stated that residents/community fund fire and police, and even though the Christmas lights are not beneficial to the community and don't provide a service, she believes that it is a morale booster during a difficult economy.

Mr. Gibson reported that he has received comments from people and on his Facebook page and they are overwhelmingly supportive of lights. Mr. Gibson stated that the \$30,000 being spent on lights could purchase a new pick-up for the Electric Department or could seriously chip away at some debt the City has incurred. He reminded residents that the lighting this year will be scaled back and will not include the lamppost decorations. Mr. Gibson also noted that the City will be signing a 3-year contract in order to receive a discount; therefore, the City is committed to spending \$60,000 for the next 3 years for lighting. Mr. Gibson stated that every citizen has expressed surprise that it costs so much for the lighting, but the City has put together a plan with City workers doing it and it is about the same cost. He also noted that he has spoken with people from other cities who have commented about the lighting in Tipp City which means that business is being brought into the City and this is a unique opportunity like the sign code to show the individuals and businesses that Council supports their endeavors. Mr. Gibson stated that because of the contract, Council now has a 3 year window of opportunity to work together and discuss lighting and fireworks and decide if these items are really needed.

Mr. Lovett thanked residents who spoke and also those who attended the meeting. He added that he will be voting against the ordinance for the following reasons. Mr. Lovett stated that he has been on City Council for 7 years and two levies have been brought before the citizens and both failed, meaning that Tipp City is trying to operate on 1¼% tax and it can't be done anymore. The average income tax in Miami Valley is 1.9%. Mr. Lovett explained that due to the lack of funding, street paving cannot be done, a 35 year old fire truck cannot be replaced, and many other projects are not being done. He added that he is sick of governmental leaders that try to talk out of both sides of their mouth and tell everybody what they want to hear. He doesn't believe that this country can afford to do everything currently being done, just as Tipp City cannot afford to keep doing what it's doing. Mr. Lovett stated that Tipp City can't afford to pay for Christmas lights because we can't afford to pave our streets. He stated that "Voting for this is akin to telling your kid I can't afford to take you shopping for clothes, but oh by the way; I will take you out to dinner and pay for it out of your college fund." Mr. Lovett stated that the Electric fund isn't flush. Funds are needed to upgrade substations; a garage is needed to keep vehicles out of the weather. He finished by saying "This City is running out of money. Somebody up here needs to have the guts to tell you what's going on. That's why I'm not voting for this."

Mr. Budding added the following quotes: Any Government big enough to give you everything you want is big enough to take everything you have.
Barry Goldwater

When plunder becomes a way of life for a group of men living together in society, they will, in the course of time, create for themselves a legal system that authorizes it, and a moral code that justifies it. Frederic Bastiat

President Hale stated that he would be voting in favor of the lights and doesn't believe he talks out of both sides of his mouth; he has said on numerous occasions that the City needs money and voted in favor of both tax levies. President Hale stated that he would vote in favor of a tax levy if it came before the residents tomorrow and noted that Tipp City has been running on the same tax rate since 1981. He added that Council is put into office to make sure that everything gets done, but with the same tax rate for 30 years, it is not possible. Citizens need to look at the roads, including Donn Davis Way which is only five years old. Some of the roads in the newer subdivisions need repaired, not just the older parts of town. A new fire truck is needed as Tipp City's is 35 years old and eventually residents will be required to pay higher insurance rates because of the old fire equipment. President Hale stated that he will be voting yes on the Christmas lights because only 1-2 people have expressed that they do not believe the City should sign a contract for lighting out of the 50-60 people he has talked to. President Hale has heard that citizens understand that the lights will be paid for out of the Electric fund. Also, the contract is 28% below what was asked for and 35% less than what we spent last year. Businesses in the downtown district have stated that they need to have lighting for the Christmas season. President Hale concluded by saying that when he first became a Council member he was and continues to be concerned about the pool losing money. One of the things he was taught by another Council member is that there are certain things that a city pays for in the course of the year that is for the betterment of the community, and this is how he views the lighting of the downtown.

There being no further discussion, Mayor Gillis sponsored this ordinance and moved for its adoption. Motion was seconded by President Hale and passed with a 5-2 vote; Mr. Lovett and Mr. Budding voted no. Ordinance 16-10 was declared passed and President Hale affixed his signature in witness thereto.

Resolutions
(one reading required)
Resolution 36-10
Road Deicing Salt

A resolution authorizing the purchase of road deicing salt from Cargill, Inc. at a rate of \$64.83 per ton dumped or \$68.58 per ton using a piler for an amount up to 800 tons.

Clerk of Council Summary: This resolution for consideration by City Council will authorize the purchase of road deicing salt from Cargill, Inc. at their bid price of \$64.83 per ton dumped at our storage facility on Park Ave. or \$68.58 per ton if a piler is needed, for an amount up to 800 tons.

City Manager Comments: The Southwest Purchasers For Government (SWOP4G) purchasing cooperative recently bid out road salt for participating communities. Cargill was the low bidder for Tipp City at \$64.83 per ton. The adoption of this resolution would authorize the City Manager to purchase road deicing salt from Cargill, Inc., up to a maximum of 800 tons. While the price per

ton is the same as last year, it is well below the 2008 price of \$104.23 per ton, but more than 35% above 2007's cost per ton. The City currently has over 750 tons of road salt in stock and has averaged 722 tons per season over the last five years. Last year 633 tons of road salt was used while utilizing salt conservation practices.

There being no further discussion, Mr. Lovett sponsored this resolution and moved for its adoption. Motion was seconded by Mayor Gillis. Resolution 36-10 passed with a 7-0 vote and President Hale affixed his signature in witness thereto.

**Ordinances
(First Reading)**
Rosewood PRD

Mr. Kessler sponsored an ordinance approving the replat of part of Phase Two and Inlot 3603 of the Rosewood Planned Residential Development Subdivision.

Clerk of Council Summary: With the adoption of this ordinance, the developer can complete the public improvements within Phase 2 and dedicate them to the City.

City Manager Comments: Rosewood Creek, LLC has submitted a replat of Inlots 3603 and 3954-3968 and a segment the Verdi Drive right-of-way (west of Rosenthal Drive) in Phases 1 & 2 of Rosewood Creek Subdivision resulting in the creation of a new 33.249 acre lot. This replat is being proposed in anticipation of a potential revision to the existing Preliminary Plan for a "Lifestyle Gated Community" currently under consideration by the applicant for the northwest portion of the subdivision. The Planning Board reviewed this proposed amendment at its September 14 meeting and recommended approval.

Swimming Pool Setback

Ms. Black sponsored an ordinance amending Section 154.059 of the Tipp City, Ohio Code of Ordinances to clarify the setback for swimming pools.

Clerk of Council Summary: This ordinance updates the Code of Ordinances to indicate that a swimming pool is an accessory use or structure as opposed to an accessory building as currently stated.

City Manager Comments: This ordinance codifies the City's past practice of requiring a 10-foot setback between a primary structure and a swimming pool. Due to conflicting regulations within the Zoning Code, this amendment is necessary to clarify this matter. The Planning Board reviewed this proposed amendment at its September 14 meeting and recommended approval.

Motion
License for
Encroachment

President Hale made a motion authorizing the City Manager to enter into an agreement with the Downtown Tipp City Partnership for "HarvestFest". The motion was seconded by Ms. Black and unanimously approved.

CDBG Program

President Hale made a motion authorizing the City Manager to execute an agreement with the Miami County Commissioners for the FY2010 CDBG Program. The motion was seconded by Mr. Kessler and unanimously approved.

BZA Appointment

Mr. Gibson made a motion to appoint William Watkins to the Board of

	<p>Zoning Appeals for a partial term expiring December 31, 2011. Motion was seconded by Mr. Lovett and unanimously approved.</p>
GUM Waterline Agreement	<p>Mr. Lovett made a motion to extend the contract with Ginghamburg United Methodist Church for the waterline construction agreement for two years. Motion was seconded by Mr. Gibson and unanimously approved.</p>
Annexation	<p>Ms. Black made a motion to approve the annexation and service agreement for the property located at 4155 S. Tipp Cowlesville Rd. Motion was seconded by Mayor Gillis and unanimously approved.</p>
Citizen Comments	<p>There were no comments by citizens on matters not on the agenda.</p>
Councilmember Comments	<p>Mayor Gillis reminded citizens to come to the Mum Festival.</p> <p>Mr. Lovett thanked everyone for coming to the meeting and for caring.</p> <p>Mr. Kessler reminded citizens to be patient during the Mum Festival as there will be a lot of out-of-town visitors.</p> <p>Mr. Gibson reminded residents that these proceedings are being recorded by KIT-TV on Channel 5 and noted that the schedule is available on Tipp News Daily, the Tippecanoe Gazette, and Tippcityohio.gov. He added that Cable Access meets the 3rd Monday of every month at the Township Building and that residents can have the schedule emailed to them on a weekly basis by contacting KIT-TV. He also encouraged everyone to attend all the activities during the Mum Festival. Mr. Gibson noted that HarvestFest will be held October 16th downtown and encouraged citizens to attend. He reminded residents that a Citizens Committee is being put together to review the 10 year CIP and if anyone is interested, they should contact a City Council member or the City Manager.</p> <p>Ms. Black reminded everyone of the car show on the 24th and the Mum Festival and encouraged citizens to dunk City Manager Jon Crusey in the dunking booth behind Harrison's restaurant on Friday night. HarvestFest tickets will also be sold during the Mum Festival. Ms. Black thanked everyone for the emails, Facebook comments, and attending the meeting showing their support for the lights.</p> <p>President Hale thanked everyone for attending and noted that the dunk tank is in conjunction with Harrison's five year anniversary. He also informed citizens that Chin's Ginger Grill has been completely remodeled and is operating under a new name, Green Fire Peace Trail.</p>
Adjourn to Executive Session	<p>President Hale made a motion to go into Executive Session to discuss Collective Bargaining and Pending Litigation to include Council, City Manager Crusey, Assistant City Manager Brad Vath, Law Director Joe Moore, and Police Chief Tom Davidson. Mr. Kessler seconded the motion and it passed unanimously at 8:20 pm.</p>
Adjournment	<p>Executive Session and City Council meeting were adjourned on a motion by Mr. Lovett, seconded by Ms. Black and unanimously approved at 9:00 p.m.</p>

Patrick Hale, President

Attest: _____
Cathy Ross, Clerk of Council

