

**6:30 p.m. Study Session:**

- Efficiency Smart
- Citizens Committee
- Records Management System
- CMAQ/TE/STP Grants

# Agenda

## Tipp City City Council

7:30 p.m. Monday, September 20, 2010

### Tipp City Government Center

260 South Garber Drive

Tipp City, Ohio 45371-3116

	Agenda Item	Presenter
1.	Call to Order - Roll Call	President Hale
2.	Prayer for Guidance, Pledge of Allegiance	Pastor Jeff Seekins, Community Bible Church
3.	Motion to Approve the Agenda	President Hale
4.	Minutes of the August 16, 2010 Pre-Meeting Study Session Minutes of the August 16, 2010 City Council Meeting Minutes of the August 16, 2010 Post-Meeting Study Session	President Hale
5.	Presentations, Proclamations, & Awards <ul style="list-style-type: none"><li>• Big Tree Presentation</li></ul>	Mayor Gillis
6.	Legislation	
	<p><b>Ordinances</b> (<i>second reading</i>)</p> <p>A. Ordinance No. __-10: 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. (<i>Sponsored by Mr. Lovett</i>)</p> <p><u>Clerk of Council Summary:</u> This ordinance sets the rate for the Property Tax Levy to be collected in 2011.</p> <p>B. Ordinance No. __-10: 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. (<i>Sponsored by Mayor Gillis</i>)</p> <p><u>Clerk of Council Summary:</u> This ordinance authorizes the City Manager to sign an agreement with Christmas Décor for holiday lights in the downtown area.</p>	Mr. Crusey

	<p><b>Resolutions</b> (<i>one reading required</i>)</p> <p>A. Resolution No. __-10: 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.</p> <p><u>Clerk of Council Summary:</u> The attached 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.</p>	Mr. Crusey
	<p><b>Ordinances</b> (<i>first reading</i>)</p> <p>A. Ordinance No. __-10: An ordinance approving the replat of part of Phase Two and Inlot 3603 of the Rosewood Planned Residential Development Subdivision.</p> <p><u>Clerk of Council Summary:</u> With the adoption of this ordinance, the developer can complete the public improvements within Phase 2 and dedicate them to the City.</p> <p>B. Ordinance No. __-10: An ordinance amending Section 154.059 of the Tipp City, Ohio Code of Ordinances to clarify the setback for swimming pools.</p> <p><u>Clerk of Council Summary:</u> 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.</p>	Mr. Crusey
<b>7.</b>	<p><b>Motions</b></p> <p>A. A motion to authorize the City Manager to enter into an agreement with the Downtown Tipp City Partnership for “HarvestFest”.</p> <p>B. A motion authorizing the City Manager to execute an agreement with the Miami County Commissioners for the FY2010 CDBG Program.</p> <p>C. A motion to make an appointment to the Board of Zoning Appeals for a partial term expiring December 31, 2011.</p> <p>D. A motion regarding an extension to the 2008 Ginghamburg United Methodist Church (GUM) Waterline Construction Agreement.</p> <p>E. A motion regarding annexation and service agreement for 4155 S. Tipp Cowlesville Road.</p>	President Hale
<b>8.</b>	<b>Miscellaneous</b>	President Hale
<b>9.</b>	<b>Citizen Comments on Items Not on the Agenda</b>	
<b>10.</b>	<b>Comments of Councilmembers/City Manager</b>	
<b>11.</b>	<b>Adjournment</b>	

**EXECUTIVE SESSION:**

- Collective Bargaining
- Pending Litigation

## AGENDA

### PRESENTATIONS, PROCLAMATIONS & AWARDS

- A. **Big Tree Contest**– The Tree Board will present its 4<sup>th</sup> annual Big Tree Award.

### ORDINANCES (second reading)

- A. **2011 Property Tax Rate** - The Miami County Budget Commission has met and approved the City's authorized "inside" millage property tax rate of 1.4 mils for 2011. Inside millage refers to the 10 mil 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. A memo from the Finance Director is attached.
- B. **Downtown Holiday Lights** – 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.

### RESOLUTIONS

- A. **Road Salt Bid** –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.

### ORDINANCES (first Reading)

- A. **Rosewood Creek Replat** – 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.
- B. **Zoning Code Amendment** – 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.

## MOTIONS

- A. **HarvestFest Agreement** – The Downtown Tipp City Partnership is planning to host the 4<sup>th</sup> annual “HarvestFest” on Saturday, October 16<sup>th</sup> from 7-11 p.m. The event will again take place along Second Street between Main and the first east-west alley to the south.  
Attached is a copy of the Agreement that has previously been entered into between the City and the Partnership outlining the conditions of the street closure, including insurance, hold harmless/indemnification language, hours of operation, etc. The Partnership will also sell beer at the event which requires them to obtain a Class F liquor license, a special events liquor liability policy (naming the City as an additional insured), and to police the event to ensure compliance with the liquor permit conditions.
- B. **CDBG Subrecipient Agreement** – This agreement between the City and Miami County details the responsibilities of each party related to the administration of FY 2010 Community Development Block Grant funds. The City was awarded \$33,000 in FY 2010 CDBG funds of which \$29,500 is targeted for construction of an access driveway and handicap parking area at Kyle Park with the remaining \$3,500 going to the County for its administration of the grant program.
- C. **Board of Zoning Appeals Appointment** – The Clerk of Council has received one application for the vacancy on the Board of Zoning Appeals, which term expires December 31, 2011. A motion appointing an individual to the term expiring December 31, 2011 would be appropriate.
- D. **Ginghamsburg Church Waterline Construction Agreement Extension** – An Annexation and Service Agreement with Ginghamsburg United Methodist Church was entered into in March of 2008. A Construction Agreement for the installation of the waterline was executed in September 2008 which provided a two-year timeframe for the construction of the waterline. The church has requested a two-year extension to the waterline Construction Agreement.
- E. **Annexation and Service Agreement For 4155 Tipp-Cowlesville Road** – The property owners (Francis & Lynn Meyers) at 4155 Tipp-Cowlesville Road have requested permission to connect to the City’s sanitary sewer and water systems. In order to do so, the property owners are required to enter into an Annexation and Service Agreement with the City whereby the owners agree to initiate annexation proceedings, at their cost, upon becoming contiguous to the City and to pay all costs associated with the connection to the City’s sanitary sewer and water systems. Staff recommends that Council adopt a motion authorizing the City Manager to enter into an Annexation and Service Agreement for 4155 Tipp-Cowlesville Road.

Council welcomes the comments and input of the public during the Council meetings. In order to provide an orderly fashion in which all interested parties have an opportunity to address Council, Council has adopted the following procedure for citizen’s comments during any portion of the Council meeting or Public Hearing.

Any citizen who wishes to address Council must first seek recognition from the President of Council. Upon recognition by the President, the speaker should approach the podium, state their name and make their comments. Speakers should not leave the podium to approach Councilmembers without first obtaining permission. After completion of their

comments, Council would request that the speakers return to their seat so that any other interested persons could then be recognized and address Council.

The purpose of this procedure is to afford the maximum opportunity for citizen input without any type of disruption of the Council proceedings. While others are addressing Council from the podium, Council requests that audience members not make comments to Council or to individuals at the podium to prevent any potential confusion or disruption.