

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

- NAWA Master Plan
- Advantage Sharing Program (ASP)
- OPWC

# Agenda

## Tipp City City Council

7:30 p.m. Monday, June 21, 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 Andy Warren, Victory Assembly of God
3.	Motion to Approve the Agenda	President Hale
4.	Minutes of the June 7, 2010 Pre-Meeting Study Session Minutes of the June 7, 2010 City Council Meeting	President Hale
5.	Presentations, Proclamations, & Awards A. Introduce new Electric Foreman	Mr. Crusey
6.	Legislation	
	<b>Ordinances</b> ( <i>second reading</i> ) A. Ordinance No. __-10: An ordinance amending Sections 154.101(A) & 154.107(D) of the Tipp City, Ohio Code of Ordinances to modify: the maximum allowable area and height of ground (interstate) signs, definition of interstate sign location, and variance procedure.  <u>Clerk of Council Summary:</u> This ordinance modifies "interstate" signage requirements.  B. Ordinance No. __-10: An ordinance establishing intervening user fees for a 12" waterline extension on Lightner Road, Tipp City, Miami County, Ohio.  <u>Clerk of Council Summary:</u> This ordinance establishes intervening user fees for properties in Miami County connecting to the Lighter Road waterline extension.	Mr. Crusey

	<p>C. Ordinance No. __-10: An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in various locations within the City of Tipp City, Ohio.</p> <p><u>Clerk of Council Summary:</u> This ordinance authorizes the levying of sidewalk, curb gutter and driveway approach special assessments for certain property owners throughout the City of Tipp City.</p>	
	<p><b>Resolutions</b> (<i>one reading required</i>)</p> <p>A. A resolution declaring the intent of the municipality of Tipp City, Ohio to appropriate certain property inside the corporation limits.</p> <p><u>Clerk of Council Summary:</u> This resolution declares the City's intent to appropriate temporary and permanent easements for streetscape.</p>	Mr. Crusey
	<p><b>Ordinances</b> (<i>first reading</i>)</p> <p>A. An ordinance directing appropriations to proceed to appropriate permanent and temporary easements on certain described properties inside the corporation limits and declaring an emergency.</p> <p><u>Clerk of Council Summary:</u> This ordinance authorizes the appropriation of temporary and permanent easements from nine private property owners for streetscape.</p>	Mr. Crusey
<b>7.</b>	<p><b>Motions</b></p> <p>A. A motion to approve the filling of the Payroll Clerk position in the Finance Department.</p> <p>B. Motion to set a public hearing for permanent rezoning of Inlots 4099, 4100 &amp; 4101 on East Main Street to Conservation District/Flood Hazard/Well Field Protection (CD/FA/WP).</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>	

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.



June 17, 2010

The Honorable Pat Hale &  
City Council Members

### MEETINGS

Mon., June 21	4-6 p.m.	Retirement Reception for Dick Drennen
Mon., June 21	6:30 p.m.	Study Session
Mon., June 21	7:30 p.m.	City Council
Tue., June 22	7:30 p.m.	Restoration Board
Thur., June 24	7:30 p.m.	Cable Access Commission
Sat., June 26		Antique & Artisan Show

### AGENDA

#### **PRESENTATIONS, PROCLAMATIONS & AWARDS**

- A. **Introduction of New Electric Foreman** – Jerry Gee was appointed Electric Foreman effective June 21, 2010 replacing Don Zerkle who recently retired after 21 years with the City. Jerry has been with the City since 1984.

#### **ORDINANCES (First Reading)**

- A. **Highway Signs** – City Council, at its April 5, 2010 meeting, adopted a motion directing the Planning Board to review the sign code pertaining to highway signs and requesting that they make a recommendation pertaining to those signs. The Planning Board conducted a public hearing and adopted a motion at its May 11, 2010 meeting recommending that Council amend the regulations pertaining to highway signs to increase the maximum sign area of a highway sign from 120 square feet per sign face to 250 square feet per sign face and increase the maximum height of a highway sign from 40 feet in height to 70 feet in height, with a maximum height variance of 20%. Furthermore, the Planning Board recommended that the locations in which a highway signs are permitted be expanded from those properties “with frontage abutting” I-75 right-of-way, including the exit/entrance ramps, to those properties “within 660’ of” I-75 right-of-way, including the exit/entrance ramps. City Council subsequently discussed

the Planning Board's recommendations during pre-meeting study sessions on May 17 and June 7. This ordinance adopts the Planning Board's recommendations, except that the attached maps will identify those properties eligible for a highway sign in lieu of the 660' boundary. A copy of the amended ordinance and maps are provided for your review.

- B. **Lightner Road Intervening User Fees** – This ordinance, if adopted, would enact intervening user fees for properties along the north side of Lightner Road in Miami County that connect to the recently constructed water main along Lightner Road. This water main was jointly funded by the City of Tipp City and the City of Vandalia. The intervening user fee established by this ordinance is \$53.50 per linear foot of property frontage.
- C. **Sidewalk Assessments** - The adoption of this ordinance would levy special assessments for the construction of curb, gutter and sidewalks completed as part of the 2009 sidewalk program. City Council previously adopted Resolution 31-09 declaring it necessary to construct said curbs, gutters and sidewalks. Affected property owners were sent an estimate prior to construction and an invoice following construction. The assessments set forth in this ordinance are due by the private property owner within thirty (30) days after its passage, or, at the option of the property owner, assessed in ten (10) annual installments with an annual interest rate of 3.5%. Otherwise, uncollected assessment will be certified to the County Auditor to be placed on the tax duplicate. Presently, 8 property owners are on the assessment list at a total cost of \$2,622.27. A memo from City Engineer Vagedes regarding this matter is attached.

## **RESOLUTIONS**

- A. **Resolution of Intent** – The adoption of this resolution declares the City's intent to acquire by appropriation temporary and permanent easements from private property owners for the construction of the next phase of the streetscape project. Chapter 719 of the Ohio Revised Code authorizes municipal corporations to appropriate real estate within its corporate limits for the opening, widening, straightening, changing the grade of, and extending streets. Temporary and permanent easements totaling 0.064 acres are proposed to be appropriated from nine private property owners for the construction of the streetscape project along Main Street at the intersections of Garber, Tippecanoe and Hyatt (see attached map). The City attempted to acquire the necessary easements from the private property owners through negotiations. To date, three property owners have signed easements; however, ODOT is now requiring the mortgage holders to sign a release before the easements can be recorded. Unfortunately, due to the time constraints of the grant programs funding the streetscape improvements the City must now take action to appropriate the easements or risk losing its grant funding. This resolution is the first step in the appropriation process with an ordinance authorizing the appropriations also Monday's agenda. A memo from City Engineer Vagedes is attached for your review.

## **ORDINANCES** (First Reading)

- A. **Appropriation of Right-of-Way for Streetscape Project** – This ordinance, if adopted, would direct the Law Director to file petitions for the appropriation of temporary and permanent easements totaling 0.064 acres from nine private property owners for the construction of the next phase of streetscape along Main Street at the intersections of Garber, Tippecanoe and Hyatt. The properties have been appraised by an ODOT approved consultant at a total value of \$31,820. The affected property owners were previously notified and offers made. To date, three property owners have sign easements; however, ODOT is now requiring the mortgage holders to sign a release before the easements can be recorded. Unfortunately, due to the time constraints of the grant programs funding the streetscape improvements the City must now take action to appropriate the easements or risk losing its grant funding. Following the adoption of this ordinance the Law Director will file the necessary petitions and deposit the specified amounts with the Court of Common Pleas, which will allow the streetscape project to proceed immediately. This legislation contains emergency language so that the ordinance will become effective upon adoption by Council at 2<sup>nd</sup> reading in order to meet ODOT's funding deadline so as not to risk the grant funding for this project. An emergency ordinance requires a vote of not less than two-thirds of the members of Council per Section 4.15 of the City Charter. A memo from City Engineer Vagedes is attached for your review.

## **MOTIONS**

- A. **Filling Payroll Clerk Position** – Payroll Clerk Kathy Gray has announced her retirement effective July 31 after 30 years with the City. A motion from Council is necessary to authorize the City Manager to appoint a replacement to this position. A memo from Finance Director John Green is attached.
- B. **Set Public Hearing for Rezoning of Inlots 4099, 4100 & 4101 on East Main Street** – The Planning Board met on June 8<sup>th</sup> and forwarded a positive recommendation for the permanent rezoning of Inlots 4099, 4100 & 4101 on East Main Street to Conservation District/Flood Hazard/Well Field Protection (CD/FH/WP). A public hearing to coincide with the second reading of the rezoning ordinance is recommended for Council's August 16, 2010 meeting.

## **INFORMATIONAL ITEMS**

**Horton Avenue Reconstruction** – Coate Construction has installed the main line storm sewer and has begun removal of the marked curb & sidewalk for replacement. Vectren completed their gas line & service work this past week. Coate is on schedule to complete the Horton Project by the last week in July, pending concerns that the Utility Director has for the existing water line in Horton.

**Hartman Avenue Reconstruction** - Bruns Construction has installed the water main and is currently placing the storm sewer on Kiser. They should complete the storm sewer and water service installation in the next 2 to 3 weeks, before starting the roadway base construction. They are on schedule to complete the Hartman Project by the end of August.

**Refuse & Recycling Bid** – A pre-bid meeting will be held Monday morning with contractors interested in bidding on the City's Refuse & Recycling contract. The bid deadline is Wednesday, July 7.

**Vacation** – I will be on vacation the latter part of next week as will Brad. Therefore, there will not be a Friday Letter next week. Normal correspondence will resume the following week.

A handwritten signature in black ink, consisting of a series of loops and a final upward stroke.