

**AGENDA
PIQUA CITY COMMISSION
WORKSESSION
THURSDAY, FEBRUARY 9, 2012
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

ROLL CALL

CITY COMMISSION WORKSESSION

1. Municipal Court Location
2. Vicious Dogs – Part 2
3. Recycling Program* (Discussion Only)
4. Transportation Committee Recommendations
5. Redistricting Update* (Discussion Only)
6. Public Safety Income Tax* (Discussion Only)
7. Mote Park Picnic Shelter
8. Roadway Maintenance Agreement with Miami County
9. Adjournment

ITEM #1

Item #1

Miami County Municipal Court

1. Background

The Municipal Court is located in the Knights St. John's building behind the police station parking lot. Court is held every Wednesday morning with once a month also containing a small number of small claims cases.

The County has leased the building from the Knights of St. John at a cost of approximately \$30,000 per year. Initially this building was open multiple days for the convenience of being able to pay court fines and see probation. Probation hasn't been located in the building outside of court hours for in excess of two years. The Court staff has been minimized as well, gradually decreasing the days a clerk was at the building. Currently there is no clerk at the building outside of court hours.

In preparation of the County's lease expiring early 2012, the Court requested the City's position on holding court in Piqua. No other community within the County holds court outside of the County Courthouse. The City has requested that a court remain in Piqua; however, in facing budgetary issues, the City began discussions with the County on possible alternatives.

The primary question to be answered is whether the City of Piqua desires to continue to have a court in Piqua and if so, what alternative can the City participate in as a partner to lessen the financial burden?

2. Spacing Issues

Having a court requires more space than one room for a courtroom. Spacing that is required includes:

- A Judge's chambers. This is where lawyers meet privately with the Judge in off the record discussions.
- A secure Clerk's office. Currently there is bullet proof glass and a locked door accessible by a punch code. There is money taken in as well as equipment that is kept at the Clerk's office such as computers, a copier and fax.
- Space for the prosecutor.
- Space for the public defender.
- Space for probation.
- A waiting area. There are multiple things taking place at court, pretrials, arraignments and small claims. All of these having

3. Useage

Piqua has consistently held approximately the same percentage of all County cases:

	Piqua	County	Percentage of Total
2008 Criminal	1,472	5,633	26%
2008 Traffic	1,147	13,814	8%
2009 Criminal	1,295	5,288	24%
2009 Traffic	1,666	12,609	13%
2010 Criminal	1,286	4,805	27%
2010 Traffic	1,299	10,890	12%
2011 Criminal	1,398	4,613	30%
2011 Traffic	1,217	10,460	12%

Out of these total cases, it is unknown what percentage live in Piqua. Many times in court the defendant requests a change in address and it is often Troy or Sidney.

4. Mote Park

It has been suggested that Mote Park be a viable option for the Court. The floor plan is quite similar to what is used now for the Piqua court. It contains an office space, waiting area and a room to be used as a courtroom. Much needed renovations would have to take place. Court personnel, including the judges, clerk's office, probation and the IT Director walked the building to determine the feasibility of a court. There has been no further discussion other than the City doing some preliminary drawings of layout. Renovations would likely be costly and there has been no discussion on who would pay for those renovations.

The Mote Park building is rented out. In renovating the building, the stage would be removed. It is no longer used by Piqua Players and during 2011, the stage was used 9 times for events. The building was used a total of 190 times during 2011. The kitchenette would remain.

5. Judge Gutmann

ITEM #2

Dayton Daily News

ITEM #2

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Pit bulls may lose 'vicious' label due to bill

Senate OK's bill that will not immediately label any dog as 'vicious.'

By Lawrence Budd, Staff Writer

Updated 9:06 PM Wednesday, February 1, 2012

COLUMBUS — Pit bulls would no longer be the only dogs that could immediately be classified as vicious under new legislation passed by the Ohio Senate this week.

The bill, passed Tuesday, also would eliminate problems that for decades have hampered animal control efforts involving other dog breeds, according to Mark Kumpf, director of Montgomery County Animal Resource Center.

"It basically levels the playing field for all breeds of dog," Kumpf said Wednesday. "Other than the one dog, we've had our hands tied."

The Senate voted 27-5 to rewrite the state's vicious dog law, passed in 1987 and weakened by a 2004 Ohio Supreme Court ruling.

The Supreme Court found the law failed to provide due process — the right to a court hearing — for other dog owners, discouraging animal control officers from issuing citation for first infractions.

Unless it was a pit bull mix, "your dog had one free bite," Kumpf said.

Kumpf was part of a group involved in rewriting the bill introduced last January — for the second time — by Rep. Barbara Sears, R-Monclova Twp.

Next the bill is headed back to the House of Representatives for final changes.

If signed by the governor, the law would allow animal control officers to designate any dog as "nuisance," "dangerous" or "vicious," regardless of breed. Violators could be fined or face felony sanctions.

Regardless of breed, the vicious dog classification would apply to dogs that, without provocation, badly injure or kill a person. Such dogs are often seized and euthanized.

For now, Ohio remains the only state which only classifies pit bulls as vicious, a distinction that has divided victims of pit-bull bites and those who love the mixed breed.

The existing law also discourages some pit bull owners from licensing their pets or picking them up from the pound, Kumpf said.

Under the new law, their owners would no longer need liability insurance.

Sen. Jim Hughes, R-Columbus, said pit bulls were involved in bad-bites cases and used by drug dealers.

"Unfortunately, pit bulls in this county have had a lot of bad cases with children and drugs," Hughes said. "Drug dealers use these dogs to go after police."

Last month in Dayton, a pit bull mauled two people, including its owner, sending both to the hospital. It was the latest in a series of bad-bite cases involving pit bulls reported in the area.

A 2011 Dayton Daily News examination of dog bites in Montgomery County found pit bulls led all breeds in the number of reported dog bites since January 2009. But boxers, German shepherds and Labradors collectively had more bites reported. All told, 83 percent of the reported bites did not involve pit bulls.

"The majority of the pit bulls we deal with are not aggressive animals," said Eric Hancock, a dog warden in Warren County.

The law will have no effect on communities, including Xenia, Hamilton and Cincinnati, that place special restrictions on pit bull mixes. Dayton prohibits ownership of any dangerous or vicious animal.

The House is expected to make changes on Feb. 8.

Amendments suggested by Gov. John Kasich's office have already been added, Kumpf said.

"It's probably got several weeks before it sees the governor's desk," he said.

The Columbus Dispatch contributed to this report.

Contact this reporter at (937) 225-2261 or lbudd@Dayton DailyNews.com.

Find this article at:

<http://www.daytondailynews.com/news/dayton-news/pit-bulls-may-lose-vicious-label-due-to-bill-1322192.html>

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As Passed by the Senate

129th General Assembly

Regular Session

2011-2012

Sub. H. B. No. 14

Representative Sears

**Cosponsors: Representatives Winburn, Garland, Bulp, Duffey, Gardner,
Lundy, Szollosi, Wachtmann Speaker Batchelder
Senators Wagoner, LaRose, Coley, Jordan, Seitz**

A BILL

To amend sections 955.08, 955.11, 955.22, 955.99, 1
1901.18, and 1907.031 and to enact sections 2
955.222 and 955.54 of the Revised Code to remove 3
pit bulls from the definition of "vicious dog" in 4
state law, to establish a process by which owners, 5
keepers, or harborers of dogs that have been 6
designated as nuisance, dangerous, or vicious may 7
appeal that designation, to define a "nuisance 8
dog," to change the definitions of a "dangerous 9
dog" and a "vicious dog," to require the owner of 10
a dangerous dog to obtain a dangerous dog 11
registration certificate, to prohibit certain 12
felons from owning dogs under certain conditions, 13
and to change the penalties involving ownership of 14
nuisance, dangerous, and vicious dogs. 15

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 955.08, 955.11, 955.22, 955.99, 16
1901.18, and 1907.031 be amended and sections 955.222 and 955.54 17
of the Revised Code be enacted to read as follows: 18

Sec. 955.08. In addition to the certificate of registration
provided for by section 955.07 of the Revised Code, the county
auditor shall issue to every person making application for the
registration of a dog and paying the required fee therefor a metal
tag for each dog so registered. The form, character, and lettering
of the tag shall be prescribed by the county auditor. Each year
the tag shall be a color distinctive from that of the previous
year. If a tag is lost, a duplicate shall be furnished by the
auditor upon proper proof of loss and the payment of ~~twenty five~~
~~cents~~ five dollars for each duplicate tag issued ~~or payment of an~~
~~alternate fee for a duplicate tag, which the board of county~~
~~commissioners may establish in an amount not to exceed one dollar~~
~~and fifty cents.~~

Sec. 955.11. (A) As used in this section:

(1) (a) "Dangerous dog" means a dog that, without provocation,
and subject to division (A) (1) (b) of this section, has ~~chased or~~
~~approached in either a menacing fashion or an apparent attitude of~~
~~attack, or has attempted to bite or otherwise endanger any person,~~
~~while that dog is off the premises of its owner, keeper, or~~
~~harborer and not under the reasonable control of its owner,~~
~~keeper, harborer, or some other responsible person, or not~~
~~physically restrained or confined in a locked pen which has a top,~~
~~locked fenced yard, or other locked enclosure which has a top~~ done
any of the following:

(i) Caused injury, other than killing or serious injury, to
any person;

(ii) Killed another dog;

(iii) Been the subject of a third or subsequent violation of
division (C) of section 955.22 of the Revised Code.

(b) "Dangerous dog" does not include a police dog that has

~~chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.~~ 49
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(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person. 55
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(3) (a) Subject to division (A) (3) (b) of this section, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harborer has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person. 58
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(b) "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person. 64
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(4) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties. 69
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~~(4) (5) "Serious injury" means any of the following:~~ 72

(a) Any physical harm that carries a substantial risk of death; 73
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(b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity; 75
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(c) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement; 77
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(d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain. 79
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(6) (a) "Vicious dog" means a dog that, without provocation and subject to division (A) ~~(4)~~ (6) (b) of this section, meets any of the following: 82
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~~(i) Has has killed or caused serious injury to any person;~~ 85

~~(ii) Has caused injury, other than killing or serious injury, to any person, or has killed another dog.~~ 86
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~~(iii) Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping, or harboring of a vicious dog.~~ 88
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(b) "Vicious dog" does not include either of the following: 92

(i) A police dog that has killed or caused serious injury to any person ~~or that has caused injury, other than killing or serious injury, to any person~~ while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties; 93
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(ii) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog. 98
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~~(5) (7)~~ "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. 102
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(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate 107
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that shall be signed by the seller. The certificate shall contain 109
the registration number of the dog, the name of the seller, and a 110
brief description of the dog. Blank forms of the certificate may 111
be obtained from the county auditor. A transfer of ownership shall 112
be recorded by the auditor upon presentation of a transfer of 113
ownership certificate that is signed by the former owner of a dog 114
and that is accompanied by a fee of ~~twenty five cents~~ five 115
dollars. 116

(C) Prior to the transfer of ownership or possession of any 117
dog, upon the buyer's or other transferee's request, the seller or 118
other transferor of the dog shall give to the person a written 119
notice relative to the behavior and propensities of the dog. 120

(D) Within ten days after the transfer of ownership or 121
possession of any dog, if the seller or other transferor of the 122
dog has knowledge that the dog is a dangerous ~~or vicious~~ dog, ~~he~~ 123
the seller or other transferor shall give to the buyer or other 124
transferee, the board of health for the district in which the 125
buyer or other transferee resides, and the dog warden of the 126
county in which the buyer or other transferee resides, a completed 127
copy of a written form on which the seller shall furnish the 128
following information: 129

(1) The name and address of the buyer or other transferee of 130
the dog; 131

(2) The age, sex, color, breed, and current registration 132
number of the dog. 133

In addition, the seller shall answer the following questions, 134
which shall be specifically stated on the form as follows: 135

"Has the dog ever chased or attempted to attack or bite a 136
person? If yes, describe the incident(s) in which the behavior 137
occurred." 138

"Has the dog ever bitten a person? If yes, describe the 139

incident(s) in which the behavior occurred." 140

"Has the dog ever seriously injured or killed a person? If 141
yes, describe the incident(s) in which the behavior occurred." 142

The dog warden of the county in which the seller resides 143
shall furnish the form to the seller at no cost. 144

(E) No seller or other transferor of a dog shall fail to 145
comply with the applicable requirements of divisions (B) to (D) of 146
this section. 147

Sec. 955.22. (A) As used in this section, "dangerous dog" ~~and~~ 148
~~"vicious dog"~~ have has the same ~~meanings~~ meaning as in section 149
955.11 of the Revised Code. 150

(B) No owner, keeper, or harborer of any female dog shall 151
permit it to go beyond the premises of the owner, keeper, or 152
harborer at any time the dog is in heat unless the dog is properly 153
in leash. 154

(C) Except when a dog is lawfully engaged in hunting and 155
accompanied by the owner, keeper, harborer, or handler of the dog, 156
no owner, keeper, or harborer of any dog shall fail at any time to 157
do either of the following: 158

(1) Keep the dog physically confined or restrained upon the 159
premises of the owner, keeper, or harborer by a leash, tether, 160
adequate fence, supervision, or secure enclosure to prevent 161
escape; 162

(2) Keep the dog under the reasonable control of some person. 163

(D) Except when a dangerous ~~or vicious~~ dog is lawfully 164
engaged in hunting or training for the purpose of hunting and is 165
accompanied by the owner, keeper, harborer, or handler of the dog, 166
no owner, keeper, or harborer of a dangerous ~~or vicious~~ dog shall 167
fail to do either of the following: 168

(1) While that dog is on the premises of the owner, keeper, 169
or harborer, securely confine it at all times in a locked pen that 170
has a top, locked fenced yard, or other locked enclosure that has 171
a top, ~~except that a dangerous dog may, in the alternative, be~~ 172
 ~~tied with a leash or tether so that the dog is adequately~~ 173
 ~~restrained;~~ 174

(2) While that dog is off the premises of the owner, keeper, 175
or harborer, keep that dog on a chain-link leash or tether that is 176
not more than six feet in length and additionally do at least one 177
of the following: 178

(a) Keep that dog in a locked pen that has a top, locked 179
fenced yard, or other locked enclosure that has a top; 180

(b) Have the leash or tether controlled by a person who is of 181
suitable age and discretion or securely attach, tie, or affix the 182
leash or tether to the ground or a stationary object or fixture so 183
that the dog is adequately restrained and station such a person in 184
close enough proximity to that dog so as to prevent it from 185
causing injury to any person; 186

(c) Muzzle that dog. 187

(E) No person who has been convicted of or pleaded guilty to 188
three or more violations of division (C) of this section involving 189
the same dog and no owner, keeper, or harborer of a vicious 190
dangerous dog shall fail to obtain do the following: 191

(1) Obtain liability insurance with an insurer authorized to 192
write liability insurance in this state providing coverage in each 193
occurrence, subject to a limit, exclusive of interest and costs, 194
of not less than one hundred thousand dollars because of damage or 195
bodily injury to or death of a person caused by the vicious 196
dangerous dog if so ordered by a court and provide proof of that 197
liability insurance upon request to any law enforcement officer, 198
county dog warden, or public health official charged with 199

<u>enforcing this section:</u>	200
<u>(2) Obtain a dangerous dog registration certificate from the</u>	201
<u>county auditor pursuant to division (I) of this section, affix a</u>	202
<u>tag that identifies the dog as a dangerous dog to the dog's</u>	203
<u>collar, and ensure that the dog wears the collar and tag at all</u>	204
<u>times:</u>	205
<u>(3) Notify the local dog warden immediately if any of the</u>	206
<u>following occurs:</u>	207
<u>(a) The dog is loose or unconfined.</u>	208
<u>(b) The dog bites a person, unless the dog is on the property</u>	209
<u>of the owner of the dog, and the person who is bitten is</u>	210
<u>unlawfully trespassing or committing a criminal act within the</u>	211
<u>boundaries of that property.</u>	212
<u>(c) The dog attacks another animal while the dog is off the</u>	213
<u>property of the owner of the dog.</u>	214
<u>(4) If the dog is sold, given to another person, or dies,</u>	215
<u>notify the county auditor within ten days of the sale, transfer,</u>	216
<u>or death.</u>	217
(F) No person shall do any of the following:	218
(1) Debark or surgically silence a dog that the person knows	219
or has reason to believe is a vicious <u>dangerous</u> dog;	220
(2) Possess a vicious <u>dangerous</u> dog if the person knows or	221
has reason to believe that the dog has been debarked or surgically	222
silenced;	223
(3) Falsely attest on a waiver form provided by the	224
veterinarian under division (G) of this section that the person's	225
dog is not a vicious <u>dangerous</u> dog or otherwise provide false	226
information on that written waiver form.	227
(G) Before a veterinarian debarks or surgically silences a	228
dog, the veterinarian may give the owner of the dog a written	229

waiver form that attests that the dog is not a vicious <u>dangerous</u>	230
dog. The written waiver form shall include all of the following:	231
(1) The veterinarian's license number and current business	232
address;	233
(2) The number of the license of the dog if the dog is	234
licensed;	235
(3) A reasonable description of the age, coloring, and gender	236
of the dog as well as any notable markings on the dog;	237
(4) The signature of the owner of the dog attesting that the	238
owner's dog is not a vicious <u>dangerous</u> dog;	239
(5) A statement that division (F) of section 955.22 of the	240
Revised Code prohibits any person from doing any of the following:	241
(a) Debarking or surgically silencing a dog that the person	242
knows or has reason to believe is a vicious <u>dangerous</u> dog;	243
(b) Possessing a vicious <u>dangerous</u> dog if the person knows or	244
has reason to believe that the dog has been debarked or surgically	245
silenced;	246
(c) Falsely attesting on a waiver form provided by the	247
veterinarian under division (G) of section 955.22 of the Revised	248
Code that the person's dog is not a vicious <u>dangerous</u> dog or	249
otherwise provide false information on that written waiver form.	250
(H) It is an affirmative defense to a charge of a violation	251
of division (F) of this section that the veterinarian who is	252
charged with the violation obtained, prior to debarking or	253
surgically silencing the dog, a written waiver form that complies	254
with division (G) of this section and that attests that the dog is	255
not a vicious <u>dangerous</u> dog.	256
(I) <u>(1) The county auditor shall issue a dangerous dog</u>	257
<u>registration certificate to a person who is the owner of a dog,</u>	258
<u>who is eighteen years of age or older, and who provides the</u>	259

<u>following to the county auditor:</u>	260
<u>(a) A fee of fifty dollars;</u>	261
<u>(b) The person's address, phone number, and other appropriate means for the local dog warden or county auditor to contact the person;</u>	262 263 264
<u>(c) With respect to the person and the dog for which the registration is sought, all of the following:</u>	265 266
<u>(i) Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;</u>	267 268 269
<u>(ii) Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;</u>	270 271 272 273
<u>(iii) Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;</u>	274 275 276 277
<u>(iv) Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.</u>	278 279 280
<u>(2) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the county auditor shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in division (I)(3)(b) of this section and, upon the expiration of the certificate issued in the original county, shall</u>	281 282 283 284 285 286 287 288 289

renew the certificate in the new county. 290

(3) (a) If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the county auditor within ten days of relocating to the new address. 291
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(b) If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address: 296
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(i) Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the county auditor of the new county; 300
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(ii) Provide written notice of the new address to the county auditor of the county where the owner previously resided. 303
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(4) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section. 305
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(5) The fees collected pursuant to this division shall be deposited in the dog and kennel fund of the county. 309
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Sec. 955.222. (A) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harborer of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog. 311
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(B) If a person who is authorized to enforce this chapter has reasonable cause to believe that a dog in the person's jurisdiction is a nuisance dog, dangerous dog, or vicious dog, the person shall notify the owner, keeper, or harborer of that dog, by 316
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certified mail or in person, of both of the following: 320

(1) That the person has designated the dog a nuisance dog, 321
dangerous dog, or vicious dog, as applicable; 322

(2) That the owner, keeper, or harborer of the dog may 323
request a hearing regarding the designation in accordance with 324
this section. The notice shall include instructions for filing a 325
request for a hearing in the county in which the dog's owner, 326
keeper, or harborer resides. 327

(C) If the owner, keeper, or harborer of the dog disagrees 328
with the designation of the dog as a nuisance dog, dangerous dog, 329
or vicious dog, as applicable, the owner, keeper, or harborer, not 330
later than ten days after receiving notification of the 331
designation, may request a hearing regarding the determination. 332
The request for a hearing shall be in writing and shall be filed 333
with the municipal court or county court that has territorial 334
jurisdiction over the residence of the dog's owner, keeper, or 335
harborer. At the hearing, the person who designated the dog as a 336
nuisance dog, dangerous dog, or vicious dog has the burden of 337
proving, by clear and convincing evidence, that the dog is a 338
nuisance dog, dangerous dog, or vicious dog. 339

The owner, keeper, or harborer of the dog or the person who 340
designated the dog as a nuisance dog, dangerous dog, or vicious 341
dog may appeal the court's final determination as in any other 342
case filed in that court. 343

(D) A court, upon motion of an owner, keeper, or harborer or 344
an attorney representing the owner, keeper, or harborer, may order 345
that the dog designated as a nuisance dog, dangerous dog, or 346
vicious dog be held in the possession of the owner, keeper, or 347
harborer until the court makes a final determination under this 348
section or during the pendency of an appeal, as applicable. Until 349
the court makes a final determination and during the pendency of 350

any appeal, the dog shall be confined or restrained in accordance 351
with the provisions of division (D) of section 955.22 of the 352
Revised Code that apply to dangerous dogs regardless of whether 353
the dog has been designated as a vicious dog or a nuisance dog 354
rather than a dangerous dog. The owner, keeper, or harbinger of the 355
dog shall not be required to comply with any other requirements 356
established in the Revised Code that concern a nuisance dog, 357
dangerous dog, or vicious dog, as applicable, until the court 358
makes a final determination and during the pendency of any appeal. 359

(E) If a dog is finally determined under this section, or on 360
appeal as described in this section, to be a vicious dog, division 361
(D) of section 955.11 and divisions (D) to (I) of section 955.22 362
of the Revised Code apply with respect to the dog and the owner, 363
keeper, or harbinger of the dog as if the dog were a dangerous dog, 364
and section 955.54 of the Revised Code applies with respect to the 365
dog as if it were a dangerous dog, and the court shall issue an 366
order that specifies that those provisions apply with respect to 367
the dog and the owner, keeper, or harbinger in that manner. As part 368
of the order, the court shall require the owner, keeper, or 369
harbinger to obtain the liability insurance required under division 370
(E) (1) of section 955.22 of the Revised Code in an amount 371
described in division (H) (2) of section 955.99 of the Revised 372
Code. 373

(F) As used in this section, "nuisance dog," "dangerous dog," 374
and "vicious dog" have the same meanings as in section 955.11 of 375
the Revised Code. 376

Sec. 955.54. (A) No person who is convicted of or pleads 377
guilty to a felony offense of violence committed on or after the 378
effective date of this section or a felony violation of any 379
provision of Chapter 959., 2923., or 2925. of the Revised Code 380
committed on or after the effective date of this section shall 381

knowingly own, possess, have custody of, or reside in a residence 382
with either of the following for a period of three years 383
commencing either upon the date of release of the person from any 384
period of incarceration imposed for the offense or violation or, 385
if the person is not incarcerated for the offense or violation, 386
upon the date of the person's final release from the other 387
sanctions imposed for the offense or violation: 388

(1) An unspayed or unneutered dog older than twelve weeks of 389
age; 390

(2) Any dog that has been determined to be a dangerous dog 391
under Chapter 955. of the Revised Code. 392

(B) A person described in division (A) of this section shall 393
microchip for permanent identification any dog owned, possessed 394
by, or in the custody of the person. 395

(C) (1) Division (A) of this section does not apply to any 396
person who is confined in a correctional institution of the 397
department of rehabilitation and correction. 398

(2) Division (A) of this section does not apply to any person 399
with respect to any dog that the person owned, possessed, had 400
custody of, or resided in a residence with prior to the effective 401
date of this section. 402

Sec. 955.99. (A) (1) Whoever violates division (E) of section 403
955.11 of the Revised Code because of a failure to comply with 404
division (B) of that section is guilty of a minor misdemeanor. 405

(2) Whoever violates division (E) of section 955.11 of the 406
Revised Code because of a failure to comply with division (C) or 407
(D) of that section is guilty of a minor misdemeanor on a first 408
offense and of a misdemeanor of the fourth degree on each 409
subsequent offense. 410

(B) Whoever violates section 955.10, 955.23, 955.24, or 411

955.25 of the Revised Code is guilty of a minor misdemeanor. 412

(C) Whoever violates section 955.261, 955.39, or 955.50 of 413
the Revised Code is guilty of a minor misdemeanor on a first 414
offense and of a misdemeanor of the fourth degree on each 415
subsequent offense. 416

(D) Whoever violates division (F) of section 955.16 or 417
division (B) of section 955.43 of the Revised Code is guilty of a 418
misdemeanor of the fourth degree. 419

(E) (1) Whoever violates section 955.21 ~~of~~ of the Revised 420
Code, violates division (B) of section 955.22 of the Revised Code, 421
or commits a violation of division (C) of section 955.22 of the 422
Revised Code that involves a dog that is not a nuisance dog, 423
dangerous dog, or vicious dog shall be fined not less than 424
twenty-five dollars or more than one hundred dollars on a first 425
offense, and on each subsequent offense shall be fined not less 426
than seventy-five dollars or more than two hundred fifty dollars 427
and may be imprisoned for not more than thirty days. 428

(2) In addition to the penalties prescribed in division 429
(E) (1) of this section, if the offender is guilty of a violation 430
of division (B) of section 955.22 of the Revised Code or a 431
violation of division (C) of section 955.22 of the Revised Code 432
that involves a dog that is not a nuisance dog, dangerous dog, or 433
vicious dog, the court may order the offender to personally 434
supervise the dog that the offender owns, keeps, or harbors, to 435
cause that dog to complete dog obedience training, or to do both. 436

(F) ~~If~~ (1) Whoever commits a violation of division (C) of 437
section 955.22 of the Revised Code that involves a nuisance dog is 438
guilty of a minor misdemeanor on the first offense and of a 439
misdemeanor of the fourth degree on each subsequent offense 440
involving the same dog. Upon a person being convicted of or 441
pleading guilty to a third violation of division (C) of section 442

955.22 of the Revised Code involving the same dog, the court shall 443
require the offender to register the involved dog as a dangerous 444
dog. 445

(2) In addition to the penalties prescribed in division 446
(F)(1) of this section, if a violation of division (C) of section 447
955.22 of the Revised Code involves a nuisance dog, the court may 448
order the offender to personally supervise the nuisance dog that 449
the offender owns, keeps, or harbors, to cause that dog to 450
complete dog obedience training, or to do both. 451

(G) Whoever commits a violation of division ~~(D)~~(C) of section 452
955.22 of the Revised Code that involves a dangerous dog, whoever 453
violates that division or a violation of division (D) of that 454
section is guilty of a misdemeanor of the fourth degree on a first 455
offense and of a misdemeanor of the third degree on each 456
subsequent offense. Additionally, the court may order the offender 457
to personally supervise the dangerous dog that the offender owns, 458
keeps, or harbors, to cause that dog to complete dog obedience 459
training, or to do both, and the court may order the offender to 460
obtain liability insurance pursuant to division (E) of section 461
955.22 of the Revised Code. The court, in the alternative, may 462
order the dangerous dog to be humanely destroyed by a licensed 463
veterinarian, the county dog warden, or the county humane society 464
at the owner's expense. With respect to a violation of division 465
(C) of section 955.22 of the Revised Code that involves a 466
dangerous dog, until the court makes a final determination and 467
during the pendency of any appeal of a violation of that division 468
and at the discretion of the dog warden, the dog shall be confined 469
or restrained in accordance with division (D) of section 955.22 of 470
the Revised Code or at the county dog pound at the owner's 471
expense. 472

~~(C)~~ If (H) (1) Whoever commits a violation of division ~~(D)~~(C) 473
of section 955.22 of the Revised Code that involves a vicious dog, 474

~~whoever violates that division~~ is guilty of one of the following: 475

~~(1)(a)~~ A felony of the fourth degree ~~on a first or subsequent~~ 476
~~offense~~ if the dog kills ~~or seriously injures~~ a person. 477

Additionally, the court shall order that the vicious dog be 478
humanely destroyed by a licensed veterinarian, the county dog 479
warden, or the county humane society at the owner's expense. 480

~~(2)(b)~~ A misdemeanor of the first degree ~~on a first offense~~ 481
~~and a felony of the fourth degree on each subsequent offense~~ if 482
the dog causes serious injury to a person. Additionally, the court 483
may order the vicious dog to be humanely destroyed by a licensed 484
veterinarian, the county dog warden, or the county humane society- 485

~~(3)~~ A misdemeanor of the first degree ~~if the dog causes~~ 486
~~injury, other than killing or serious injury, to any person-~~ 487

~~(H)~~ at the owner's expense. 488

(2) If the court does not order the vicious dog to be 489
destroyed under division (H) (1) (b) of this section, the court 490
shall issue an order that specifies that division (D) of section 491
955.11 and divisions (D) to (I) of section 955.22 of the Revised 492
Code apply with respect to the dog and the owner, keeper, or 493
harborer of the dog as if the dog were a dangerous dog and that 494
section 955.54 of the Revised Code applies with respect to the dog 495
as if it were a dangerous dog. As part of the order, the court 496
shall order the offender to obtain the liability insurance 497
required under division (E) (1) of section 955.22 of the Revised 498
Code in an amount, exclusive of interest and costs, that equals or 499
exceeds one hundred thousand dollars. Until the court makes a 500
final determination and during the pendency of any appeal of a 501
violation of division (C) of section 955.22 of the Revised Code 502
and at the discretion of the dog warden, the dog shall be confined 503
or restrained in accordance with the provisions described in 504
division (D) of section 955.22 of the Revised Code or at the 505

county dog pound at the owner's expense. 506

(I) Whoever violates division (A) (2) of section 955.01 ~~or~~ 507
division (E) of section 955.22 of the Revised Code is guilty of a 508
misdemeanor of the first degree. 509

~~(I)~~(J) Whoever violates division (E) (2) of section 955.22 of 510
the Revised Code is guilty of a misdemeanor of the fourth degree. 511

(K) Whoever violates division (C) of section 955.221 of the 512
Revised Code is guilty of a minor misdemeanor. Each day of 513
continued violation constitutes a separate offense. Fines levied 514
and collected for violations of that division shall be distributed 515
by the mayor or clerk of the municipal or county court in 516
accordance with section 733.40, division (F) of section 1901.31, 517
or division (C) of section 1907.20 of the Revised Code to the 518
treasury of the county, township, or municipal corporation whose 519
resolution or ordinance was violated. 520

~~(J)~~(L) Whoever violates division (F) (1), (2), or (3) of 521
section 955.22 of the Revised Code is guilty of a felony of the 522
fourth degree. Additionally, the court shall order that the 523
~~vicious~~ dog involved in the violation be humanely destroyed by a 524
licensed veterinarian, the county dog warden, or the county humane 525
society. Until the court makes a final determination and during 526
the pendency of any appeal of a violation of division (F) (1), (2), 527
or (3) of section 955.22 of the Revised Code and at the discretion 528
of the dog warden, the dog shall be confined or restrained in 529
accordance with the provisions of division (D) of section 955.22 530
of the Revised Code or at the county dog pound at the owner's 531
expense. 532

(M) Whoever violates division (E) (1), (3), or (4) of section 533
955.22 of the Revised Code is guilty of a minor misdemeanor. 534

(N) Whoever violates division (I) (4) of section 955.22 of the 535
Revised Code is guilty of a minor misdemeanor. 536

(O) Whoever violates division (A) or (B) of section 955.54 of the Revised Code is guilty of a misdemeanor of the first degree. 537
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(P) (1) If a dog is confined at the county dog pound pursuant to division (G), (H), or (L) of this section, the county dog warden shall give written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the county dog warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of one hundred dollars is due to the county dog warden within ten days to secure payment of all reasonable expenses, including medical care and boarding of the dog for sixty days, expected to be incurred by the county dog pound in caring for the dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog. 539
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(2) If the person ordered to post security under division (P) (1) of this section does not do so within ten days of the confinement of the animal, the dog is forfeited, and the county dog warden may determine the disposition of the dog unless the court issues an order that specifies otherwise. 553
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(3) Not more than ten days after the court makes a final determination under division (G), (H), or (L) of this section, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (P) (1) of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within thirty days after the court's determination. If the county dog warden finds that the security provided under division (P) (1) of this section is greater than that actual cost, the county dog 558
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warden shall remit the difference between the security provided 569
and the actual cost to the owner within thirty days after the 570
court's determination. 571

(O) As used in this section, "nuisance dog," "dangerous dog," 572
and "vicious dog" have the same meanings as in section 955.11 of 573
the Revised Code. 574

Sec. 1901.18. (A) Except as otherwise provided in this 575
division or section 1901.181 of the Revised Code, subject to the 576
monetary jurisdiction of municipal courts as set forth in section 577
1901.17 of the Revised Code, a municipal court has original 578
jurisdiction within its territory in all of the following actions 579
or proceedings and to perform all of the following functions: 580

(1) In any civil action, of whatever nature or remedy, of 581
which judges of county courts have jurisdiction; 582

(2) In any action or proceeding at law for the recovery of 583
money or personal property of which the court of common pleas has 584
jurisdiction; 585

(3) In any action at law based on contract, to determine, 586
preserve, and enforce all legal and equitable rights involved in 587
the contract, to decree an accounting, reformation, or 588
cancellation of the contract, and to hear and determine all legal 589
and equitable remedies necessary or proper for a complete 590
determination of the rights of the parties to the contract; 591

(4) In any action or proceeding for the sale of personal 592
property under chattel mortgage, lien, encumbrance, or other 593
charge, for the foreclosure and marshalling of liens on personal 594
property of that nature, and for the rendering of personal 595
judgment in the action or proceeding; 596

(5) In any action or proceeding to enforce the collection of 597
its own judgments or the judgments rendered by any court within 598

the territory to which the municipal court has succeeded, and to	599
subject the interest of a judgment debtor in personal property to	600
satisfy judgments enforceable by the municipal court;	601
(6) In any action or proceeding in the nature of	602
interpleader;	603
(7) In any action of replevin;	604
(8) In any action of forcible entry and detainer;	605
(9) In any action concerning the issuance and enforcement of	606
temporary protection orders pursuant to section 2919.26 of the	607
Revised Code or protection orders pursuant to section 2903.213 of	608
the Revised Code or the enforcement of protection orders issued by	609
courts of another state, as defined in section 2919.27 of the	610
Revised Code;	611
(10) If the municipal court has a housing or environmental	612
division, in any action over which the division is given	613
jurisdiction by section 1901.181 of the Revised Code, provided	614
that, except as specified in division (B) of that section, no	615
judge of the court other than the judge of the division shall hear	616
or determine any action over which the division has jurisdiction;	617
(11) In any action brought pursuant to division (I) of	618
section 3733.11 of the Revised Code, if the residential premises	619
that are the subject of the action are located within the	620
territorial jurisdiction of the court;	621
(12) In any civil action as described in division (B)(1) of	622
section 3767.41 of the Revised Code that relates to a public	623
nuisance, and, to the extent any provision of this chapter	624
conflicts or is inconsistent with a provision of that section, the	625
provision of that section shall control in the civil action;	626
<u>(13) In a proceeding brought pursuant to section 955.222 of</u>	627
<u>the Revised Code by the owner of a dog that has been designated as</u>	628

a nuisance dog, dangerous dog, or vicious dog. 629

(B) The Cleveland municipal court also shall have 630
jurisdiction within its territory in all of the following actions 631
or proceedings and to perform all of the following functions: 632

(1) In all actions and proceedings for the sale of real 633
property under lien of a judgment of the municipal court or a lien 634
for machinery, material, or fuel furnished or labor performed, 635
irrespective of amount, and, in those actions and proceedings, the 636
court may proceed to foreclose and marshal all liens and all 637
vested or contingent rights, to appoint a receiver, and to render 638
personal judgment irrespective of amount in favor of any party. 639

(2) In all actions for the foreclosure of a mortgage on real 640
property given to secure the payment of money or the enforcement 641
of a specific lien for money or other encumbrance or charge on 642
real property, when the amount claimed by the plaintiff does not 643
exceed fifteen thousand dollars and the real property is situated 644
within the territory, and, in those actions, the court may proceed 645
to foreclose all liens and all vested and contingent rights and 646
may proceed to render judgments and make findings and orders 647
between the parties in the same manner and to the same extent as 648
in similar actions in the court of common pleas. 649

(3) In all actions for the recovery of real property situated 650
within the territory to the same extent as courts of common pleas 651
have jurisdiction; 652

(4) In all actions for injunction to prevent or terminate 653
violations of the ordinances and regulations of the city of 654
Cleveland enacted or promulgated under the police power of the 655
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 656
Constitution, over which the court of common pleas has or may have 657
jurisdiction, and, in those actions, the court may proceed to 658
render judgments and make findings and orders in the same manner 659

and to the same extent as in similar actions in the court of 660
common pleas. 661

Sec. 1907.031. (A) Except as otherwise provided in section 662
1907.03 of the Revised Code and in addition to the jurisdiction 663
authorized in other sections of this chapter and in section 664
1909.11 of the Revised Code, a county court has original 665
jurisdiction within its district in all of the following actions 666
or proceedings and to perform all of the following functions: 667

(1) In an action or proceeding at law for the recovery of 668
money or personal property of which the court of common pleas has 669
jurisdiction; 670

(2) In an action at law based on contract, to determine, 671
preserve, and enforce all legal and equitable rights involved in 672
the contract, to decree an accounting, reformation, or 673
cancellation of the contract, and to hear and determine all legal 674
and equitable remedies necessary or proper for a complete 675
determination of the rights of the parties to the contract; 676

(3) In an action or proceeding for the sale of personal 677
property under chattel mortgage, lien, encumbrance, or other 678
charge, for the foreclosure and marshalling of liens on the 679
personal property, and for the rendering of personal judgment in 680
the action or proceeding; 681

(4) In an action or proceeding to enforce the collection of 682
its own judgments and to subject the interest of a judgment debtor 683
in personal property to satisfy judgments enforceable by the 684
county court; 685

(5) In an action or proceeding in the nature of interpleader; 686

(6) In an action of forcible entry and detainer; 687

(7) In a proceeding brought pursuant to section 955.222 of 688
the Revised Code by the owner of a dog that has been designated as 689

a nuisance dog, dangerous dog, or vicious dog. 690

(B) A county court has original jurisdiction in civil actions 691
as described in division (B)(1) of section 3767.41 of the Revised 692
Code that relate to a public nuisance. To the extent any provision 693
of this chapter conflicts or is inconsistent with a provision of 694
that section, the provision of that section shall control in such 695
a civil action. 696

Section 2. That existing sections 955.08, 955.11, 955.22, 697
955.99, 1901.18, and 1907.031 of the Revised Code are hereby 698
repealed. 699

Section 3. (A) Except as provided in division (B) of this 700
section, an owner, keeper, or harborer of a dog who was required 701
to comply with the requirements pertaining to a vicious dog prior 702
to the effective date of this act shall be required to comply with 703
the requirements pertaining to a dangerous dog on or after the 704
effective date of this act. 705

(B) Division (A) of this section does not apply to an owner, 706
harborer, or keeper of a dog who was required, with respect to 707
that dog, to comply with the requirements pertaining to a vicious 708
dog prior to the effective date of this act solely because the dog 709
belongs to a breed that is commonly known as a pit bull dog. 710

ITEM #4

TRANSPORTATION COMMITTEE

Municipal Government Complex – Commission Chambers
 Friday, January 27, 2012 – 10:00AM

MEETING MINUTES

Attendees: Amy Havenar; Bruce Jamison; Chris Schmiesing; Don Seeberger; Doug Harter; Gary Huff; Janelle Collier; John Kendall; Jon Litchfield; Marty Grove; Mike Allen; Mike Rindler; Nick Berger; Roger Wehrman; Tom Steiner.

Transportation Committee Mission Statement:

- Explore and determine the concerns of affected residents and business in the City with respect to public transportation infrastructure, including but not limited to streets, highways, sidewalks, bike trails, airports, and railroads.
- Make committee findings; propose plans and specific recommendations to the City Manager, Commission, and other public parties of interest regarding public transportation facilities.
- Assist in informing the public of transportation issues within the City.

1. Committee Purpose**Gary**

Notes: City Manager Gary Huff stated the Mission Statement expressing the importance of seeking the views of all parties as it relates to transportation. Meetings will be open to the public.

Motion: Motion to add additional wording to include "Commission, and other public parties of interest". Moved by Roger Wehrman, seconded by Marty Grove.

Vote: Unanimous vote in favor change.

Chris Schmiesing was nominated and unanimously voted Committee Chairman.

Action Items: Agenda, minutes and meeting notices will be available through the City notification system.

2. Old Business

None

3. New Business

Mound Street – One Way

Amy

Notes: City Engineer Amy Havenar received the request from Commissioner Joe Wilson. Ms. Havenar reported the design solutions to be limited for low volume roadways. After open discussion of concerns, it was determined that a quick study of traffic flow will need to be completed including the evaluation of the bus schedule for Safe Haven.

Motion: None

Vote: None

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Action Items: Amy Havenar will report findings at the next committee meeting.

Park Avenue - Sight Distance/Speed Limit

Chris

Notes: City Planner Chris Schmiesing submitted a presentation on "Speed Limits and Sight Distances" identifying the standards related to Intersection sight Distance (ISD). There was considerable discussion regarding the merits of implementing any solution that falls short of achieving the conditions deemed necessary by the applicable design standards. It was noted that similar sight distance/safety condition concerns along Washington Avenue had been addressed by reducing the speed from 35MPH to 25MPH. It was also noted that past experiences related to the removal of on-street parking spaces suggest that any recommendation to remove on-street parking spaces is likely to be met with considerable opposition from the public.

Motion: Moved by Mike Rindler, seconded by Roger Wehrman to recommend reducing the speed to 25mph and to reassess the conditions at these intersections one year following the implementation of the reduced speed limit to determine whether or not the removal of parking spaces is entirely necessary.

Vote: Unanimous vote in support of the motion.

Action Items: Committee Chairman Chris Schmiesing will report the recommendation to the City Manager and Commission for action. If approved an accident analysis will be done one year after 25 MPH speed limit is in effect.

College at Covington/Water/High - Signal Improvements

Amy

Notes: Ms. Havenar reported the findings submitted by the consultant that indicated that the signal at High is not warranted with the limited vehicle traffic. A letter has been submitted from Fire Chief Rindler to ODOT. The letter was written in support of keeping the High Street signal due to the limited sight distances at this location, concerns related to pedestrian movements, and with reference to the intersection being located along an important safety services route to the west side of the community.

Motion: None

Vote: None

Action Items: No additional action taken. Amy will report on ODOT's response.

College at Ash/Greene/North – Traffic Signal Removal

Chris

Notes: Mr. Schmiesing reviewed the Safe Routes To School (SRTS) grant opportunity to include bump-outs on College and how it relates

TRANSPORTATION COMMITTEE

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to the recommended traffic signal removals identified in the Intersection Improvement Study.

Concerns were discussed regarding snow removal, pedestrian safety, and vehicle speeds.

Motion: None

Vote: None

Action Items: Mr. Schmiesing will update the committee as progress on the SRTS grant application continues.

Main at Greene - Traffic Signal Modification

Mike

Notes: Mike Allen reported the 60 sec split cycle and the coordination from Riverside to Wood on Main St; Ash and Main runs free.

Mr. Schmiesing also read the citizen request received concerning the traffic signal timing.

Motion: Moved by Marty Grove, seconded by Amy Havenar to provide public education on the signal operations and traffic flow preferences and the differences motorist should expect to encounter when using a primary route through town as opposed to a secondary route.

Vote: Unanimous vote in support of the motion.

Action Items: Ms. Havenar will organize the educational programming (WOTVC - Piqua Channel 5 "Piqua on the Move" or with a Spirit Newsletter Article).

High Street – Location of Mid-Block X-walk Signs at FPP

Amy

Notes: Ms. Havenar reported that a concern had been raised regarding the location of the In-Street Pedestrian Crossing signs and that it had been suggested that the signs be relocated to sit closer to the crosswalk so they would be less likely to be struck by vehicles backing from the adjacent parking stalls. Mr. Harter noted that the signs currently installed are required to be 20' from the crosswalk.

Mr. Schmiesing suggested the handicap parking space on the west side of the crosswalk island be relocated to the east side of the island and the space on the west side of the island be made unrestricted. Mr. Schmiesing suggested that doing so would provide more space adjacent to the stall for passenger side loading and unloading and may reduce the frequency of the use of the space and hopefully decrease the incidents of the In-Street Pedestrian Crosswalk sign being struck by vehicles backing from this parking stall.

Motion: Moved by Doug Harter, seconded by Mike Rindler to recommend the handicap space be moved to allow for addition vehicle maneuverability to provide safe pedestrian crossing and avoid

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damage to the sign.

Vote: Unanimous vote in support of the motion.

Action Items: Ms. Havenar will process the revision request to the Parking Schedule and report back to the committee.

Ash and Wayne - Wayne Street Red Light Wait Time Mike

Notes: Mr. Allen reported that the removal of SR 185 from Ash Street makes the extended wait time currently programmed into the system for Ash Street unnecessary. Mr. Allen further noted that eliminating the Ash Street extended wait time at this intersection would improve the coordination between the signals on Ash at Wayne and at Main, and will also have a positive effect the side street wait time on Wayne at Ash.

Motion: Moved by Marty Grove, seconded by Roger Wehrman to eliminate the extended wait time and make any other adjustments necessary to optimize the signal performance concerning coordination of the signals on Ash and decreasing the wait time on Wayne.

Vote: Unanimous vote in support of the motion.

Action Items: Mike Allen will implement the modifications discussed; Amy will include this topic in the public awareness education programming.

Water and Wayne - Wayne Street Red Light Wait Time Mike

Notes: Mr. Allen explained that the side street wait time is currently set to optimize the efficiency of the traffic flow on Water Street based upon the traffic data that was available at the time the signals were installed. Mr. Allen suggested that a review of the current traffic data would review whether or not an adjustment to the signal timing is warranted.

Motion: Moved by Roger Wehrman, seconded by Mike Rindler to reevaluate the system settings based upon an evaluation of the current traffic data figures.

Vote: Unanimous vote in support of the motion.

Action Items: Mike Allen will review the current traffic data and report his findings to the committee at a future meeting.

White Tail Lane vs. White Tail Drive Chris

Notes: Mr. Schmiesing received a petition from the owners along White Tail Drive to formally change the name of the street to White Trail Lane. White Trail Drive is the official name of the street on the subdivision plat recorded at the Miami County Map Department. The name originally posted on the street sign was White Tail Lane, which what is reflected on the construction documents for this section of the

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subdivision.

Motion: Motion to formally change the name to White Tail Lane.
Moved by Roger Wehrman, seconded by Amy Havenar.

Vote: Unanimous vote in support of the motion.

Action Items: Mr. Schmiesing will report the request to the Planning Commission and initiate the steps necessary to complete the process.

4. Reports

None

5. Other Business

Ms. Havenar reported concerns discussed at the pre-construction meeting for the US 36/E. Ash Street Reconstruction project:

The Piqua Board of Education requested the temporary prohibition of parking on E. Water Street. There was discussion concerning the impact removing the on-street parking would have on the adjacent residents and the traffic flow characteristics in this area.

Motion: Motion to keep parking available and reevaluate as needed.
Moved by Chief Bruce Jamison, seconded by Amy Havenar.

Vote: Unanimous vote in support of the motion.

Ms. Havenar also reported a request received concerning changing the speed limits along E. Ash Street upon completion of the project to allow for a smoother transition between the various speed limit postings. Ms. Havenar will consult with Craig Ely at ODOT and report back to the committee at a future meeting.

Mr. Wehrman requested future agenda items:

- Snow Emergency Policy.
 - Bike Path closure during the Power Plant demolition project.
-

6. Adjournment

Meeting adjourned at 11:55 A.M.

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Prepared By:

_____ Janelle Collier, Committee Secretary

Date:

Committee Approval:

_____ Chris Schmiesing, Committee Chair

Date:

ITEM #7



Commission Agenda Staff Report

MEETING DATE	2/9/2012			
REPORT TITLE (Should match resolution/ordinance title)	Mote Park Picnic Shelter			
SUBMITTED BY	Name & Title: Chris Schmiesing, City Planner			
	Department: Development Department			
AGENDA CLASSIFICATION	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> 3 rd Reading	
	Ordinance #:		Resolution #:	
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director	
	<input checked="" type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: Community Diversity Committee; Park Board	
BACKGROUND (Includes description, background, and justification)	The purpose of this item is to review and accept the Community Diversity Committee and Park Board recommendations concerning the Mote Park picnic shelter proposed signage, electric service, and site restoration.			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:			
	Expenditure \$:			
	Source of Funds:			
	Narrative:	All labor and materials donated.		
OPTIONS (Include Deny /Approval Option)	1.	Accept board and committee recommendations; Support legislation for formal approval.		
	2.	Reject board and committee recommendations; Provide further direction.		
	3.			
	4.			
PROJECT TIMELINE	March-April 2012 – Install signage and electric, and finish site restoration Spring 2012 – Dedicate shelter			
STAFF RECOMMENDATION	Accept board and committee recommendations.			
ATTACHMENTS	November 2011 Community Diversity Committee Meeting Minutes January 2012 Park Board Meeting Minutes Mote Park Picnic Shelter Renderings			

CITY OF PIQUA, OHIO
PARK BOARD MEETING MINUTES
WEDNESDAY, JANUARY 4, 2012 - 7:00 P.M.
CITY HALL - COMMISSION CHAMBERS

MEMBERS PRESENT: Cathy Oda, Kevin Pryfogle, Patty Vogt, Jim Cruse, Edna Stiefel, Michelle Herndon, and Denise Uhlenbrock

STAFF PRESENT: Gary Huff, Doug Harter, and Chris Schmiesing

ITEM NO. 1: CALL THE MEETING TO ORDER

Meeting called to order at 7:07 P.M.

ITEM NO. 2: APPROVAL OF MEETING MINUTES

The minutes from the meeting held on December 7, 2011 was accepted as written. The motion was moved by Patty Vogt and seconded by Edna Stiefel.

ITEM NO. 3: PARKS REPORT

Doug Harter discussed the building plaques, memory wall, trees for memorials. Gary Huff responded to the idea of a bench donated. There was a discussion for the Park Board to come up with ideas and present them to the commission.

Doug informed the Park Board that the City is applying for an \$18,000 grant for the pool. This grant is available for all of the Miami County.

Cathy Oda asked about appointing members from the Neighborhood Association on the Park Board. Gary Huff suggested an offer for them to attend meetings but not to vote.

Edna Stiefel mentioned that the North Parks Association wants to replace the fence at the Kiwanis Park in the spring.

It was discussed about all improvements need to go through the Park Board.

ITEM NO. 4: GARY HUFF-ADOPT-A-PARK, STRATEGIC PLAN, RECONGNITION FOR VOLUNTEERS

Gary Huff reviewed what the Adopt-A-Park program is and the present ideas. There was discussion on possible other ideas for adoption (examples: ball fields, streams, etc.).

Michelle Herndon asked about the money budgeted for signs. Gary Huff assured her that there is money available for signs. The liability coverage and waiver forms need to be followed up on.

Denise Uhlenbrock moved to get started as soon as possible on this program. This program will be placed on the agenda to vote on during the next meeting.

Gary Huff discussed the strategic plan for the parks. Gary will facilitate based on the Park Board recommendations on a 5 year park plan. Gary wants the board and the city officials to work together on ten priorities for the next 5 years.

There was discussion on how should the Park Board recognize volunteers. Edna Steifel mentioned the use of SPIRIT. Doug Harter mentioned the use of the City webpage. Cathy Oda mentioned certificates given at the Commission meeting.

ITEM NO. 5: CHRIS SCHMIESING - SIGN FOR MOTE SHELTER

Chris Schmiesing presented the sign named "Upper Mote Shelter". Chris asked for permission for a sign recognizing businesses that donated. A motion to approve by Michelle Herndon and seconded by Denise Uhlenbrock.

ITEM NO. 6: OTHER BUSINESS

Chris Schmiesing provided an overview on the electric to Mote Park shelter. Jim Cruse made points against it due to the cost and visual.

A motion was made by Michelle Herndon to approve and seconded by Patty Vogt.

In favor were Denise Uhlenbrock, Kevin Pryfogle, Michelle Herndon, and Patty Vogt. Jim Cruse was against and Edna Steifel abstained. This will go to Commission for recommendation.

Edna Steifel mentioned the trees in Fountain Park. The City is waiting on the money in the budget to be bid out again this year. There are 16 trees that need to come down. There was also discussion on the mulch lacking around the playground equipment.

It was brought to Doug Harter's attention that the letters are faded out on the Heritage Park sign. Doug Harter will check into it.

ITEM NO. 7: DATE & LOCATION

The next regular meeting will be set for February 1st, 2012 to be held at 7:00 P.M. at the City Hall Commission Chambers.

ITEM NO. 8: ADJOURN

The meeting adjourned at 8:05 P.M. moved by Jim Cruse and seconded by Kevin Pryfogle.

Minutes as prepared by Tammy Wright

Committee on Community Diversity

Meeting Minutes

Tuesday, November 8, 2011

5:00 P.M.

Municipal Government Complex – Administrative Conference Room

1. Call to Order

Committee Members Present: Vice-Chairman Larry Hamilton, Gary Huff, Helen Cuff, Roger Hartley and Gordon Wise.

Excused: Terry Wright and Judy Terry

Vice Chairman Larry Hamilton called the meeting to order at 5:00 P.M.

2. Approval of Minutes

- a. Vice Chairman Larry Hamilton presented the October 11, 2011 minutes for approval. On a motion from Gordon Wise, seconded by Helen Cuff, the minutes of the October 11, 2011 Community Diversity Committee were approved. Gary Huff abstained due to not being present at the October 11, 2011 meeting. Motion carried.

3. New Business

City Manager Gary Huff stated that he has been reviewing the policies and according to city policy the naming of facilities should be presented to the Community Diversity Committee for review and advice. Gary reported a new picnic shelter is being built at Mote Park and a name has been identified for the shelter, but he felt that we got a bit ahead of ourselves and he wanted to bring it before this Committee for their review and comment and get the Committees thought on it. Gary then presented Chris Schmiesing, City Planner.

Chris stated he wanted to speak to the Committee to make sure they are proceeding in the right fashion. He stated he has been engaged in conversation with the Southview Neighborhood Association earlier this spring and at that time they expressed an interest in building a shelter at Mote Park. The SVNA has been fortunate to receive materials and donations for this project. The project began in October this year with the design process taking place prior by reviewing the existing shelters in the community and tried to capture all the characteristics of those shelters in place. From there they came up with a design for the shelter and reviewed with the Association.

They identified a feature that had not been included in previous shelters and that being an identification panel so that citizens could identify it. Chris reported he met with the SVNA in regards to the naming convention of the shelter and it was mutually decided to propose the name of the shelter as Upper Mote Shelter which came by way of dialogue. Chris further stated as he moved forward with the shelter project and went before the Park Board, the Planning Commission and City Commission to share the good news and how the project came about, it came to their attention that if they were going to put a name on the shelter, there is a process and policy that needs to happen and that being that it be presented to the Community Diversity Committee first. Chris stated he needed to ask for forgiveness because he stated he almost missed this, but that is the reason he is here before the Committee this evening. Chris stated he read through the policy and its detail in regards to what the Committee requires. Chris reported the shelter size is 12 x 24 structure and is to the east of the existing Community Center. The thought process for naming the shelter Upper Mote Shelter was that of being named after Raymond Mote who was a long-time track and baseball coach for the City of Piqua as well as the Director of the Piqua playground program. The reasoning for naming the shelter Upper Mote is because the park name is Mote Park and the shelter is atop the hill at Mote Park thus being called Upper Mote Park for many years. The thought was to keep the name of the shelter clear and concise and to name it Upper Mote Shelter. Chris passed out a drawing of the shelter to the members for review and discussed work yet to be completed. A number of local businesses were extremely generous through their donations such as Piqua Concrete providing all the concrete, Piqua Lumber provided all the wood, Classic Metal Roofing Systems provided roofing materials, Casto Landscaping provided sod, bushes and landscaping material and Quint Custom signs provided the identification panel. Chris stated the Planning Commission and Park Board are in support of the project, but he stated he wanted to make sure this project was done right and that is why he is discussing this today. Also, Chris stated there were many citizens involved with the construction of this project as well. Larry stated it seems as though everything you want from a joint cooperative effort on the part of the City, Planning Commission and the Neighborhood Association. Larry asked if PPP was involved in this as well. Chris stated that PPP was involved in the process. Larry further stated this was a good community activity and he wished it would have been done in the manner that was prescribed by the Committee on Community Diversity. Larry asked if this would be brought before the City Commission before the adoption of the name. Gary stated that it is to be reviewed by this Committee first, thus giving him advice and the Neighborhood that may be affected will then have an opportunity to give input. The final approval will then be presented to Piqua City Commission. Gary stated the process is being followed. Larry stated he envisioned a "grassroots" type of initiative in terms of being involved in the process and he further stated it seems as

though this is what we have in the way of the Southview Neighborhood Association. Gary said that even though the Piqua City Commission makes an announcement of the new name for the shelter, they should still make available an opportunity for people to have some input the process. Gary stated after the suggestions it may still go back to the Park Board.

Roger Hartley stated he did not have any problem with the name of the shelter and said that he sees an opportunity with the other shelters that have not been named and this Committee could name. Gary stated that any recommended names for shelters would go before the Neighborhood Associations and to the City Commission for final approval.

Chris stated it was an oversight in not bringing the issue before the Community Diversity Committee. Helen asked if the Neighborhood Association chose the name for the shelter. Chris stated they were engaged in the conversation and endorsed the name. Jim Vetter on behalf of the Neighborhood Association sent a letter to Chris endorsing the name of Upper Mote Shelter. Larry asked where the name of the shelter originated from to which Chris replied the Neighborhood Association chose to endorse Upper Mote Shelter. Larry asked if all organizations such as PPP or Point embraced the naming of the shelter. Chris said Southview Neighborhood was the driver for the project and they as a group came to the decision for building the shelter. Larry stated he did not have any personal objections, but questioned if the Commission would give several readings on the subject. Gary stated it would go before the Commission with the recommendation of the name, but Commission would have the final say for the naming. Also, Gary stated if there were other names for recommendation they would bring those before the Commission as well. Chris stated the name recommendation would first be brought before the Planning Commission and if they approve it will then be brought before Piqua City Commission.

Larry stated he understood how a mistake could be made with this issue not being presented to the Community Diversity Committee at the beginning of the process.

Roger Hartley made a motion to accept the name of Upper Mote Shelter for the structure. Helen Cuff seconded the motion. Motion carried. No objections.

Larry Hamilton wanted to discuss the conversation that he had with Chris Schmiesing and requested reviewing Resolution No. R-110-07 (A Resolution recognizing Diversity in the City of Piqua) referring to the matter of the Bond Levy for Piqua City Schools. Larry stated he understood the City had made an agreement/stipulation that

if the levy passed, for the sale of \$1.00, the City of Piqua would sell the former hospital to the Piqua Board of Education. Larry stated the process calls for the Community Diversity Committee to be involved in that discussion about the sale of that property before the property is sold. Larry reviewed Section 1 – C for Resolution No. R-110-07, which states that in the sale of Municipal Properties with facilities naming possibilities, the purchaser shall be informed of city policy in naming alternatives as they relate to the recognition of diversity in the community. Gordon stated this came from the original Ad Hoc Community Diversity Committee and asked if this provision carried into the Community Diversity Committee constitution by-laws. Larry stated it did. Gary stated that this Committee would the right to make some recommendation and would then be passed on to the School District and then hopefully the School District would make the choice rather to accept or not. Larry stated there was an obligation/process starting with the Community Diversity Committee and then the proposals would then passed on to City Commission and then the City Commission would make the School District aware of the recommendation to which Gary stated he would be in agreement with that, but the School Board would then make that final decision.

Gary stated he would make certain the Committee members would get a copy of R-110-07. Gary asked Larry what the ***RIGHT Concept*** was and Larry stated it stood for Recognizing Individual Greatness Historical Testament. The mission statement is as follows:

RIGHT promotes the development of community partnerships in naming public properties that is more reflective of diversity. Honoring and memorializing the service of people historically excluded from ownership identity should merit greater inclusion in the process of naming public property.

Gary asked if the Community Diversity Committee adopted the RIGHT Concept, to which Committee members replied it was not adopted by this Committee. Larry stated when we had the consolidated list of ideas, one thing that was discussed was what names had been proposed. Gordon asked if there was a list of names. Larry stated the Ad Hoc Committee prepared a list of potential names for facilities. Helen Cuff said that she had looked at the list of names just today, so she knows there is a list. Larry reviewed some of the names he was aware of. It was mentioned that the list would need to be reviewed and those names that have received recognition need to be highlighted.

Larry said this concept would insure there would be opportunity for conversation when naming a facility that a worthy or number of worthy individuals that may not have been considered worthy in the past.

4. Old Business

- a. Update from Larry Hamilton on Meeting between Jim Oda and the Piqua Historical Society and the Committee on Community Diversity

Larry had planned to meet to meet on November 1, 2011 with the Piqua Historical Society, however, he had a meeting conflict on that date.

The Committee welcomed and thanked Gary Huff for joining in on the Committee.

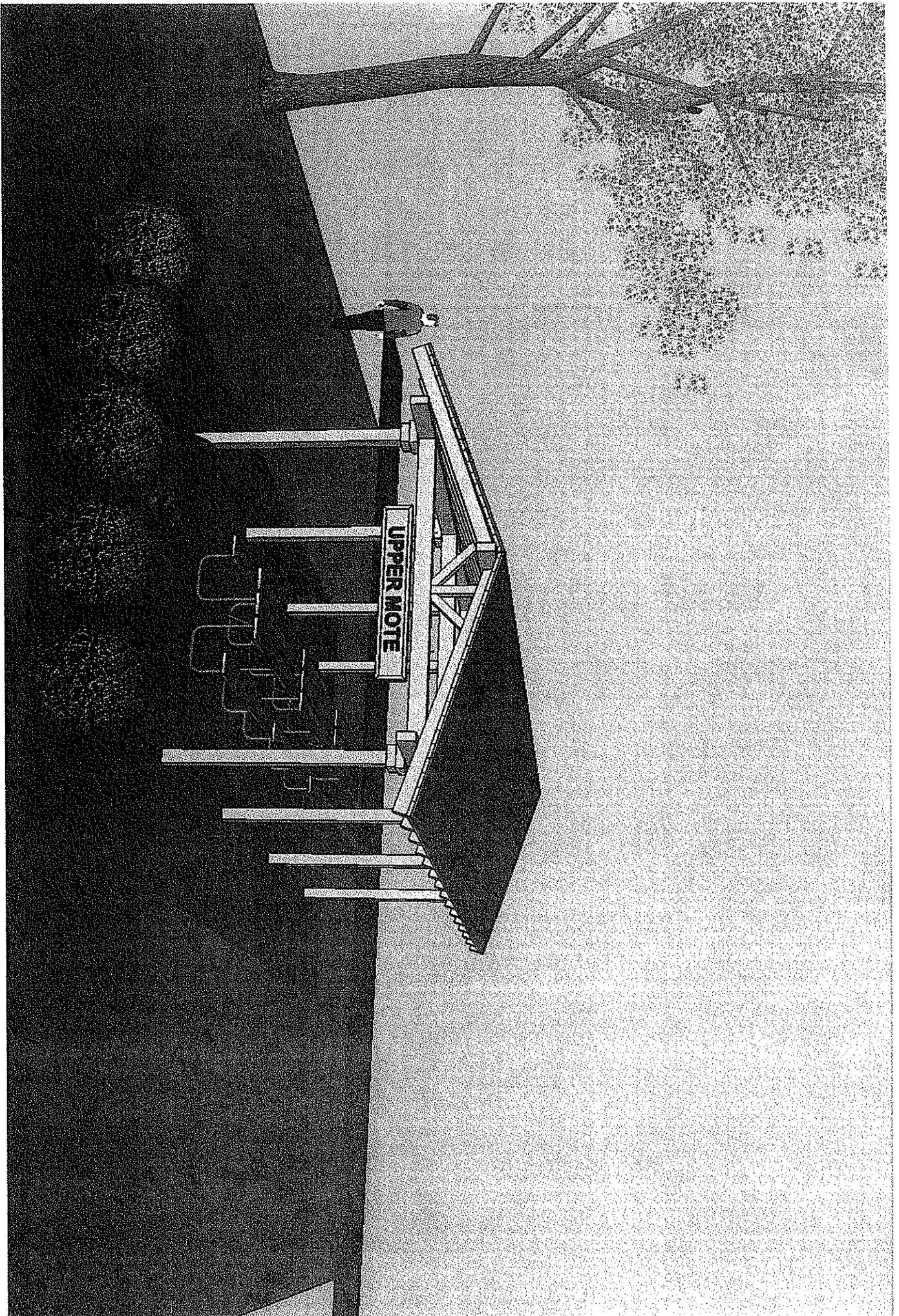
5. Adjournment

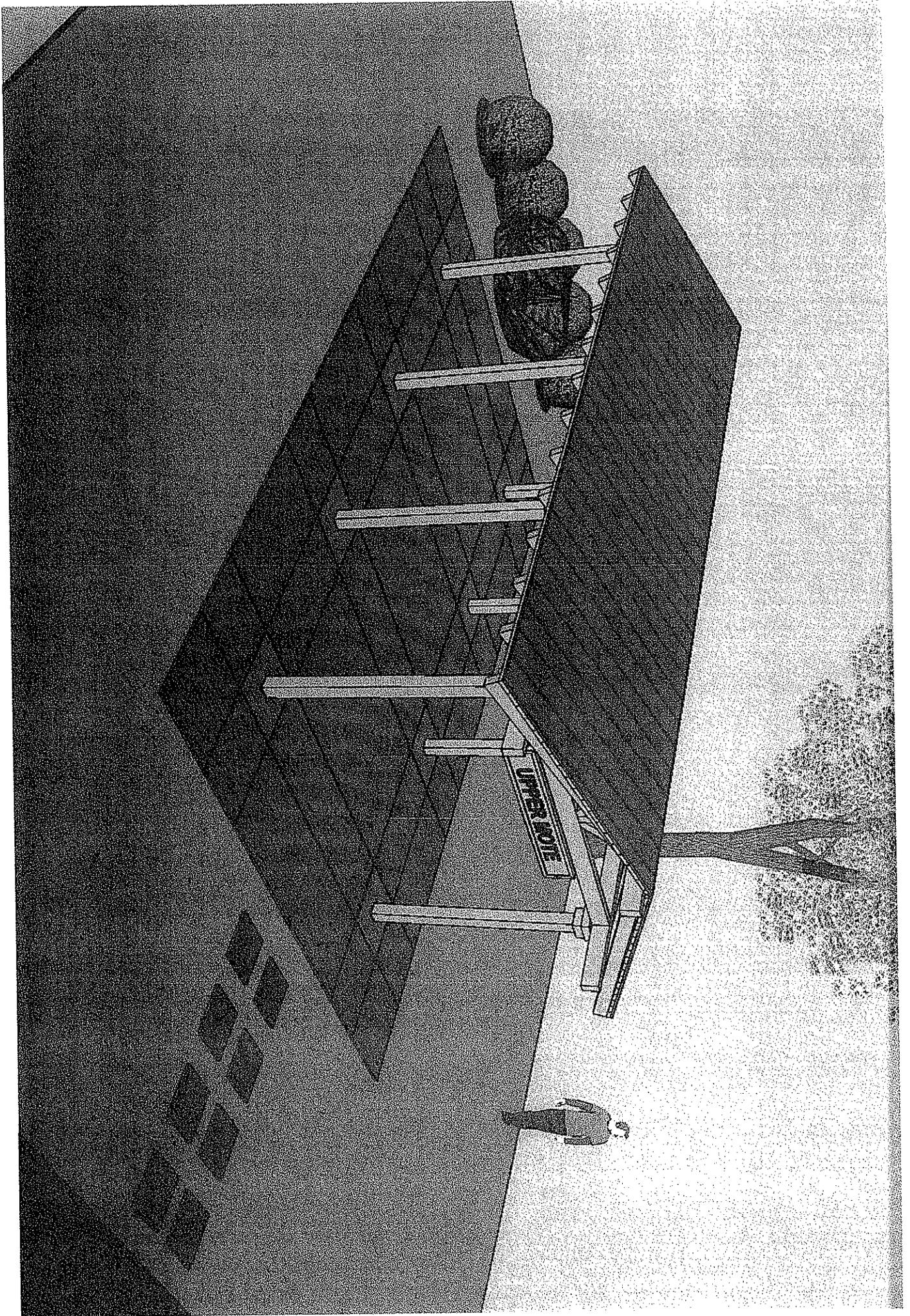
Helen Cuff called for a motion to adjourn the meeting, Mr. Hartley seconded the motion. All approved. The meeting adjourned at 5:50 P.M.

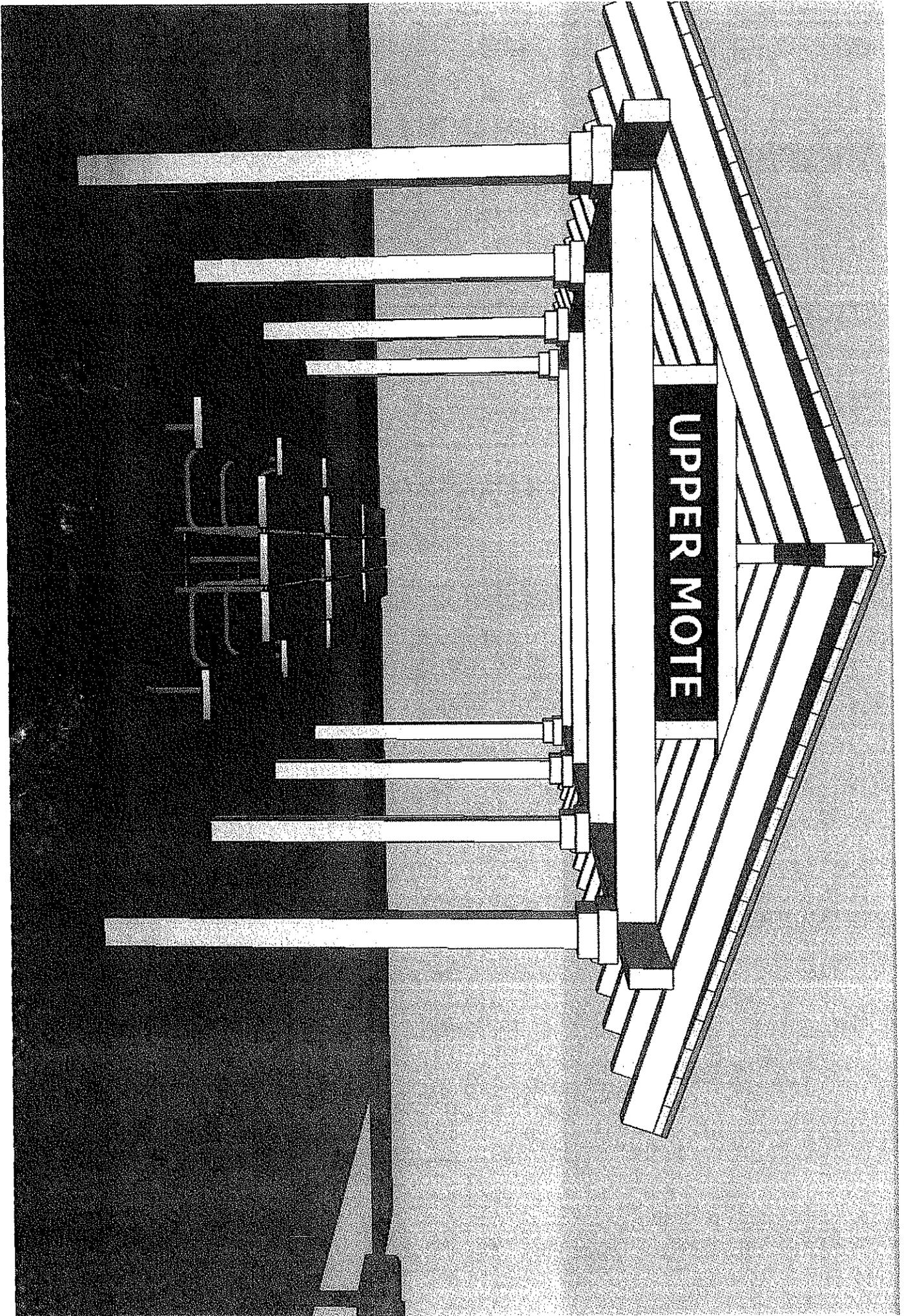
The next meeting is scheduled for Tuesday, December 13, 2011 beginning at 5:00 PM. The meeting will be held at the Municipal Government Complex located at 201 W. Water Street.

Minutes recorded by Vice-Chair Larry Hamilton

Transcribed by D. Stein, Executive Assistant







PIQUA
CONCRETE

PIQUA
ROBERT & SONS, INC.

QUINT CREATIVE
SIGNS


CLASSIC
METAL ROOFING SYSTEMS

ITEM #8

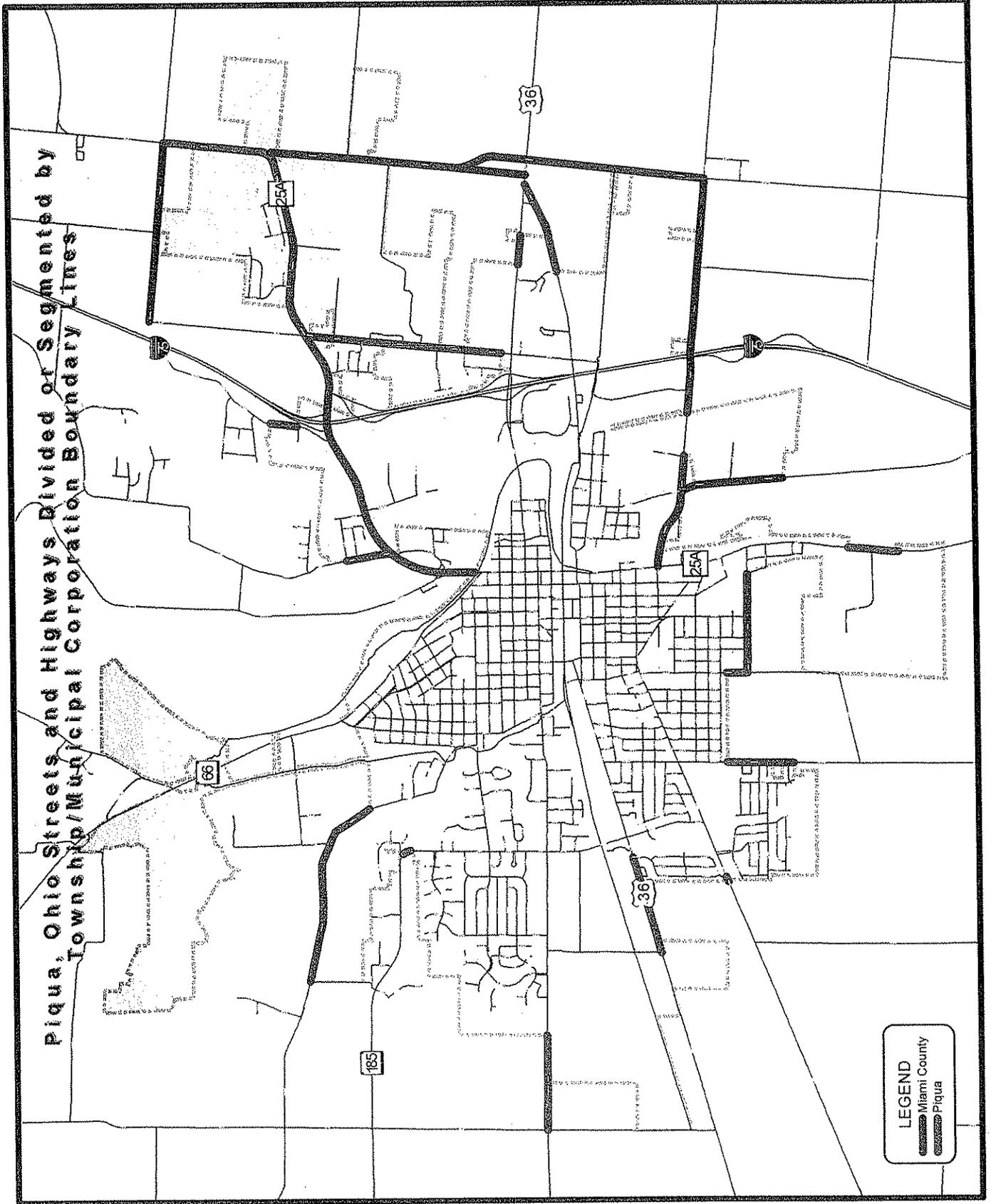


Commission Agenda Staff Report

MEETING DATE	2/9/2012		
REPORT TITLE (Should match resolution/ordinance title)	Roadway Maintenance Agreement with Miami County		
SUBMITTED BY	Name & Title: Chris Schmiesing, City Planner		
	Department: Development Department		
AGENDA CLASSIFICATION	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
ORDINANCE/RESOLUTION	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> 3 rd Reading
	Ordinance #:		Resolution #:
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: Miami County Officials
BACKGROUND (Includes description, background, and justification)	The purpose of this item is to establish a formal agreement with Miami County for the maintenance responsibilities concerning roadways split by city and county jurisdictional boundaries. This item would replace less formal operational agreements that have been utilized in the past and provide a legally binding agreement between the affected jurisdictions.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		
	Source of Funds:		
	Narrative:	Where practical, the agreement strives to create an equitable division of responsibilities between the affected agencies.	
OPTIONS (Include Deny /Approval Option)	1.	Approve the proposed agreement; Support legislation for formal approval.	
	2.	Reject the proposed agreement and provide direction on changes desired.	
	3.		
	4.		
PROJECT TIMELINE	February 21, 2012 – Resolution to City Commission February 22, 2012 – City Manager executes agreement; Send to Miami County Feb-Mar 2012 – Resolution to Miami County		
STAFF RECOMMENDATION	Approve the agreement as submitted and support moving forward with a similar agreement with ODOT and the townships.		
ATTACHMENTS	Miami County Roadway Maintenance Agreement Exhibit "A" Map of Split Roadways		

EXHIBIT A

Piqua, Ohio Streets and Highways Divided or Segmented by Township/Municipal Corporation Boundary Lines



LEGEND
Miami County
Piqua