

**MINUTES
PIQUA CITY COMMISSION
MONDAY, OCTOBER 20, 2008
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Hudson called the meeting to order. Also present were Commissioners Martin, Vogt, Fess, and Terry. Absent: None.

REGULAR CITY COMMISSION MEETING

APPROVAL OF MINUTES

Moved by Commissioner Fess, seconded by Commissioner Terry, that the minutes of the October 6 2008 Regular City Commission Meeting be approved. Voice vote, Aye: Terry, Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously.

ORD. NO. 25-08
(2nd Reading)

An Ordinance amending Ordinance No. 36-66 relating to the Municipal Income Tax

There was discussion concerning the age limit for charging Income Tax to 16 and 17 year old students, the verification of gambling losses and other such reportable income.

Commissioner Fess asked if it would be possible to hold a work session to discuss the Municipal Income Tax ordinance before making a decision. City Manager Enderle stated he would like to hold a Work Session on Tuesday, October 28th to go over the Long Range Financial Plan and since it is just the first reading on the Municipal Income Tax ordinance it could also be discussed.

City Manager Enderle further stated he has said it more than once, that every cut the commission makes in the long-range financial plan has to be absorbed somewhere, whether it be in reducing services or in layoffs.

Public Comment

Brad Boehringer, 128 Mound Street, commended the Piqua City Commission on their willingness to make changes in the ordinance on accepting profit and loss statements. Mr. Boehringer also explained how a profit and loss statement could be used for the Municipal Income Tax reporting.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Ordinance No. 25-08 be given a second reading. Voice vote, Aye: Hudson, Fess, Vogt, Martin and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 25-08 be given a second reading.

ORD. NO. 26-08
(1st Reading)

An Ordinance amending Section 93.04 of the Piqua Code relating to Fire Prevention

There was discussion of if the current Fire Chief is the Fire Prevention Officer and if this would be a new position. City Manager Enderle explained the current Fire Chief is the Fire Prevention Officer but he delegates the duties to another officer at this time, and no, it would not be a new position. City Manager Enderle stated "this ordinance will provide more flexibility and establish a pay range for the fire prevention officer in the fire department". Currently the position is ranked as assistant chief, and the assistant chief of fire prevention has moved over to take a shift, leaving that position open and available.

City Manager Enderle further stated, " per our discussion in the long range comprehensive plan, this is a position that we targeted that could be reclassified to another pay grade".

Public Comment

Bill Hogston, Greene Street, President of the Piqua Firefighters Local 252 stated he represents two bargaining units, the Piqua Firefighters and the Fire Officers at this time. Mr. Hogston stated currently there is pending arbitration action on this very issue wanting the Commissioners to be aware that under both contracts, the commissioners are bound to adopt no ordinances, no resolutions, or conduct other legislative matters in conflict with this agreement. Obviously we feel this is a conflict that is yet to be resolved and would like to ask the commission to table this ordinance until this can be resolved, said Mr. Hogston. There was discussion if the commission would be in violation at this time if the ordinance were to pass. City Manager Enderle explained that the issue under arbitration is the ability to move the fire prevention assistant chief position to shift without giving a test first, and to not be confused by the issue.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Ordinance No. 26-08 be given a first reading. Voice vote, Aye: Hudson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 26-08 be given a first reading.

ORD. NO. 27-08
(1st Reading)

An Ordinance vacating a portion of Campbell Street public right of way

City Manager Enderle stated the two interested parties have agreed to meet with the City to discuss the vacating of the Campbell Street right of way.

Public Comment

Bill Shivley came forward and thanked the City Manager for offering him the opportunity to speak with the interested parties before the ordinance is passed.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 27-08 be given a first reading. Voice vote, Aye: Terry, Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 27-08 be given a first reading.

Res. No. R-115-08
(Tabled 10-6-08)

Moved by Commissioner Fess, seconded by Commissioner Terry, to remove Resolution No. R-115-08 from the table at this time. Voice vote, Aye: Vogt, Hudson, Martin, Terry and Fess. Nay: None. Motion carried unanimously. Mayor Hudson stated Resolution No. R-115-08 has been removed from the table.

A Resolution adopting a Long Range Financial plan for the City of Piqua

City Manager Enderle stated" I don't want to sound like I want to limit public comment, but we have been going over this stuff for over a year, and the more public comment you take, the less time you have to deliberate."

Commissioner Terry asked if the plan is adopted is it set in stone, or can it be changed. City Manager Enderle stated, no it is not set it stone and changes can be made as necessary. Commissioner Martin asked if the plan would come to the City Commission for a line-by-line approval. City Manager Enderle explained how it would be presented to the Commission for approval.

Public Comment

Several residents came forward to voice their opinions and concerns over numerous items in the long-range financial plan. Some of the questions included were: what is the plan if the five property maintenance ordinances on the November 4, 2008 ballot are not passed, the issuance of an occupancy permit when a tenant or resident sells or moves out of a home, if additional personal would have to be hired to enforce the ordinances, how would bank foreclosure properties be handled, is there any other reason for the occupancy permit inspections other than for revenue, what are the penalties if the resident or landlord does not pay for the inspection fee and occupancy permit, the lack of new businesses in the city, and the possible charging to the Piqua Youth Baseball and Softball leagues for use of the field lights when they have never been charged for the use of the field lights in the past.

City Manager tried to explain the reasons for the items that were questioned, and stated the information would be considered in the work-study session.

Ted Willis, 1008 Colleen Drive, asked if there would be a charge for property owners to sell their homes, and if a person with a rental property shows their home, will they be charged. City Manager Enderle stated a city inspector will come out to inspect the home, and if a person sells their home, the fee would be for the city inspector to come out and inspect your home before the new owner can get an occupancy permit for it. Mr. Willis stated he felt residents were not aware of this ordinance and said he believed that they would not tolerate it.

Mr. Willis voiced his opinion over the City charging a fee for a property maintenance inspection to receive an occupancy permit if implemented in the City of Piqua. City Manager Enderle explained how the occupancy permit process would be implemented, and stated, "this does not adopt an ordinance, this is just a long range fiscal plan that the commission would consider doing in the future".

Bill Shively, came forward and stated that the city should be cautious in implementing this occupancy permit because the number of homes that may not meet the current code standards and code standards change constantly, and he doesn't think the banks that foreclose on local homes will spend the money to fix the necessary violations and the homes would set empty.

Several landlords voiced their opinions on the occupancy permit, citing they do keep their properties up to code and don't want to pay more taxes.

City Manager Enderle stated he would like to schedule a work-study session for Tuesday, October 28, at 5:00 p.m. to discuss all the elements of the plan, and suggested that commissioners come ready to provide some direction to city staff to put together a final plan that they would feel comfortable with.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-115-08 be tabled until the November 3, 2008 Regular City Commission Meeting. Voice vote, Aye: Hudson, Terry, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-115-08 tabled until the November 3, 2008 Regular City Commission Meeting.

RES. NO. R-116-08

A Resolution amending the total payment to Zachrich Leasing, Inc. for the Shawnee Storm Water Pumping Station improvement project

Commissioner Fess asked for an explanation of the gate structure. Amy Havenar, Acting Public Works Director gave a brief explanation of the gate structure and the reason for the change order. There was discussion of the contingency cost and the price structure.

Public Comment

Mike Chappie voiced his concern over the use of a motorized gate citing he feels the motor will break, and then how will they lower the gate if needed.

Chet Osborn, 406 Staunton Street, voiced concern if the gate fails, who is responsible for the damages, and is there any type of backup plan in place. Amy Havenar explained who would be responsible if the gate should fail and how the backup plan works.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Resolution No. R-116-08 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-116-08 adopted.

RES. NO. R-117-08

A Resolution amending Resolution No. R-28-08 (Section 2) by expanding the Diversity Committee by two additional members

Public Comment

No one came forward to speak for or against Resolution No. R-117-08.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-117-08 be adopted. Voice vote, Aye: Fess, Terry, Martin, Vogt, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-117-08 adopted.

RES. NO. R-118-08

A Resolution appointing two members to the Community Diversity Committee

Public Comment

No one came forward to speak for or against Resolution No. R-118-08.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-118-08 be adopted. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-118-08 adopted.

PUBLIC COMMENT

Gary Felver, 529 Park Avenue, American Legion Chairman for Post 184 thanked the Commission for passing an ordinance earlier in the year to place the amendment for Chapter 64 to the Piqua Code on the November 4, 2008 ballot.

Bill Mader, 324 S. Downing Street, asked several questions and voiced his opinion on several items.

Ted Willis, 1008 Colleen Drive, voiced his opinion on the long-range financial plan the city is working on, and stated he knows the city is concerned about the appearance of rental properties in the city. Mr. Willis further stated he feels the landlords need to work together on bringing their properties up to code, and asked the city to work with the landlords.

Brad Boehringer, 128 Mound Street, voiced his opinion on the new Piqua Plaza and thanked Ruth Koon and the Library Legacy Alliance for spearheading the project and doing such a wonderful job. Mr. Boehringer asked if they could form a citizens committee to work out problems, and urged citizens to get out and vote on November 4, 2008.

Roy Howard, Spiker Road, stated he wanted to apologize to Commissioner Fess for getting her called out at the last City Commission meeting, and to encourage citizens to vote no on the five property maintenance ordinances on November 4, 2008.

Skip Murray, 1215 Walker Street, representing Citizens for Piqua Neighborhoods asked citizens to support the five property maintenance ordinances on the November 4 ballot, stating these are just common sense ordinance.

Chuck Starrett, 4244 Demming Road, voiced his opinion on the five-property maintenance ordinance and urged citizens to vote no on these ordinances on November 4, 2008.

Bill Hogston, Greene Street, President of the Piqua Firefighters stated the firefighters unions support the amendment to Chapter 64 on the November 4 ballot.

Ruth Koon, stated the grand opening of the Fort Piqua Plaza on Sunday took the community to another height. Ms Koon urged citizens to continue to work on improving the other buildings in the city, and to vote for the five-property maintenance ordinance on November 4, 2008.

Dan French, resident, business owner, President of Grow Piqua Now Organization, and a small time landlord voiced his support of the five property maintenance ordinances. Mr. French stated the city of Piqua has welcomed seven or eight new businesses to the community and numerous jobs in the past year and is confident about continued growth in the future.

Several landlords also voiced their opinions on the five property maintenance ordinances on the November ballot and urged citizens to vote no on November 4, 2008.

Commissioner Vogt stated he is very impressed with the Fort Piqua Plaza renovations especially the fourth floor, citing it is second to none in a three county area. Commissioner Vogt commented that he was very negative on the project at one time, but is glad he changed his mind. Commissioner Vogt voiced his opinion on the occupancy permit process.

Commissioner Martin encouraged citizens to visit the Fort Piqua Plaza. Commissioner Martin also inquired about stop signs in several locations in Piqua, and asked citizens to inspect their flags and if they are tattered please replace them. City Manager Enderle stated he would look into the situation with the stop signs.

Commissioner Fess congratulated Ruth Koon, Dan French, and the Library Legacy Alliance Committee for spearheading the hotel renovation, and for all their hard work over the past months in raising the money needed to go forward with the project. It is a spectacular building and it is a miracle that it has happened, and thanked all who contributed to the project to make it happen. Commissioner Fess also thanked all who came forward to speak, stating everyone was respectful and this is the way a City Commission meeting should be.

Commissioner Terry agreed with Commissioner Fess stating a lot of good has come from the meeting. Commissioner Terry stated it was a spectacular grand opening for the Fort Piqua Plaza and invited citizens to go in and look around.

Mayor Hudson stated Fort Piqua Plaza is jaw dropping beautiful and encouraged citizens to visit. Mayor Hudson thanked everyone for their input stating it was very positive and passionate, and encouraged citizens to get out and vote on November 4, 2008.

Commissioner Terry stated before the Fort Piqua Plaza could open many hours were spent by city employees and Library staff at the last minute cleaning and working hard together to make the deadline for the grand opening and wanted to thank them for their efforts.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 9:45. Voice vote, Aye: Fess, Hudson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION