

**MINUTES  
PIQUA CITY COMMISSION  
DECEMBER 21, 2009  
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, Fess, Vogt, and Terry. Absent: None.

**REGULAR CITY COMMISSION MEETING**

**OATHS OF OFFICE – PIQUA FIRE DEPARTMENT**

Assistant Fire Chief Brent E. Pohlschneider

Fire Captain Chad L. Kennedy

Law Director Stacy Wall administered the oath of office to Assistant Fire Chief Brent E. Pohlschneider and Fire Captain Chad L. Kennedy.

**PRESENTATION:      MAYOR’S “MAKING A DIFFERENCE” AWARD**

Mayor Hudson stated this is the first Mayor’s “Making A Difference” Award and hopes Mayor Elect Fess will continue this award in the future. Russell Donovan Scott has been chosen as the first recipient to receive this quarterly award. Mr. Scott was not able to attend the meeting but was watching the Commission meeting at home. Mayor Hudson read the award and gave a little background on Mr. Scott and some of the things he has done for the community. Mayor Hudson thanked Mr. Scott for all the good deeds he performs in the community.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the Regular City Commission Meeting of December 7, 2009 be approved. Voice vote, Aye: Hudson, Fess, Terry, Martin, and Vogt. Nay: None.

**ORD. NO. 20-09 (2ndReading)**

An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of Certain Municipal Employees

**Public Comment**

No one came forward to speak for or against Ordinance No. 20-09.

Moved by Commissioner Terry, seconded by Commissioner Martin that the rule requiring Ordinance No. 20-09 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Hudson, Martin, Fess, Vogt and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 20-09 be adopted. Voice vote, Aye: Martin, Fess, Vogt, Terry, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 20-09 adopted.

**ORD, NO. 21-09 (2ndReading)**

An Ordinance repealing existing Chapter 33 and enacting a New Chapter 33 of the Piqua Code, relating to Employee Policy

City Manager Enderle stated this would adopt this policy for current and new employees hired after January 1, 2010 and explained the various changes in the policy.

**Public Comment**

No one came forward to speak for or against Ordinance No. 21-09.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the rule requiring Ordinance No. 21-09 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay, None. Motion carried unanimously.

Moved by Commissioner Fess, seconded by Commissioner Terry that Ordinance No. 21-09 be adopted. Voice vote, Aye: Fess, Martin, Terry, Hudson, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 21-09 adopted.

**ORD. NO. 22-09 (2nd Reading Amended)**

An Ordinance to make appropriations for the City of Piqua, Ohio for the Year 2010

City Manager Enderle went over the amended changes in the ordinance. Revenues are down about 12 percent, two general fund administrative positions are not going to be filled, and there will be no cost of living increases for city employees, said City Manager Enderle. The budget also delays expenditures for an ambulance, three police cruisers, golf carts, and a pump replacement for the Municipal Swimming Pool at this time.

There was discussion on the various budget fund cuts, and the total amount of the appropriations for 2010.

City Manager Enderle stated the city received an increase in the income tax revenue last year due to the lottery winners.

Commissioner Martin stated he thought the 2009 budget was only about \$55 million, and asked why the 2010 budget was up so much. City Manager Enderle stated it was more than \$55 million, but he did not have his budget book with him at this time to give him the exact figure. Commissioner Fess stated she thought the 2009 budget was about \$64 million range.

Commissioner Fess inquired about the appropriations amount in the Civil Service Budget in 2009.

Elaine Barton stated several tests were given this year, thus the reason for the higher amount.

City Manager Enderle stated he would email the correct 2009 budget amount to Commissioner Martin.

**Public Comment**

No one came forward to speak for or against Ordinance No. 22-09.

Moved by Commissioner Terry, seconded by Commissioner Martin, that the rule requiring Ordinance No. 22-09 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin, Vogt, Hudson, Terry, and Fess. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Ordinance No. 22-09 be adopted. Voice vote, Aye: Fess, Hudson, Terry, Vogt, and Martin. Nay; None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 22-09 adopted.

**ORD. NO. 23-09 (1<sup>st</sup> Reading)**

An Emergency Ordinance to make appropriations for the City of Piqua, Ohio for the year 2009

Commissioners were given an amended page to Ordinance No. 23-09 at the beginning of the meeting.

City Manager Enderle explained the changes on the amended page, and stated this ordinance is necessary to make adjustments required by law to close the books for the 2009 year.

**Public Comment**

No one came forward to speak for or against Emergency Ordinance No. 23-09.

Moved by Commissioner Terry, seconded by Commissioner Martin, that the rule requiring Emergency Ordinance No. 23-09 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin, Hudson, Fess, Vogt, and Terry. Nay, None. Motion carried unanimously.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Emergency Ordinance No. 23-09 be adopted. Roll call, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Emergency Ordinance No. 23-09 adopted.

**RES. NO. R-117-09**

A Resolution of Intent to provide services to certain territory proposed for annexation

City Planner Chris Schmiesing gave a brief explanation on the annexation process for the parcels of land in question.

Commissioner Vogt voiced his concern over the annexation of land at this time. City Manager Enderle stated this is vacant land now, and will be developed sometime in the future. By having it annexed into the City at this time it would provide revenue in the future to the city as it is developed. The city would not be responsible for the installation of utilities at this time, only when it is developed, and then it would be the responsibility of the developer, said City Manager Enderle. The biggest mistake cities make is not to annex land around them into the city, and when it is developed at a later date the city is not in position to receive the revenue.

There was discussion of the proposed use for the annexed land. Mr. Schmiesing stated the current use of this land is agricultural and it will remain agricultural at this time. There is no imminent development plan in place at this time, but the most likely use of the land would be light industrial or commercial, said Mr. Schmiesing. Commissioner Vogt asked what happens if the city does not annex the land at this time? Mr. Schmiesing explained the process the city must follow at this time. Commissioner Fess stated if the city annexes this land now the city is not responsible for the extension of the utilities, it falls on the developer to incur the costs at the time of development. City Manager Enderle stated the city is stating in this resolution that the city can serve this property with city services. Commissioner Martin asked what the benefits are to annex this land into the city at this time, and are there any up front costs? City Manager Enderle explained annexing the property into the city would be in the best economic interest to the city, so it is ready for development if a company is looking to locate in Piqua. And, no there are no up front costs to the city at this time, said City Manager Enderle.

There is a shortage of property along the interstate at this time, and if there are no up front costs, it would be a benefit to the city, said Commissioner Fess. And, if we expect Mr. Murphy to be successful as economic development director we need to provide him with the tools to do it.

Commissioner Martin stated he does not want the annexed property to be used for housing. Commissioner Martin inquired as to the number of acres the city has available for economic development at this time. Assistant City Manager/Economic Development Director Bill Murphy explained the city has in excess of over 300 acres at this time, and each one of the properties has their own challenges and opportunities associated with them. With these additional properties it gives us additional options, said Mr. Murphy.

## **Public Comment**

Holly Denlinger, Alexander Drive came forward to express her concern about the annexation of the properties at this time.

Joe Drapp, Park Avenue asked if there was a reason this resolution has to be passed at this meeting?

City Manager Enderle explained the need to pass the resolution at this time.

Mr. Drapp asked if the County agrees to the annexation would the surrounding property owners have time to file a referendum? The property owners would have to seek their own legal advice, said City Manager Enderle.

Pat Jenkins, Stratford Drive, voiced his opinion on the annexation of the land, providing of services, and stated how this would affect several areas of his property. Mr. Jenkins asked how annexing this land applied to the running of water & sewer out to Fletcher. City Manager Enderle explained how the services are being provided to Fletcher. Mr. Jenkins stated he does not understand why things have to move so fast at this time.

City Manager Enderle stated for clarification we have to pass this resolution at this time or we would have to start the annexation process all over again because of time lines set by the state.

Kevin Denning, Alexander Drive voiced his concern over the annexation of any of the properties that the city is considering for annexation. Mr. Denning showed a map with the corporation limits outlined and stated there is a lot of land already annexed for development, why do we need more. Mr. Denning also voiced his opinion on the water line being extended from Springcreek School to Fletcher.

Commissioner Vogt stated the property owner has requested the annexation of this land, the annexations of these properties was not something that was initiated by the City of Piqua

Mr. Schmiesing explained the annexation process and how residents are notified of when and where the hearings take place. A public hearing is set for January 21, 2010 at the County and notices with the hearing date were sent to the residents so they can attend the hearing to voice their concerns on the annexations.

James Cruse, County Road 25-A, voiced his opinion on the annexation and the tax base issue.

Commissioner Fess stated if a company comes in and is interested in a parcel of land that has not been annexed into the city there is a chance they would not want to wait the almost six months that it would take to get it annexed and could possibly lose a potential business.

Bill Denlinger, Alexander Drive voiced his opinion and concern on the annexations and the services that are to be provided if annexed at this time.

There was discussion on who has the authority to designate the use of the annexed property, the property owner or the city. City Manager Enderle explained how the city and the Planning Commission would look at the zoning designation of the property.

Cathy Glassco, Alexander Drive voiced her opinion on the annexation of the land, and stated she does not want it to go through at this time.

Ed Purk, Weymer Drive, voiced his opinion on the annexations and how the Commission is considering the annexations. Mr. Purk stated he believes the Commissioners were not provided with enough information before considering the annexations. Mr. Purk further sited the Cromes Drive Industrial area is not that far off of the interstate, maybe five minutes and it is still available.

Commissioner Fess stated the city does not have control over the Cromes Drive property or the price of the land.

City Manager Enderle stated we do not control the timing on this, it is established by State statute to the extent that the rules have changed. They were changed by the state not by the city, and we are just working within the perimeters that the State statutes outline.

Commissioner Terry stated she understands the property owners not wanting changes around them, but they need to voice their objections to the County.

Law Director Wall stated Resolution No. 117-09 is in accordance with the Revised Code. All this resolution is doing is telling the County that services are available, if annexed in the City would provide city services, and would then have to come back to the City Commission for final approval.

**Public Comment**

No one came forward to speak for or against Resolution No. R-117-09.

Moved by Commissioner Terry, seconded by Commissioner Fess, to adopt Resolution No. R-117-09. Roll call, Aye: Terry, Hudson, Fess, Nay: Vogt and Martin. Motion carried on a 3-2 vote. Mayor Hudson then declared Resolution No. R-117-09 adopted on a 3-2 vote.

**RES. No. R-118-09**

A Resolution of Intent to provide services to certain territory proposed for annexation

**Public Comment**

Holly Denlinger, Alexander Drive voiced her concern over the annexation of the property since it is currently zoned Heavy Industrial.

Commissioner Terry stated the residents need to make their objections known to the County at the January 21<sup>st</sup> meeting.

Cathy Glassco, Alexander Drive asked would happen if the City Commission voted this down at this time? You do not have to give the County permission to vote on this now, said Ms. Glassco.

Commissioner Fess stated she is not sure it is not in the best interest of the City of Piqua at this time. Mrs. Fess further stated she was elected by all of the citizens of Piqua that voted her in, and she feels she needs to vote on their behalf as well as the several residents that live in the country. I appreciate your concerns, but I do not see where we are doing anything wrong for the City of Piqua, said Commissioner Fess.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-118-09 be adopted. Roll call, Aye: Terry, Hudson, and Fess. Nay. Martin and Vogt. Motion carried on a 3-2 vote. Mayor Hudson declared Resolution No. R-118-09 adopted on a 3-2 vote.

**RES. NO. R-119-09**

A Resolution of Intent to provide services to certain territory proposed for annexation

City Manager Enderle explained these two parcels were purchased from Piqua Materials for the equalization basin, and for future expansion of the wastewater treatment plant should it ever be needed. The city owns these properties and would like to annex them in at this time, said City Manager Enderle.

**Public Comment**

No one came forward to speak for or against Resolution No. R-119-09 at this time.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-119-09 be adopted. Voice vote, Aye: Terry, Hudson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-119-09 adopted.

**RES. No. R-120-09**

A Resolution of Intent to provide services to certain territory for annexation.

There was discussion of the location of the parcel that is contiguous to the city limits now.

Mr. Schmiesing explained the reason for the request for annexation, and stated the property owners made the request at this time.

**Public Comment**

Pat Jenkins, Stratford Drive owns property near the proposed annexation and stated his notification of this request for annexation came from Mr. Schmiesing, not the landowner. Mr. Jenkins further stated he feels it is the wrong move at this point in time because we do not know what the intend use is for the land.

Commissioner Terry asked Mr. Jenkins if he would you have the same opportunity to address this in an open public hearing if it were not for the annexation? Mr. Jenkins stated he is not aware of how the County conducts their business, but knows from being on the Piqua Board of Zoning Appeals if a property owner wants to do something specific that is outside the zoning, all of the adjacent property owners are to be notified. This particular annexation has already been before the County Commissioners and I was not notified of that, said Mr. Jenkins.

David Purk, Alexander Drive voiced his opinion on the annexations, and stated you can get city utility services without being in the City because I live outside the city limits and have city services.

Terry Walker, Alexander Drive stated the way I understand we need to annex more ground for future opportunities for businesses to come to Piqua is that a correct statement? Do we have a shortage of property for business or a shortage of businesses for property, asked Mr. Walker.

City Manager Enderle stated you have to position yourself as a community to be able to respond to those developers or businesses that come to you looking for opportunities. We need to have property available to offer and market, said Mr. Enderle.

Mr. Walker further stated there is 100 acres across the road from him at this time and it has not been developed yet, so why do you need more?

City Manager Enderle explained the reason behind the annexations when they are offered to the city, and what this means to the City of Piqua.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Resolution No. R-120-09 be adopted. Roll call, Aye: Fess, Terry, and Hudson. Nay: Vogt and Martin. Motion carried on a 3-2 vote. Mayor Hudson then declared Resolution No. R-120-09 adopted on a 3-2 vote.

**RES. NO. R-121-09**

A Resolution authorizing the sale of city owned real estate

**Public Comment**

No one came forward to speak for or against Resolution No. R-121-09.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Resolution No. R-121-09 be adopted. Roll call, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-121-09 adopted.

**RES. NO. R-122-09**

A Resolution appointing a member to the Downtown District Design Review Board

**Public Comment**

No one came forward to speak for or against Resolution No. R-122-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-122-09 be adopted. Voice vote, Aye: Fess, Vogt, Martin, Terry and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-122-09 adopted.

**RES. NO. R-123-09**

A Resolution approving the purchase of excess liability

**Public Comment**

No one came forward to speak for or against Ordinance No. R-123-09.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-123-09 be adopted. Roll call, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-123-09 adopted.

**RES. NO. R-124-09**

A Resolution authorizing the execution of an Administration Agreement with the Ohio Department of Development for Housing Resolving Loan Funds and Program Income for funds generated from the Federal Community Development Block Grant and State of Ohio Home Investment Partnerships program funds

**Public Comment**

No one came forward to speak for or against Resolution No. R-124-09.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-124-09 be adopted. Voice vote, Aye: Martin, Fess, Vogt, Terry, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-124-09 adopted.

**RES. NO. R-125-09**

A Resolution authorizing transfers of cash from the General Fund to the other funds for the Fiscal Year 2010

**Public Comment**

No one came forward to speak for or against Resolution No. R-125-09 at this time.

Moved by Commissioner Martin, seconded by Commissioner Terry that Resolution No. R-125-09 be adopted. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-125-09 adopted.

**RES. No. R-126-09**

A Resolution authorizing transfers of cash from the General Fund to the other funds for the Fiscal Year 2009

**Public Comment**

No one came forward to speak for or against Resolution No. R-126-09 at this time.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-126-09 be adopted. Voice vote, Aye: Martin, Vogt, Terry, Fess, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-126-09 adopted.

**ECONOMIC DEVELOPMENT UPDATE**

Presented by – Mr. Bill Murphy, Assistant City Manager/Director of Economic Development

Mr. Murphy gave a brief update on the prospects, permit activity, permit valuations, and incentive revenue that have taken place in 2009.

Mayor Hudson thanked Mr. Murphy for the update.

Commissioner Martin made a motion, seconded by Commissioner Vogt, to suspend the collection of the storm water utility fees until we can figure out a way to make it affordable for businesses in Piqua. No further action was taken at this time.

Commissioner Fess agreed the city needs to take a look again at the storm water utility fees, and refigure the cost to possibly ease the burden a bit on the businesses.

Mayor Hudson also stated he had no problem with reviewing the storm water utility fees again.

Commissioner Vogt stated when it was presented to the Commission he was concerned about the cost to the residents, but was amiss and did not think about what the cost could be to the businesses.

Commissioner Martin stated we are not here to put the businesses out of business, and need to work out the costs for the businesses.

There was discussion of alternatives for cutting the costs, the need for the storm water utility fees, how they are imposed, what does impervious surface actually cover, and how much would businesses actually be required to pay. City Manager Enderle explained the problems the city is facing with the EPA mandates. We could have a study session to review the storm water utility fees if you like, said City Manager Enderle.

Commissioner Fess inquired as to how many of the city properties are involved in paying the Storm water utility fee, and what funds would it be coming out of to pay these fees?

City Manager Enderle stated depends on what funds the properties were purchased from, and gave several examples.

Commissioner Fess asked if the cost for the storm water utility fees have been built into the 2010 budget. City Manager Enderle stated yes, the fees have been built into the 2010 budget.

Commissioner Martin stated he would like to amend his first motion to suspend enforcement of Sections 55.31 and 55.32 in Ordinance No. 18-09 beginning with the December 2009 billing, seconded by Commissioner Vogt.

Mayor Hudson asked for public comment at this time.



## **Public Comment**

Joe Drapp, Park Avenue voiced his opinion on the cost figures for the industrial customers of their ERU's and asked if instead of rounding them off they use their actual figures to help defray the costs.

Ed Purk, of Purk Automotive Statler Road, voiced his opinion on storm water utility fees and how they are calculated. Mr. Purk stated they do not have a storm sewer on their property, and asked if there are any special provisions being made for those who do not have sewer. On the subject of Economic Development Mr. Purk further stated he feels new business are not as concerned about being located along Interstate 75 as they are of the little individual things that get tagged on, such as the demand charge on electric and the storm sewer costs.

City Manager Enderle explained the Storm Water Advisory Committee also reviewed the information, and the city has been working on this for four years, it is not something that just came up.

Jerry Voisnet, Garbry Road voiced his opinion on the storm water utility fees in question for businesses, and asked if there are any credits or discounts for those customers.

Darin Yingst, Adams Street asked several questions regarding a property he owns on Wayne Street, and the fact he is unable to get into the building on the weekends to work on the property.

Mayor Hudson stated he would like to have a vote on the motion made previously by Commissioner Martin to suspend the collection of the storm water utility fee in Ordinance No. 18-09 in Sections 55-31 and 55-32 beginning with the December 2009 billing. Roll call, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Motion was adopted.

Commissioner Vogt wished all a Happy Yuletide Season and a safe holiday and apologized for the Storm water situation at this time. Commissioner Vogt stated that Mayor Hudson has been a great cheerleader for the City of Piqua, and thanked him for his service to the citizens.

Commissioner Martin asked if the Electric Department could look at rolling the demand charges back to what they were previously for one year. City Manager Enderle stated he would look into it.

Commissioner Martin stated we did not always agree on things but we got things done, and wished Mayor Hudson the best.

Commissioner Fess congratulated Mr. Pohlschneider and Mr. Kennedy on their appointments to the Fire Department. Commissioner Fess stated she knows how many hours it takes to do the Mayors job, and hopes Mayor Hudson can spend more time with his family now and thanked him for his service to the citizens of the City of Piqua. Commissioner Fess wished everyone a safe and happy holiday season.

Commissioner Terry wished Mayor Hudson the best as he retires from the City Commission and stated it has been a pleasure serving with you, and I know how many hours you have spent which is more hours then the rest of us have spent, and thanked him for his service. Commissioner Terry wished everyone a happy holiday and stated she is looking forward to 2010.

City Manager Enderle thanked the Commissioners for all their work and cooperation this year, even though it was a difficult year, and for those returning it will be just as rewarding. City Manager Enderle wished everyone a happy holiday season.

Mayor Hudson stated he was given a tour of Piqua Materials and was impressed with the business operations.

Mayor Hudson thanked all the residents who spoke on the annexations, and stated there are several things the Commission has to look out for when considering the annexations. One is the quality of life for the citizens, and to try and be proactive when ever possible.

Mayor Hudson thanked the Commissioners stating it has been a great four years. Mayor Hudson thanked the citizens of Piqua for electing him to his position, and further stated he has been proud to serve in his position as Commissioner and Mayor, and plans to be working behind the scenes with Grow Piqua Now. Mayor Hudson also thanked City Manager Enderle and Law Director Wall for all of their help.

**EXECUTIVE SESSION**

Pursuant to Charter Sections 4 (a) (b) and (f) for purposes of considering the employment condition of the City Manager, to discuss pending litigation and to discuss the purchase of property.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to move into Executive Session at 10:20 P.M. Roll call, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adjourn from the Executive Session at 11:45 P.M. Voice vote, Aye: Hudson, Martin, Vogt, Fess, and Terry. Nay, None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adjourn from the Piqua City Commission Meeting at 11:45 P.M. Voice vote, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously.

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THOMAS D. HUDSON, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION