

**MINUTES
PIQUA CITY COMMISSION
Tuesday March 2, 2010
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 Fess called the meeting to order. Also present were Commissioners Martin, Vogt, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

Proclamations

Moved by Commissioner Martin, seconded by Commissioner Vogt, to move Resolution No. R-32-10 to the front of the agenda, after the Proclamation presentations. Voice vote, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously to move Resolution No. R-32-10 up to the front of the agenda after the Proclamation presentations.

Colonel William J. Baugh Day in the City of Piqua

Accepting: Ms. Alice Fay/ Mr. Tom Fay

Mayor Fess read the Proclamation and presented it to Ms. Alice Fay and Mr. Tom Fay.

Ms. Fay thanked the City of Piqua for the Proclamation, stating it is quite an honor to receive this on behalf of the Baugh family. Ms. Fay gave a brief background of Mr. Baugh's life and accomplishments.

Development Disabilities Month in the City of Piqua

Accepting: Karen Mayer, Superintendent of Riverside of Miami County
Terry Naas, Community Relations & Staff Development Manager

Mayor Fess read the Proclamation and presented it to Karen Mayer and Terry Naas.

Terry Naas presented the City of Piqua Police Department with a Certificate of Gratitude for all of their support.

Police Chief Bruce Jamison and Lt. Bill Collins accepted the certificate.

American Red Cross Month in the City of Piqua

Mayor Fess read the Proclamation and presented it Sharon Ford, a representative of the American Red Cross. Ms. Ford thanked the City of Piqua for their continued support.

RES. NO. R-32-10

A Resolution of Appreciation for the public service of Wesley Melling, Jr. as a City Employee

Mayor Fess read the Resolution of Appreciation and presented it to Mr. Melling.

Mr. Melling thanked the City of Piqua for his career with the Fire Department, and stated he is looking forward to moving on.

Public Comment

No one came forward to speak for or against Resolution No. R-32-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, to adopt Resolution No. R-32-10. Voice vote, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-32-10 adopted.

Consent Agenda

Approval of Minutes

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the January 27, and the January 30, 2010 Piqua City Commission Work Session, and the Regular City Commission Meeting of February 16, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

Old Business

ORD. NO. 3-10 (2nd Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 3 and 4 The Commission

Mayor Fess stated the Commissioners received an email from Law Director Stacy Wall explaining how the census relates to the registered voters.

Law Director Wall gave a brief explanation on the how the redistricting is done. The Board of Elections strongly recommends that the census be used because it gives an accurate account of the population. The second step is to take the number of registered voters and redistribute the population into the Precincts, this way everyone is accounted for, said Ms. Wall.

Commissioner Wilson inquired if he someone would move out of a Ward and into another Ward, what would the sequence be. Ms. Wall stated according the Charter Amendment proposed they redistrict every ten-years because it goes along the lines of the census. If residents move, they would not be redistricted until the next census, said Ms. Wall.

Mayor Fess stated she thought Commissioner Wilson was asking if someone was serving in a certain Ward as a Commissioner and moved to another Ward what would happen if they are not located in their Ward after the redistricting takes place. Ms. Wall stated the Commissioner is elected from the City as a whole, not just from the Ward, and further explained how it would be grandfathered in and stated she will look into how it would work.

Public Comment

No one came forward to speak for or against Ordinance No. 3-10.

After discussion Ordinance No. 3-10 was given a second reading.

ORD. NO. 4-10 (1st Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 33 under Administrative Service

Commissioner Vogt asked if there was going to be some type of guideline or policy presented for them to see.

Ms. Wall stated she is going to get the Commissioners a drafted copy of the Policy to review; the Policy would be in place of the Charter change if that is what the Commission decides to accept. Ms. Wall further stated at the last Commission Meeting the Commissioners had asked her to think of some different words that could be used in the proposed Charter Amendments that would satisfy her question whether there is a violation of the Charter because of the proposed language in her opinion

trumps the City Manager form of Government. Ms. Wall stated she has not been able to think of any other language, and it is her advice to not specify the type of communication that would not be prohibited.

Mayor Fess asked if it would be difficult to determine when to speak with someone or not to speak with someone. Ms. Wall explained the difference between a Policy and Charter Amendment.

Mayor Fess stated she spoke to several of the Charter Review Committee members after the last Commission meeting and they feel it is important to put the amendment on the ballot.

Commissioner Terry stated the meetings that she has attended for elected city officials, the speakers highly recommended that the Commission not interfere with city employees business, and that the City Manager should be in charge of doing that.

There was discussion on whether the Charter states now that the Commission is not to interfere with the City Manager, and why is there a need for the Charter Amendment. Ms. Wall explained the reason it was in the Charter at this time and why they were asking for change. It was stated previously there was a dispute between a City Commissioner and what he was asking for from a City employee, thus the reason for the language changes. Ms. Wall stated her legal opinion is to not go forward with the Charter Amendment at this time, and to establish a Policy instead.

There was discussion by the Commissioners on their feelings toward the Charter Amendment changes versus a Policy to be put in place. Ms. Wall stated the Policy would be set up so it could be reviewed from time to time, whereas a Charter Amendment would be set in stone and have to go to the voters to make any changes.

City Manager Enderle stated asking a question or talking to a Department Head or an employee is one thing, but asking them to generate a report for a Commissioner is another. That type of communication should clearly go through the City Manager, and the reason for this is that not one Commissioner has the power or authority, the authority comes from the Commission as a whole group. So for one Commissioner to ask for information is not feasible, the information should go to the whole Commission as a group. Mr. Enderle stated he feels the wording is not going to help the situation at all.

PUBLIC COMMENT

Brad Boehringer, Mound Street, voiced his opinion on the Charter Amendment.

After a lengthy discussion Ordinance No. 4-10 was given a second reading.

New Business

ORD. 5-10 (1st Reading)

An Ordinance amending Chapter 55 of the Piqua Municipal Code Stormwater Management

There was discussion on the reason for changing the ERU's square footage to now include up to 5400 square foot for the \$4.70 fee, and doing a yearly review of the ERU and fee assessed to determine whether the rate and fee are sufficiently permitting the City to meet the requirements of the NPDES permit issued by the EPA. A credit program shall be available to all non-residential customers only as established by the STWUD. There was also discussion of testing of gravel for pervious surface runoff, with the testing only having to be done one time per property, but was noted it is very costly. It was stated there would be a savings for anyone wanting to do the testing. There is a need to set a standard for periodic testing of five-ten years.

City Engineer Amy Havenar explained how the testing would be done and how it would be calculated.

Commissioner Wilson stated he felt a yearly test would be overkill. City Manager Enderle stated he felt it would be reasonable to set the standard at five-ten years.

Commissioner Vogt stated he would like to suggest the establishment of an Underground Utility Board be set up at this time. All Commissioners were in favor of the establishment of an Underground Utility Board.

Commissioner Wilson inquired if a proposed schedule for the Credit program has been set yet.

Finance Director Cynthia Holtzapple explained, and stated if the ordinance is passed by March 16th, the first billing would in April, and companies could apply for the credits at that time.

Commissioner Vogt stated he would like to have a representative of the Stormwater Committee hold several public meetings on the issuance of credits, and who would be eligible to apply for the credits.

City Manager Enderle stated there would be a number of meetings held for public education. Law Director Wall stated the Ordinance was written as an Emergency Ordinance and needs to be passed as soon as possible. Finance Director Cynthia Holtzapple stated the Ordinance must be passed no later than March 16th to begin the billing in April.

Public Comment

Steve Stiefel, Brentwood, inquired about wording in Section 5509, Section A of Ordinance No. 5-10, and asked why vacant or unimproved property was excluded. City Manager Enderle explained the reason for the exclusion.

Commissioner Vogt stated the City and the Commission has nothing to do with this, this is a mandate put on the City by the EPA.

John Voisinet, Garbry Road, asked that the Commission give Ordinance No. 5-10 a first reading to allow citizens time to gather more information and to be able to understand this better. Mr. Voisinet inquired if the City was teaming up with other organizations or communities to help with the education process. City Manager Enderle explained how the City is partnering with other entities for educational purposes.

Ms. Wall stated this ordinance also addresses the previous Commissions actions that suspended the enforcement of the collection, and further stated this amendment resolves all of the previous issues.

After discussion Ordinance No. 5-10 was given a first reading.

RES. No. R-33-10

A Resolution requesting preliminary authorization for installation of median cable barriers along IR-75 within the City of Piqua

There was discussion of the installation of the barriers along Interstate 75 and the cost, which is not being incurred by the city.

Public Comment

No one came forward to speak for or against Resolution No. R-33-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-33-10 be adopted. Voice vote, Aye: Fess, Terry, Wilson, Vogt, and Martin, Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-33-10 adopted.

RES. NO. R-34-10

A Resolution accepting the recommendations of the Tax Incentive review Council of the City of Piqua for the purpose of the administration of the City of Piqua's Enterprise Zone Program, as required by Section 5709.85 (C) (1) of the Ohio Revised Code

City Manager Enderle stated this resolution would accept the recommendations of the Tax Incentive Review Council to provide B & L Labels, Crane Pumps and Systems Inc., and Miami Valley Steel Tax Incentives through the Enterprise Zone to continue, and to allow Harmony Systems Tax Incentives to expire.

Public Comment

No one came forward to speak for or against Resolution No. R-34-10.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-34-10 be adopted. Voice vote, Aye: Terry, Wilson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-34-10 adopted.

OTHER BUSINESS

Monthly Reports – January 2010

Commissioner Vogt inquired about the suspended list where an address is listed as the address for a shut off, and is also listed as the address for billing purposes, and asked if there are residents living in homes without electric? Finance Director Cynthia Holtzapple explained why the addresses were sometimes the same.

Monthly Reports were accepted.

PUBLIC COMMENT

Jeff Lange, N. St. Rt. 66 came forward to ask the City for their support and to announce the Great Miami River Sweep would be held on Saturday, July 17th, from 8:00 A.M. to 1:00 P.M. and invited citizens to participate. Mr. Lange thanked all the local foundations for their support, and all the volunteers.

Mr. Lange wanted to recognize Piqua and Don Freisther at the Water Plant for updating the Piqua web site under the water system for the latest on the water quality issues that had been brought to the City of Piqua's attention and the citizens. Mr. Lange also thanked City Engineer Amy Havenar and Kara Allison with Hall & Associates with the citizen's advisory council, and their support to the Piqua Watershed.

Mr. Lange further stated that the POW organization has taken an active role in the Stormwater Phase II reporting, and has provided training to some adult students at the Upper Valley JVS. A power point presentation was given to the students, and POW would be glad to share the information with the city if they would like to put it out on the web site, said Mr. Lange.

Mr. Lange stated there is River Summit scheduled for April 15, 2010 at the University of Dayton Rivers Institute, and it is free and open to the public.

Mayor Fess stated she appreciates the work that Mr. Lange, POW, and all the volunteers do, and asked Mr. Lange to share the power point presentation with the City Manager.

Mr. Lange reminded citizens of the Phase II Stormwater Reporting and the Mandates by the EPA, citing the six goals are very important and listed the six goals. Mr. Lange stated he has read some negative things in the paper recently about the EPA and asked where would citizens be without the

EPA, what would they be drinking, what would they be breathing, and what would our earth look like. They are here for a reason to take care of the earth for future generations, said Mr. Lange.

Commissioner Vogt stated the complaint is not with the EPA, it is the unfounded mandates they give us we have the problem with.

Mr. Lange thanked all the Department Heads and the City for their help.

Scott Hartzell, 201 N. Wayne Street, voiced his concern over the sign ordinance that would not allow him to place a banner in the Downtown Business District. Mayor Fess stated Mr. Hartzell should contact the Planning & Zoning Department for a sign permit. Commissioner Terry stated the Commission worked very hard on the sign ordinance for months, and stated there are reasons for the sign ordinance rules and regulations.

James Cruse, County Road 25-A, stated it has been about six months since Toone P. Wiggins opened and asked if there is any type of report at this time for the citizens on the progress of their business. Mayor Fess stated the City Commission does not control that entity; it is still in the LLC, which are the investors who are accepting the tax credits on behalf of the City. City Manager Enderle stated a report would be done in mid-year sometime in July.

Mr. Cruse commended Commissioner Vogt on his idea for the Stormwater Plan.

Steve Stiefel, Brentwood, inquired if there is a timeframe on demolition projects in the City of Piqua.

City Manager stated yes, there is a timeframe on demolition projects and asked if he was referring to the demolition on W. Water Street. Mr. Enderle stated weather, equipment problems, and health issues have played a part in the delay of that project. The City has given the contractor a new deadline for the project, and if the contractor does not meet timeframes he will not be allowed to pull permits with the city.

Commission Comments

Commissioner Terry extended her condolences to the family of Terry Peake, a Power Plant employee who passed away recently.

Commissioner Terry stated "Dickens in Ohio"- Local History is to be held at the Piqua Library on March 18th and invited citizens to attend.

Commissioner Terry stated she was part of the welcome home celebration for the Piqua High School Show Choir on Sunday after receiving their 4th Grand Champion at Twinsburg. Commissioner Terry congratulated all involved.

Commissioner Terry attended the Diversity Committee meeting held before the Commission meeting. Discussions included the statutory selections in Washington DC, and the hopeful nomination of William M. McCulloch as one of the ten finalists. The presentation can be seen on the local Public Access Channel 5 if anyone is interested, said Commissioner Terry.

Commissioner Terry extended her condolences to the Bill Baugh family.

Commissioner Terry thanked the Street Department and the snow removal crew for a job well done in removing the snow, and expressed her thanks to all who helped.

Commissioner Wilson extended his condolences to the family of Terry Peake.

Commissioner Wilson also congratulated the Piqua Show Choir.

Commissioner Wilson asked for an update on the Ash Street demolitions. City Engineer Amy Havenar gave a brief overview of the progress, and stated the project should be underway by mid March.

Commissioner Martin extended his condolences to the family of Terry Peake.

Commissioner Martin inquired if the City of Piqua paid for the survey work for the proposed annexations, stating Choice One Engineering provided the survey work. City Manager Enderle stated he would look into it and get back to him.

Commissioner Vogt extended his condolences to the families of Terry Peake and Colonel Baugh. Commissioner Vogt stated Colonel Baugh previously lived in his neighborhood, and was a great man.

Commissioner Vogt also extended congratulations to Wes Melling on his retirement from the City of Piqua Fire Department.

Mayor Fess stated she attended a ribbon cutting for a new business in Piqua, Fantabulous Photography on Park Avenue and wished them well in their new venture.

Mayor Fess congratulated the Piqua Show Choir, stating they are amazing and they are ranked 6th in the United States at this time.

Mayor Fess extended her condolences to the family of Terry Peake. Mayor Fess and the City Manager attended the funeral and very impressed by the Power Plant employees who are very supportive of the Peake family. Mayor Fess stated she was glad to see the city honor him in such a wonderful way.

Mayor Fess extended her sympathy to the Baugh family.

Mayor Fess spoke of the devastation in Chile and stated native Piquads Ted & Maria Gutmann who are missionaries live there now and asked that citizens keep them in their thoughts and prayers.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 8:55 P.M. Voice vote, Aye: Vogt, Martin, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION