

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday March 16, 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**

**Consent Agenda**

**Approval of Minutes**

Approval of the minutes from the March 2, 2010 Regular City Commission Meeting

Moved by Commissioner Martin, seconded by Commissioner Terry, that the minutes of the Regular City Commission Meeting of March 2, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

**Old Business**

**ORD. NO. 3-10 (3rd Reading)**

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

Mayor Fess stated the Law Director Wall added a paragraph to the Ordinance and read the paragraph with the new language included.

“Redistricting of the wards shall occur every ten years using the census. The redistricting shall be based on an equitable balance of population and shall commence with the 2010 census figures, having the new boundaries of the wards in effect for January 1, 2012. After January 1, 2012, said boundaries of the wards if redrawn shall go into effect at the earliest possible time that the census information can be verified and the boundaries redrawn. **In the event the redrawing of boundaries results in a commissioner being located in a different ward than the ward he ran from for election to commission, the commissioner in office at the time of the redistricting shall remain in office for the balance of his term.** “

Moved by Commissioner Wilson, seconded by Commissioner Martin, to amend Ordinance No. 3-10 with the new language added in Section 3, in the second paragraph, sixth sentence. Roll call vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously.

**Public Comment**

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

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 3-10 be adopted, as amended. Roll call vote, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay, None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 3-10 adopted, as amended.

**ORD. NO. 4-10 (3rd Reading)**

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

City Manager Enderle explained the changes that were proposed.

Mayor Fess stated Law Director Wall provided a copy of the Policy to the Commissioners previously.

There was discussion on the Policy versus the amendment among the Commissioners, with Commissioner Martin stating the Charter Review Committee felt strongly enough to recommend the amendment be put to the voters, and agrees it should be put on the ballot.

Commissioner Wilson also stated he agrees the changes should go to the voters to decide.

### **Public Comment**

Ben Hiser, Margene Drive, came forward and stated he is a member of the Charter Review Committee, and voiced his opinion on their recommendations.

Frank Patrizio, Sunset Drive, member of the Charter Review Committee, came forward and gave a brief background of their discussion and the reasons the Charter Review Committee chose to put the language on the ballot at this time.

It is clearly stated in the Charter what Commissioner's can or can not do, said Mayor Fess.

Mayor Fess thanked both Mr. Hiser and Mr. Patrizio for their services on the Charter Review Committee, and for coming forward and presenting their information.

Commissioner Terry inquired about the language in Section 33: Commission Not To Interfere In Appointments Or Removals, in the fifth line where it states "However, nothing in this section shall prohibit City Commissioners from communicating with employees, regarding city matters". Commissioner Terry stated she would like to strike the last three words " regarding city matters".

Moved by Commissioner Terry, seconded by Commissioner Martin to amend Ordinance No. 4-10 in Section 33: Commission Not To Interfere In Appointments Or Removals, in fifth line, to strike out "regarding city matters." Voice vote, Aye: Martin, Fess, Terry, Vogt, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 4-10 be adopted, as amended. Roll call, Aye: Fess, Vogt, Martin, Terry, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 4-10 adopted, as amended.

### **ORD. 5-10 (2ndReading)**

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

City Manager Enderle stated this Ordinance amends the previously adopted Chapter 55 regarding the Storm Sewer Utility. Ordinance No. 5-10 would change the average square foot of the equivalent residential unit from 2600 sq. ft. and raising it up to 5400 sq. ft., establishing a yearly review of the ERU rate, and establishing a credit program for non-residential users.

Mayor Fess stated if the Ordinance were to be passed, and the three readings waived the collections could begin in April.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 5-10 be read fully and distinctly on three separate days be suspended.

### **Public Comment**

Jerry Voisinet, Garbry Road, came forward and voiced his opinion on the Stormwater issue, and asked why he would be paying such a large sum of money when he is not connected to the storm sewers.

City Manager Enderle explained that this is an EPA Mandate, and the City has to comply. The water that is dumping into the river needs to be cleaner, funds will be used to help educate the public, working on getting people involved in cleaning up the waterways, detecting illegal discharges into the river, taking better care of the infrastructure, repairing and getting new infrastructure put into place.

Mr. Voisinet thanked the City Manager for his explanation and stated he hopes the Commissioner stay around to monitor the money so it does not get channeled into other departments.

Commissioner Vogt replied at the last City Commission meeting it was stated a Stormwater Utility Board was going to be set up, and they will monitor the Stormwater. Commissioner Terry stated the Stormwater Utility Board will be made up of citizens, and invited Mr. Voisinet to set on the board.

Mr. Voisinet stated citizens can call and have their gravel tested to help with reduction in their fees.

Mayor Fess stated the money that is allotted for the Stormwater Utility has to stay in the fund that is appropriated for; it cannot be used in any other fund.

Commissioner Terry stated none of us are happy with this. This is a hardship for everyone, it is something the EPA has mandated and we must comply.

We all need to work together as a community, and be good citizens, said Mayor Fess.

City Manager Enderle stated he did not want to mislead anyone, but with the reduced fees we will only be able to meet the bare minimum requirements of the EPA, we will not be able to expand the system with these dollars.

Dave Comolli, College Street, asked if the city gives Mr. Voisinet a credit on his stormwater would it raise the rate for the rest of the citizens? Mayor Fess explained they will not raise the individual residential ERU's, but will cut back on what can be done.

City Manager Enderle stated it is not the credits that could be the problem; the fact is we have a lot of gravel areas in the city, and if citizens take advantage and reduce the ERU's we may have to raise the fees at some point in time.

Commissioner Vogt stated we will have a yearly review, and if everyone does a good job in reducing their ERU's then we will not need the Stormwater Utility.

Commissioner Terry stated the Committee did not bring the credit idea to us previously because they realized it would raise the fees for the rest of the citizens.

Mayor Fess stated they still needed a vote on the suspension of Ordinance No. 5-20 and asked the Clerk for a Roll Call. Roll call, Aye: Fess, Martin, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Wilson that Ordinance No. 5-10 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 5-10 adopted.

### **New Business**

#### **RES. NO. R-35-10**

A Resolution authorizing the City of Piqua to file an application to the State of Ohio, Department of Development and to support an application for assistance under the Ohio Job Ready Sites Program

There was discussion of the purchase of the parcel of land known as the JEB property located south of the Paul Sherry Industrial Park.

Economic Development Director Bill Murphy explained how the grant is filed, and some of the changes that have occurred since the last grant was filed in 2008. In 2008 the City of Piqua's grant was ranked the second highest in the State. Mayor Fess asked how many grants are to be awarded, it was stated ten grants are awarded statewide.

City Manager Enderle stated this is an investment; this will provide available acreage and will have a sale price on it that we control; and bring jobs and value to the property. Mayor Fess stated the City will purchase the property with the grant funds, the city would own the property and if a company comes in and wants to build on the site we can sell it. Mr. Murphy stated this would be a certified site in the State of Ohio, which will make it a more marketable property. City Manager Enderle stated this would bring in a million and a half in and we then own the property, and what ever we sell the property for is a profit for the city that can be put back in for future economic development.

#### **Public Comment**

Brad Boehringer, Mound Street, came forward and voiced his opinion on the purchase of the property. Mr. Boehringer further stated the city now has over 2000 acres of land in the city that has not been developed, and asked why it cannot be made job ready instead of going after more land and spending more money.

Mayor Fess explained the reasons for not putting money into the land at this time; further stating the city does not own the land. Mayor Fess stated we must be able to meet the needs of any company wanting to locate in Piqua, and with ownership of the property the State will steer prospects to the City.

Commissioner Vogt stated the property in question is already located in the city.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-35-10 be adopted. Voice vote, Aye: Fess, Terry, Wilson, Vogt, and Martin, Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-35-10 adopted.

#### **RES. NO. R-36-10**

A Resolution approving the fiscal year 2010 Community Housing Improvement program application

There was discussion of the income guidelines and who would be eligible for the applications. Bill Lutz, Community Development Director gave a brief overview of the criteria for applying for the grants. Citizens interested in applying may contact Bill Lutz at 937-778-2062 for more information or applications.

Mayor Fess stated she hopes citizens take advantage of the program for rental rehabs and repairs or for help with their mortgage payments.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-36-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-36-10 be adopted. Voice vote, Aye: Terry, Wilson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-36-10 adopted.

#### **RES. NO. R-37-10**

A Resolution repealing Resolution No R-106-07 regarding acceptance of the Fairview-Snodgrass Road Bridge No. 0.92 from the Miami County Engineer

There was discussion of the location of the bridge, the storage of the bridge at this time, and why the City is releasing the bridge to The Miami County Park District. Doug Christian, Miami County

Engineer, explained several reasons why The Miami County Park District is interested in the bridge and where they plan to relocate the bridge.

**Public Comment**

No one came forward to speak for or against Resolution No. R-37-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-37-10 be adopted. Voice vote, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay; None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-37-10 adopted.

**RES. NO. R-38-10**

A Resolution relating to the application for annexation of certain real property to the City

City Manager Enderle gave a brief overview of the annexation plans stating all parties involved have mutually agreed to the annexation. The proposed annexation accommodates Upper Valley Community Church's interesting consolidating the existing parcels into one tract to allow for a building addition and parking lot expansion. If approved this will complete the annexation process and allow the property owner to continue with replating the parcels into on tract.

**Public Comment**

No one came forward to speak for or against Resolution No. R-38-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-38-10 be adopted. Voice vote, Aye: Martin, Fess, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-38-10 adopted.

**RES. NO. R-39-10**

A Resolution authorizing the Law Director to petition the Board of County Commissioners of Miami County, Ohio for a change in the boundary lines of Springcreek Township

This is the next step in the annexation process. This resolution directs the Law Director to request the change in the boundary lines in Springcreek Township.

**Public Comment**

No one came forward to speak for or against Res. No. R-39-10.

Moved by Commissioner Martin, seconded by Commissioner Wilson, that Resolution No. R-39-10 be adopted. Voice vote, Aye: Vogt, Terry, Wilson, Martin, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-39-10 adopted.

**RES. NO. R-40-10**

A Resolution authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to designate the zoning of parcel J27-032000 as R-3 (Multi-Family Residential), contingent upon annexation of the subject parcel to the City

This is the zoning recommendation for the property previously stated that is being annexed into the City.

**Public Comment**

No one came forward to speak for or against Resolution No. R-40-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-40-10 be adopted. Voice vote, Aye: Martin, Fess, Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-40-10 adopted.

**RES. NO. R-41-10**

A Resolution approving the Community Diversity Committee priorities and authorizing the Committee to undertake a Work Program to implement projects consistent with those priorities

City Manager Enderle stated this is the revised resolution that was presented a few months ago, and stated this takes out a lot of detail that was originally written in the resolution.

Mayor Fess stated when the Commission reviewed this previously there was a lot of detail the Commission felt was not needed, and asked the Diversity Committee to revise the resolution, which they did.

Commissioner Terry stated she is a member of the Diversity Committee, and the Committee decided to strike several paragraphs from the original resolution and present a new resolution to the Commission for their approval.

**Public Comment**

No one came forward to speak for or against Resolution No. 41-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-41-10 be adopted. Voice vote. Aye: Terry, Fess, Martin, Vogt, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-41-10 adopted.

**ORD. NO. 6-10**

An Ordinance authorizing the amendment to Ordinance No. 42-96 and the zoning map attached thereto to change the zoning designation of parcel N44-077996 from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential)

This is the rezoning of 1.462 parcel of land from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential) at their request.

**Public Comment**

No one came forward to speak for or against Ordinance No. 6-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that the rule requiring Ordinance No. 6-10 be read fully and distinctly on three separate days be suspended. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Ordinance No. 6-10 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 6-10 adopted.

**OTHER BUSINESS**

Economic Development Update

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

Mr. Schmiesing presented a power point presentation on the Redevelopment Project. Mr. Schmiesing further stated they received public input from several organizations including Leadership Piqua, Grow Piqua Now, and a Community Workshop. This will be a great marketing tool for Mr. Murphy to use when making presentations to potential businesses looking to locate in Piqua, said Mr. Schmiesing.

### **Public Comments**

Kevin Pryfogle, N. Downing Street, voiced his concern over having five stops signs in a row on Downing Street with the removal of the traffic signals. Mr. Schmiesing explained the reason for the removal of the traffic signals and the application of the stop signs.

Brad Boehringer, Mound Street, voiced his concern over the removal of the traffic signal at the corner of Greene and Wayne Street due to the fact the corner is used for a bus stop for children.

City Manager Enderle stated a study was completed, and it was determined that a stop sign would be safer than a traffic signal at that particular corner.

Mr. Boehringer also voiced his concern over recycling for potential customers who live in properties that have private waste collections and do not have recycling offered. Mr. Boehringer asked if would be possible for them to have recycling only.

Health & Sanitation Director Amy Welker explained that the recycling program is currently only for municipal customers, and the City has a three-year contract for that type of service at this time. There are opportunities for residents to recycle by separating the recycling and taking it to the Miami County Transfer Station.

Steve Stiefel, Brentwood, stated the annual Race Car and Future Stars Show will be held at the Miami Valley Centre Mall from Thursday March 18<sup>th</sup> –March 21<sup>st</sup>, with entry fees going to a local charity.

Russ Fashner, Forest Avenue, came forward and presented the Commissioner's a list of questions he would like to get answers for regarding the city's decision to remove the rail along the bike path, and then putting it back up with employee overtime, the cost of the project and reason for it. Also a Suspicious Person Police Report was filed against him, and wanted to know the reason. (See enclosed copy of questions) Mr. Fashner read his list of questions and asked for public answers to his questions. Mayor Fess stated they would look into the questions Mr. Fashner brought up and respond to him after looking into the issues.

Edna Stiefel, Boone Street, made a statement in favor of Mr. Fashner, stating he has been a real help to the North Parks Neighborhood. Mayor Fess stated they will look into his concerns, and stated we do appreciate all of Mr. Fashner's work.

Dave Comolli, College Street, stated he would like to have some type of information system put in place on projects being done in the city. This would be for the benefit of all the Neighborhood Associations so they know what the city is planning on doing in what areas, and where the Neighborhood Associations are working as not to interfere with each other. Mr. Comolli also voiced his support over Mr. Fashner, and stated he felt citizens should be able to address the City government.

### **Commission Comments**

Commissioner Martin inquired as to the reason the City paid for the survey of the annexations done by Choice One Engineering. City Manager Enderle stated this is common with Economic Development practices. These are property owners we have been working with since 2007 on their interest in developing their property, which led to the discussion of annexation and whether the city would assist with the survey, which is not uncommon. The City already was having work done in the area at the time, and it was cheaper to have it done at the same time since they were in the area.

Commissioner Martin stated he contacted the City Manager with an issue with the Pump Station, and wanted to commend the City Manager and the Street Department on their quick response time.

Mayor Fess stated the issues are with the contractor's right? City Manager Enderle stated the pumps did not start automatically like they should have, and someone had to come and start them manually, and is not sure who is responsible yet but is looking into it. Commissioner Martin asked who would pay for the city employee to stay there to operate the pump manually. City Manager Enderle stated he is not sure. Law Director Wall stated there is litigation with the contractor at this time and explained the circumstances.

Commissioner Vogt reminded citizens to fill out and return their 2010 census information. This information will be very beneficial to the City when applying for grants and etc.

Commissioner Terry stated the program Dickens in Ohio has been rescheduled for Thursday, April 8<sup>th</sup> at 7:30 in the Piqua Plaza, and invited citizens to attend.

City Manager Enderle stated an informational meeting is scheduled on the Stormwater issue to be held on March 25, at 6:00 P.M. at the Piqua Area Chamber of Commerce, and is open to the public.

Mayor Fess stated the Piqua Show Choir will be in attendance to accept a proclamation from the City of Piqua, and to perform at the next Piqua City Commission Meeting on April 6, 2010.

Mayor Fess stated a fundraiser is being held for Ben Justice who is a former employee of the Piqua Mall on March 20<sup>th</sup> from 3-7 at the Amvets Post 66 in Covington, Ohio.

Executive Session

Pursuant to Charter Sections 4(b) and (c) for purposes to consider pending or imminent litigation and to prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn into Executive Session at 9:35 P.M. Voice vote, Aye: Vogt, Martin, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Executive Session at 11:25 P.M. Voice vote; Aye: Martin, Vogt, Terry Fess, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 11:25 P.M. Voice vote, Aye: Martin, Terry, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously.

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LUCINDA L. FESS, MAYOR

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

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CLERK OF COMMISSION