

**MINUTES
PIQUA CITY COMMISSION
Tuesday June 1, 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 May 18, 2010 Regular City Commission Meeting.

Moved by Commissioner Terry, seconded by Commissioner Martin, that the minutes of the Regular City Commission Meeting of May 18, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

Old Business

ORD. 12-10 (3rd Reading)

An Ordinance amending Section 50.07 of the Piqua Code, relating to refuse collection

There was discussion on the guidelines and qualifications to participate in the senior refuse program, and with this new program there is unlimited refuse pickup weekly. City Manager Enderle stated letters would be sent out to current customers explaining the new revisions to the refuse program. Anyone having questions concerning refuse billing are asked to contact Utility Supervisor Robin Hungerford at 937-778-2005, said Amy Welker.

Public Comment

Sandy Casey, Second Street came forward and voiced her opinion on the changes in the refuse program.

Robert Creager, S. Downing Street, came forward and inquired about the type of refuse bags that are to be used for the refuse.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 12-10 be adopted. Voice vote, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay, None. Motion carried unanimously. Mayor Fess declared Ordinance No. 12-10 adopted.

ORD. NO. 13-10 (3rd Reading)

An Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Piqua

City Manager Enderle stated Ordinance No. 13-10 is the adoption of the Code of Ordinances that have been adopted and enacted in the last year by the City of Piqua, and codified by the American Legal Publishing Corporation.

Public Comment

No one came forward to speak for or against Ordinance No.13-10.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Ordinance No. 13-10 be adopted. Voice vote, Aye: Fess, Wilson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 13-10 adopted.

ORD. NO. 14-10 (3rd Reading)

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of I-2 (Heavy Industry) to +/-5.000 acre and +/-2.932 acre parcels being annexed from Springcreek Township into the City of Piqua Corporation Limits

City Manager Enderle explained these two parcels were purchased in 2007 for future expansion needs at the Wastewater Treatment Plant. The Piqua Planning Commission unanimously approved the rezoning of these two parcels.

Public Comment

No one came forward to speak for or against Ordinance No.14-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 14-10 be adopted. Voice vote, Aye: Terry, Martin, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Ordinance No. 14-10 off the table.

Moved by Commissioner Martin, seconded by Commissioner Terry, to take Ordinance No. 15-10 off the table. Voice vote, Aye: Fess, Vogt, Martin, Wilson, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Ordinance No. 14-10 adopted.

ORD. NO. 15-10 (1st Reading) Tabled 5-18-2010-(Amended)

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

City Manager Enderle explained the changes that were made to the ordinance. There was discussion on the possible revision of the ERU by square feet, rounding up of the units for billing purposes, and what other communities are doing on their billings. Several changes were suggested in the user fee section of 55.31. Law Director Stacy Wall explained that changes should be made in a Policy.

Public Comment

No one came forward to speak for or against Ordinance No 15-10.

After discussion Ordinance No. 15-10 was given a first reading.

NEW BUSINESS

ORD. NO. 16-10 (1ST Reading)

An Ordinance amending Sections 51.91, 52.22 and 53.05 of the Piqua Code, relating to Utility Discounts for senior citizens and disabled

There was a brief discussion of the guidelines for the discount for Senior Citizens and Disabled. Finance Director Cynthia Holtzapple explained the guidelines for the HEAP Program, which the City of Piqua is using for the Senior Program.

Public Comment

No one came forward to speak for or against Ordinance No. 16-10.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that the rule requiring Ordinance No. 16-10 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin. Terry, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Ordinance No. 16-10 be adopted. Voice vote, Wilson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 16-10 adopted.

ORD. NO. 17-10 (1ST Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 66 and 68 Police and Fire Services

Public Comment

No one came forward to speak for or against Ordinance No. 17-10.

There was a brief discussion of the recommendations by the Charter Review Committee for submission to the voters in the November Election. These sections include:

Section 66 Police Force: Shall Charter Section 66 be amended to eliminate the mayor's responsibility in an emergency with regards to the command of the police department.

Section 68 Fire Force: Shall Charter Section 68 be amended to eliminate the mayor's responsibility in an emergency with regards to the command of the fire department.

The proposed changes regarding the mayor's authority in emergency events are consistent with Chapter 35 of the Codified Ordinances dealing with emergency operations.

Public Comment

No one came forward to speak for or against Ordinance No. 17-10.

After discussion Ordinance No. 17-10 was given a first reading.

Ord. No. 18-10 (1ST Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 5, 6 and 8 The Commission

There was a brief discussion of the recommendations by the Charter Review Committee for submission to the voters in the November Election. These sections include:

Section 5 President of Commission, Mayor: Shall Charter Section 5 be amended to eliminate the authority of the mayor to take command of the police department in time of emergency.

Section 6 Salary of Commission Members and Mayor: Shall Charter Section 6 be amended to eliminate the vice mayor being paid the mayor's salary during absences of the mayor.

Section 8 Rules of Commission: Shall Charter Section 8 be amended to specify reason when a commission member may be expelled from City Commission.

The proposed changes regarding the mayor's authority in emergency events are consistent with Chapter 35 of the Codified Ordinances dealing with emergency operations, and the changes are in the interest of the City in defining when a commissioner could be relieved of his duties.

Public Comment

No one came forward to speak for or against Ordinance No. 18-10.

After discussion Ordinance No. 18-10 was given a first reading.

ORD. NO. 19-10 (1ST Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 32 and 41 Administrative Service

There was a brief discussion of the recommendations by the Charter Review Committee for submission to the voters in the November Election. These sections include:

Section 32 Removal of Officers and Employees: Shall Charter Section 32 be amended to require that any employee who is to be laid off, suspended or removed receive written notice.

Section 41 Qualifications and Duties of Director of Law: Shall Charter Section 41 be amended to require the director of law to have five years of experience as a practicing attorney rather than two years.

The proposed changes are in the interest of the City in defining how an employee is to be notified of a layoff, suspension or removal and increasing the qualifications of the law director.

Public Comment

No one came forward to speak for or against Ordinance No. 19-10.

After discussion Ordinance No. 19-10 was given a first reading.

RES. NO. R-69-10

A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Fountain Park, Hardman Field and Hance Pavilion to the Piqua Fourth of July Association

City Manager Enderle stated this is the annual lease of Fountain Park, Hardman Field, and Hance Pavilion to the Piqua Fourth of July Association.

Public Comment

No one came forward to speak for or against Resolution No. R-69-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-69-10 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-69-10 adopted.

RES. NO. R-70-10

A Resolution submitting to the electors of the City of Piqua, Ohio, a proposed amendment to Codified Ordinance Sections 36.03 and 36.04 providing a ten-year renewal of the 0.25% of 1% Municipal Income Tax Levy for Street Improvements

City Manager Enderle stated in December of 2000 the City Commission passed Ordinance No. 39-00 amending Ordinance No. 33-66 to renew the 0.25% portion of the City income tax (from 1.5% to 1.75%) for a ten-year period beginning January 1, 2001. This money has been and will continue to be used solely for the construction, reconstruction, and resurfacing of streets, and alleys, including the installation, maintenance and reconstruction of storm drainage lines, manholes and catch basins. The 0.25% portion of the City income tax dedicated to streets (Fund 103) generates revenues of

approximately \$1,000,000+/per year. With that money the City has been able to complete numerous projects over the past 10 years resurfacing and reconstructions.

Public Comment

Joe Francis, Parkway Drive came forward and voiced his concern over the need for the levy renewal.

City Manager Enderle explained what the levy funds are being used for, and stated the costs have gone up since the levy was passed in 2000.

It was stated that the City would need to get matching funds to complete the street repairs, and the City has applied for grants to offset the local share of the costs. City Engineer Amy Havenar explained with the new American Disabilities Act (ADA) requirements the costs have gone up considerably since 2000.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-70-10 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-70-10 adopted.

RES. NO. R-71-10

A Resolution requesting authorization to issue a purchase order to O.R. Colan Associates for the Right-of-Way acquisition services for the East Ash Street Reconstruction Project

Public Comment

Allen Biehl, Senior Manager of O.R. Colan & Associates came forward and explained the process they would follow in the acquisition of the properties. There was discussion of the timeframe for completion of the acquisition and the funding for the project.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-71-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-71-10 adopted.

RES. NO. R-72-10

A Resolution of Intent to Vacate Public Right-Of-Way

City Manager Enderle stated this resolution is the intent to vacate a portion of the platter River Street right of way and refer the item to the Planning Commission for study. The proposed vacation would result in the vacating of the southern half of the subject right of way adjacent to the rear of 218-218 ½ E. North Street. Unity National Bank owns the parcel and desires to sell the parcel at this time.

Law Director Stacy Wall explained the changes and asked for a motion to suspend the 24-hour notice.

Moved by Commissioner Terry, seconded by Commissioner Martin to suspend the 24-hour notice. Voice vote, Aye: Martin, Fess, Vogt, Wilson, and Terry. Nay, None. Motion carried unanimously.

Public Comment

No one came forward to speak for or against Resolution No. R-72-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-72-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-72-10 adopted.

RES. NO. R-73-10

A resolution accepting the resignation of Rebecca Harrison as a member of the Board of Zoning Appeals

Public Comment

No one came forward to speak for or against Resolution No. R-73-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-73-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-73-10 adopted.

Other

Monthly Reports – April 2010

Monthly Reports for April 2010 were accepted.

Economic Development Update

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

Mr. Murphy gave a brief overview of the economic development projects and plans, also giving a brief update on his recent business trips to Japan and Germany.

Mayor Fess thanked Mr. Murphy for his presentation, and stated he is doing a great job for the City of Piqua.

Public Comment

No one came forward to speak at this time.

Commission Comments

Commissioner Vogt reminded citizens of the Piqua Car Show being held in Fountain Park on July 31st, and asked for volunteers to help pass out flyers. Any one interested can contact Commissioner Vogt.

Commissioner Terry reminded citizens that "Music in the Park" at the Hance Pavilion begins at 7:00 P.M. on Thursday June 3rd.

Commissioner Terry also stated the April Monthly Reports had an unusual high quantity of trash, grass, and animals complaints and reminded citizens to pickup their trash, mow their grass, and keep an eye on their animals.

Commissioner Wilson congratulated the Piqua High School graduates and Jessica Ellis, Valedictorian, and Katherine Owen, Salutatorian.

Commissioner Wilson inquired as to the status of the Ash Street Project.

City Engineer Amy Havenar explained what has been done up to date on the project, stating the demolition of the houses should be completed with thirty days.

Mayor Fess stated the Park Board will hold their meeting at Kiwanis Park on June 2 at 7:00 P.M., They will be discussing a possible levy for the swimming pool and ask all interested citizens to attend. In case of rain the meeting will be held in the Municipal Government Complex.

Mayor Fess congratulated Piqua High School athlete Kurt Grove on his qualifying for the State Track Meet and wished him the best in Columbus.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION