

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday October 19, 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 Vogt, Martin, Terry, and Wilson. Absent: None.

**REGULAR CITY COMMISSION MEETING**

**PROCLAMATION – Family Month in the City of Piqua  
Church of Jesus Christ of Latter-Day Saints  
Accepting – President Mark Zelnick and Bishop Richard Cartwright**

Mayor Fess read the proclamation and presented it to President Mark Zelnick of the Church of Jesus Christ of Latter Days Saints. President Zelnick also presented Mayor Fess and the City of Piqua with an Appreciation Plaque from the Church.

**RESIDENCE PRIDE AWARDS**

- |                         |                            |
|-------------------------|----------------------------|
| ➤ 527 N. Downing Street | Lenny & Teresa DeCasseres  |
| ➤ 1113 Nicklin Avenue   | Matthew & Julie Barge      |
| ➤ 1532 Garfield Street  | Sylvester & Judith Cutcher |
| ➤ 901 Boone Street      | Amy Robinson               |
| ➤ 3229 Cherokee Drive   | Chris & Valerie Lefeld     |

Mayor Fess read the names of the Resident Pride Award winners while pictures of the homes were shown on the monitors in the Commission Chamber.

**Consent Agenda**

**Approval of Minutes**

Approval of the minutes from the October 5, 2010 Regular Piqua City Commission meeting

Moved by Commissioner Terry, seconded by Commissioner Wilson, that the minutes of the October 5, 2010 Regular Piqua City Commission meeting be approved. Voice vote, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

**NEW BUSINESS**

**ORD. NO. 28-10 (1<sup>st</sup> Reading)**

An Ordinance to authorize the annexation of land owned by the City of Piqua Municipal Corporation

City Manager Enderle stated the City of Piqua purchased a 1.353 acre property located contiguous to the existing City of Piqua corporation limits between Hemm Avenue and Statler Avenue. This property is a portion of the former railroad right-of-way that has been abandoned by the railroad and purchased by others. The Power System has purchased contiguous land inside the City of Piqua corporation limits and has requested the vacation of the alley right-of-way lying between these two tracts of land. The intent is to combine the two tracts and the vacated alley right-of-way into one parcel. The annexation of this parcel will allow the Power System to continue to move forward with plans to construct a new service center at this location. There are also two other Resolutions to follow on the agenda that are part of the plan for this annexation.

There was discussion on the time line of the annexation, and when the new service center would be built on the property. It was stated currently the Power System employees are in several different locations, and when the Power Plant is taken down in 2012 the plan is to build a new service center to house all of the employees and equipment in one location.

**Public Comment**

No one came forward to speak for or against Ordinance No. 28-10.

Ordinance No. 28-10 was given a First Reading.

**RES. NO. R-121-10**

A Resolution accepting the resignation of Debra Osborne as a member of the Park Board

City Manager Enderle stated this Resolution accepts the resignation of Debra Osborne as a member of the Park Board.

**Public Comment**

No one came forward to speak for or against Resolution No. R-121-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-121-10 be adopted. Voice vote, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-121-10 adopted.

**RES. NO. R-122-10**

A Resolution appointing a member to the Park Board

City Manager Enderle stated this Resolution appoints Kevin Pryfogle to fill the unexpired term of Michael Perando as a member of the Park Board for a term to expire on March 4, 2014.

**Public Comment**

No one came forward to speak for or against Resolution No. R-122-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-122-10 be adopted. Voice vote, Aye: Martin, Wilson, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-122-10 adopted.

**RES. NO. 123-10**

A Resolution appointing a member to the Park Board

City Manager Enderle stated this Resolution appoints Steven Frazier to fill the unexpired term of Debra Osborne as a member of the Park Board for a term to expire on March 4, 2014.

**Public Comment**

No one came forward to speak for or against Resolution No. R-123-10

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-123-10 be adopted. Voice vote, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-123-10 adopted.

**RES. NO. R-124-10**

A Resolution appointing a member to the Board of Zoning Appeals

City Manager Enderle stated this Resolution appoints Shawn Hicks to fill the unexpired term of Rebecca Harrison as a member of the Board of Zoning Appeals for a term to expire on March 1, 2013.

**Public Comment**

No one came forward to speak for or against Resolution No. R-124-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-124-10 be adopted. Voice vote, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-124-10 adopted.

**RES. NO. R-125-10**

A Resolution appointing a member to the Tree Committee

City Manager Enderle stated this Resolution appoints Jean Franz to fill the unexpired term of Bradley Boehringer as member of the Tree Committee for a term to expire on March 1, 2012.

**Public Comment**

No one came forward to speak for or against Resolution No. R-125-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-125-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-125-10 adopted.

Mayor Fess asked if all the vacancies have been filled on the various boards at this time? City Manager Enderle stated there is still one vacancy on the Diversity Committee, and applications are currently being accepted. Applications are available on the City website and in the Municipal Government Complex.

**RES. NO. R-126-10**

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

City Manager Enderle stated this Resolution is a companion to Ordinance No. 28-10 previously reviewed that was given a first reading annexing the future power plant property into the City. The City of Piqua has an annexation agreement with Washington Township that requires whenever a piece of property is annexed into the City we petition the County Board to remove the annexed property from the Township boundary, said City Manager Enderle.

Commissioner Martin asked if this is the parcel of land in the Ordinance that was previously given a first reading, and should the Ordinance be approved first before taking any action on this Resolution? Law Director Wall explained this Resolution is written so it is contingent upon the annexation, and gives us the authority to proceed once the annexation goes through.

**Public Comment**

No one came forward to speak for or against Resolution No. R-126-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-126-10 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-126-10 adopted.

**RES. NO. R-127-10**

A Resolution of intent to vacate Public Right-of-Way

City Manager Enderle stated this Resolution would begin the process to vacate the alley that runs along the west side of the property; it is an alley that will not be necessary once the service center site is developed. The plan is to consolidate all of the land in the area into one parcel to make a more desirable development site. After approval from the City Commission it is then referred to the Planning Commission for review, and then will come back to the City Commission for final approval, said City Manager Enderle.

**Public Comment**

No one came forward to speak for or against Resolution No. R-127-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-127-10 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-127-10 adopted.

**RES. NO. R-128-10**

A Resolution authorizing a purchase order to SimplexGrinnell LP for the design and installation of a sprinkler system for the Fire Department

City Manager Enderle stated this Resolution authorizes a contract for the design and installation of a sprinkler system for the Fire Department Building. The Fire Department Complex is eighty-three years old and has two stories with 24/7 occupation of the facility. The living quarters are located on the second floor, and there is a partial basement under part of the office as well. The building will remain open for normal business and operational for emergency responses with the expected completion date to be March 15, 2011. This sprinkler system will help to ensure the safety of our firefighters, officers and staff, along with the equipment, vehicles and furnishings. The FEMA Grant asks for a 10% match of City funds and we have budgeted \$8,237 for this expense. The total bid amount is \$69,950.00 and has included a 10% contingency for unexpected cost overruns.

Commissioner Terry asked if the Fire Department Complex had a sprinkler system at this time? City Manager Enderle stated no, there has never been a sprinkler system in the Fire Department Complex, and this would be the first time one has been installed.

**Public Comment**

No one came forward to speak for or against Resolution No. R-128-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-128-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-128-10 adopted.

**RES. NO. R-129-10**

A Resolution approving the purchase of excess liability insurance

City Manager Enderle stated this Resolution awards the liability coverage for city dams, pollution and other items related to power to Associates Electric & Gas Insurance Services Limited. The city has carried liability insurance for over the last 20 years, and this resolution ensures adequate coverage for the City. This resolution includes the Swift Run Dam, Ziegler Road Dam, and the one behind the Power Plant.

## **Public Comment**

No one came forward to speak for or against Resolution No. R-129-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-129-10 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-129-10 adopted.

## **OTHER**

### **Street Levy Information – Ms. Amy Havenar**

City Engineer Amy Havenar gave a brief presentation answering some of the questions being asked concerning the Street Renewal Levy on the ballot in November. Ms. Havenar stated the initial Street Levy was passed in 1990 with a renewal of the one-quarter percent Street Renewal Levy passed again in 2000, and this Street Renewal Levy would just be a renewal of the previous one-quarter percent, not an increase and will generate over a million dollars to the street fund. This is the same one-quarter percent levy that was passed twenty years ago, and we are still operating on the same amount. Currently some of the money being collected from this is being used for the reconstruction of Broadway Street, resurfacing various city streets, and the resurfacing of Washington Avenue will begin soon. The failure of this levy would require the Street Department to compete with Police, Fire and Parks for General Fund money. This levy is needed to obtain grant funds, since the city is required to have matching funds available when applying for these grants. It was stated at one time some of the Street Fund money was diverted and used on the Bike Path in 2003-2004, but was clarified that the money used for the Bike Path was not out of the same fund but out of the General Fund.

Commissioner Terry asked if Ms. Havenar would be attending the Meet the Candidate Night at the YWCA on October 27th. Ms. Havenar stated she would be in attendance to speak and answer questions concerning the ¼% Street Renewal Levy.

Commissioner Wilson commented the cost of street maintenance is high with the cost of resurfacing a street at \$31 a linear foot, and \$350 a linear foot for reconstruction of a street.

Mayor Fess thanked Ms. Havenar for her presentation.

### **2010 Street Repair Program – Mr. Doug Harter/Mr. Don Seeberger**

Street Superintendent Doug Harter gave a brief power point update on the 2010 Patching Program that is being currently done in house at this time.

There was discussion and questions regarding the type of patching being used, the length of time the patching would last, how long it took to pave a block of street, and the cause of most of the potholes and cracking in the streets. It was stated patching can possibly last five to ten years depending on the street, normally it would take a half day to pave one block of street, and the main cause of the street problems is water getting into the cracks and causing the potholes.

Mr. Harter also gave a brief update on Commercial Street offering several different scenarios for the repair of the street. Patching can be done in either 12' width or 18' width sections, and can be done with either a Leveling Course in the 12' or 18' width or Full Depth in either a 12' or 18' width. Mr. Harter explained how the patching is done and the various options. Several questions were raised concerning the length of time and the depth of the patching would hold up, doing the 12' wide area versus the 18' wide section. It was stated that Commercial Street is up for reconstruction in 2014 and hopefully the patching would last until then.

Mayor Fess stated Roosevelt Manor (Senior Housing) is located directly in front of Commercial Street, and is concerned about the safety of the residents who use the street daily for their walks.

It was recommended, with all Commissioners in agreement to go forth with the Leveling Course of the 18' width at a total cost of \$16,200 as stated for Commercial Street at this time.

### **PUBLIC COMMENT**

Tom Adkinson, 200 N. College Street, came forward stating he has had the opportunity to work with a number of municipal and governmental agencies. Mr. Adkinson shared some of his observations in dealing with the current city administration, specifically City Manager Fred Enderle, Mayor Lucy Fess, Cindy Holtzapple Finance Director/Assistant City Manager, Bill Murphy Economic Development Director/Assistant City Manager, Chris Schmiesing City Planner, Amy Welker Health & Sanitation Director, and Bill Lutz Community Development Director. Mr. Adkinson stated this is a quality team of people, doing a quality job for the City of Piqua by developing and implementing innovative programs, and thanked them for their leadership.

Mr. Adkinson stated he would like to encourage the citizens of Piqua to support the Street Renewal Levy citing it is very important to the infrastructure and the community.

Mayor Fess thanked Mr. Adkinson for his words of support.

Marilyn Halteman, County Club Road, representing the Circles of Hope came forward and gave a brief overview of their program. Ms. Halteman invited citizens to attend a meeting on Thursday, October 21 at 7:00 P.M. at the St. Johns Lutheran Church to learn more about the Circles of Hope program and to volunteer.

Edna Stiefel, Boone Street, came forward and thanked Police Chief Jamison for his help, and encouraged all citizens to watch the Police Report on APTA Channel 5.

Nancy Luce, Steinhilber Drive, President of Upper Valley Joint Vocational School, came forward and gave a brief overview of the services at the Piqua Library, and encouraged citizens to get out and vote for the Library Levy on November 2, 2010.

Ms. Luce also added a note of appreciation to the Commissioners, City Manager Fred Enderle, Bill Murphy, Chris Schmiesing and their staff for their willingness to work closely with UVJVS, and stated she appreciates their professionalism and leadership, their commitment to public service, and the support they provide.

Dan French, Sunset Drive, came forward and stated he attended the Regional Business Showcase on Tuesday, October 19<sup>th</sup>, held on the 4<sup>th</sup> floor of the Fort Piqua Plaza presented by the Piqua Chamber of Commerce. The speaker was Peter Lungo who presented a program on "The Ten Critical Points of Leadership". Mr. French further stated the Fort Piqua Plaza is a very important asset to the City of Piqua, and is a great source of Pride for the Community.

Brad Boehringer, Mound Street, came forward and voiced his concern over the comments/statements that are being made over the Recall of the City Commissioners.

Mayor Fess stated the Commission has done everything that they can to positively promote the City of Piqua, and will stay as professionally as they can and move forward and let the citizens of Piqua speak.

### **ADJOURNMENT TO EXECUTIVE SESSION**

To consider the appointment, employment, dismissal, discipline or compensation of the City Manager

#### **Adjournment**

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

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Executive Session back into the Regular Piqua City Commission Meeting 9:25 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Martin, to issue a press release to delay the interview of candidates for the City Manager position until the results of the recall effort is known. The basis for the motion was fairness to the candidates and the process. Voice vote, Aye: Martin, Fess, Vogt, Terry, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner by Commissioner Wilson, to postpone City Manager Enderle's retirement date until the hiring process is complete for the next City Manager. City Manager Enderle was in agreement with the motion. Voice vote, Aye: Wilson, Vogt, Terry, Fess, and Martin. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:30 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

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LUCINDA L. FESS, MAYOR

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

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