

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

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of Minutes

Approval of the minutes from the November 2, 2010 Regular Piqua City Commission meeting

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

OLD BUSINESS

ORD. NO. 28-10 (3rd Reading)

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

City Manager Enderle stated this is the third reading for Ordinance No. 28-10.

Public Comment

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

Moved by Commissioner Vogt, seconded by Commissioner Wilson, that Ordinance No. 28-10 be adopted. Roll call, Aye: Fess, Martin, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 28-10 adopted.

ORD. NO. 29-10 (2nd Reading)

An Ordinance to repeal Section 94.25 of the Piqua Municipal Code

City Manager Enderle stated this is a housekeeping item, as the items listed in the Piqua Code are covered under the Ohio Revised Code Chapter 3749, so there is no need for this language to remain in the Piqua Code.

Public Comment

No one came forward to speak for or against Ordinance No. 29-10

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 29-10 be read fully and distinctly on three separate days be suspended. Roll call, Aye: Fess, Martin, Vogt, Wilson and Terry. Nay: None.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 29-10 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 29-10 adopted.

ORD. NO. 30-10 (2nd Reading)

An Ordinance to repeal Section 32.035 and 32.036 of the Piqua Municipal Code

City Manager Enderle stated this is also a housekeeping item as the items listed in the Piqua Code are covered under the Ohio Uniform Food Safety Code, so there is no need for this language to remain in the Piqua Code.

Public Comment

No one came forward to speak for or against Ordinance No. 30-10

Moved by Commissioner Vogt, seconded by Commissioner Terry, that the rule requiring Ordinance No. 29-10 be read fully and distinctly on three separate days be suspended. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None.

Moved by Commissioner Martin, seconded by Commissioner Wilson, that Ordinance No. 30-10 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 30-10 adopted.

ORD. NO. 31-10 (2nd Reading)

An Ordinance to modify Appendix Table A, Chapter 150 Building Regulations of the Piqua Code

City Manager Enderle stated this is a companion to the Health Resolution to modify the fees for environmental health programs. This would update the plumbing permits and inspections, and updates the plumbing fee schedule.

There were several questions concerning the amount of the Commercial fees that Miami County charges, if the fee could be the same for Piqua, and if a Master Plumber would have to register with the City of Piqua.

Public Comment

No one came forward to speak for or against Ordinance No. 31-10

Ordinance No. 31-10 was given a second reading.

ORD. NO. 32-10 (2nd Reading)

An Ordinance providing for the issuance and sale of \$55,953.49 of bonds in anticipation of the collection of special assessments to pay costs of construction in the year 2009, sidewalks, curbs and gutters on Riverside Drive (Phase 1) with the necessary appurtenances thereto

City Manager Enderle explained the City would borrow the money for the full amount to reimburse the Street Fund now, and as the assessments are collected annually the funds will go to reduce the bond.

Commissioner Martin asked if Miami County keeps any of the interest on the money the city pays to them? Finance Director Holtzapple stated yes, the County keeps a processing fee and that is rolled into this charge so that the fund is made whole

Public Comment

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

Ordinance No. 32-10 was given a second reading.

NEW BUSINESS

ORD. NO. 33-10 (1st Reading)

An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2011

City Manager Enderle stated there are five factors that really influenced the budget and further explained. The General Fund Revenue is at the 2003 level, the worst yet because there is no end in sight to a recession. Our revenues this year have continued to diminish, running about 11% behind last year which was already at the 2003 level. EPA Mandates are another big expenditure this year; we have to build a new Water Treatment Plant, work on the Wastewater and Stormwater that we are required to take care of in 2011. The Golf Course and Swimming Pool attendance was down considerably this year. Our Safety Services expenses are unsustainable; and we are eating up annually more and more of the General Fund Budget to support Police and Fire. Mr. Enderle went over some of the cuts that have been made previously, and some of the changes that are planned. The budget meetings will be held on November 18, November 29, and November 30 if needed, said City manager Enderle.

Mayor Fess stated the Budget Review Meetings are open to the public and encouraged citizens to attend and ask questions concerning the budget.

Public Comment

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

Ordinance No. 33-10 was given a first reading.

ORD. NO. 34-10 (1st Reading)

An Ordinance repealing Schedule A-1 of Chapter 33 of the Piqua Code and adopting a new Schedule A-1 of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees

City Manager Enderle stated this resolution amends schedule A-1 increasing the minimum wage rate from \$7.30 per hour to \$7.40 per hour in 2011.

Public Comment

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

Ordinance No. 34-10 was given a first reading.

RES. NO. R-133-10

A Resolution awarding a contract for the purchase of a refuse packer for the Sanitation Department

City Manager Enderle stated the Sanitation Department had originally budgeted \$119,000 to purchase a new refuse truck and packer in 2010. In light of the current economic conditions, the purchase was delayed until mid-year. In effort to save money on capital expenditures it was decided to explore the option of replacing a packer body on the T-33 instead of replacing an entire truck with the capital expenditure reduced to an estimated \$70,000. The favorable bid price will result in an additional savings of \$26,098 for the Sanitation Department, said City Manager Enderle. T-33 was purchased in 2004 with a Loadmaster packer unit. Over the years, this particular packer has experienced multiple problems and does not meet the needs in capacity capabilities.

Public Comment

No one came forward to speak for or against Resolution No. R-133-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-133-10 be adopted. Roll call, Aye: Fess, Vogt, Terry, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-133-10 adopted.

RES. NO. R-134-10

A Resolution authorizing a purchase order to Breathing Air Systems, Inc. to purchase a breathing air supply trailer for the Fire Department

City Manager Enderle stated this is a mobile breathing air supply trailer that allows the firefighters to refill their tanks on scene. The City received a FEMA grant in the amount of \$42,800 and the grant calls for a 10% match from the city in the amount of \$4,280.00.

Commissioner Vogt asked if the Fire Department had a trailer at this time, and if so could the old one be sold. Fire Chief Rindler stated yes we currently have a air supply trailer, but that it is over twenty years old, but he would look into the possibility of selling it.

Public Comment

No one came forward to speak for or against Resolution No. R-134-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-134-10 be adopted. Roll call, Aye: Fess, Vogt, Terry, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-134-10 adopted.

RES. NO. 135-10

A Resolution authorizing the execution of a loan agreement with Quint Creative Group, LLC in the amount of \$45,000

City Manager Enderle stated he would like to table this item until the December 7 meeting to tie up a few loose ends.

Public Comment

No one came forward to speak for or against Resolution No. R-135-10

Moved by Commissioner Martin, seconded by Commissioner Vogt, to table Resolution No. R-135-10 until the December 7, 2010 meeting. Voice vote, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-135-10 tabled.

RES. NO. R-136-10

A Resolution authorizing the City Manager to execute an agreement with the Trustees of Washington Township to furnish emergency ambulance service and fire protection

City Manager Enderle stated the City has provided fire and EMS service to the two adjoining Townships since 1973. Our previous contract with Washington Township was a three (3) year contract running from March 1, 2007 to February 28, 2010. In January of 2010 the City and Township executed a contract extension to September 30, 2010 to provide additional time to negotiate new terms for a renewed contract. Because Springcreek Township was seeking a fire and EMS levy on the November 2, 2010 ballot, and the two agreements have the same formula for calculating base fees, the Administration agreed to continue providing EMS and fire service under a memorandum of understanding through the balance of 2010.

There was discussion concerning Piqua having priority over Township fire and ambulance runs? City Manager Enderle stated yes, and explained. Fire Chief Rindler further explained how the fire and ambulance runs would be handled.

Public Comment

Brad Boehringer, Mound Street came forward and inquired about a possible misprint in the agreement contract. It was noted.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-136-10 be adopted. Roll call, Aye: Wilson, Terry, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-136-10 adopted.

RES. NO. R-137-10

A Resolution amending the purchase order to Barrett Paving Materials, Inc. as the primary supplier, and Valley Asphalt Corporation as the secondary supplier of hot mix for the 2010 Street and Alley Maintenance Program

City Manager Enderle stated we originally budgeted \$80,000 but due to the nice weather the asphalt plants are staying open longer and we have used the \$80,000 budgeted. We are asking for another \$35,000 to complete additional patching at this time.

Public Comment

No one came forward to speak for or against Resolution No. R-137-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-137-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-137-10 adopted.

RES. NO. R-138-10

A Resolution authorizing the City Manager to contract with the Miami County Public Defender Commission

City Manager Enderle stated this is an annual contract with the Miami County Public Defender to defend indigent personnel being charged with a City Code Violation. If they meet the income requirements they are entitled to a Public Defender. The 2011 contract will be the same as the 2010 contract of \$29,341.13 with no increase.

Public Comment

No one came forward to speak for or against Resolution No. R-138-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-138-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-138-10 adopted.

PUBLIC COMMENT

Scott Fine, W. North Street, came forward and voiced his concern over previous code violations and court rulings he has received.

Mr. Fine inquired as to the owner of the Ft. Piqua Plaza. Mayor Fess stated there is not just one owner, it is owned by a Limited Liability Corporation. Mr. Enderle further explained the ownership of the Ft. Piqua Plaza.

Mr. Fine asked how much money was put into the Ft. Piqua Plaza? City Manager Enderle stated \$22 million dollars. Mayor Fess further explained where the money came from and how the money was spent on the building and renovations.

Mr. Fine also inquired as to the ownership of the old Piqua Hospital, and why the owner is not being made to fix it up. Mayor Fess explained the property is owned a Doctor in Florida, and the City received a grant to do the Phase II Environmental Assessment, and are trying to obtain another grant to demolish the building. Mr. Fine asked if the owner has been taken to court. City Manager Enderle stated the city has an agreement with the owner on cleaning up the site.

Mr. Fine asked City Manager Enderle about an incident that may have occurred in Loveland. City Manager Enderle stated this does not have anything to do with this and declined to answer Mr. Fine.

Mike Gutmann, Marymont Drive, came forward and commended the City on doing a great job on the Broadway Street Construction Project and stated he appreciated getting it done on schedule.

Nancy Luce, Steinhilber Drive, congratulated the City Commissioners, City Manager Enderle, and Library Director Jim Oda on receiving the 2010 Ohio Historic Preservation Merit Award for the preservation and rehabilitation of the Ft. Piqua Plaza, that now serves as the Piqua Library.

Commissioner Wilson stated at several of the previous Commission Meetings there have been some wild comments made about the Law Director. We are lucky to have someone with her background and experience, and we need to be supported on the public side, said Commissioner Wilson.

Commissioner Terry thanked the public for their support of the Street Renewal Levy. Commissioner Terry also commended the Sanitation and the Fire Departments on the making their budget cuts. The Sanitation Department for making good decisions on the purchase of packer truck, and the Fire Department for writing the grant for the breathing air supply trailer.

Commissioner Terry further stated the Budget Meetings are coming up and invited citizens to attend.

Congratulations to Lehman Girls Volleyball for winning the State Championship, and wished the Lehman Football Team good luck on their bid for the state title.

Commissioner Terry stated she read a Letter to the Editor in the Dayton Newspaper from Piqua Resident Terry Wright voicing his opinion on changing the license fees in Piqua. The cost of doing business in Piqua is still cheaper than the fees the County is charging. We are trying to watch are pennies for all taxpayers and all the departments in the City are work to spend money wisely, said Commissioner Terry.

Commissioner Vogt expressed his condolences to the family of Jeff Wenrick, a city employee who passed away suddenly. Commissioner Vogt thanked the Street Department for their work on Commercial Street, and stated currently they are working on the bad spot on Steel Street.

Commissioner Martin stated he received a telephone call regarding the water in Shawnee having a bad taste, and asked if there was any work being done to cause the bad taste?

Utilities Director Dave Burtner stated they are not doing anything in Shawnee, but he believes it is the fall water taste. Mr. Burtner explained they have added more chemicals to the system and it just takes time for the chemical to work its way through the system.

City Manager Enderle gave brief overview of the current street repairs and explained the work being done on Steel Street.

City Manager Enderle expressed his condolences to the Jeff Wenrick family and to the Water Plant employees, stating Jeff was one of the best employees we had, you could not meet a nicer guy, and he is going to be missed by everybody in the city family.

Mayor Fess also expressed her condolences to the Wenrick family, and thanked them for sharing Jeff with the City.

Mayor Fess thanked the citizens of Piqua for their support of the Street Renewal Levy. Mayor Fess also recognized the Power Plant on their recent awards, Ed Krieger on his personal award, and thanked them all for their hard work.

Mayor stated Piqua Materials held an Open House showing off their new 20,000-foot building. The City is pleased with their expansion and wished them the best of luck as they go forward.

Mayor Fess congratulated the Lehman Girls Volleyball Team and the Lehman Football Team.

Adjournment To Executive Session

Moved by Commissioner Vogt, seconded by Commissioner Martin to adjourn from the Regular Piqua City Commission Meeting in to Executive Session at 8:35P.M. Roll call, Aye: Martin, Vogt, Wilson, Terry, and Fess. Nay: None. Motion carried unanimously.

Adjournment

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

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Regular Piqua City Commission Meeting at 9:36 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION