

**MINUTES
PIQUA CITY COMMISSION
Tuesday DECEMBER 7, 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 16, 2010 Regular Piqua City Commission meeting

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the November 16, 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. 31-10 (3rd Reading)

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

City Manager Enderle stated this is the third reading of the ordinance to amend the Plumbing Fee Schedule to better cover the costs for inspections and reviews.

Commissioner Martin asked if anyone found out what the fees were for other cities commercial reviews.

Health & Sanitation Director Amy Welker stated yes, most of them are the same as we proposed previously, the \$25 minimum with the \$.01/square foot and further explained.

There was discussion on changing the amount of the Plan Review Commercial fee back to the \$25 minimum with the \$.01/square foot.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to amend Ordinance No. 31-10 to change the Plan Review for Commercial from \$50 minimum with the \$.01/square foot back to \$25 minimum. \$.01square/foot. Voice vote, Aye: Martin, Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

Public Comment

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

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 31-10 be adopted, as amended. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay, None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 31-10 adopted, as amended.

ORD. NO. 32-10 (3rd 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 stated this Ordinance would authorize the City to bond the \$55,953.49 to reimburse the Street Fund to cover the cost of the property assessments for the Riverside Drive Construction Project. As the assessments are paid back over the next five-ten the years the bonds will be retired, said City Manager Enderle.

Mayor Fess noted the interest paid by the property owners would pay the interest charges on the bonds so there would be no cost to the city.

Public Comment

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

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Ordinance No. 32-10 be adopted. . Roll call, Aye: Fess, Martin, Vogt, Wilson, and Terry. Nay, None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 32-10 adopted.

ORD. NO. 33-10 (2nd Reading)

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

City Manager Enderle stated this is the second reading of the Ordinance to make appropriations that would implement the 2011 Budget, Mr. Enderle gave an overview of the Budget, stating the City Commissioners did not recommend any changes at their Budget Review Work Sessions, but stated the budget levels are at the 2003 level with no end in sight with the recession. The City should end 2010 with about a \$2.6 million dollar fund balance, which is about a \$1.6 million dollars better than predicted. It was stated the City Managers budget would be increased due to the retirement of Mr. Enderle and the hiring of a new City Manager. The City Commission budget will also be increased due to some of the costs that cannot be controlled, and the possibility of having to spend \$17,000 for the recall election. Another \$10,000 has been added for a Citizens Satisfactory Survey, with all the cuts being made the City is implementing a program of performance measures where the staff is going to start collecting data on the services that are provided with one being customer satisfaction. All of the other departments have made budget cuts as requested. Mr. Enderle continued reviewing the department budgets.

Mayor Fess stated this budget does not include any layoffs in the Safety Services, and Mr. Enderle further stated there would not be any lay-offs anywhere. Positions being vacated and retirement positions will not be filled with a total of about six positions not being filled in 2011. The North Cemetery Bridge is in need of replacement and will have to be replaced in 2011. Mayor Fess stated the City of Piqua owns the bridges and the mausoleum in the Cemetery, but not the Cemetery itself.

Commissioner Vogt stated he does not want to close the Swimming Pool next year. Commissioner Wilson also stated he did not want to close the Swimming Pool, Commissioner Martin also agreed. City Manager Enderle stated the Appropriations Ordinance would have to be amended by \$179,298.00 to include the Swimming Pool if the Commission wanted to include it.

Commissioner Terry inquired about leasing the Golf Course equipment versus purchasing it. Finance Director Cynthia Holtzapple explained how the lease option would be more costly to the city.

City Manager Enderle stated if the Commission chooses to include the \$179, 298 for the Swimming Pool it would reduce the General Fund Balance by that amount.

There was a brief discussion on the Swimming Pool costs and usage for 2011, and it was stated it would cost approximately \$25,000 to close the pool.

Public Comment

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

Moved by Commissioner Martin, seconded by Commissioner Vogt, to amend Ordinance No. 32-10 to include the \$179,298 in the 2011 Budget for the Swimming Pool. Roll call, Aye: Fess, Vogt, Terry, Martin, and Wilson. Nay: None. Motion carried unanimously.

Finance Director Holtzapfle stated there are several grant opportunities that they have become aware of and will look into them when amending Ordinance No. 33-10 for the third reading.

Ordinance No. 33-10 was given a second reading, as amended.

ORD. NO. 34-10 (2ndReading)

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 is the second reading to amend the minimum wage rate on Schedule A-1. Passage of the Ordinance will put the City in compliance with state law.

Public Comment

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

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

Moved by Commissioner Terry, seconded by Commissioner Vogt to bring Resolution No. R-135-10 off the table. Voice vote, Aye: Martin, Vogt, Terry, Fess and Wilson. Nay, None. Motion carried unanimously.

RES. NO. R-135-10 (Tabled 11-16-10)

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

City Manager Enderle stated this would authorize another USDA Enterprise Loan in the amount of \$45,000 to Quint Creative Group LLC for the purchase of a computer graphics machine, with the term of the loan being seven years at 3% interest. Mr. Enderle further explained the reason for tabling the resolution at the previous meeting was due to a possible conflict of interest with the City Clerk, Becky Cool and her husband doing business as Silver Fox Logo Wear as a contract vendor with Quint Creative Group. A statement was received from both Quint Creative Group and Silver Fox Logo Wear stating the amount of business received through Quint Creative Group, and that Silver Fox Logo Wear would not benefit in any way with the purchase of the CNC Machine being purchased with the USDA funds. There would also not be any conflict of interest from an Administration standpoint, as the City Clerk has nothing to do with the review and approval of this loan, stated City Manager Enderle.

Law Director Stacy Wall further explained State Law requires there be a direct interest in the company to be a conflict of interest and further explained the law. Ms. Wall stated the legal opinion is there is no conflict of interest at this time.

Public Comment

Brian Quinter, owner of Quint Creative Group LLC came forward and gave a brief overview of the use of the CNC Machine they plan to purchase with the USDA Loan funds. With the purchase of this

machine they plan to be able to do more work in house, thus keeping money in Piqua, and to offer their services to other Piqua businesses, said Mr. Quinter.

Commissioner Wilson stated there were only two companies that applied for these loans, and we need to support and encourage businesses in Piqua.

Commissioner Vogt stated when these USDA Loans are paid back we can use the funds to help other local businesses.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-135-10 be adopted. Voice vote, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-135-10 adopted.

Mayor Fess stated Quint Creative Group has been a good company in the City and are glad to see them expanding, and wish them the best of luck in the future.

NEW BUSINESS

RES. NO. R-139-10

A Resolution authorizing the City Manager to submit a Grant Application to the Ohio Department of Natural Resources for assistance in the removal and replacement of Ash Trees impacted by the Emerald Ash Borer within the City of Piqua

City Manager Enderle stated Resolution No. 139-10 is a request to submit a request to the Ohio Department of Natural Resources for \$6,000 for the removal and replacement of trees impacted by the Emerald Ash Borer. City Manager Enderle thanked the donor who stepped up and donated the \$6000 match the city is required to utilize the funding from the Ohio Department of Natural Resources.

City Engineer Amy Havenar gave a brief overview of the replacement of the trees and their locations.

Commissioner Terry voiced concern of several of the larger trees in the city on the curb lines that are potential problems, and asked if they could be taken down.

Public Comment

No one came forward to speak for or against Resolution No. R-139-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-136-10 be adopted. Voice vote, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-139-10 adopted.

RES. NO. R-140-10

A Resolution authorizing the City of Piqua to file an application to the State of Ohio to participate in the Clean Ohio Revitalization Program

City Manager Enderle stated there is a set of four resolutions that the City Commission is being asked to consider which will accomplish different aspects of the filling procedures dealing with the Clean Ohio Revitalization Fund. Resolution No. R-144-10 and the next three resolutions are necessary in order for the City to actually apply for the funding and he explained. City Manager Enderle reminded the Commissioners there is a purchase offer that has been approved with the current owner of the property contingent upon the city receiving the grant. If the city receives the grant we will purchase the property, and it will become the city's and the money that will be needed to match the grant funds will be the money the owner has already spent on the cleanup so far, and will be no out of pocket expense to the city.

Commissioner Wilson voiced concern over the City Manager's name being listed on the grant and asked if it should be listed as just the "City Manager" in Section 1.

Assistant City Manager/Economic Development Director Bill Murphy explained the Grant requires a specific name be listed, thus the reason for Mr. Enderle's name being used at this time.

Public Comment

No one came forward to speak for or against Resolution No. R-140-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-140-10 be adopted. Voice vote, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-140-10 adopted.

RES. NO. R-141-10

A Resolution in support of an application to the Clean Ohio Council

City Manager Enderle stated this is the second of the four resolutions; this is a resolution of support of the application to the Clean Ohio Council.

Public Comment

No one came forward to speak for or against Resolution No. R-141-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-141-10 be adopted. Voice vote, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-141-10 adopted.

RES. NO. R-142-10

A Resolution acknowledging and adopting the status of the Piqua Memorial Hospital Site as one of the highest priority redevelopment areas as defined in the redevelopment opportunities redevelopment analysis report

City Manager Enderle stated this is the third of the four resolutions acknowledging and adopting the state of the Piqua Memorial Hospital Site as the highest priority redevelopment area as defined in the Redevelopment Opportunities Redevelopment Analysis Report.

Public Comment

No one came forward to speak for or against Resolution No. R-142-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-142-10 be adopted. Voice vote, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-142-10 adopted.

RES. NO. R-143-10

A Resolution declaring future development at the site of the Piqua Memorial Hospital will incorporate sustainable design principles

City Manager Enderle this is the fourth of the four resolutions declaring that future development at the Piqua Memorial Hospital Site will incorporate sustainable design principals.

Mayor Fess asked for an explanation of the sustainable design principals. Mr. Murphy explained what the sustainable design principals are and how they are applied.

Commissioner Vogt stated this has come at a time when the City Commission is getting a lot of static over the Piqua Memorial Hospital site. We currently do not have ownership of the property and are doing what we can to get control of the property.

Public Comment

No one came forward to speak for or against Resolution No. R-143-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-143-10 be adopted. Voice vote, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-143-10 adopted.

RES. NO. R-144-10

A Resolution authorizing the City Manager to apply for City Membership to American Municipal Power Inc.

City Manager Enderle stated this resolution would allow the City of Piqua Power System to continue its membership in American Municipal Power for the year 2011.

Power Systems Director Ed Krieger stated this membership allows the city to do a lot and gets good return on the money by insuring customer's low cost power.

Public Comment

No one came forward to speak for or against Resolution No. R-144-10.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-144-10 be adopted. Roll call, Aye: Fess, Martin, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-144-10 adopted.

RES. NO. R-145-10

A Resolution authorizing the City Purchasing Agent to purchase #2 fuel oil on the open and spot market

City Manager Enderle stated this resolution authorizes the City of Piqua Power System to purchase #2 fuel oil as needed for the year 2011 from one or more of the listed suppliers. The Power System has included \$50,000 in the 2011 budget to cover these potential purchases.

Public Comment

No one came forward to speak for or against Resolution No. R-145-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-145-10 be adopted. Roll call, Aye: Fess, Vogt, Terry, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-145-10 adopted.

RES. NO. R-146-10

A Resolution retaining the services of Sawvel and Associates to provide Professional Consulting and Engineering Services for the City

City Manager Enderle stated Resolution No. R-146-10 authorizes the City of Piqua Power System to retain the services of Sawvel and Associates to provide professional consulting and engineering

services in 2011. The Power System has included \$80,000 in their 2011 budget to cover the cost of these services.

Public Comment

No one came forward to speak for or against Resolution No. R-146-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-146-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-146-10 adopted.

RES. NO. R-147-10

A Resolution retaining the services Cooperative Response Center, Inc. to provide Professional Customer Call Answering and Dispatch Services for the City

City Manager Enderle stated in March of 2007 the Power System began utilizing the Cooperative Response Center, headquartered in Austin, Minnesota to provide after-hours call answering and dispatch services. This became necessary when the steam and hot water system was shutdown in December of 2006. This resulted in the elimination of shift operators who provided these same services for the Power System.

Commissioner Martin asked if there has been any feedback from the use of the call center services.

Power Systems Director Krieger stated they have had no complaints over the past four years it has been used so far, stating they are a very good group to work with and are very professional.

Commissioner Wilson asked how the calls are handled. Mr. Krieger explained the process after the calls are received.

Public Comment

No one came forward to speak for or against Resolution No. R-147-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-147-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-147-10 adopted.

RES. NO. R-148-10

A Resolution amending the purchase order to Reynolds Inliner, LLC for a current change order plus additional funds on the 36 West Interceptor Sewer Rehabilitation Project

City Manager Enderle stated this particular change order is for additional repairs to the sewer section we are replacing.

Utilities Director Dave Burtner explained we are asking for the additional funds in case we have additional changes as this project continues. The 36" West Interceptor Sewer is directly connected to the Sanitary Sewer Overflow gate on the west side of the Miami River. When the wet weather event causes this gate to open, sewage is directly discharged to the river. This discharge is a health concern that the OPEA wants the City of Piqua to mitigate the occurrences to their approval level, said City Manager Enderle.

Bob Yoxhimer, from Camp, Dresser, McKee, Inc. Consultant on the project further explained the need for the repairs.

Public Comment

No one came forward to speak for or against Resolution No. R-148-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-148-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-148-10 adopted.

RES. NO. R-149-10

A Resolution authorizing the City Manager to execute an agreement with the Trustees of Springcreek 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 Springcreek Township was a three (3) year contract running from March 1, 2007 to February 28, 2010 at an annual rate of \$59,775. 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 to support the new contract, the Administration agreed to continue providing EMS and fire service under a memorandum of understanding through the balance of 2010, which ran from September 1, 2010 through December 31, 2010. The total amount of \$61,568 for that period has been paid in full.

Public Comment

No one came forward to speak for or against Resolution No. R-149-10.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-149-10 be adopted. Voice vote, Aye: Fess, Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-149-10 adopted.

OTHER

Monthly Reports – October 2010

Monthly Reports for October 2010 were accepted.

PUBLIC COMMENT

Frank Barhorst, S. Wayne Street came forward and stated he wanted citizens to understand the importance of the award received from the Ohio Auditors Office, "Making Your Tax Dollars Work" that was given to the City Finance Department recently. Mr. Barhorst congratulated Cynthia Holtzapple, City Manager Enderle, and the City Commissioners on doing an outstanding job in achieving this prestigious award. Mayor Fess thanked Mr. Barhorst for his comments.

Lorna Swisher, Executive Director MainStreet Piqua, came forward to highlight some of the activities that have taken place recently in the Downtown. Starting with Christmas on the Green, the Holly Jolly 5K Run, the Christmas Parade, and the Festival of Trees that runs through December 18th. Ms. Swisher wanted to thank all the MainStreet Volunteers and the sponsors for their support. Ms Swisher thanked the City of Piqua's various departments for their outstanding support for these activities, and stated the community is very blessed to have such amazing city employees.

Mayor Fess stated volunteers need leadership, and Ms. Swisher provides that leadership.

Tom Hudson, N. Downing Street, inquired about the various new street signs, and stated the City did an excellent job on Washington Avenue, asked the status of the recall petitions and asked if in the future could the Charter be changed to state specific reasons for a recall. Law Director Wall stated no, the Charter Committee meets only once every ten years to make changes. City Manager Enderle

stated the Commission can consider an amendment at any time and can put it before the voters. Mayor Fess further stated she also believes there should be specific reasons stated such as criminal charges, fraud, etc.

Mr. Hudson encouraged citizens to plant trees to replace the ones that are being removed, congratulated the Finance Department on the "Making Your Tax Dollars Work" Award, inquired as to when the Bike Path would be completed to Troy, and thanked the citizens and asked them to remember the Veterans on this 69th Anniversary of Pearl Harbor.

Commissioner Wilson congratulated the Finance Department on receiving the "Making Your Tax Dollars Work" Award.

Commissioner Vogt congratulated Ms Holtzaple and her staff for receiving the "Making Your Tax Dollars Work" award, further stating the city budget is lean, but we do a lot with so little. Commissioner Vogt thanked Loran Swisher and MainStreet Piqua for an outstanding Christmas Parade stating all the volunteers do a great job. "Keep your eyes on the Piqua Memorial Project, we are working on it", said Commissioner Vogt.

Commissioner Terry stated Washington Avenue is looking great. Christmas on the Green and the Christmas Parade were very enjoyable, and thanked Lorna and MainStreet Piqua for all their hard work. Commissioner Terry encouraged citizens to come downtown to see and enjoy the Christmas Trees, and support the downtown merchants.

Commissioner Martin stated he had pretty much the same comments and echoed Commissioner Terry's comments.

Mayor Fess stated the Festival of Trees is located in the Apple Tree Gallery and is free of charge and encourage citizens to come downtown to see them. Mayor Fess congratulated Doug and Marj Stillwell on having the honor of being the Grand Marshals in the 2010 Christmas Parade, and wished Doug Stilwell the best in his retirement from his downtown business at the end of the year. Mayor Fess stated Washington Avenue looks great, and is a big improvement.

Adjournment

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:05 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