

REVISED 8-16-2011
MINUTES
PIQUA CITY COMMISSION
Tuesday August 2, 2011
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

Mayor Fess welcomed Bill Murphy Interim City Manager.

PROCLAMATION

Honoring Ms. Julia (Judy) Dilworth – 100th Birthday

Mayor Fess read the proclamation and wished Ms. Dilworth a Happy 100th Birthday.

Consent Agenda

Approval of Minutes

Approval of the minutes from the July 19, 2011 Regular Piqua City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Terry, that the minutes of the Regular Piqua City Commission Meeting of July 19, 2011 be approved. Voice vote, Aye: Wilson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 6-11 (3rd Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 120, 122, 125 and 127 The Recall

Interim City Manager Murphy stated this is the third reading of Ordinance No. 6-11 that deals with the Piqua Charter on the recall petition papers.

Public Comment

Russ Fashner, Forest Avenue came forward and stated he was one of the circulators and on the committee for the recall. Mr. Fashner stated he had several questions and statements he wanted to clarify for the citizens and for himself on the Charter Revisions. Mr. Fashner asked approximately ten questions and made various statements and references. To view the statements, questions and the discussion in its entirety, the video tape of the Piqua City Commission Meeting of August 2, 2011 can be viewed in the Administrative Conference Room in the Municipal Government Complex, 201 W. Water Street, Monday thru Friday between the hours of 8:00 AM and 5:00 PM.

Jim Cruse, N. County Road 25-A came forward and stated he is here as the Chairperson of the circulators of the Recall Petitions.

Mayor Fess made a statement that Mr. Cruse handed the Commission Clerk some very thick binders full of information and asked that they not be distributed until he came forward. However, because they were given to the Clerk she was required to give them to the Commissioners

because she had them in her possession. If Mr. Cruse would have passed them out himself he could have waited until he came forward and passed them out.

Mayor Fess further stated they were not going to discuss this because they had just received the information, and not one of them has had a chance to look at it and have no idea what is in there.

Mr. Cruse asked that Ordinance No. 6-11 be tabled at this time. Mayor Fess stated no, we don't need to table this unless the Commission decides to table it.

Mr. Cruse voiced his opinion on the Ordinance not being tabled at this time.

Mayor Fess stated the reason for not discussing the information at this time.

Commissioner Terry asked if each recall petitioner showed a cover letter to each person who was signing the petition, and did each recall petitioner have the same information to give out to the people who they asked to sign the petition. Was it written down or memorized did each petitioner say the same thing to the people on who's porches they went?

Law Director Wall stated the Charter requires that the identical information be, no matter who is circulating the petition identical information has to be taken around. One petition cannot have a different cover sheet than another; the Charter requires it to be identical.

Commissioner Terry stated she is not talking about the cover sheet. Commissioner Terry stated she gets a list of the registered voters before she goes out to get her signatures, and she asks if they are registered voters before getting the signature, some may not be aware they are not registered voters.

Mr. Cruse stated the affidavit as far as he knows that he circulated that was on, and he went over the statement or the reason to every person he went to. The other people he is not aware of, they were given the correct information, told how to do it, and were on their own in different sections of the city. The registered voters, a lot of people think they are registered voters and further explained. Mr. Cruse read the actual wording of the language on the front of the petition that should be on there. "Whoever commits election falsification is guilty of a felony in the fifth degree" that is for those people you are talking about, that is not for us, stated Mr. Cruse.

There was continued discussion of the affidavit and the legality of the signatures. For a complete review of the discussion on this subject, the videotape of the Piqua City Commission Meeting of August 2, 2011 can be viewed in the Administrative Conference Room in the Municipal Government Complex, 201 W. Water Street, Monday thru Friday between the hours of 8:00 AM and 5:00 PM.

After a lengthy discussion a motion was made by Commissioner Wilson, seconded by Commissioner Terry that Ordinance No. 6-11 be adopted. Roll call, Aye: Terry, Wilson, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Ordinance No. 6-11 adopted.

ORD. NO. 8-11 (2nd Reading)

An Ordinance amending Chapter 34 of the Piqua Municipal Code to permit the disposal of personal property no longer needed for City purposes

Interim City Manager Murphy stated this is the second reading of Ordinance No. 8-11 to amend Chapter 34, specifically Section 34.35 Disposal of Personal Property this would provide the city additional alternatives to dispose of personal property that would include allowing the city to sell, donate or otherwise dispose of property to other governmental organizations. It would also allow the city to donate to an appropriate charitable organization, and specifically excludes donations to a private individual, private company or a for profit organization.

Mayor Fess stated at this point we have to go out for bids on anything we want to dispose of and accept the highest bid. It was stated at the first reading that we would like to donate a piece of fire equipment that we no longer need to a smaller Fire Department that is unable to afford it. This would serve two purposes it would help them, and it also would be available for use by the City if we should need to use it in the future.

There were questions regarding how the non-profits and other governments entities would know what we have available, and how the city would handle food donations.

Law Director Stacy Wall explained the city does not advertise for donations, in the cases we have had someone has approached the city to ask for the used equipment. It has been mostly governmental agencies working together to exchange property. Ms Wall explained the process the city follows and the reasons.

Public Comment

No one came forward to speak for or against Ordinance No. 8-11 at this time.

Ordinance No. 8-11 was given a second reading.

NEW BUSINESS

ORD. NO. 9-11 (1ST Reading)

An Ordinance determining to proceed with and levying assessments for the improvement of Broadway Street Reconstruction

Interim City Manager Bill Murphy stated this is the second phase of the Riverside Broadway project. The project costs which include sidewalk, curb and gutter assessments are either paid by the property owner within thirty days of completion of the project, or at their choice, financed over a five or ten year period. Roughly half of the residents choose to pay the city for the improvements with twenty nine property owners who chose the five year option, and eight who chose the ten year option. Typical assessments for the property owners ranged from \$4 to \$1000, with the highest being a little over \$3600.

Public Comment

No one came forward to speak for or against Ordinance No. 9-11 at this time.

Ordinance No. 9-11 was given a first reading.

ORD. NO. 10-11 (1ST Reading)

An Ordinance to levy special assessment to pay for the cost of nuisance abatement assessments relating to a Stormwater Improvement

Interim City Manager Bill Murphy stated this Resolution involves a property located on Garfield Street. The city received a number of complaints about a property draining water across the sidewalk and across the roadway, particularly in cold weather causing some icing issues. The city worked with the property owner to correct the problem, which was a broken tile in her yard and was able to get it done for a little less than \$3000. The property owner chose to have the costs assessed over a five-year period.

Law Director Wall stated the city has been dealing with that particular property for months, and the resident hired legal counsel so Ms. Wall worked with the legal counsel and they chose to pay the assessments.

Public Comment

No one came forward to speak for or against Ordinance No.10-11 at this time.

Ordinance No.10-11was given a first reading.

RES. NO. R-89-11

A Resolution awarding a contract to Cargill, Inc. for the purchase of road salt for the Street Department

Interim City Manager Bill Murphy stated this is the annual salt contract and bids were received through the Southwest Ohio Purchasers for Government (SWOP4G). This year the city received a bid for \$64.67/ton and we anticipate needing 2,500 tons for a total cost of \$161,675.00. This rate is slightly higher than last year, but the city is not required to purchase all of the 2,500 tons if it is not needed.

Public Comment

No one came forward to speak for or against Resolution No. R-89-11.

Moved by Commissioner Wilson, seconded by Commissioner Martin, to adopt Resolution No. R-89-11. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously.

RES. NO. R-90-11

A Resolution requesting authorization to enter into the contract with Camp Dresser & McKee for Professional Services of the Water Distribution System Master Plan

Interim City Manager Bill Murphy stated Resolution No. R-90-11 deals with the Water Distribution System Master Plan and a contract with Camp Dresser and McKee Corporation for professional services. A Water Distribution System Master Plan will be completed and assessing the lasted improvements that have been made to the system. There will be three tasks that will undertaken with this contract, one will be looking at data and current operations, collecting GIS data and looking at potential future demand requirements of the system. The second task will be field-testing, and the third task will be the hydraulic alternative analysis.

Commissioner Martin asked if this study would tell us if there would be any issues with getting water either from the North or South? Acting City Manager Murphy stated yes, it will let us look at our entire distribution system and allow us to figure out what challenges we may have with any potential solution.

Mayor Fess stated this is another request by the EPA. Water Superintendent Dave Burtner further explained the reason for the study at this time. The last study was done over twenty years ago stated Mr. Burtner.

Commissioner Vogt asked if this would determine the shape of our current water lines as far as dependability? Mr. Burtner replied no, it will give us an idea of what needs to be upgraded. Commissioner Wilson stated he would like to get a little more detail stating this is a lot of money being proposed.

Bob Yoxthimer, of Camp, Dresser & McKee Corporation came forward and gave a brief explanation on the reason for the study and what information the city can expect to receive. It is a good time to be doing this study since the city is looking at a new Water Treatment Plant, stated Mr. Yoxthimer.

Commissioner Martin inquired if they would be looking for leaks, or if there are any major leaks? Mr. Yoxthimer stated no, this is not a leak detection plan. Mr. Burtner stated money is put in the budget each year to look for leaks.

Public Comment

No one came forward to speak for or against Resolution No. R-90-11 at this time.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-90-11 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously.

RES. NO. R-91-11

A Resolution reappointing a member to the Stormwater Utility Board

Interim City Manager Bill Murphy stated Resolution No. R-91-11 reappoints Jim Vetter to the Stormwater Utility Board.

Public Comment

No one came forward to speak for or against Resolution No. R-91-11 at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-88-11 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-91-11 adopted.

PUBLIC COMMENT

Mayor Fess stated there are several Boys Scouts in the audience and asked them to come forward. They are members of Boy Scout Troop 295 and they include Rob Bloom, Elijah Bloom, and Aric Tipps all working on various badges. Mayor Fess thanked them for attending, and wished them well in getting their badges.

Brad Boehringer, Mound Street came forward and voiced his opinion on the Public Comment portion of the Commission Meeting and the way things are conducted at the Commission meetings. Mr. Boehringer feels there is animosity coming from both sides.

Jim Cruse, County Road 25-A, President of POINT, stated he has invited Interim City Manager Murphy to the POINT Meeting on Tuesday, August 9th, 2011. Mr. Cruse feels the city is misleading the citizens of Piqua and stated he has done a lot of research and the information is in the notebook that was presented at the beginning of the Commission Meeting to the Commissioners and the Mayor.

Kevin Pryfogle, N. Downing Street, inquired if it would be possible to have the traffic signals at the corner of Main and Water flash yellow instead of red on the Main Street corridor, since there is no traffic moving on Water Street at this time and no one is stopping either.

Interim City Manager Murphy stated he would look into it. Commissioner Vogt stated he feels it should stay red since contractors are moving through the intersection at various times.

Commissioner Wilson stated recycling is up and we look like we are going to set a record this year, and hope citizens will continue the good work.

Commissioner Wilson stated a Public Reception will be held on Thursday, August 4, 2011 from 5:00 – 6:30 P.M. in the Commission Chambers. Commissioner Wilson encouraged citizens to

come and meet the three City Manager candidates and send their thoughts and opinions to their Commissioners.

Health & Sanitation Director Amy Welker stated she is very pleased with the recycling numbers so far this year, and have done a lot of work getting the word out to the residents.

Commissioner Terry wished Julia Dilworth a very Happy 100th Birthday and stated she is a wonderful person and lives in the Fourth Ward.

Commissioner Terry stated she was walking across the street at Main and Market Street and stated there was quite a backup, and also noticed the bricks are broken up and asked if someone will look into replacing them. Interim City Manager Murphy stated the intersections at High and Main and Market and Main would be done this year.

Commissioner Terry also voiced her opinion on the recall issue, stating 75% of the voters voted against the recall and feels the voters have spoken. Commissioner Terry stated she feels the reason for a recall needs to be addressed. Commissioner Terry feels we need to get this all behind us now.

Commissioner Vogt stated he was out getting his signatures for the upcoming election and is very pleased about the way Ward 2 looks, even the rental properties are looking good in Ward 2, hats off to all.

Commissioner Vogt stated he wanted to comment on a statement made by Mr. Cruse previously stating the Commissioners are recommending the changes, all we are doing is putting them on the ballot for citizens to make the decision.

Commissioner Martin noted there are water problems on Clark Avenue and Brice Avenue. Interim City Manager Murphy will check into it. Commissioner Martin stated the only thing the Commission can do is put the issues on the ballot and let the residents make the choice.

Interim City Manager Murphy stated the Commission asked the Utility Department to notify property owners as well as utility customers about disconnection notices. A link has been added on the City Home Page, at the end of each billing cycle a list of the disconnects will be posted for property owners to check, stated Interim City Manager Murphy. We encourage property owners to monitor the website, and feel this is the most cost effective way to keep property owners and landlords informed of the properties that have been disconnected. The list will be posted one to two days after the disconnect date occurs, stated Interim City Manager ~~Enderle~~ Murphy.

Interim City Manager Murphy gave a brief update on the Water Street Reconstruction Project and Streetscape Improvements. Also noted was the upgrading of the electrical service in the area. Commissioner Martin asked how long will it take to complete the project. Interim City Manager Murphy stated it should be completed in mid September, but will have City Engineer Amy Havenar give an update at the next Commission Meeting.

Commissioner Vogt asked if there is any directional signage planned for the businesses located at the end of Spring Street off of Water Street directing customers on how to get to them. Interim City Manager Murphy stated he would look into it.

Mayor Fess stated she has been criticized for the way she handled the Commission Meeting and further explained her job as Mayor, and the open forum discussions.

Mayor Fess stated a large folder was presented to the Commissioners two minutes before the meeting and they had no chance to review the contents. Information like this should be presented to the Commissioners before the meeting so they have time to review the information. Mayor Fess stated she has tried to be generous with people and does not like confrontation, and likes to make sure the citizens have the opportunity to talk. But when the discussion is argumentative or is

no longer productive that is time when she as Mayor will ask them to take a seat. Mayor Fess stated she is very sorry if she hurt anyone's feelings, further stating this is her job and that is why she was elected to the position and she will continue to conduct the meetings in a way that moves the meetings forward so there is not a lot of interruption and challenging going on, that is not what the meeting is for. Mayor Fess further stated she is up for election in November and citizens have the opportunity to state whether or not she is too harsh on people. If you have an issue with what they are doing, give us a call before the meeting and we will listen and talk to you, but we will not sit up there and debate with you, said Mayor Fess.

Adjournment

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:00 P.M. Voice vote, Aye: Fess, Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION