

**MINUTES
PIQUA CITY COMMISSION
Tuesday August 16, 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. Vice Mayor Vogt called the meeting to order. Also present were Commissioners Martin, Terry, and Wilson. Absent: Mayor Fess

REGULAR CITY COMMISSION MEETING

Moved by Commissioner Martin, seconded by Commissioner Terry, to excuse Mayor Fess from the August 16, 2011 Piqua City Commission Meeting. Voice vote, Aye: Martin, Vogt, Wilson, and Terry. Nay: None.

Vice Mayor Vogt stated Mayor Fess had shoulder surgery recently and wished her a speedy recovery.

PRESENTATION

Girl Scout Troop 31091 Presentation

A presentation was made to the City Commission by four young Girl Scouts from Troop 31091 highlighting some of the projects and activities they have participated in and their goals for the future.

PROCLAMATION

***Proclamation** – Honoring Girl Scout Troop 31091

Vice Mayor Vogt read the proclamation and presented it to Madelyn Concello, Annie Fletcher, Whitney Boda, and Elisha Davidson.

***Proclamation** – 9/11 Day of Honor in the City of Piqua

Vice Mayor Vogt read the proclamation and presented it to Mike Yannucci.

Mr. Yannucci gave a brief overview of the 9/11 Day of Honor Program and invited citizens to participate.

***Proclamation** – Honoring Piqua Baptist Church

Vice Mayor Vogt read the proclamation and presented it to Charles Black accepting on behalf of the Piqua Baptist Church.

Consent Agenda

Approval of Minutes

Approval of the minutes from the August 2, 2011 Regular Piqua City Commission Meeting, and the minutes from the Executive Sessions of July 15, August 4, and August 5, 2011.

Moved by Commissioner Martin, seconded by Commissioner Wilson, that the minutes of the Regular Piqua City Commission Meeting of August 2, 2011 and the minutes of the Executive Sessions of July 15, August 4, and August 5, 2011 be approved. Voice vote, Aye: Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 8-11(3rd 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 third 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.

Public Comment

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

Moved by Commissioner Martin, seconded by Commissioner Terry, that Ordinance No. 8-11 be adopted. Roll call; Aye: Wilson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Ordinance No. 8-11 adopted.

ORD. NO. 9-11 (2nd 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 choosing the five year option, and eight choosing the ten year option.

Payments will be accepted thru August 31, 2011, stated Finance Director Cynthia Holtzaple.

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 second reading.

ORD. NO. 10-11 (2nd 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 on Garfield Street that water was draining 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.

Public Comment

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

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

NEW BUSINESS

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

An Ordinance to levy Special Assessments to pay for the cost of nuisance abatement assessments

Interim City Manager Murphy stated this is the unpaid billing for property maintenance, mowing, trimming or trash removal by the City of Piqua that will be forwarded to the Miami County Auditor's Office to be placed on the property tax records. The total amount is \$27,252.54 that is to be assessed for collection in two installments during the year of 2012. Bills have been sent to property owners and the Finance Department is accepting payments through August 31, 2011. The assessments must be in the Miami County Auditor's Office by September 12, 2011, said Interim City Manager Murphy.

Commissioner Terry asked what is included in the assessments under property maintenance. Amy Welker Health & Sanitation Director explained that trash and grass issues were not included, just actual structural problems with the buildings are addressed.

Public Comment

No one came forward to speak for or against Ordinance No. 11-11.

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

ORD. NO. 12-11 (1ST Reading)

An Ordinance amending Schedule 1-Speed Limits, adopted in accordance with City of Piqua Code of Ordinances Section 77.01-Traffic Schedules Adopted of Chapter 77 Traffic Codes

Interim City Manager Murphy stated this relates to the Resolution coming up rerouting State Route 185 and modifies the speed limits on the portions of the existing State Route 185 being abandoned. Mr. Murphy asked City Planner Chris Schmiesing to give a brief explanation of the changes that are being made.

City Planner Chris Schmiesing gave a brief power point presentation on the changes that are to be made in the Traffic Schedule 1 –Speed Limits.

The proposed rerouting will result in modifications to the State Route 185 route designations.

- Park Avenue, Broadway, and Ash Street will no longer be designated State Route 185.
- Sunset Drive from Park Avenue to Covington Avenue will be designated State Route 185. The intersection of Covington Avenue and Sunset will become the new beginning/ending point of State Route 185.

With the removal of the state route designation from Park Avenue, Broadway and Ash Streets, the affected portions will no longer be required to be posted as 35 MPH speed limit and the posted speed limit will be adjusted to reflect the change.

The changes include the following streets:

Park Avenue – Sunset Drive to Broadway	25 MPH
Broadway – Park Avenue to Ash Street	25 MPH
Ash Street – Broadway to Spring Street	25 MPH

There was discussion on leaving Washington to Sunset at 35 MPH, and if it would jeopardize any funding we might receive from the State by doing so. Law Director Stacy Wall explained how the general laws work, which include the setting of speed limits. It was mentioned that Clark Avenue is currently 35 MPH and it is not a Highway or a County Road. Mr. Schmiesing explained they have actually done some research on Clark Avenue to see why it is posted at 35 MPH and will be looking at it further in the near future. If the speed limit is reduced on Park Avenue will the snow removal be changed since it is no longer considered a State Route? Mr. Schmiesing explained that Park Avenue will still remain a priority route for snow removal because of the circumstances with the grade of the hill and it is a primary route through the city.

Public Comment

Brad Boehringer, Mound Street came forward and voiced several comments regarding the changes including the length of Broadway and the speed limits, lowering of the speed limits to 25 MPH, and if traffic signals will be removed at High Street, Greene Street, and North Street. Mr. Schmiesing explained the reason for the traffic signals at those locations.

Ordinance No. 12-11 was given a first reading.

RES. NO. R-92-11

A Resolution establishing "Trick or Treat/Beggars" Night in the City of Piqua

Interim City Manager Bill Murphy stated Resolution No. R-92-11 establishes "Trick or Treat/Beggars" Night in the City of Piqua for October 31, 2011 from 6:00 P.M. to 8:00 P.M. Miami County set this date at their meeting and all of the Miami County Municipalities follow the same night for consistency.

Public Comment

No one came forward to speak for or against Resolution No. R-92-11.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to adopt Resolution No. R-92-11. Roll call, Aye: Vogt, Martin, Terry, and Wilson. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-92-11 adopted.

RES. NO. R-93-11

A Resolution authorizing the amendment rerouting of State Route 185

Interim City Manager Bill Murphy stated Resolution No. R-93-11 is authorizing the rerouting of State Route 185 and the modifications of the speed limits on the portions of the existing State Route 185 to be abandoned.

As part of the Plan It Piqua Comprehensive Plan Update process a community interest in the possibility of rerouting State Route 185 was identified. Further exploring of this possibility and after completion of a study necessary to complete the desired modification to the route alignment was included as an objective in the transportation chapter of the Plan.

The proposed rerouting will result in modifications to the State Route 185 route designations.

- Park Avenue, Broadway, and Ash Street will no longer be designated State Route 185.
- Sunset Drive from Park Avenue to Covington Avenue will be designated State Route 185. The intersection of Covington Avenue and Sunset will be come the new beginning/ending point of State Route 185.

The City will assume resurfacing responsibilities for the abandoned portions of State Route 185 and ODOT will assume responsibility for resurfacing the affected portion of Sunset Drive. The

agencies will trade maintenance responsibilities concerning the two affected bridge structures. The removal of trucks and other through traffic from the current state route alignment located in residential neighborhood is expected to have a positive impact on the community.

Public Comment

No one came forward to speak for or against Resolution No. R-93-11.

Commissioner Terry stated from the comments she has received everyone is asking why they waited so long to do this, and feels it is a good idea that will be readily accepted.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-93-11 be adopted. Roll call, Aye: Terry, Wilson, Martin and Vogt. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-93-11 adopted.

RES. NO. R-94-11

A Resolution authorizing the purchase of Real Estate

Interim City Manager Bill Murphy stated Resolution No. R-94-11 is related to the clean up of the hospital site and is authorized to purchase the property located at 624 Park Avenue and 813 Nicklin Avenue, also known as the former Piqua Memorial Medical Center property. As part of the strategy, the City and the current property owner executed an Option Agreement granting the City the right to purchase the property for \$1 contingent upon certain terms and conditions being satisfied. At the core of the strategy is the condition that the current property owner permits the city to utilize prior expenditures by the property owner as the local match funding commitment needed to prepare a competitive Clean Ohio Revitalization Fund grant application. At this time funding for the project is in place and it is necessary for the City to purchase the property to move forward with the project.

Law Director Stacy Wall explained in Resolution No. R-94-11, Section 2, the resolution states the purchase shall be as set forth in the Option Agreement. This language was changed, but should read **"The terms and conditions of the purchase shall be in accordance with a Purchase Agreement consistent with the terms of the Option Agreement"**

Ms. Wall stated she wanted to clarify this resolution is not approving a purchase in accordance with the option, it will be in accordance with a purchase agreement those terms being consistent with the Option attached to the resolution. The resolution should be amended in Section 2 to read as **"The terms and conditions of the purchase shall be in accordance with a Purchase Agreement consistent with the terms of the Option Agreement attached hereto as Exhibit "B"**.

Moved by Commissioner Wilson, seconded by Commissioner Terry to amend Resolution No. R-94-11 under Section 2 to strike out after the words shall be " ~~as set forth in the executed Option Agreement attached hereto as Exhibit "B"~~ and insert after the words shall be *"in accordance with a Purchase Agreement consistent with the terms of the Option Agreement"*. Section 2 should read fully as **"The terms and conditions of the purchase shall be in accordance with a Purchase Agreement consistent with the terms of the Option Agreement attached hereto as Exhibit "B"**. Voice vote, Aye: Martin, Vogt, Wilson, and Terry. Nay: None. Motion carried.

Public Comment

No one came forward to speak for or against Resolution No. R-94-11.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-94-11 be adopted, as amended. Roll call, Aye: Wilson, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-94-11 adopted, as amended.

RES. NO. R-95-11

A Resolution to authorize the commencement of the appropriation of 439 W. Ash Street, Piqua, Miami County, Ohio in the Common Pleas Court of Miami County, Ohio for public purposes

Interim City Manager Murphy stated the next two resolutions have to do with the East Ash Street Corridor Project and asked Law Director Wall to give a brief update.

Law Director Stacy Wall explained there are two properties remaining on East Ash Street the City needs to acquire for the Ash Street widening project. This project has been in the planning stages since 2005, and part of the planning stages are that the funds are coming from State and Federal funding and there are very strict guidelines that need to be followed. One of the properties remaining is a residential property and the City needs to get a right-of-way. The second resolution is for a commercial property, and the City needs to purchase the actual property not just a right-of-way and will be purchasing the building on the property. Discussions are continuing with negotiations on the purchase of the property and the right-of-way. However, in order for the project to continue, a decision has to be made at this time. These resolutions give the Law Director the authority to file complaints in Common Pleas Court to appropriate the property or to condemn or to take it. The property owners will be compensated at fair market value which appraisals have been done. At this time we are at a stopping point with negotiations and this is the next step in the process. Ms. Wall stated she would be in negotiations the rest of the week with the two property owners, and will know by the end of the week if the negotiations will be successful. If the negotiations are not successful she will proceed with the filing of a complaint in the Common Pleas Court to begin the appropriations procedures.

Commissioner Martin asked if the property owners would not agree to take the appraisal as the price the City would give for the property. Ms Wall stated no, on the residential property money is not the real issue they do not want to move, it is their home. There is a relocation process and this would find the owners a comparable home under the fair market value terms and help them to relocate. The property owner is very uncomfortable about what happens once his home is sold. The property owner is not represented by counsel, so it is difficult to explain the process to them. The commercial property owner is represented by an Attorney and is in discussion with them. Because it is a commercial property they have different concerns and the business owner is looking at loss of income and loss of future revenue.

Vice Mayor Vogt asked what would happen to the residential property if all we can get from them is the right-of-way. Ms. Wall explained the widening of the street would bring the street right up next to the home. In order for the project to proceed the City needs the right-of-way. The property owner is aware of where the street would be located, stated Ms. Wall.

Commissioner Wilson posed the following question, "the City is offering fair market value and moving expenses, correct?" Ms. Wall stated "yes, it is governed by State Law" and further explained what would take place to ensure the property owner is compensated.

Vice Mayor Vogt asked if the property owner does not have an attorney could the City appoint one. Ms. Wall stated the City cannot be involved in that process, it is their choice.

Interim City Manager Murphy stated the City remains hopeful that a settlement will be reached before it comes to that.

Ms Wall stated the Resolutions had to be on this agenda, as they could not wait another two weeks.

Commissioner Martin stated he does not like having to do this, but the Commission is left with no choice.

Public Comment

Jim Cruse, Co. Rd. 25-A came forward and asked if the City had considered moving the house from the current location to another location for the resident?

Ms. Wall noted there have been several properties on Ash Street where the City needed a right-of-way or purchase of the property, and there has been cooperation with everyone. These are just the two remaining properties.

Moved by Commissioner Martin, seconded by Commissioner Wilson, that Resolution No. R-95-11 be adopted. Roll call, Aye: Martin, Vogt, Terry and Wilson. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-95-11 adopted.

RES. NO. R-96-11

A Resolution to authorize the commencement of the appropriation of right-of-way of 515 E. Ash Street, Piqua, Miami County, Ohio in the Common Pleas Court of Miami County, Ohio for public purposes

Interim City Manager Murphy stated this is the residential property in question and is part of the previous explanation by the Law Director.

Public Comment

No one came forward to speak for or against Resolution No. R-96-11.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-96-11 be adopted. Roll call, Aye: Vogt, Terry, Wilson, and Martin. Nay: None. Motion carried unanimously. Vice Mayor Vogt declared Resolution No. R-96-11 adopted.

OTHER

Presentation by Chris Schmiesing, City Planner
Topic: "ReDO" Redevelopment Opportunities Plan

Mr. Schmiesing presented a quick update on the status of implementing the ReDO Plan explaining the various steps involved and some the projects they have implemented and participated in.

The five top sites include:

- Riverfront Mill District
- North County Road 25-A Corridor
- East Ash Street Corridor
- South Main Street and Clark Avenue Area
- Former Hospital Site

Other:

- Outside Funding Resources
- Retail Recruitment Strategy
- National Brownfield Association

Commissioner Martin asked if the CORF grant included clearing all of the buildings on the hospital property. Mr. Schmiesing stated yes it would clear all the buildings on the hospital property.

Commissioner Wilson asked what are some of the milestones for the hospital site in the future. Mr. Schmiesing gave a brief explanation.

Interim City Manager Murphy stated once we get the certified professional on board we will post a rough draft on the City website and on facebook for residents and provide an update a future City Commission meetings as well.

Bill Shinall, New Haven Rd., inquired as to power plant demolition and what the status is of the Dam and how will it be affected. Mr. Schmiesing explained the Dam would not be affected with the demolition of the Power Plant, but modifications will be made and further explained.

Jim Cruse, County Road 25-A commented on the State Route 36 Interchange stating it is a fantastic improvement. Mr. Cruse also asked if it would be possible to put the little badge that is on the City flag on wall with the word Piqua to give it some color, and if it would be possible to add some accent lighting as well. Mr. Cruse also mentioned having a mowing company maintain the area and asked if someone could look into it to ease the burden on the Street Department. Mr. Cruse ended by stating, "Troy has to be tremendously jealous of it."

Brad Boehringer, Mound Street, mentioned Operation Cloverleaf, and asked if it would be possible for the Neighborhood Associations to take on the mowing of that area as a project.

Valeria Mulligan, Caldwell Street came forward and commented on the improvements at the Route 36 and Ash Street intersection, stating it is a job well done.

PUBLIC COMMENT

Brad Boehringer, Mound Street came forward and complimented the 9/11 Day of Honor and mentioned Pearl Harbor Day and asked if it would be possible to observe that anniversary this year also.

Valeria Mulligan, Caldwell Street stated Grace United Methodist Church will be hosting its first annual Back to School Bash on August 28th from 6:00 to 9:00 P.M. at the Church, and encouraged youth from grades 7-12 to come and encouraged them to seek a good education and to know that the Community and the Church is behind them. The businesses in the city have been very generous in helping with this program and they will have three up-and-coming Christian bands there to entertain the youth. She is excited for the City of Piqua to see what great kids we have in the community.

Kathy Sherman came forward representing the Piqua Area Chamber of Commerce. Ms. Sherman announced the 2nd Regional Business Showcase will be held on October 13th, 2011 at the Piqua High School from 5:00 P.M. to 7:00 P.M with the Keynote Address at 4:00 P.M. This year there are four counties participating and they include, Miami, Darke, Shelby and Clark. At this time there are 123 registered for booth space, this is up from the 117 registered last year. There is still time to reserve booth space by contacting the Chamber of Commerce, stated Ms. Sherman.

Bob Bloom, Union Shelby Road came forward and commended the City Commission on the decision they had made regarding the purchase of the properties. He further stated he knows it was not easy to make those decisions but stated they are elected to represent all the citizens of the City of Piqua. He further stated he has come forward before and let them know when he was not happy with their decisions, and wanted to commend them for this decision they made.

Commissioner Wilson wished Mayor Fess a speedy recovery.

Commissioner Terry congratulated the Girl Scout Troop 31091 on their activities, the Piqua Baptist Church on their longevity, and invited citizens to participate in the 9/11 activities at Fountain Park on 9/11 a Day of Remembrance. Commissioner Terry stated she is very happy to see the hospital project move forward and it might be a possibility the 4th Ward Neighborhood Association could host a party next year on the site.

Commissioner Martin inquired about the former McDonalds restaurant in front of the old Kroger Store on Covington Ave. Law Director Wall explained that the County has jurisdiction over that property.

Interim City Manager Murphy stated the City has been contacted by the former Kmart and Kroger owners about redevelopment opportunities and have encouraged them about the advantages of annexing into the City, and bringing incentives to developing the site. We hope they look at it as a potential redevelopment, stated Murphy.

Interim City Manager Murphy stated the current message board on Piqua TV 5 is not working, as it is a victim of old technology. The programs are still airing but the program schedule is not scrolling. The program schedule can be found on the City website. The newly formed Western Ohio TV Consortium has been fundraising for new digital equipment and has made the equipment investment. New digital programming will begin later this year.

Vice Mayor Vogt stated this is the second meeting he has served as Vice Mayor, and stated it goes to show what a nice community we have as reflected in the proclamations he presented. It is a pleasure to see the youth of our community being involved and building character.

Adjournment

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Regular Piqua City Commission Meeting at 8:50 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

WILLIAM D. VOGT, VICE MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION