

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday, May 5, 2015 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 Terry, Vogt, Wilson, and Martin. Absent: None.

**REGULAR CITY COMMISSION MEETING**

**PROCLAMATION – NATIONAL POLICE WEEK**

Mayor Fess read the proclamation and presented it to Police Chief Bruce Jamison.

**PROCLAMATION – MUNICIPAL CLERKS WEEK**

Mayor Fess read the proclamation and presented it to Becky Cool, Clerk of Commission.

**EXECUTIVE SESSION:**

Move to Executive Session to consider matters regarded as confidential by federal law or rules or state statutes

Moved by Commissioner Vogt, seconded by Commissioner Martin, to move into executive Session at 7:37 P.M.

Moved by Commissioner Martin, seconded by Commissioner Vogt to adjourn from the Executive Session and resume as the City Commission at 7:56 P.M. Voice vote, Aye: Martin, Terry, Vogt, Fess and Wilson. Nay: None.

**Consent Agenda**

**Approval of Minutes**

Approval of the minutes from the April 21, 2015 Regular Piqua City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to approve the Consent Agenda. Voice vote, Aye: Martin, Terry, Vogt, Wilson, and Fess. Nay: None. Motion carried unanimously.

**OLD BUSINESS**

**ORD. NO. 5-15 (2nd<sup>t</sup> Reading)**

An Ordinance amending Section 94.23 (I) relating to Curfew and Prohibitions on use of Parks and Gazebo

Stacy Wall, Law Director, provided the Staff Report.

Ms. Wall explained the changes that were made to Ordinance 5-15 Section 94.23 (I) after hearing requests for additional language at the April 21, 2015 Commission Meeting.

Commissioners offered several suggestions including having an officer walk a beat downtown, and asked various questions regarding the proposed changes in the ordinance. All Commissioners were in agreement it is not fair to punish all young adults for the actions of a few. Several Commissioners stated they went downtown and observed the actions of some of the youth.

Chief Jamison stated this problem was discussed at a City Commission Work Session in February 2015 after multiple complaints had been received regarding unruly behavior of unsupervised juveniles disturbing patron of the Fort Piqua Plaza (Library, Plaza rentals, food service entities).

Efforts to curtail these problems have ranged from discussions with the children that frequent the area to proper behavior and language, to the physical arrest of juveniles. Most of the complaints have not come thru the Police Department, but the police have been notified later that citizens fear to be in the area, afraid to get out of their cars because of intimidating tactics, and the use offensive language.

There has also been damage done to the gazebo with youths observed climbing on the roof, and doing dangerous activities around the gazebo, stated Chief Jamison.

Ordinance No. 5-15 would add a new prohibition to the city code that would disallow minors under the age of 18 years old from being in the Public Square Area, the gazebo and Veterans Way. The area in questions is outside the Fort Piqua Plaza, bounded by Market and High Streets, and Wayne Street. Chief Jamison stated the Police department can use the proposed Ordinance as a tool to provide supervision in the square as well as using it toward building "youth resiliency" in the community. Chief Jamison continued by stating the Ordinance will be used to provide "boundaries and expectations" for juveniles to help the juveniles development. We need to instill some boundaries and expectations at the gazebo right now. I think we have an obligation to help these kid's development and this situation requires more than just arrests at this point.

Chief Jamison said he was encouraged by the citizens and organizations reaching out to him with offers to help with supervision in the downtown area, but we will still need the Ordinance to back up the supervision.

City Manager Huff stated the changes were a result of input we received since the first meeting. The concerns included whether a juvenile would be able to ride their bikes through the park and what the ordinance can do to provide more parental control.

Commissioner were in agreement parental supervision is lacking and there is a need for more support from parents.

### **PUBLIC COMMENT**

Several residents came forward and voiced their concerns on both sides of the debate on how to address the concern of juveniles in the square and causing vandalism on the square.

Nick Alexander, S. Roosevelt came forward and voiced his opinion on the revised ordinance 5-15, stating if the youth are chased out the gazebo area they will just go somewhere else like the steps at City Hall.

Don Kuchta, Walker Street, stated there needs to be consequences for the actions of the youth and suggested holding a Saturday school type consequence on the city level, possibly repairing the gazebo.

Thomas Beck, Garfield Street, stated this is a bad solution to a real problem, stating his daughter went downtown to the gazebo to have her prom pictures taken, and expressed frustration if the ordinance were to be passed, if a juvenile would need parental permission or supervision in order to have pictures taken at the gazebo next year.

Kazy Hinds, Whitetail Lane, said unfortunately it is something we need to do as there is a wider issue with the youth having nothing to do, and have a lack of resources at home, and not being able to afford to take part in activities offered at the YMCA. We as a city need to be able to provide something for the youth to do, stated Ms. Hinds.

Brad Boehringer, Mound Street, stated they should enforce the existing laws, further stating he feels they need more Police presence in the downtown area. Mr. Boehringer asked if it would be possible to use the School Resource Officer during the summer months to help oversee the area.

Paul Green, President of the Piqua Association of Churches stated family support is a big part of the solution to some of the problems, further stating having someone from the Big Brother/ Big Sister Organization spend time with the youth would help to make the youth feel they are important and respected.

Joe Hinds, YMCA Youth Development Director stated he has witnessed first-hand the behavior at the gazebo. Mr. Hinds further stated he would be willing to just go up and set on the bench in the square and offer support to the youth. Mr. Hinds challenged other residents to reclaim their space on the square, and help with the problems by just being there.

City Manager Huff explained the enforcement of the Ordinance would be at the discretion of the Police Officer observing the behavior.

Police Chief Jamison stated he is very much in favor of having adult volunteers help and will train them in the proper procedure. Chief Jamison encouraged the various groups and organizations to sign up to help.

Law Director Stacy Wall, clarified the behavior of the youth, stating there is not a just a group of good kids, and a group of bad kids, they are all still just kids.

Mayor Fess stated the lack of parental guidance is a major part of the problem, with the problem beginning at home, and is it not just in the City of Piqua. Some of the youth are not taught respect, and integrity at home so how can they use it in their everyday lives.

Commissioner Vogt stated he feels some of the young adults want to argue with authority, but if you treat them with respect, you will get respect in return.

Mayor Fess stated the Commission appreciates all the comments they have heard, and the emails and telephone calls they received offering input on Ordinance No. 5-15.

Ordinance No. 5-15 was given a second reading.

**ORD. NO. 6-15 (2nd Reading)**

An Ordinance amending Sections 154.027 of the City of Piqua Code of Ordinance to allow a place of worship in an I-1 Light Industrial Zoning District

Justin Sommer Assistant City Manager/Economic Development Director, provided the Staff Report.

This item was presented to the Planning Commission in response to a request from the owner of the property located at 8564 County Rd. 25-A in Piqua. The owner would like to lease the property to a Place of Worship. Currently a Place of Worship is permitted in all districts except the Industrial zoning designation. Vacant or commercial building spaces are often well suited to the needs of this use type stated Mr. Sommer.

After review the Planning Commission concluded it would be prudent to include provisions to allow the Place of Worship as a principal permitted use in the I-1 Light Industrial zoning district.

**PUBLIC COMMENT**

No one came forward to speak for or against Ordinance No. 6-15.

Ordinance No. 6-15 was given a second reading.

**Resolution No. R- 78-15**

An Emergency Resolution requesting authorization to enter into contract with CDM –Smith for Amendment No. 2 to the Engineering Services for a Wastewater Treatment Plant Detailed Design

Dave Davis, Wastewater Plant Superintendent, presented the Staff Report.

The Facility Plan has been modified to reflect the change to a new liquid treatment system and dates have been modified in order to accomplish this scope of work, The Ohio EPA has approved Amendment #1, and the schedule in the NPDES Permit for discharge. This scope of work will start the detailed design of the WWTP improvements and take us to, and through the award of the construction bidding process, stated Mr. Davis.

Commissioners asked several questions regarding the plans, and the new sewer rates in the future.

Mr. Davis and City Manager Huff provided additional information regarding the questions.

### **Public Comment**

No one came forward to speak for or against Resolution No. R-78-15

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution R-78-15 be adopted. Roll call, Aye: Vogt, Fess, Wilson, Terry and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-78-15 adopted.

### **RES. NO. R-79-15**

A Resolution authorizing the City Manager to enter into the Economic Development Revolving Loan Fund (RLF) Agreement with the State of Ohio Development Services Agency for the period January 1, 2015 through December 31, 2017

Justin Sommer, Assistant City Manager/Economic Development Director, provided the Staff Report.

In March of 2015, the City of Piqua received correspondence from Ohio Development Services Agency, Office of Community Development (ODSA, OCD) on Economic Development Revolving Loan Fund Administration Agreement and Program changes. Communities administering Ohio State Administered CDBG Economic Development RLF's, Downtown RLFs. And/or Microenterprise RLFs must consolidate all existing balances into a single Economic Development RLF Account and sign an Economic Development Revolving Loan Fund (RLF) Administration Agreement, stated Mr. Sommer.

The purpose of the agreement is to maintain adequate program oversight and ensure that communities understand and adhere to the terms of the agreement in conjunction with administering the RLF program. This is effective for a three year period beginning January 1, 2015. This agreement must be renewed every three years, failure to execute this agreement may result in ODSA recapturing the ED RLF dollars, stated Mr. Sommer.

The ED RLF 's will be available for low-interest, fixed asset, gap financing to City of Piqua for-profit businesses or for publically owned infrastructure improvements directly related to job creation or retention by a for-profit business, said Mr. Sommer.

Commissioners asked several questions regarding the need to set up a new Board, and if needed who would sit on the Board, and the use of the funds. Mayor Fess stated this is State Money given to provide help and promote and start new businesses, no city dollars will be utilized.

Mr. Sommer provided additional information.

### **Public Comment**

No one came forward to speak for or against Resolution No. R-79-15.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-79-15 be adopted. Roll call, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-79-15 adopted.

**RES. NO. R-80-15**

An Emergency Resolution granting a temporary easement to Northrop Grumman Systems Corporation

Law Director Stacy Wall, provided the Staff Report.

Northrop Grumman Systems Corporation is under an EPA mandate to install wells adjacent to their property for the purpose of monitoring the quality of the groundwater. The wells are to be located so as not to interfere or interrupt the use of the bike path in the Linear Park between Sunset and R.M. Davis Parkway, and continue to meet the requirements of the EPA mandate.

The City of Piqua is granting a temporary easement for the purpose of assisting Northrop Grumman Systems Corporation in monitoring groundwater, which is also a benefit to the City of Piqua.

**PUBLIC COMMENT**

Nick Alexander, S, Roosevelt, came forward and voiced his concern over the possible closing of the bike path, as he did not see and start or end date.

Ms. Wall stated they should be ready to start the next week, but we do not have a completion date, as it is up to the EPA to say when it its completed..

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-80-15 be adopted. Roll call, Aye: Wilson, Terry, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-80-15 adopted.

**RES. NO. R-81-15**

An Emergency Resolution acquiring JCRANE Inc. to provide crane and transportation services for the Power System

Nick Berger, Assistant Power System Director provided the Staff Report.

On April 16, 2015, Power Services inspected and tested the Substation #3's main 15/20/25/28 MVA power transformer. As a result of the test Substation #3 Transformer was found to have unacceptable Doble Excitation Current test results indicating there is a short circuit between winding turns, or physical damage to interlaminar insulation, or dislocation of core sections. It was determined the refurbishment of the substation transformer is an emergency situation as Substation #3 is a critical component to the city's electric system.

The power system received three quotes to provide crane services and transportation to deliver the 106,000 lb. transformer to OTC. JCrane was determined to be the lowest and best bid, and the power system is requesting a 20% contingency for any unforeseen expenses, said Mr. Berger.

Commissioners asked several questions, Mr. Berger answered all questions.

**PUBLIC COMMENT**

No one came forward to speak for or against Resolution No. R-81-15.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-81-15 be adopted. Roll call, Aye: Terry, Martin, Fess, Vogt, and Wilson. Nay, None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-81-15 adopted.

**RES. NO. R-82-15**

An Emergency Resolution obtaining OTC Services Inc. to provide Professional Field Services, Unit Inspection, and refurbishment for the Main Power Transformer for Substation #3

Nick Berger, Assistant Power System Director provided the Staff Report.

On April 6, 2015 Power Services inspected and tested Substation #3's main 15/20/25/28 MVA Power Transformer to evaluate the overall condition the transformer during preventive maintenance. Substation #3 Transformer was found to have unacceptable Doble Excitation Current test results. These results were discussed with Doble Engineering and they agreed with Power Service's results. It was determined the refurbishment of the substation transformer is an emergency situation based on section 34.19 (B) of our City Charter on bidding process.

The Power System requested quotes from Jordon Transformer and OTC Services Inc. to perform the field services, inspection, refurbishment, and rewind of the damaged transformer. It was determined OTC Services Inc.'s provided the best proposal for these services.

Commissioners asked several questions, Mr. Berger answered all questions.

#### **PUBLIC COMMENT**

No one came forward to speak for or against Resolution No. R-82-15.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No, R-82-15 be adopted. Roll call, Aye: Vogt, Fess, Wilson, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-82-15 adopted.

#### **RES. NO. R-83-15**

An Emergency Resolution authorizing the execution of a loan agreement with Harvest Pantry, LLC, in the amount of \$30,000

Justin Sommer, Assistant City Manager/Economic Development Director provided the Staff Report.

In 2009, the City received a \$90,000 grant from the United States Department of Agriculture. This grant provides funding for an Economic Development Revolving Loan Fund which allowed for a great deal of flexibility on the eligible activities resulting in the development of small and emerging private business enterprises. We received an application from Harvest Pantry LLC, a start-up company to be located in downtown Piqua that will operate a retail bulk food store.

The business indicated they needed funds through the revolving loan program for acquisition and renovation of real estate. The loan committee reviewed the loan application and determined that a loan of \$30,000 be offered to Harvest Pantry LLC over a term of 6 years at a 3% annual percentage rate. The loan will be secured by a second position on the real estate and is expected to generate \$2818.35 in interest which will add to the revolving loan fund, stated Mr. Sommer.

#### **PUBLIC COMMENT**

Lisa and Rod Dotson applicants came forward and provided a brief overview of their plans for the new store, and the type of food items they plan to provide. Ms. Dotson thanked the City of Piqua and Justin Sommer for their support, further stating they are pleased to be a part of the community.

Kelli Gerlach, an employee of Harvest Pantry LLC, came forward and explained what a Bulk Food Store is; further stating they plan to carry various foods items that can be purchased in a variety of sizes.

Commissioner Wilson stated this is a great addition to the downtown, and asked when they plan to open. Ms. Dotson stated they hope to be open in mid-July if possible, by August 1st for sure.

Mayor Fess stated she is very excited to have them in Piqua and wished them well.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-83-15 be adopted. Roll call, Aye: Terry, Vogt, Fess, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-83-15 adopted.

### **PUBLIC COMMENT**

Nick Alexander, S. Roosevelt, came forward and voiced his concern over some residents not getting their recycling picked up due to the change in days for some of them. City Manager Huff stated they just need to contact the Health Department and they will send someone out to get it for them.

Don Kuchta, Walker Street, came forward stating he has great respect for the recycling program but is unable to use the new recycling container. Mr. Kuchta voiced his opinion and concern over the new large recycling containers stating a lot of residents do not have anywhere to keep such a large container, and have trouble getting them out to the pickup area. Mr. Kuchta further stated his new recycling container was taken from his front sidewalk, and stated he contacted the Health Department to let them know.

Mayor Fess stated you do not have to put the recycling out every week.

City Manager Huff stated other types of bins can be used for recycling such as totes, and the red Rumpke recycling bin, further stating he will be happy to get him one.

Lorna Swisher, Executive Director MainStreet Piqua, came forward and announced several upcoming events. Taste of the Arts will be held on Friday, May 15 downtown Piqua, and thanked the City of Piqua for all of their support.

A Duck Drop will take place On August 1, on the Great Miami River, and will take place immediately prior to the last Rock Piqua Concert.

Ms. Swisher stated there are new Rack Cards available listing all of the upcoming events in the community and be picked up at the Mainstreet Office.

Ms. Swisher announced the Piqua MainStreet Organization received the National Accreditation Program Award again this year, stating this is the 14<sup>th</sup> year in a row they have received this award.

Thomas Beck, Garfield Street, voiced his concern over the possible new sewer rates and the unfunded mandate requirements.

Paul Green, President of the Piqua Association of Churches, came forward and invited citizens to attend the National Day of Prayer to be held on Thursday, May 7, 2015 at 12:00 P.M. at the Fountain in front of the Municipal Government Complex.

### **City Manager's Report**

City Manager Huff announced the week of May 4-8, 2015 is Public Service Week and thanked and recognized all of the city employees for their hard work.

City Manager Huff announced Saturday May 9, is Piqua Community Clean-up Day and encourage residents to participate.

City Manager Huff stated some of the residents will be selected to participate in a National Citizens Survey that the City of Piqua participates in every three years. Mr. Huff encourage residents that receive a survey to fill it out and return it as it helps the city identify which areas are need of improvements.

City Manager Huff announced Fire Chief Mike Rindler announced his retirement from the Piqua Fire Department effective May 29, 2015. Assistant Fire Chief Brent Pohlschnieder will be named interim Fire Chief until the Civil Service process is completed and a new Fire Chief is named. City Manager

Huff congratulated Chief Rindler on his many years of service to the City of Piqua and the Community, and wished him well in his retirement.

**Commissioners Comments**

Commissioner Martin announced the Shawnee Neighborhood Association will hold a Special Meeting at 7:00 P.M. Monday, May 18, at the Central Baptist Church on Staunton Street. The purpose of the meeting is to provide information to the residents about a survey they will be receiving and be asked to complete in regards to receiving CDBG Funds for improvements in the Shawnee neighborhood. Commissioner Martin encouraged all Shawnee residents to attend if possible. City Manager Huff provided additional information regarding the CDBG funds and how they will be used.

Commissioner Terry congratulated Commission Clerk Becky Cool, and Police Chief Jamieson on Municipal Clerks Weeks, and National Police Week.

Commissioner Terry encouraged citizens to come out and help on Saturday May 9 with the City Wide Clean-Up, further stating she will be working in Das Park with the North Parks Neighborhood Association.

Commissioner Wilson also stated he to will be working on Saturday in the Downtown area, and encouraged residents to pick up and clean up in their own neighborhoods.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Commission Meeting at 10:10 P.M. Voice vote, Aye: Martin, Wilson, and Terry. Nay: None.

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LUCINDA L. FESS, MAYOR

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

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