

**MINUTES
PIQUA CITY COMMISSION
Tuesday, August 18, 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, Wilson, Vogt, and Martin. Absent: None.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of Minutes

Approval of the minutes from the August 4, 2015 Regular Piqua City Commission Meeting.

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

OLD BUSINESS

Moved by Commissioner Wilson, seconded by Commissioner Martin, to bring Ordinance No. 7-15 back to the table. Voice vote, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay, None. Motion carried unanimously to bring Tabled Ordinance No. 7-15 back to the table.

ORD. NO. 7-15 TABLED (3rd Reading)

An Emergency Ordinance repealing Section 94.23, 94.24 and 94.26 of Chapter 94 and adopting new sections 94.23, 94.24 and 94.26 of the Municipal Code

Stacy Wall, Law Director provided the Staff Report.

This ordinance was brought before Commission as a result of another Ordinance where there were quite a few inconsistencies in the curfew in the various city parks, and went to two meetings.

The Piqua Park Board met on August 5th with 7 members present. It was noted after review of the ordinance they did not recommend any changes to Tabled Ordinance 7-15 at this time.

The primary changes were to remove the language that was very outdated and to clean up the curfew time and revise the smoking regulations.

Mayor Fess stated she received a telephone call regarding the penalty for smoking in the park under Section 94.24 (C) 5. Ms. Wall provided additional information on the penalty section 94.24 (C) 5.

Public Comment

No one came forward to speak for or against Ordinance No. 7-15 at this time.

The Commission discussed the dollar amount and the jail time in detail, asking about different degrees of misdemeanors that might apply.

There was further discussion and comments made by Commissioners regarding the various changes they would like to see in this ordinance.

Motion was made by Commissioner Martin, seconded by Commissioner Wilson to amend Ordinance No. 7-15 Section 94.24 (C) (5) to read as follows:

A violation of Section 94.23 (C) is a minor misdemeanor, punishable by a fine up to \$150.00 for a first offense. Each subsequent offense enhances the penalty to a fourth degree misdemeanor up to a first degree misdemeanor, increasing the penalty with each offense.

Roll call, Aye: Terry, Wilson, Martin, Vogt, and Fess. Nay, None. Motion carried unanimously to amend Ordinance No. 7-15.

After further discussion Commissioner Wilson moved to remove "Public Square Park and gazebo and Veterans Memorial Way (bounded by Market and High Streets and Wayne Street)" from Section 94.23 (A). It was moved by Commissioner Vogt, seconded by Commissioner Martin to table the issue so the Law Director could consider language on how to address the gazebo. Roll call, Aye: Fess, Martin, Wilson, and Vogt. Nay: Terry. Motion carried on a 4-1 vote to table Ordinance No. 7-15 at this time.

ORD. NO. 8-15 (3rd Reading)

An Ordinance amending Section 77.01 –Schedule VI of the Piqua Code, relating to right turn on red prohibited

Amy Havenar, City Engineer provided the Staff report

With the opening of the new Piqua Central Intermediate School on Nicklin Avenue and the closing of some additional schools throughout the community, changes are being proposed to increase pedestrian safety, and to improve the traffic flow through the community. The increased pedestrian traffic at the Intermediate School and at the Broadway and Park Avenue intersection warrants the request to prohibit right turns on red between the hours of 7:00 am and 4:00 pm during school days at the intersection of Park Avenue & Broadway. The ordinance also allows for the removal of the right turn on red during school days restriction at the following intersections where the school will be demolished or in some cases, where the signs have been removed and the code was never updated to reflect these changes, stated Ms. Havenar.

- Ash Street and College Street
- Main Street and Garnsey Street
- Main Street and South Street
- North Street and College Street
- South Street and Brice Avenue
- South Street and Roosevelt Avenue
- Wayne Street and South Street

PUBLIC COMMENT

No one came forward to speak for or against Ordinance 8-15.

Ordinance No. 8-15 was given a second reading.

ORD. NO. 9-15 (3rd Reading)

An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2015

Cynthia Holtzapple, Assistant City Manager/Finance Director provided the Staff Report.

Each year about this time the Finance Department submits a supplemental appropriation as it is required to present the 2015 annual budget to the City Commission in early November 2014 before all project times and costs are known. Some of the projects that were expected to be completed last year will sometimes be carried over into the next year. During the fiscal year unexpected expenses sometimes occur, and the supplemental appropriation allows the city to more accurately reflect these changes in the financial statement, stated Ms. Holtzapple.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 9-15 at this time.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Ordinance No. 9-15 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay, None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 9-15 adopted.

ORD. NO. 10-15 (2nd Reading)

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

Amy Welker, Health & Sanitation Director provided the Staff Report.

The city abates nuisance conditions such as mowing high grass, removing trash, trimming trees, and demolishing structures according to city code. The assessments take place after the property owner has been notified of the condition and is given a timeframe to comply with the code. Failure to comply results in the abatement, stated Ms. Welker.

The cost of the abatement plus a \$35 administration fee is charged to the property owner, and property owners are also subject to repeat offender charges for multiple violations in a one year period. If the property owner fails to pay the abatement cost then the costs are certified to the County Auditor to be placed on their property taxes.

The Miami County Auditor only accepts these assessments one time per year, and the assessments are due to the Auditor by September 14, 2015.

Commissioners asked several questions regard the ownership of the properties when they go into foreclosure and go up for Sheriff Sale.

Justin Sommer, Assistant City Manager/Economic Development Director provided additional information on the various options that were available. City Manager Huff also stated that the County is willing to work with the City on finding the best way to solve the problems.

Stacy Wall, Law Director also provided additional information on the foreclosure problems.

PUBLIC COMMENT

Gary Koenig, Peregrine Place, Candidate for 4th Ward Commissioner /Mayor came forward and voiced his opinion the assessment process.

Ordinance No 10-15 was given a second reading.

NEW BUSINESS

RES. NO. R-113-15

A Resolution fixing the time and place for a Public Hearing on the renewal and amendment of the Franchise Agreement in accordance with Charter Section 106 of the City of Piqua

Bob Bowman, Assistant Power System Director provided the Staff Report.

Vectren Energy Delivery of Ohio has requested the franchise agreement with the City of Piqua be amended. The original franchise agreement is from 1887 and was amended in 2000 only to reflect an assignment from DP & L to Vectren. Piqua Charter Section 106 required that prior to an ordinance being adopted granting, amending or renewing a franchise there shall be a public written report containing recommendations on the franchise agreement and adequate public hearings held. A Public Hearing will be held in the Commission Chambers at the September 1, 2015 Commission Meeting to consider the Ordinance amending the franchise agreement with Vectren, stated Mr. Bowman.

Commissioners asked several questions, Law Director Stacy Wall provided additional information on the reason for amending the franchise agreement at this time.

PUBLIC COMMENT

Nick Alexander, S. Roosevelt came forward and asked if this resolution was for gas and electric service within the city?

Mr. Bowman replied to Mr. Alexanders questions.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-113-15 be adopted. Roll call, Aye: Fess, Terry, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Res. No. R-113-15 adopted.

RES. NO. R-114-15

A Resolution awarding a contract to Sulzer Turbo Services for the inspection and repairs to #9 Gas Turbine

Bob Bowman, Assistant Power System Director provided the Staff Report.

The Power System owns and operates two combustion gas turbines, #8GT and #9GT. In 2012 Piqua completed a major initiative which upgraded the control for both #8GT and #9GT to the Emerson's Ovation Software. In addition Piqua completed a rebuild of #8GT, and at this time #8GT is considered to be in "like-new" condition. #9GT will be 50 years old in 2016 and has never received an overhaul or a complete inspection. As part of the preventive maintenance we need to perform a complete inspection to prevent any possibility of a major failure in the future, stated Mr. Bowman.

On June 22, 2015 the power system released an RFG for the #9GT Inspection and Repair Project to eight different companies, On July 10, 2015 we received proposals from 3 different companies. EthosEnergy, Sulzer, and ProEnergy. After review EthosEnergy's proposals did not satisfy the required project scope. Based on the two remaining companies the Power System would like to proceed with Sulzer Turbo Services, as they have been before used on the #8GT rebuild and it was a very successful project, stated Mr. Bowman.

Commissioners asked several questions regarding pricing and services and different dollar amounts listed on the bid sheets. Mr. Bowman explained. City Manager Huff also provided additional information.

Law Director Stacy Wall provided additional information regarding the repairs and providing information regarding the insurance on the turbines.

Public Comment

No one came forward to speak for or against Resolution No. R-114-15 at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-114-15 be adopted. Roll call, Aye: Martin, Terry, Wilson, Fess, and Vogt. Nay: None. Motion carried unanimously.

RES. NO. R-115-15

A Resolution authorizing preliminary consent legislation with the Ohio Department of Transportation (ODOT) for work on the MIA-36-11.74 bridges over Interstate 75 within the City of Piqua

Amy Havenar, City Engineer, provided the Staff Report.

ODOT is requesting legislation to complete the work on the US Route 36 bridges over Interstate 75. The project will consist of the panting of the existing steel superstructure and the sealing of the necessary concrete surfaces on the structure. As with al ODOT projects, ODOT requires the permission of the local entity prior to commencement of work within that entities corporation limit, stated Ms. Havenar.

Public Comment

No one came forward to speak for or against Resolution No. R-115-15 at this time.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-115-15 be adopted. Roll call, Aye: Fess, Terry, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Res. No. R-115-15 adopted.

RES. NO. R-116-15

A Resolution authorizing preliminary legislation with the Ohio Department of Transportation (ODOT) for the pavement planning and resurfacing of US Route 36 from R.M. Davis Parkway to South College Street within the City of Piqua

Amy Havenar, City Engineer, provided the Staff Report.

The City of Piqua contacted ODOT to see if they would participate in the resurfacing of US Route 36 (Covington Avenue) between RM Davis Parkway and College Street. ODOT will provide 80% from the Urban Paving Program funds, and the City will be responsible for 20% of the total project costs, stated Ms. Havenar.

Public Comment

No one came forward to speak for or against Resolution No. R-116-15 at this time.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-116-15 be adopted. Roll call, Aye; Martin, Fess, Terry, Wilson, and Vogt. Nay, None. Motion carried unanimously. Mayor Fess the declared Resolution No. R-116-15 adopted.

RES. NO. R-117-15

A Resolution amending a contract with Fanning/Howey Civil Group for the design of the north Main Street Streetscape project

Amy Havenar, City Engineer provided the Staff Report.

In April of 2013, Commission approved the agreement with Fanning Howey Engineering Group for the design of the N. Main Street Streetscape Project. The project limits are on N, Main Street between Greene Street and North Street and will consist of the removal and replacement of sidewalk, curbing, street signs, light poles, and installation of brick pavers, benches, trash receptacles and other streetscape amenities where right-of-way permits.

The original legislation Resolution No. R-56-13 was with Fanning Howey Engineering Group, and they have since created their own firm and is now Access engineering Solutions. A new purchase order will be issued to Access Engineering Solutions for the additional redesign of the project. However, this is still part of the original legislation thus the reason for Commission approval, stated Ms. Havenar.

City Manager Huff stated the business owners in the project area feel the parking spaces in front of their businesses are extremely important and would like them to remain.

Public Comment

No one came forward to speak for or against Resolution No. R-117-15 at this time.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No R-117-15 be adopted. Roll call, Aye: Fess, Terry, Wilson, Vogt, and Martin. Nay, None. Motion carried unanimously. Mayor Fess then declared Resolution No.R-117-15 adopted.

PUBLIC COMMENT

Nick Alexander, S. Roosevelt, came forward and voiced his opinion about walking on the grass along the Greene Street connector to the Linear Park in reference to Tabled Ordinance No. 7-15. City Manager Huff stated that is primarily sidewalk area.

Mr. Alexander further required about the speed limits on the Bike Path if they were listed before the changes were made or not or in a separate section? Ms. Wall stated she did not make any changes to speed limits in this ordinance, so they were not in there before the changes were made. Mr. Alexander made reference to several types of bicycles that move at various speeds.

MONTHLY REPORTS

Monthly Reports for June 2015 were accepted.

City Manager's Report

City Manager Huff announced a Joint Work Session with the Piqua City School Board and the Piqua City Commission will take place on August 27, 2015 at 4:00 P.M. in the new Piqua Central Intermediate School.

City Manager Huff also announced the Piqua Municipal Swimming Pool will close for the season on Sunday, August 23 at the end of the day. The reason being all of the life guards are leaving to go back to college.

City Manager Huff invited citizens to come downtown to Lock Nine Park on Saturday August 22 to the Down the River Down a Beer event. There will be a special display event "River Fire" later in the evening on the river, stated City Manager Huff.

Commissioners Comments

Commissioner Martin stated there are a lot of interesting things happening in Piqua to make our town a better place to live, and encouraged citizens to get out and enjoy them.

Commissioner Wilson stated that the Music Warehouse provided a great performance recently; further stating a lot of work went into putting this all together from setting up to tearing down. Commissioner Wilson stated he appreciates all who helped in any way to make this a great performance.

Commissioner Wilson reminded citizens that school will be starting on August 24, and to watch out for children walking and crossing the streets.

Commissioner Wilson also commented on the College Street 2 way stops and reminded citizens to be aware of the changes that were made.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular City Commission Meeting at 8:35 P.M. Voice vote, Aye: Vogt, Fess, Martin, Wilson, and Terry. Nay: None.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION