

**MINUTES
PIQUA CITY COMMISSION
Tuesday, April 17, 2018
6:00 P.M.**

Piqua City Commission met at 6:00 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Hinds called the meeting to order. Also present were Commissioners Lee, Martin and Vogt. Commissioner Short was absent. Commissioner Martin moved to excuse Commissioner Short from the meeting and Commissioner Lee seconded that motion; motion carried unanimously and Mayor Hinds declared Commissioner Short excused from the meeting.

REGULAR CITY COMMISSION MEETING

ANNOUNCEMENTS

No one came forward to speak.

PRESENTATION: FRIENDS OF THE PIQUA PARKS

Ruth Koon, Chairman of Friends of the Piqua Parks, and the initiator of a task force committee to study the possibility of renovating the slopes on Route 36 between the railroad overpass and the entrance to the mall and Speedway, came forward to speak. Mrs. Koon believes this project will positively impact the image of Piqua because the area is such a major gateway to the city. The Task Force Committee, consisting of herself, Don Smith, Mark Casto, and Bob Graeser have met for over a year to discuss options to improve and beautify this very visible greenspace. One option was to reduce the height of the slopes, but that was determined to be cost prohibitive because of having to move electricity at the top of one of the slopes on the south side. The option of a retaining stone wall and extensive hardscape additions was also determined to be too expensive. Mr. Casto, who is known for beautiful landscape projects in and around Piqua for over 35 years, came up with an idea that is very pleasing and affordable. Mr. Casto will be the volunteer project coordinator for this plan. The Task Force then met with Friends of the Piqua Parks, consisting of Edna Stieffel, Russ Fashner, Glenn Devers, Don Smith, Cindi Lillicrap, Jim Vedder, and Commissioner Bill Vogt, and asked them to join forces for this important project, to which they agreed. Friends of the Piqua Parks was organized in 2014 for the purpose of establishing a community support association for the benefit of the public park system located within the City of Piqua. Their mission has been expanded to include this beautification project. Friends of the Piqua Parks has been successful in improving the entrance to Pitsenbarger Sports Complex, as well as raising the funds to erect a life-size bronze statue of William H. Pitsenbarger, Piqua's Medal of Honor recipient. Friends of the Piqua Parks is also working on a QR for the statue, which is an implant in the statue that you connect to through an app on your mobile device, which will take you to a website that Edison College has helped create. It is an audio recorded by Glenn Devers and it tells you about William H. Pitsenbarger and what he has done for the community and our country. Friends of the Piqua Parks is also a 501(c)(3), which will enable donors to contribute to this upcoming project. City Manager Gary Huff has been extremely helpful in moving this project forward.

Mr. Casto came forward to speak as to the details of the project. Mr. Casto stated the concept of the landscaping plan is to create a beautiful plant lined and tree lined vista as one drives in and out of Piqua, and also to accentuate the linear and encompassing nature of the site on Ash Street. The planned plants and trees have been chosen for their rigorous growth, their reported resistance to disease and insect, their color in the plant and in the bloom that they produce, their texture and performance in hillside planting, which is considerably more stressful for plants than a flat plan. The two opposing hills will be used in concert with each other to create a larger landscape area. Landscape beds will drop down through the lawn area and groupings of different plants will be used. Medium to large shade trees will be used to create a tree line effect. At the

east end, four crabs will be put in and at the west end a grouping of spruce trees to enhance the newly painted bridge. In any landscape plan there are certain requirements and parameters that have to be met, those being that the landscape needs to look good the whole year through, that it has to be as maintenance effective as possible, and that the plants actually perform well in this setting. The committee believes that the plant choices and design will satisfy these requirements. The committee also believes that this concept will enhance and beautify this great City of Piqua and asks for the city's support and blessing to continue through with this project.

Mrs. Koon came forward to finalize saying the first step in this project will be to engage a landscape architect to prepare the drawings and specifications that are needed in order to have ODOT review and give approval. Fundraising efforts will then begin immediately after approval and informational brochures will be sent out to residents, as well as applying to local and state foundations and visiting local service clubs and informing them of this project. A maintenance plan will be developed in partnership with the City of Piqua in the near future. Friends of the Piqua Parks is a group of citizens interested in making the city the best it can be, including making it beautiful and impressive, and it is the hope that the city will support this beautification project.

Mayor Hinds questioned if there would be flag poles, to which Mrs. Koon responded yes and the plan is that those will be lit up.

City Manager Gary Huff stated he has met with Friends of the Piqua Parks and is very supportive of the project and thinks it's wonderful that the community comes forward to do these types of projects.

Commissioner Martin questioned how often the project would be maintained. Mr. Casto responded that an acceptable maintenance plan is currently being discussed. City Manager Huff stated the city would continue to mow the area because of the slope and the safety issue that creates.

Mayor Hinds commended the group for their efforts and vision for the City of Piqua, and the group was given a unanimous decision by the city to proceed with the project.

CONSENT AGENDA

APPROVAL OF MINUTES

APPROVAL OF MINUTES FROM THE APRIL 3, 2018 REGULAR CITY COMMISSION MEETING

RESOLUTION NO. R-52-18

A RESOLUTION AUTHORIZING PRELIMINARY CONSENT LEGISLATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR BRIDGE DECK SEALING FOR PRIORITY AND MAJOR BRIDGES THROUGHOUT DISTRICT 7

City Manager Huff stated there are four of these bridges: one over Patrizio Place, one over Garbry Road, one over the railroad and southbound I-75 entrance ramp, and one over County Road 25-A north.

RESOLUTION NO. R-53-18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF A PORTION OF FOUNTAIN PARK BY THE MIAMI VALLEY CORVETTE CLUB

RESOLUTION NO. R-54-18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF A PORTION OF LOCK NINE PARK AND LINEAR PARK TO MAINSTREET PIQUA AND PIQUA ARTS COUNCIL

RESOLUTION NO. R-55-18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF A PORTION OF LOCK NINE PARK AND LINEAR PARK TO MAINSTREET PIQUA

RESOLUTION NO. R-56-18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF A PORTION OF FOUNTAIN PARK BY MAINSTREET PIQUA

Motion was made by Commissioner Vogt to approve the Consent Agenda; motion seconded by Commissioner Martin; motion was carried unanimously and Mayor Hinds declared the Consent Agenda approved.

OLD BUSINESS

ORDINANCE NO. 5-18 (Tabled 4-3-18)(First Reading)

AN EMERGENCY ORDINANCE RENUMBERING CHAPTER 55 STORMWATER MANAGEMENT OF THE PIQUA MUNICIPAL CODE

Motion was made by Commissioner Martin to remove Ordinance No. 5-18 from the table; motion seconded by Commissioner Vogt; motion was carried unanimously and Mayor Hinds declared Ordinance No. 5-18 removed from the table.

Law Director Stacy Wall spoke stating this Ordinance was tabled at the last commission meeting because time was needed to make sure it worked in conjunction with the two upcoming Ordinances. This is the renumbering of Chapter 55, the Stormwater Management Code. It only is a renumbering; it doesn't change any of the content or substance of that Chapter. The basis of the renumbering is to put it in order with the right-of-way Ordinances that are already in place in the Ordinances about to be adopted or considered. Law Director Wall further stated there is a time constraint for the next two Ordinances, and in order for those to pass this Ordinance would need renumbered as well, and as such would need to pass as an emergency Ordinance and the three reading rule waived.

Commissioner Martin questioned if the need for the Ordinance is enough to make it pass as an emergency Ordinance, because how it affects the health and welfare of the citizens of Piqua is unclear.

Law Director Wall stated the Code right now would not be numbered correctly. The next Chapter, Ordinance No. 7-18 that is about to be considered, is a brand new Chapter, and it would be numbered Chapter 55, so the harm to the citizens would be there is no clear way to enforce the Code when you have two Chapters that are numbered 55.

Commissioner Martin questioned why 7-18 could not be moved back two meetings and three readings go forward with this Ordinance and then move forward with 7-18 after that.

Law Director Wall stated because 7-18 needs passed tonight as well. The state legislation requires passage 90 days before its effective date, which is July, and if this Ordinance is not passed tonight on three readings, that date will be in jeopardy.

Commissioner Martin questioned how that affects the city.

Law Director Wall stated that the House has passed the legislation in conjunction with all of the governmental entities being represented and meeting with the industry to come up with a statute that everyone can live with. The House has passed it, the Senate has now passed it and it's only waiting for the Governor's signature, which would make it effective, probably, in July. Part of that statute requires that you have a requirement that any small cell structure coming in would be underground, so there would be no ugly boxes or poles above ground in areas designated by the city where it has to be underground. If it's not designated 90 days before that effective date, the city cannot require it, so the city would risk having these structures located above ground by not passing this Ordinance tonight.

Mayor Kazy Hinds spoke stating that this issue is something that the city has really been working on to get this legislation at the State, so it's important to keep those things under the ground and not have those cell towers pop up on any corner.

City Manager Huff spoke stating that this is the legislation that 150 cities jointly sued the state about.

Motion was made by Commissioner Lee to waive the three reading rule; motion seconded by Commissioner Martin; motion was carried unanimously and Mayor Hinds declared the three reading rule waived.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 5-18.

Motion was made by Commissioner Vogt to adopt Ordinance No. 5-18 as an emergency Ordinance; motion seconded by Commissioner Martin; motion was carried unanimously and Mayor Hinds declared Ordinance No. 5-18 passed.

NEW BUSINESS

ORDINANCE NO. 7-18 (FIRST READING)

AN EMERGENCY ORDINANCE ADOPTING AND IMPLEMENTING CHAPTER 55 SMALL CELL FACILITIES & WIRELESS SUPPORT STRUCTURES OF THE PIQUA MUNICIPAL CODE

Law Director Stacy Wall spoke stating that as you can see, this Chapter is numbered 55, which is why the last Ordinance was renumbered. Chapter 54 in the Piqua Code is a right-of-way Ordinance. By making this Chapter 55 a brand new Chapter; it is then in line. You have right-of-way first and then you have your small cells, which are going in your right-of-way, so it is in logical order. This legislation, as indicated, has been passed by the House, passed by the Senate, as amended, and ready for the Governor's signature. It was an initiation after all of the litigation that took place from House Bill 331 to sit down with the parties to see what legislation could be created for all to live with, which was accomplished. It was the urging of the court's indicating that there needed to be a partnership on this. This Ordinance was tabled at the last commission meeting because it wasn't quite ready, which is why it is a new number; it needed some minor tweaks. At that last commission meeting there was a member in the audience representing one of the cellular companies. The city staff has met with him to hear his concerns and it has been reviewed since then and the city is now asking for this Ordinance to be passed by an emergency, waive the three reading rule, and have it in effect before any company starts applying for the legislation and the

city doesn't have it in place. The Governor would then make that effective, hopefully, sometime in July.

Commissioner Martin questioned if House Bill 478 is now acceptable to everybody.

Law Director Wall stated House Bill 478 was the result of House Bill 331 being challenged in litigation. All of the cell phone companies and the cities and the governments did not agree on House Bill 331. All of the cities challenged that based upon Home Rule Law saying it violated the ability to regulate, as well as, there was a constitutional issue with the House Bill itself. The court agreed with those arguments and as a result the cellular industry and representatives from the governmental entities met to come up with legislation. The House passed the legislation, they sent it to the Senate, the Senate made some tweaks to it and sent it back. As of now, it has been passed and just waiting Governor's signature. There is no indication there is litigation coming out of this.

Motion was made by Commissioner Martin to waive the three reading rule; motion was seconded by Commissioner Lee; motion was carried unanimously and Mayor Hinds declared the three reading rule waived.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 7-18.

Motion was made by Commissioner Martin to adopt Ordinance No. 7-18 as an emergency Ordinance; motion seconded by Commissioner Vogt; motion was carried unanimously and Mayor Hinds declared Ordinance No. 7-18 passed.

ORDINANCE NO. 8-18 (FIRST READING)

AN EMERGENCY ORDINANCE AMENDING CHAPTER 92 STREETS AND SIDEWALKS OF THE PIQUA MUNICIPAL CODE

Law Directory Stacy Wall spoke stating this Ordinance is an existing chapter in our code 92, which governs our streets and sidewalks. A definition section would be added under 92.19 and then 92.20 amended. This legislation comes out of what was just passed. That statute required that the city create its territory, its areas, where undergrounding would be required. If it's not indicated in the city's planning documents, then the city would not be able to enforce it. 92.20 already included some areas. After this legislation came out, the city had an opportunity to go back and look at it, expand the area where it needed to be expanded, and add areas, so now it's just not your downtown area, but a historic district. Subdivisions have been listed as well where undergrounding has already taken place, but the city wants to make sure any future development is also underground. If this Ordinance doesn't pass tonight, the city will not be able to enforce it. This Ordinance is the crux of the 90 day issue. This is what is triggering everything else.

Mayor Hinds confirmed that the subdivisions and different things were added into the Ordinance.

Law Director Wall stated originally there were eight sections listed for undergrounding. Those sections have been expanded and then we've added different sections in the city, as well as the subdivisions. Again, part of that was looking at the comprehensive plan, what we're already doing in the city, and in areas where the city already has undergrounding, we need to make sure the city continues that.

Commissioner Martin questioned if this catches everything that could possibly happen, i.e., a cable company or somebody comes out with the new latest and greatest thing; will the city be able to control that?

Law Director Wall stated that part of the discussion had with one of the companies was that company, which is a very large company, didn't see any issue with this. A couple of years ago it

may have been an issue due to expense, but technology is evolving so quickly they don't see any issues whatsoever because everything is so small or already going underground, that they had no objection whatsoever.

Motion was made by Commissioner Martin to waive the three reading rule; motion seconded by Commissioner Lee; motion was carried unanimously and Mayor Hinds declared the three reading rule waived.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 8-18.

Motion was made by Commissioner Vogt to adopt Ordinance No. 8-18 as an emergency Ordinance; motion seconded by Commissioner Martin; motion was carried unanimously and Mayor Hinds declared Ordinance No. 8-18 passed.

RESOLUTION NO. R-57-18

A RESOLUTION REQUESTING FINAL LEGISLATION TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE GARBRY ROAD/LOONEY ROAD INTERSECTION IMPROVEMENTS PROJECT IN THE CITY OF PIQUA

City Engineer Amy Havenar spoke stating in 2015 legislation to enter into an agreement with ODOT was brought before the city commission to program this project. Since then the design and the right-of-way acquisition have been completed. It is now time for bids to be put out and bids are due May 17th. ODOT is requesting the city put its local percentage, which is approximately 25%, in escrow, so when the bids come in they can go ahead and award the project and the city can get started on construction. The city's cost right now is estimated to be approximately \$288,365.00, which is about 25% of the total construction cost; however, an additional 10% is being requested because bids are not in, and if they come in high, it won't be necessary to come back to commission for that 10%; however, if bids come in lower than the estimate, that money will go back into the city's funds.

Commissioner Martin questioned what would happen if the bids come in extremely high and the city would be on the hook for a million dollars.

City Engineer Havenar responded that ODOT has a cap and they would have to go through and reevaluate the design; look at the contracts. ODOT does have a requirement to prevent that from happening.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-57-18.

Motion was made by Commissioner Martin to adopt Resolution No. R-57-18; motion seconded by Commissioner Lee; motion was carried unanimously and Mayor Hinds declared Resolution No. R-57-18 passed.

RESOLUTION NO. R-58-18

A RESOLUTION AWARDED A CONTRACT FOR THE PURCHASE OF DECORATIVE STREET LIGHTS FOR THE LOONEY AND GARBRY ROUNDABOUT

Power System Director Ed Krieger spoke stating that the Power System has adopted standards for decorative lighting and the eight lights that are to be installed at the roundabout are similar to the lights that are installed on 36 along the area that Ruth Koon discussed earlier, the teardrop type, large, black, fluted street lights. Power System Director Krieger asks for approval to move

forward with the purchase of the lights. Eight competitive bids have been received and All-Phase Electric provided the lowest bid.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-58-18.

Motion was made by Commissioner Vogt to adopt Resolution No. R-58-18; motion seconded by Commissioner Lee; motion was carried unanimously and Mayor Hinds declared Resolution No. R-58-18 passed.

RESOLUTION NO. R-59-18

A RESOLUTION AWARDDING A CONTRACT FOR CONDUIT WORK FOR THE RELOCATION OF POWER AND COMMUNICATION LINES FOR THE LOONEY AND GARBRY ROUNDABOUT

Power System Director Ed Krieger stated that quite a bit of utility relocation needs to be done in this area, which is basically undergrounding the electric. Initially it was considered that the city would take the lead on this project and do a joint used trench. Bids were received and they came back well above the engineer's estimate. The city's share of the project alone was going to be in excess of \$90,000.00 just for the conduits that are required to relocate the city's facilities because of the roundabout. At Spectrum's recommendation, they have contracts in place for directional boring, and the boring technology has really moved forward over the last several years and is a very cost effective approach for installing conduits. Running the numbers for that using one of their contractors, approximately 1/3 of the cost was able to be cut. This approach allows the city to use the joint use agreements with Spectrum. Spectrum is taking the lead on the project; the city is providing basically the conduits for the project.

Commissioner Martin questioned Section 2 of the Ordinance. At the end it says "not exceeding \$40,200.00" and in the Background it says the Energy Board approved installation "up to a cost of \$100,000.00". Wouldn't Section 2 need to say \$100,000.00 if it possibly went that high?

Power System Director Krieger stated if Commissioner Martin will recall that was actually his recommendation at the Energy Board meeting because there were no bids yet and Commissioner Martin felt like it would be above \$25,000.00 and need City Commission approval, but the cap was unsure. It was hoped it would be below the \$90,000.00 it would cost for open trench. Bids were then received and the estimates were in the low 30s, so a contingency was added to that estimate and it is believed that the city will be able to get the work done at that price.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-59-18.

Motion was made by Commissioner Lee to adopt Resolution No. R-59-18; motion seconded by Commissioner Martin; motion was carried unanimously and Mayor Hinds declared Resolution No. R-59-18 passed.

RESOLUTION NO. R-60-18

A RESOLUTION AWARDDING A CONTRACT FOR MAINTENANCE OF PIQUA'S #9 GAS TURBINE

Power System Director Ed Krieger stated this item relates to planned maintenance activities on one of the city's two large gas turbines. This issue has been to commission a number of times over the past few years as improvements have been made to these units. They're a very important part of the city's power supply portfolio. By having these units, the city has been able to save in excess of a million dollars; in the past 12 months 2 million dollars of the city's customer's electric bills. By using these units, the city has been able to peak shave on the hottest days of the

year. One of the items that came to commission earlier this year was for replacement of the diesel starting engine on the #9 Gas Turbine. That diesel engine is on order and due to be delivered in a few weeks. Also, there are repairs on a torque converter that are taking place right now. Those two items will have to be reinstalled on the unit before peak season starts. In January, there were some issues with the units and it was found that those issues were combustion components that Sulzer had redone for the city a few years ago. That equipment is still under warranty and that works to the city's advantage because Sulzer will be on site in May to make those repairs and they will be able to do the diesel engine and torque converter at the same time, and that way the city will not have to pay for mobilization and demobilization and the city will just be paying Sulzer under their time and material sheets that they have in place for this year. Sulzer has worked for the city in the past and have very skilled personnel. There aren't a lot of companies that can work on these turbines and Power System Director Krieger feels very confident they will do a good job for the city as they have done in the past. \$100,000.00 was budgeted for this work and a little bit more than half of that amount is being asked for due to some of the cost effectiveness. This work is scheduled to be completed by June 1st.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-60-18.

Motion was made by Commissioner Martin to adopt Resolution No. R-60-18; motion seconded by Commissioner Lee; motion was carried unanimously and Mayor Hinds declared Resolution No. R-60-18 passed.

RESOLUTION NO. R-61-18

A RESOLUTION AWARDING A CONTRACT FOR ROOF REPAIRS TO PIQUA'S POWER PLANT

Power System Director Ed Krieger stated over the past five years the city has been making repairs to the city's Power Plant. In 2012, consideration was made to demolish the Plant and remove it. Not long after that consideration, the city was able to secure a grant for the Waterfront Redevelopment Project and during that work it was realized the building was in excellent shape with the exception of the roof. There is quite a bit of asbestos in the building so it's important that the building be in a water tight condition. The work is being done on a section by section piece starting with the oldest part of the roof, which is on the north end working to the south. The contract with WRI completes the work on the Plant; it makes the Plant water tight. There are future plans that hopefully materialize in the next five to ten years where the city may possibly bring some more generation back within that building itself. This is a key project in terms of restoration of the facility and will allow the city to move forward with some future development when the time is right.

Commissioner Martin questioned how well this will handle being walked on once it has been applied.

Power System Director Krieger responded the strength is amazing. Originally, the north end of the Plant, the oldest end of the Plant, there was a section of the roof that deteriorated so badly it couldn't be walked on. With this foam-type system that's described in the literature in the commission packets, just a few inches of this foam will develop an amazing amount of strength. Where that section was in the old part of the roof, basically plywood was put down, foam applied over the top of it, and you're free to walk on it. There is a 20 year warranty on it.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-61-18.

Motion was made by Commissioner Vogt to adopt Resolution No. R-61-18; motion seconded by Commissioner Martin; motion was carried unanimously and Mayor Hinds declared Resolution No. R-61-18 passed.

RESOLUTION NO. R-62-18

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF HIGH-VOLTAGE BREAKERS FOR THE POWER SYSTEM

Power System Director Ed Krieger stated this item is to get approval for an engineering contract to help evaluate options and alternatives for replacement of the city's high-voltage breakers, which basically control the flow of power in and out of the city. At the city's three main substations there are 69,000 volt circuit breakers, which are oil filled. They're 40-50 years old, depending on the substation. The circuit breakers are one of the most critical devices the city has in its system. There was an issue back in 2012 where all feeds were lost into the city. If there was a possibility to close back in, the city could have maintained the flow of power back in and avoided a three hour power outage. These breakers are identified as a key reliability improvement project. The City of Piqua is one of the few municipal utilities that still maintain this older technology. The newer technology that's replacing the older oil equipment uses SF6 gas or vacuum to extinguish the arc. Bids were solicited and four were received from SF6 manufacturers: GE, Siemens, ABB, Mitsubishi and then also a bid from Hitachi to provide a vacuum breaker technology where you don't have to deal with the environmental issues with SF6 gas. It was expected bids would be received from the two opposing technologies, SF6 being cheaper, but vacuum has some distinctive advantages. One thing noticed when bids were received was all four of the SF6 breaker manufacturers rejected the city's terms and conditions and weren't willing to negotiate. Whereas Hitachi, even though they offer a superior product, more expensive, they offered a two year additional warranty and were willing to work with the city on the terms and conditions. Law Director Stacy Wall has reviewed those and doesn't have any concerns. Replacement of the 12 high-voltage breakers is needed in our three substations and will happen over a period of three years starting this year with Substation No. 5 on 25-A with the first three breakers.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-62-18.

Motion was made by Commissioner Lee to adopt Resolution No. R-62-18; motion seconded by Commissioner Martin; motion was carried unanimously and Mayor Hinds declared Resolution No. 62-18 passed.

RESOLUTION NO. R-63-18

A RESOLUTION TO CONTINUE PARTICIPATION IN A MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN IN CONJUNCTION WITH THE MIAMI COUNTY EMERGENCY MANAGEMENT AGENCY

City Engineer Amy Havenar spoke stating the city has been working with the Miami County EMA for the past few years on the update to the Hazard Mitigation Plan. The last Plan was brought before commission in 2011 for a 2012 adoption. Every five years the Miami County EMA is required to update that Plan. The City of Piqua is a participant along with every other city in Miami County, along with the townships and some of the villages, as well as the Miami Conservancy District. The goal of this Plan, which is twofold, is to put projects in the Plan that will help reduce long term loss of property, life eventually, and it basically protects us from hazard should something happen in Piqua, but also if we're in this Plan and there is some type of natural disaster, then it makes us eligible for grant funding to make the repairs needed. For instance, the continued maintenance of all of our class one dams. If grant money does become available, the Miami County EMA, or any of the other communities, if they become aware of it, would then have access to those grant funds. It's a great tool, the city hopes to never have to use anything in

there, but if a natural disaster should happen, then this is just making the city closer to being prepared.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-63-18.

Motion was made by Commissioner Martin to adopt Resolution No. R-63-18; motion seconded by Commissioner Vogt; motion was carried unanimously and Mayor Hinds declared Resolution No. R-63-18 passed.

RESOLUTION NO. R-64-18

A RESOLUTION TO RESCIND A PROTECTIVE COVENANT RESTRICTING THE RETAIL USE OF PETERS SUBDIVISION SECTION 3 INLOT 5873

City Planner Chris Schmiesing spoke stating this item, if approved, will clear the way to hopefully put an idle retail property back into a productive use. The property being referred to here is the retail strip that's just north of the Ohio/Indiana Trail, the bike path, along Sunset Drive on the east side of the street. It is part of the Peters Subdivision section that's referenced in the Resolution and the reason it's being brought to the city is there's interest in the property by a prospective buyer. However, they've discovered that there's a peculiarity with the restrictive covenant that's included with the subdivision plat and that is that it limits the retail use activity of the structure. For those of that have been in the community for any time, it's recognized that that limitation has not actively been enforced or acknowledged by most. It is an oddity in that it's a restrictive covenant in a subdivision plat that granted the city the authorization to enforce the restrictive covenant. The city is not typically in the business of enforcing restrictive covenants, but relies on the underlying zoning designation of a property, and that's how the city determines what uses are permissible and appropriate for a property. In this case, this location is zoned B, general business, so any of those type of items that would ordinarily be permitted in the general business zoning district are what the city would deem appropriate and issue permits for at this location. By approving this item the peculiarity will be removed from the subdivision plat and honoring the request from the applicant to remove this obstacle for him to be able to potentially redevelop the property. The item has been presented to the Planning Commission for their consideration. They held a public hearing at which no one was present to speak against the item. Two individuals, one being the applicant and one being a resident from the subdivision, were present to speak in favor of the request. There is a petition document in the commission packet that the applicant circulated to all the individual property owners within this subdivision section to acknowledge or ask them to acknowledge their support of this request. Having that information and considering the testimony presented, the Planning Commission has requested that the City Commission approve this request to the applicant.

PUBLIC COMMENT

Tom Baker, representative for ATM Investments, came forward to state he is one of the individuals interested in purchasing the building and would be happy to answer any questions anybody may have.

Commissioner Martin asked if they knew what they were going to do with the building. Mr. Baker stated they are not sure at this point what they are going to do with it. They also purchased the Rick James building and redid that, they purchased the building on High Street next to Piqua Manor and redid that, so it's just a continuation of taking buildings and refurbishing them and bringing them up to a more attractive building versus a 1960 building, and then see what can be done with it.

Motion made by Commissioner Martin to adopt Resolution No. R-64-18; motion seconded by Commissioner Lee; motion was carried unanimously and Mayor Hinds declared Resolution No. R-64-18 passed.

RESOLUTION NO. R-65-18

A RESOLUTION AUTHORIZING AN R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) CONCEPT PLAN FOR LOTS 8195, 8196 AND 8197

City Planner Chris Schmiesing spoke stating this item comes to the city at the request of HCF Management, who are the operators of the Garbry Ridge Assisted Living Facility on Garbry Road. The nature of the request is that they have two items they are interested in. First, they would like to expand their existing facility to add a memory care unit, so it would essentially be an addition to the existing improvements found at the location. Second, they own the acreage that is just to the west of the existing building towards town. Their intent is to add a housing product that would provide independent living units, or cottages, for folks that aren't quite ready for their facilities, but are looking for those kinds of living opportunities. This is exciting because it adds to the city's housing stock and provides a product type that's not necessarily available in our community at the current moment. This item was received with great enthusiasm by the Planning Commission. The item was discussed at a public hearing before the Planning Commission. The applicant was present to speak on behalf of the item and explain in greater detail, answer questions and such. In the commission packet there is a color rendering of their proposed site plan. You can see where the existing building footprint is located and the proposed addition would be located, along with the 15 structures that would each accommodate two dwelling units, so a total of 30 dwelling units that would eventually be built out. The initial phase would include just the first three structures nearest to the roadway, so six living units initially. The applicant is eager to move forward with the project and understands the process in terms of this being a planned unit development, so they provided the submittal for the concept plan. The Planning Commission has recommended approval of this item. If the commission so chooses, that would allow them to move forward with the development plan document that would ultimately permit them to be able to construct these improvements.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-65-18.

Motion made by Commissioner Lee to adopt Resolution No. R-65-18; motion seconded by Commissioner Martin; motion carried unanimously and Mayor Hinds declared Resolution No. R-65-18 passed.

RESOLUTION NO. R-66-18

A RESOLUTION AUTHORIZING AN AMENDMENT TO ZONING MAP TO CHANGE THE ZONING DESIGNATION OF LOTS 8195, 8196 AND 8197 FROM R-3 (RESIDENTIAL MULTI-FAMILY) AND OS (OPEN SPACE) TO R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT)

City Planner Chris Schmiesing spoke stating this item is the companion item to the previous item. Currently the tracts of land hold different zoning designations as referenced in the comments from the Clerk. What would happen here is it would rezone the entire tract to be the residential planned unit development designation that the applicant seeks, which references the concept plan that's been submitted and the process that they're working through. The Planning Commission has held a public hearing to consider this request, there were no objections presented and the applicant spoke in favor of it. The Planning Commission asks that commission approve this item.

Mayor Hinds questioned if they actually own all of the property that is going to be future developed as well.

City Planner Schmiesing confirmed.

Mayor Hinds questioned if they own the whole piece.

City Planner Schmiesing stated they own where their building is sited now and then the acreage to the west and south back up the bike trail.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-66-18.

Motion made by Commissioner Martin to adopt Resolution No. R-66-18; motion seconded by Commissioner Lee; motion carried unanimously and Mayor Hinds declared Resolution No. R-66-18 passed.

CITY MANAGER'S REPORT

City Manager Gary Huff shared that the Fox Drive Water Tower is now online and working, so that is a great addition to that part of the city. Beginning tomorrow the water tower at the end of Spring Street will begin being taken down and then on Thursday the water tower at the Power Plant. Sections of the bike trail will be closed on those two days. Both are expected to be one day jobs.

Vectren is now working in the city again for their Pipeline Modernization Program. They will be spending approximately \$900,000.00 on that this year. The city has requested that they do the last street that they haven't done in Shawnee, which is East Main Street, and is being done now, so that the paving of that entire neighborhood can be done this year.

On April 21st, the Piqua Tourism Council will be having a tour of the architecture of J.W. Yost, who also did the Fort Piqua Plaza, and that takes place at 10:30 meeting in front of the library.

Also on April 21st, the Shawnee neighborhood is having a clean-up day.

On April 28th, the Piqua Key Club will be having a bike rodeo, which will take place in the lot behind Town and Country Furniture.

Also, April 28th is the Piqua community clean-up day from 8:30 A.M. to noon.

COMMISSIONERS' COMMENTS

Commissioner Vogt would like the public to get behind the project on East Ash Street coming into town. It's a worthy project and if you just want to donate \$5.00 they will take it. It's a project that is being worked hard on and it is not money coming out of the city's pocket, it is all donated money. Get behind the Friends of the Piqua Parks project!

Mayor Hinds stated the filming of the Piqua music video had to be rescheduled due to the weather, but will be rescheduled in the next few weeks.

Also, a reminder from Mayor Hinds that Code Piqua is going on and it is a wonderful way for citizens to get involved to share thoughts about ideas about transportation plans and Code plans. The session from Monday evening was wonderful. If you are a citizen, please come out and have your voice heard and help create the city's new transportation plans and Codes for the city. There is more information on the Code Piqua website, CodePiqua.com, that has the full set of times that are available for you to come by and share your ideas.

ADJOURNMENT TO EXECUTIVE SESSION

Motion made by Commissioner Lee to adjourn to Executive Session at 7:05 P.M. to consider pending or imminent litigation; motion seconded by Commissioner Martin; motion carried unanimously and Mayor Hinds adjourned to executive session.

Motion made by Commissioner Vogt to adjourn from Executive Session at 7:54 P.M.; motion seconded by Commissioner Martin; motion carried unanimously.

ADJOURNMENT

Motion made by Commissioner Vogt to adjourn the Regular Commission Meeting at 7:55 P.M.; motion seconded by Commissioner Lee; motion was carried unanimously.

KATHRYN B. HINDS, MAYOR

PASSED: _____

ATTEST: _____
KIMBERLY J. HEBB
ACTING CLERK OF COMMISSION