REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, OCTOBER 1, 2019  
6:00 PM  
COMMISSION CHAMBER – 2nd FLOOR  
201 WEST WATER STREET  
PIQUA, OHIO  45356

CALL TO ORDER

THE PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

PRESENTATION: NEW YOUTH BASEBALL AND SOFTBALL ORGANIZATION

REGULAR PIQUA CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
   Approval of the minutes from the September 3, 2019 Regular Piqua City Commission Meeting

2. RES. NO. R-83-19
   A Resolution authorizing the City of Piqua to partner with the U.S. Census Bureau, the State of Ohio and Miami County to conduct a count of the population

3. RES. NO. R-84-19
   A Resolution authorizing preliminary consent legislation with the Ohio Department of Transportation (ODOT) for resurfacing sections of U.S. Route 36 from straight line mile 4.61 to straight line mile 8.25

NEW BUSINESS

4. ORD. NO. 4-19 – 1st Reading
   An Emergency Ordinance enacting and adopting a Supplement to the Code of Ordinances for the City of Piqua

5. ORD. NO. 5-19 – 1st Reading
   An Ordinance to amend the Zoning Code

6. ORD NO. 6-19 – 1st Reading
   An Ordinance to vacate a portion of Public Alley Right-of-Way

PUBLIC COMMENT
(This is an opportunity for citizens to address the City Commission regarding agenda items, issues, or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.)

CITY MANAGER'S REPORT

COMMISSIONERS COMMENT

ADJOURNMENT TO EXECUTIVE SESSION

1. To consider pending or imminent litigation

ADJOURNMENT
PIQUA CITY COMMISSION
MINUTES
Tuesday, September 3, 2019
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.

Roll Call as follows: Present: Mayor Hinds, Commissioner Lee, Commissioner Vogt. Absent: Commissioner Martin and Commissioner Grissom.

Commissioner Vogt made a motion to excuse Commissioner Martin, seconded by Commissioner Lee. Motion carried unanimously.

Commissioner Lee made a motion to excuse Commissioner Grissom, seconded by Commissioner Vogt. Motion carried unanimously.

ANNOUNCEMENTS

Larry Hamilton, 1104 Maplewood Drive provided information with regard to a viewing of the video "The Barber of Birmingham: Foot Soldier of the Civil Rights Movement" to be held on September 18, 2019 between 6:30 p.m. and 8:30 p.m. at the Troy Hayner Cultural Center.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the Minutes from the August 20, 2019 Piqua City Commission

Commissioner Vogt moved for the approval of the Consent Agenda; motion was seconded by Commissioner Lee.

Motion carried unanimously, and Mayor Hinds declared the Consent Agenda approved.

OLD BUSINESS: There was no old business to discuss at this time.

NEW BUSINESS

RESOLUTION NO. R-78-19
A RESOLUTION APPROVING THE TAX RATES FOR THE CITY AS DETERMINED BY THE MIAMI COUNTY BUDGET COMMISSION

Cynthia Holtzapple, Assistant City Manager, Finance Director provided the information with regard to this resolution.

Mayor Hinds asked for any questions or comments from the Commission. Commissioner Vogt commented on the resolution.

Mayor Hinds asked for any questions or comments from the Public. Bill Jaqua, 607 N. Sunset Drive commented on the resolution

Motion was made by Commissioner Vogt to adopt Res. No. R-78-19; motion seconded by Commissioner Lee; motion carried unanimously and Mayor Hinds declared Res. No. R-78-19 passed.
RESOLUTION NO. R-79-19
A RESOLUTION AWARDING A CONTRACT FOR PURCHASE OF A BUCKET TRUCK FOR THE POWER SYSTEM

Ed Krieger, Power System Director provided the information with regard to this resolution.

Mayor Hinds asked for any questions or comments from the Commission.
Commissioner Lee commented on the resolution.

Mayor Hinds asked for any questions or comments from the Public.
Bill Jaqua commented on the resolution.

Ed Krieger and City Manager Huff provided the response(s).

Motion was made by Commissioner Vogt to adopt Res. No. R-79-19; motion seconded by Commissioner Lee; motion carried unanimously and Mayor Hinds declared Res. No. R-79-19 passed.

RESOLUTION NO. R-80-19
A RESOLUTION AWARDING A CONTRACT FOR PURCHASE OF ACCESSORY OPTIONS FOR A BUCKET TRUCK FOR THE POWER SYSTEM

Ed Krieger, Power System Director provided the information with regard to this resolution.

Mayor Hinds asked for any questions or comments from the Commission.
Commissioner Lee commented on the resolution.

Mayor Hinds asked for any questions or comments from the Public. There were none.

Motion was made by Commissioner Lee to adopt Res. No. R-80-19; motion seconded by Commissioner Vogt; motion carried unanimously and Mayor Hinds declared Res. No. R-80-19 passed.

RESOLUTION NO. R-81-19
A MORAL OBLIGATION TO PAY W.W. WILLIAMS FOR EMERGENCY REPAIRS TO THE POWER SYSTEM'S #8 GAS TURBINE STARTING DIESEL

Ed Krieger, Power System Director provided the information with regard to this resolution.

Mayor Hinds asked for any questions or comments from the Commission.
Commissioner Lee commented on the resolution.

Mayor Hinds asked for any questions or comments from the Public. There were none.

Motion was made by Commissioner Vogt to adopt Res. No. R-81-19; motion seconded by Commissioner Lee; motion carried unanimously and Mayor Hinds declared Res. No. R-81-19 passed.

RESOLUTION NO. R-82-19
A RESOLUTION AUTHORIZING AN AMENDMENT TO ZONING MAP TO CHANGE THE ZONING DESIGNATION OF 620 S. MAIN STREET TO R-2 (TWO-FAMILY RESIDENTIAL)

Chris Schmiesing, Community and Economic Development Director provided the information with regard to this resolution.
Mayor Hinds asked for any questions or comments from the Commission. There were none.

Mayor Hinds asked for any questions or comments from the Public.
Delores Brown, 1020 Lincoln commented on this resolution.
Paul Bubeck, 921 Camp Street commented on this resolution.

Commissioner Lee provided the response.

Motion was made by Commissioner Lee to adopt Res. No. R-82-19; motion seconded by Commissioner Vogt; motion carried unanimously and Mayor Hinds declared Res. No. R-82-19 passed.

PUBLIC COMMENT

Bill Jaqua commented on the Doug Harter Lawsuit.
Law Director Patrizio provided the response

Lori Wall, _____Mulberry Street commented on the water rate billing process
City Manager Huff provided the response

CITY MANAGER’S REPORT

City Manager Huff advised that Chris Schmiesing, Economic Development Director would present the Community and Economic Development Update at this time.

COMMISSIONERS’ COMMENTS

Commissioner Lee - None
Commissioner Vogt - None
Mayor Hinds provided information with regard to “Walks with the Mayor”, Bike Piqua Slow Roll and the “Piqua United” event.

ADJOURNMENT

Motion was made by Commissioner Vogt to adjourn from the Regular City Commission Meeting at 7:30 p.m., seconded by Commissioner Lee; motion carried unanimously.

__________________________
KATHRYN B. HINDS, MAYOR

PASSED: _______________________

ATTEST: _______________________
KAREN S. JENKINS
CLERK OF COMMISSION
RESOLUTION NO. R-83-19

A RESOLUTION AUTHORIZING THE CITY OF PIQUA TO PARTNER WITH THE U.S. CENSUS BUREAU, THE STATE OF OHIO AND MIAMI COUNTY TO CONDUCT A COUNT OF THE POPULATION

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS, the City of Piqua is committed to ensuring every resident is counted; and

WHEREAS, federal and state funding is allocated to communities and decisions are made on matters of national and local importance based, in part, on census data and housing; and

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts; and

WHEREAS, information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment; and

WHEREAS, the information collected by the census is confidential and protected by law; and

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: Support the goals and ideals for the 2020 Census and will disseminate 2020 Census information.

SEC. 2: Encourage all County residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase population.

SEC. 3: Provide Census advocates to speak to County and Community Organizations.

SEC. 4: Support census takers as they help our County complete an accurate count.

SEC. 5: Strive to achieve a complete and accurate count of all persons within our borders.
SEC. 6: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

KATHRYN B. HINDS, MAYOR

PASSED: _______________________

ATTEST: ______________________
KAREN S. JENKINS
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by ____________________
seconded by ____________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds
Commissioner John Martin
Commissioner William Vogt
Commissioner Kris Lee
Commissioner Chris Grissom
RESOLUTION NO. R-84-19

A RESOLUTION AUTHORIZING PRELIMINARY CONSENT LEGISLATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR RESURFACING SECTIONS OF U.S. ROUTE 36 FROM STRAIGHT LINE MILE 4.61 TO STRAIGHT LINE MILE 8.25

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to complete the programming of a project located within the City of Piqua.

SEC. 1: Project Description
WHEREAS, the State has identified the need for the described project:

Resurfacing sections of US Route 36 from Straight Line Mile 4.61 to Straight Line Mile 8.25, more or less, with a portion in the City of Piqua, Miami County. Said project is further identified as MIA-36/41-4.61/12.90.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 2: Consent Statement
Being in the public interest, the City of Piqua (CITY) gives consent to the Director of Transportation to complete the above-described project.

SEC. 3: Cooperation Statement
The CITY shall cooperate with the Director of Transportation in the above-described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The CITY agrees to pay One-Hundred percent (100%) of those features requested by the CITY which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SEC. 4: Utilities and Right-Of-Way Statement
The CITY agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The CITY also understands that right-of-way costs include eligible utility costs.

The CITY agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SEC. 5: Maintenance
Upon completion of the Project, and unless otherwise agreed, the CITY shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116;
(2) provide ample financial provisions, as necessary, for the maintenance of the Project;
(3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-
of-way inviolate for public highway purposes.

SEC. 6: Authority to Sign
The City Manager of the City of Piqua is hereby empowered on behalf of the City of Piqua to enter into contracts with the Director of Transportation which is necessary to complete the above-described project.

SEC. 7: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

KATHRYN B. HINDS, MAYOR

PASSED: __________________________

ATTEST: __________________________
KAREN S. JENKINS
CLERK OF COMMISSION

Mayor Kathryn B. Hinds
Commissioner John Martin
Commissioner William Vogt
Commissioner Kris Lee
Commissioner Chris Grissom
## Commission Agenda
### Staff Report

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>October 1, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>Preliminary Consent Legislation with the Ohio Department of Transportation (ODOT) for resurfacing sections of U.S. Route 36 from Straight Line Mile 4.61 to Straight Line Mile 8.25.</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name &amp; Title: Amy L. Havenar, City Engineer</td>
</tr>
<tr>
<td></td>
<td>Department: Engineering</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>☑ Consent □ Ordinance ☑ Resolution □ Regular</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>☑ City Manager □ Asst. City Manager/Finance</td>
</tr>
<tr>
<td></td>
<td>□ Asst. City Manager/Development □ Law Director</td>
</tr>
<tr>
<td></td>
<td>☑ Department Director □ Other:</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>ODOT is requesting legislation to complete the resurfacing of U.S. Route 36 from the Village of Covington to the west corporation limit of the City of Piqua. As with all ODOT projects, ODOT requires the permission of the local entity prior to commencement of work within that entities corporation limit.</td>
</tr>
<tr>
<td>BUDGETING AND FINANCIAL IMPACT</td>
<td>Budgeted $: $0</td>
</tr>
<tr>
<td></td>
<td>Expenditure $: $0</td>
</tr>
<tr>
<td></td>
<td>Source of Funds:</td>
</tr>
<tr>
<td></td>
<td>Narrative: There is no financial participation required of the City for the completion of this project. All construction costs will be incurred by ODOT.</td>
</tr>
<tr>
<td>OPTIONS</td>
<td>1. Approve the Resolution to allow the Director of Transportation to complete the resurfacing project.</td>
</tr>
<tr>
<td></td>
<td>2. Do not approve the Resolution and therefore ODOT will have to stop the project short of the Piqua west corporation limit.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>This project is scheduled for Bid Letting in the third quarter of State Fiscal Year 2021.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the resolution to allow for ODOT to complete the resurfacing project.</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>N/A</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td></td>
</tr>
</tbody>
</table>
ORDINANCE NO. 4-19

AN EMERGENCY ORDINANCE ENACTING AND
ADOPTING A SUPPLEMENT TO THE CODE
OF ORDINANCES FOR THE CITY OF PIQUA

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2019 supplement to the Code of Ordinances of the City of Piqua, which supplement contains all ordinances of a general and permanent nature enacted from January 1, 2019 through State legislation current through December 31, 2018 and Local legislation current through April 16, 2019 and is referred to as 2019 S-64 Supplement; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the Ohio Code; and

WHEREAS, it is the intent of the Piqua City Commission to accept these updated sections in accordance with the changes of the law of the State of Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the City of Piqua and for the immediate preservation of the public peace, health, safety and general welfare of the City of Piqua that this ordinance take effect immediately as the City Commission has already enacted all current ordinance changes contained in the supplement.

NOW, THEREFORE, BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC 1: That the current 2019 supplement to the Code of Ordinances of the City of Piqua as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, is hereby adopted by reference 2019 S-64 Supplement as is set out in its entirety.

SEC 2: Such supplement shall be deemed published as of the day of its adoption and approval by the Piqua City Commission and the Clerk of Commission is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk of Commission.

SEC 3: This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and so that the ordinance already adopted by the City Commission can be codified.

______________________________
KATHRYN B. HINDS, MAYOR

______________________________
KAREN S. JENKINS
CLERK OF COMMISSION

Mayor Kathryn B. Hinds
Commissioner John Martin
Commissioner William Vogt
Commissioner Kris Lee
Commissioner Chris Grissom
ORDINANCE NO. 5-19

AN ORDINANCE TO AMEND THE ZONING CODE

WHEREAS, Piqua City Ordinance section 154.127 was adopted by the City Commission on July 21, 2008; and

WHEREAS, a commissioner has requested that section (g)(1) of said ordinance be modified to read as follows:

(1) The demolition and excavation of all footers, foundations, slabs, service sidewalks, and improvements incidental to the building being demolished; and the demolition and excavation of all footers, foundations, slabs, service sidewalks, and improvements incidental to any buildings accessory to the building being demolished; and

WHEREAS, the Planning Commission met at in open sessions and took public comment regarding the proposed changes; and

WHEREAS, the Planning Commission after hearing the item and considering the public comments and information provided, did not recommend the proposed change; and

WHEREAS, any change to said ordinance must be adopted by Ordinance by this Commission.

NOW, THEREFORE, BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected there to concurring, that:

SEC. 1: Piqua City Ordinance 154.127 attached as Exhibit A is repealed in its entirety and shall be replaced with the amended ordinance attached hereto as Exhibit B.

SEC. 2: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

________________________________________
KATHRYN B. HINDS, MAYOR

PASSED: ________________________________

ATTEST: ________________________________

KAREN S. JENKINS
CLERK OF COMMISSION

The Motion to adopt the foregoing Ordinance was offered by______________
seconded by______________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds
Commissioner John Martin
Commissioner William Vogt
Commissioner Kris Lee
Commissioner James C. Grissom
§ 154.127 DEMOLITION STANDARDS; PERMIT REQUIREMENT.
This section shall explain the applicable standards for demolition work and the procedure, process, and requirements to obtain a demolition permit within the city.

(A) Downtown Historic District. Demolitions within the Downtown Historic District requires an approved certificate of appropriateness. Said certificate of appropriateness shall be issued in compliance with §§ 152.01 through 152.08 prior to the commencement of any demolition within the Downtown Historic District for which a demolition permit issued in accordance with this section is still necessary.

(B) Demolition Permit Required. A demolition permit issued by the enforcing official shall be required for every demolition of any structure in excess of 200 square feet in area. Every application for a demolition permit shall include reasons for demolition, a site plan and such other documentation as may be necessary.

1. Site Plan. A site plan, containing the following information at a minimum, shall be provided:
   (a) The location and dimensions of all structures on the lot.
   (b) Property boundaries and dimensions, including distances from other structures and or lot lines to the structure or structures to be demolished.
   (c) Prominent natural features, landscaping, or other physical improvements found on the lot.
   (d) Planned staging areas, equipment parking, and or dumpster locations.
   (e) The location of all utilities and the disconnection and disposition thereof.
   (f) An explanation of the purpose for the demolition project and a statement regarding the intended use of the vacated site.
   (g) The natural features, landscaping, structures, or other physical improvements to be demolished and the intended clean-up and restoration of the site, including but not limited to the work items required to satisfy the following minimum demolition and restoration standards:
      1. The demolition and excavation of all footers, foundations, slabs, service sidewalks, and improvements incidental to the building being demolished; and the demolition and excavation of all footers, foundations, slabs, service sidewalks, and improvements incidental to any buildings accessory to the building being demolished.
      2. Placement of compacted backfill in openings or excavations and grading thereof to match the existing surrounding surface contours.
      3. Placement of six inches of topsoil over all backfilled or disturbed areas.
      4. Placement of grass seed and mulching over all backfilled or disturbed areas covered with topsoil.
      5. Placement of erosion control as deemed necessary by the enforcing official.
      6. Placement of fence and or any other safety precautions deemed necessary by the enforcing official.
   (h) The disposal location for the demolition debris.

2. Permit application. A permit application or other supporting documentation, containing the following information at a minimum, shall be provided:
   (a) Anticipated start date and completion date for the demolition activity.
   (b) Evidence that all taxes and utility bills are paid in full, as deemed necessary by the enforcing official.
   (c) Any other information that is deemed necessary by the enforcing official to completely explain the proposed demolition.
   (d) A photographic record of each elevation of the building or buildings to be demolished.
   (e) A special use permit, issued in accordance with §§ 154.063 and 154.064, for any structure (or structures) to remain on the lot, when the subject structure (or structures) to remain on the lot is a nonconforming use, or if the demolition activity will cause the subject structure (or structures) to remain on the lot to become a nonconforming use.

3. License and Bond or Other Surety. Prior to the issuance of a demolition permit, the owner, agent or person with control of the property subject to demolition shall execute a license provided by the city, granting to the city the right to enter the property. The license shall permit the city to correct or eliminate any unsafe condition or conditions at the demolition site before, during and after the demolition. The license granted by the applicant shall further provide that the city shall have the sole right to determine if a condition or conditions are unsafe. The license shall further include an agreement providing that the owner, agent or person with control of the property subject to demolition shall indemnify the city for its cost to correct or eliminate the unsafe condition or conditions. The agreement shall provide that the indemnification may be from the performance bond, cash deposit or other surety the owner, agent or person with control of the property subject to demolition shall post with the city to assure the city that the demolition work will proceed as permitted. The value of the surety shall not exceed the cost associated with the demolition and site restoration, as determined by a detailed estimate to be provided by the owner, agent or person with control of the property subject to demolition, provided the enforcing official finds the estimate to be a reasonable estimation of the gross costs anticipated to complete the demolition and restoration project. The terms of the surety shall provide that the city may retain or claim the surety proceeds if the permit holder fails to perform the demolition or restoration activities in accordance with the permit granted. The value of the surety may be reduced during the course of the demolition work, at the sole discretion of the enforcing official, if, in the estimation of the enforcing official, sufficient surety remains to assure completion of the demolition and site restoration activity.

4. Other approvals or regulations. Other regulatory agency approvals necessary prior to the issuance of a demolition permit by the city, or the regulations of other agencies which are applicable and to be adhered to during the completion of any demolition work.
includes but are not limited to those of the Ohio Environmental Protection Agency, Regional Air Pollution Control Authority, Department of Health, Department of Public Works, and the like.

(5) Permit expiration. Any demolition permit issued under this section shall expire 30 days from the date of issuance if the demolition has not commenced; or if demolition has commenced and the work is delayed for a period of more than ten consecutive days and the enforcing official determines that the delays were unnecessary, or if demolition has commenced and the work continues for a period of more than 30 consecutive days beyond the anticipated completion date indicated on the permit application, or upon completion of the demolition work in accordance with the permit issued. The enforcing official may authorize one or more extensions of the permit provided the enforcing official determines that the owner, agent or person with control of the property subject to demolition has demonstrated the ability to complete the work in a timely and workmanlike manner.

(Ord. 42-96, passed 9-17-96; Am. Ord. 19-08, passed 7-21-08) Penalty, see § 154.999
§ 154.127 DEMOLITION STANDARDS; PERMIT REQUIREMENT.

This section shall explain the applicable standards for demolition work and the procedure, process, and requirements to obtain a demolition permit within the city.

(A) Downtown Historic District. Demolitions within the Downtown Historic District requires an approved certificate of appropriateness. Said certificate of appropriateness shall be issued in compliance with §§ 152.01 through 152.08 prior to the commencement of any demolition within the Downtown Historic District for which a demolition permit issued in accordance with this section is still necessary.

(B) Demolition Permit Required. A demolition permit issued by the enforcing official shall be required for every demolition of any structure in excess of 200 square feet in area. Every application for a demolition permit shall include reasons for demolition, a site plan and such other documentation as may be necessary.

(1) Site Plan. A site plan, containing the following information at a minimum, shall be provided:
   (a) The location and dimensions of all structures on the lot.
   (b) Property boundaries and dimensions, including distances from other structures and or lot lines to the structure or structures to be demolished.
   (c) Prominent natural features, landscaping, or other physical improvements found on the lot.
   (d) Planned staging areas, equipment parking, and or dumpster locations.
   (e) The location of all utilities and the disconnection and disposition thereof.
   (f) An explanation of the purpose for the demolition project and a statement regarding the intended use of the vacated site.
   (g) The natural features, landscaping, structures, or other physical improvements to be demolished and the intended clean-up and restoration of the site, including but not limited to the work items required to satisfy the following minimum demolition and restoration standards:
      1. The demolition and excavation of all footers, foundations, slabs, service sidewalks, and improvements incidental to the building being demolished.
      2. Placement of compacted backfill in openings or excavations and grading thereof to match the existing surrounding surface contours.
      3. Placement of six inches of topsoil over all backfilled or disturbed areas.
      4. Placement of grass seed and mulching over all backfilled or disturbed areas covered with topsoil.
      5. Placement of erosion control as deemed necessary by the enforcing official.
      6. Placement of fence and or any other safety precautions deemed necessary by the enforcing official.
   (h) The disposal location for the demolition debris.

(2) Permit application. A permit application or other supporting documentation, containing the following information at a minimum, shall be provided:
   (a) Anticipated start date and completion date for the demolition activity.
   (b) Evidence that all taxes and utility bills are paid in full, as deemed necessary by the enforcing official.
   (c) Any other information that is deemed necessary by the enforcing official to completely explain the proposed demolition.
   (d) A photographic record of each elevation of the building or buildings to be demolished.
   (e) A special use permit, issued in accordance with §§ 154.063 and 154.064, for any structure (or structures) to remain on the lot, when the subject structure (or structures) to remain on the lot is a nonconforming use, or if the demolition activity will cause the subject structure (or structures) to remain on the lot to become a nonconforming use.

(3) License and Bond or Other Surety. Prior to the issuance of a demolition permit, the owner, agent or person with control of the property subject to demolition shall execute a license provided by the city, granting to the city the right to enter the property. The license shall permit the city to correct or eliminate any unsafe condition or conditions at the demolition site before, during and after the demolition. The license granted by the applicant shall further provide that the city shall have the sole right to determine if a condition or conditions are unsafe. The license shall further include an agreement providing that the owner, agent or person with control of the property subject to demolition shall indemnify the city for its cost to correct or eliminate the unsafe condition or conditions. The agreement shall provide that the indemnification may be from the performance bond, cash deposit or other surety the owner, agent or person with control of the property subject to demolition shall post with the city to assure the city that the demolition work will proceed as permitted. The value of the surety shall not exceed the cost associated with the demolition and site restoration, as determined by a detailed estimate to be provided by the owner, agent or person with control of the property subject to demolition, provided the enforcing official finds the estimate to be a reasonable estimation of the gross costs anticipated to complete the demolition and restoration project. The terms of the surety shall provide that the city may retain or claim the surety proceeds if the permit holder fails to perform the demolition or restoration activities in accordance with the permit granted. The value of the surety may be reduced during the course of the demolition work, at the sole discretion of the enforcing official, if, in the estimation of the enforcing official, sufficient surety remains to assure completion of the demolition and site restoration activity.

(4) Other approvals or regulations. Other regulatory agency approvals necessary prior to the issuance of a demolition permit by the city, or the regulations of other agencies which are applicable and to be adhered to during the completion of any demolition work includes but are not limited to those of the Ohio Environmental Protection Agency, Regional Air Pollution Control Authority, Department of Health, Department of Public Works, and the like.
(5) *Permit expiration.* Any demolition permit issued under this section shall expire 30 days from the date of issuance if the demolition has not commenced; or if demolition has commenced and the work is delayed for a period of more than ten consecutive days and the enforcing official determines that the delays were unnecessary, or if demolition has commenced and the work continues for a period of more than 30 consecutive days beyond the anticipated completion date indicated on the permit application, or upon completion of the demolition work in accordance with the permit issued. The enforcing official may authorize one or more extensions of the permit provided the enforcing official determines that the owner, agent or person with control of the property subject to demolition has demonstrated the ability to complete the work in a timely and workmanlike manner.

(Ord. 42-96, passed 9-17-96; Am. Ord. 19-08, passed 7-21-08) *Penalty. see § 154.999*
CALL TO ORDER
At 6:00pm Chairman Oda called the meeting to order and welcomed all in attendance. Mr. Oda outlined the order of business and procedures that will be followed by the Planning Commission.

ROLL CALL
Members Present: Gary Koenig, Jim Oda, Cindy Pearson, Stu Shear, Joe Wilson

MEETING MINUTES
The minutes of August 13, 2019 Planning Commission Meeting were approved 5-0 by voice vote.

NEW BUSINESS
Resolution PC 12-19
A Resolution to consider an amendment to the zoning chapter of the codified ordinances to modify code provisions pertaining to minimum permit requirements and restoration standards for demolition projects.

Chris Schmiesing explained that section 154.127 of the zoning code outlines demolition standards and permit requirements. As it is currently written, if the principal structure is demolished the accessory structure must also be demolished, unless the Planning Commission authorizes it to remain as a special use of the premises. Item PC 11-19 on the August Planning Commission Agenda demonstrated how the special use process is utilized to address this type of scenario.

A request from the City Commission resulted in the Law Director drafting the proposed amendment for Planning Commission consideration. Planning Commission members discussed the proposed amendment and commented on the pros and cons of the amendment. Planning Commissioners noted that the current code text prevents accessory structures that are no longer accessory to the original use they were designed to support from being left behind and possibly becoming a nuisance to the neighborhood. The commissioners also noted that the code text as proposed would allow a swimming pool or utility shed or greenhouse to be left behind. Planning Commission members noted the condition of the structure is not so much the concern of the zoning code, as this can be addressed by the property maintenance code; rather, the concern is if an accessory structure that is left behind ends up being used in a manner that is not compatible with the surrounding use types and it becomes a nuisance to the neighborhood. Planning Commission members noted that the way the code is currently written there is an opportunity to take all of these types of concerns
into consideration and if it is determined it will be okay then the structure can be allowed to remain. Planning Commission members also noted the proposed amendment would remove the opportunity to evaluate the circumstances and make a determination as to the appropriateness of the accessory structure being allowed to remain. After deliberation the Planning Commission recommended by a 4-1 roll call vote that the proposed amendment be defeated and the code text remain as currently written.

No additional comments were offered by persons in attendance.

Resolution PC 13-19

A Resolution to consider the Vacation of a portion of platted public right of way known as the alley passing through parcels N44-099860, N44-047300, N44-047320 and N44-092240.

Staff noted that this request is in preparation of platting several parcels into one single parcel. Staff noted the proposed portion of right of way to be vacated is currently occupied by private improvements and it is not necessary to any utilities or public transportation interests.

Mike Harwood, Project Manager for Hartzell Industries - 1025 S. Roosevelt Avenue, Piqua, came forward and stated that the intention is to clean up the property lines and to combine separate lots for future development purposes. He indicated Hartzell has no intention of making any changes or alterations to the portions of their property abutting the existing alley to the south and there are no changes planned for that area.

No one else came forward and no additional comments were made at this time.

Stu Shear motioned to approve Resolution PC 13-19 and Joe Wilson seconded. Resolution PC 13-19 was approved by a 5-0 roll call vote.

OTHER BUSINESS

No other business at this time.

ADJOURNMENT

With no other questions, comments or business before the Planning Commission, a motion was made by Mr. Shear and seconded by Mrs. Pearson to adjourn the meeting. With all those present in support of the motion the meeting was adjourned at approximately 6:34 P.M.

Attending the meeting to prepare the meeting minutes provided herein was Bethany Harp, Administrative Assistant, City of Piqua Development
Department. Comments requesting corrections, additions or deletions to the content of this record should be directed to Ms. Harp at bharp@piquaoh.org.
ORDINANCE NO. 6-19

AN ORDINANCE TO VACATE A PORTION OF PUBLIC ALLEY RIGHT-OF-WAY

WHEREAS, pursuant to Piqua Charter Section 98, the City Commission adopted Resolution No. R-75-19 declaring its intent to vacate a portion of public right of way known as an alley located east of Roosevelt and north of Electric Avenue, as shown in Exhibit "A" attached hereto; and,

WHEREAS, a notice of the declaration of intent to vacate the subject right of way was served to the abutting property owners and published in the local newspaper; and

WHEREAS, the notice of the declaration of intent stated the time and place at which objections could be presented before the Planning Commission; and

WHEREAS, the Planning Commission met in open sessions and took public comment regarding the proposed public right of way vacation; and

WHEREAS, the Planning Commission, after hearing the item and considering the public comments and information provided, recommended approving the vacation of a portion of public right of way known as an alley located east of Roosevelt and north of Electric Avenue, as shown in Exhibit "A" attached hereto; and

WHEREAS, pursuant to Piqua Charter Section 98, vacation of public right of way must be adopted by Ordinance by this Commission.

NOW, THEREFORE, BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: This Commission hereby takes the action necessary to authorize and approve the vacation of a portion of public right of way known as an alley located east of Roosevelt and north of Electric Avenue, as shown in Exhibit "A" attached hereto.

SEC. 2: The City Manager shall cause the affected portion of right of way to be vacated and all appropriate and necessary legal instruments supporting such action to be properly recorded.

SEC. 3: This Ordinance shall take precedence over all prior Ordinances or Resolutions pertaining to the affected portion of the subject public right of way.

SEC. 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 10/1/2019

______________________________
KATHRYN B. HINDS, MAYOR

______________________________
KAREN S. JENKINS
CLERK OF COMMISSION
The Motion to adopt the foregoing Ordinance was offered by ____________
seconded by ____________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds
Commissioner John Martin
Commissioner William Vogt
Commissioner James C. Grissom
Commissioner Kris Lee
### Commission Agenda

**Staff Report**

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>October 1, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>AN ORDINANCE TO VACATE A PORTION OF PUBLIC ALLEY RIGHT-OF-WAY</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Chris Schmiesing, Community and Economic Development Director</td>
</tr>
<tr>
<td>Development Department</td>
<td></td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>☐ Consent  ☑ Ordinance  ☐ Resolution  ☐ Regular</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>☐ City Manager  ☐ Asst. City Manager/Finance  ☑ Development Director  ☑ Planning Commission</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>The applicant desires to vacate a platted portion of a public right of way known as an alley located east of Roosevelt and north of Electric Avenue. The subject right of way is not being used for public purposes, is of no benefit to the public, and is currently occupied by private improvements. City Commission has declared their intent to vacate the subject right of way and the public hearing was advertised in accordance with the City Charter and conducted by the Planning Commission. The Planning Commission unanimously recommended approval of this request. No one was present at the public hearing to object to this request.</td>
</tr>
<tr>
<td>BUDGET/FINANCIAL IMPACT</td>
<td>Budgeted $: 0  Expenditure $: 0  Source of Funds:</td>
</tr>
<tr>
<td>(Project costs and funding sources)</td>
<td>Narrative: Approving the ordinance will vacate the public interest in the subject right of way and allow the ownership interest to transfer to the adjoining properties.</td>
</tr>
<tr>
<td>OPTIONS</td>
<td>1. Adopt the ordinance to vacate the subject right of way.  2. Defeat the ordinance to deny the vacation of the subject right of way.</td>
</tr>
<tr>
<td>(Include deny/approval option)</td>
<td></td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the proposed ordinance.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Map and PC Resolution</td>
</tr>
</tbody>
</table>
RESOLUTION NO. FC 13-19

WHEREAS, Michael Harwood, Applicant and Project Manager for Hartzell Industries, has submitted a request to vacate a portion of platted public right of way known as the alley passing through parcels N44-099860, N44-047300, N44-047320 and N44-092240, and,

WHEREAS, the City of Piqua City Commission has declared their intent to consider the vacation of the subject right of way and referred the item to the Planning Commission for study and a recommendation; and,

WHEREAS, section 98 of the Piqua Charter provides the procedure for considering a right of way vacation request; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established as fact that the portion of public right of way proposed for vacation:

☐ Is unimproved and does not provide essential access to surrounding properties
☐ Is unoccupied by public utilities or other uses commonly located within public right of way
☐ Is not identified on any transportation plan indicating the right of way is or will be necessary
☐ Is not essential to any existing or future development or use of the surrounding properties

NOW THEREFORE BE IT RESOLVED, board member [Stu Shear] hereby moves to approve the request, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member [Joe Wilson], and the voting record on this motion is hereby recorded as follows.

<table>
<thead>
<tr>
<th></th>
<th>AYR</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Jim Oda</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms. Cindy Pearson</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stu Shear</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Gary Koenig</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Joe Wilson</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>