

**MINUTES
PIQUA CITY COMMISSION
AUGUST 17, 2009
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 Hudson called the meeting to order. Also present were Commissioners Martin, Fess, Vogt, and Terry. Absent: None.

ADJOURN INTO EXECUTIVE SESSION

EXECUTIVE SESSION:

Moved by Commissioner Fess, seconded by Commissioner Vogt, to adjourn into Executive Session to prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel. Roll call, Aye: Fess, Terry, Vogt, Martin, and Hudson. Nay: None. Motion carried unanimously. Commissioners adjourned into Executive Session at 7:35 P.M.

Moved by Commissioner Terry, seconded by Commissioner Martin, to adjourn from Executive Session and convene as the Piqua City Commission at 8:05 P.M. Voice vote, Aye, Hudson, Vogt, Terry, Martin, and Fess. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to add the City of Piqua Mid Year Financial Update, and Resolution No. R-77-09 to the end of the regular City Commission agenda. Voice vote, Aye: Martin, Fess, Hudson, Terry, and Vogt. Nay: None. Motion carried unanimously.

REGULAR CITY COMMISSION MEETING

APPROVAL OF MINUTES

Moved by Commissioner Terry, seconded by Commissioner Vogt, that the minutes of the Regular City Commission Meeting of August 3, 2009 be approved. Voice vote, Aye: Hudson, Terry, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously.

City Manager Enderle introduced Barry Strock, of Barry Strock Consultants Inc. he is advising the City on the upgrading of the Financial Management System. Mr. Strock was involved in putting together the proposals, and is helping to evaluate the demonstration of the four vendors that were chosen, and to select the best possible one to work with the City. Mr. Strock has over forty years of experience, and his services are invaluable to the City of Piqua, stated City Manager Enderle.

ORD. NO. 10-09 (2nd Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 121-122 and 127 the Recall

Commissioner Fess stated the Charter Review Committee will stay in place the next two years, to oversee the ballot issues that will be going on the ballot the next two years, and asked if any formal action should be taken. Law Director Wall explained it was stated the entire packet was accepted at the August 3, Piqua City Commission Meeting as public record, and in the report it states that the Charter Review Committee would stay in place for two-years, so no formal action needs to be taken at this time.

Commissioner Martin stated from all the information he has heard, the Charter Review Committee did a good job, and this Ordinance is going to allow the public to vote on the Charter changes recommended by the Charter Review Committee.

Law Director Wall stated the Law Department has not received any comments either way, and there has been no further discussion as far as the committees recommendations. Commissioner Fess stated everything she has heard has been positive, and people feel it clarifies a lot of the areas, and she is hearing what a good job the Charter Review Committee did. Commissioner Vogt added they are only hearing positive comments from both sides.

Public Comment

No one came forward to speak for or against Ordinance No. 10-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 10-09 be read on three separate days be suspended. Voice vote, Aye: Hudson, Martin, Fess, Terry, and Martin. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 10-09 be adopted. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 10-09 adopted.

ORD. NO. 11-09

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 14, 16, 21, 25, 27-29 Initiative and Referendum Process

Public Comment

Larry Starrett, Fairfax Avenue, came forward and stated he could not hear what the Commissioners were saying, and asked if they would move forward and speak into their microphones. Mr. Starrett further stated he was not sure what they were voting on at this time and asked if someone would explain it.

City Manager Enderle explained the Ordinance and the various amendments that were being discussed.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the rule requiring Ordinance No. 11-09 be read on three separate days be suspended. Voice vote, Aye: Vogt, Martin, Fess, Terry, and Hudson. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 11-09 be adopted. Voice vote, Aye: Fess, Terry, Martin, Hudson, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 11-09 adopted.

ORD. NO. 12-09

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 135 Miscellaneous Provisions

Law Director Wall explained Ordinance No. 12-09 explains how the Charter Amendments get to the ballots. It clarifies the number of signatures required for charter amendments, said Ms. Wall.

Public Comment

Bradley Boehringer, Mound Street, came forward and said he wanted to state for the record this Ordinance is for initiated Charter Amendments, not the ones that the Charter Review Committee would put forth. Law Director Wall replied that is correct.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 12-09 be read on three separate days be suspended. Voice vote, Aye: Martin, Hudson, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Ordinance No. 12-09 be adopted. Voice vote, Aye: Vogt, Hudson, Fess, Terry, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 12-09 adopted.

ORD. 13-09 (1st Reading)

An Emergency Ordinance to make Appropriations for the City of Piqua, Ohio for the year 2009

City Manager Enderle explained the need for the ordinance at this time.

There was discussion of several of the funds receiving stimulus money, it was explained at mid year they go back and reappropriates the grants and miscellaneous expenses and revenues, and it was made clear that the money has already been appropriated and approved previously, and this was just the transferring of the money into the appropriate funds at this time.

Finance Director Cynthia Holtzapple gave a brief overview of the changes, and explained several of the new changes that have occurred this year.

Commissioner Martin stated there was a misspelling in the first Whereas of Ordinance No. 13-09 and asked if it could be corrected, the word was "measures", and should read as "measures".

City Manager Enderle further stated if the Ordinance is passed the City could consider an additional \$250,000 in street projects this year.

Public Comment

No one came forward to speak for or against Ordinance No. 13-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 13-09 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Hudson, Martin, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 13-09 be adopted. Voice vote, Aye: Terry, Martin, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 13-09 adopted.

ORD. NO. 14-09 (1st Reading)

An Ordinance amending Chapter 131 Offenses Against Property

Law Director Wall gave a brief explanation on the need for the changes to Chapter 131, citing Ordinance No. 14-09 relates to scheduled and dangerous prescription drugs and their usage. There was discussion on how the scheduled or prescription drugs are transported, and what happens if they are not in the prescription bottle they are issued in, and the fact that the prescription drugs need to remain in the bottle they are issued in. Police Chief Jamison explained some of the dangerous situations the police department has encountered involving the dangerous drugs. Chief Jamison further stated prescription drugs are the number one drug being abused by kids, with painkillers topping the list. It was explained the Ohio Revised Code does not cover these types of offenses, thus the need for Ordinance No 14-09 at this time.

Public Comment

Regina Favorite, New Haven Road, voiced her concern about students taking drugs to school and the fact they need to inform the teacher of their need for the prescription drug.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Ordinance No. 14-09 be given a first reading.

ORD. NO. 15-09

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

City Manager Enderle explained the type of assessments, and stated property owners have until September 2, 2009 to pay off their assessments before they are assessed to their taxes.

There was discussion of several of the higher assessments and fees on the list, and a grass mowing that took place before a home was purchased. City Manager gave a brief explanation on how the assessments are applied, and when. City Manager Enderle further stated the purchaser should contact the City to see if there are any assessments outstanding on a property before purchasing the property.

Commissioner Martin inquired about the high fee for grass mowing at a property located on S. Downing Street.

Health & Sanitation Director Amy Welker explained the reason for some of the high fees.

Mayor Hudson asked the amount of non-pay of electrical bills each month. Finance Director Holtzapple stated it is about \$12,000 a month but the City does recoup a portion of the money, the average is \$75,000 - \$100,000 a year. Mayor Hudson asked why there is no assessment for non-payment of electric bills. Ms. Holtzapple stated there are certain guidelines that need to be followed, but she would look into it.

Public Comment

No one came forward to speak for or against Ordinance No. 15-09.

Moved by Commissioner Terry, seconded by Commissioner Martin that Ordinance No. 15-09 be given a first reading.

RES. NO. R-75-09

A Resolution relating to the application for annexation of certain real property to the City

Commissioner Fess asked if the property being annexed would go all the way to R.M. Davis Parkway.

City Planner Chris Schmiesing explained where the annexed property was located.

Mayor Hudson asked if Resolution No. R-75-09 is approved is it ready to be annexed. Mr. Schmiesing stated yes, all the paperwork has been filed. Commissioner Fess inquired about the JEB Limited property, and asked if it had been sold at auction recently. Mr. Schmiesing stated it was entertained, but not sold as far as he knows.

Public Comment

No one came forward to speak for or against Resolution No. R-75-09.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-75-09 be adopted. Voice vote, Aye: Hudson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-75-09 adopted.

RES. No. R-76-09

A Resolution authorizing the Law Director to petition the Board of County Commissioners of Miami County, Ohio for a change in the boundary lines of Washington Township

Commissioner Fess asked about the length of time permitted, and the amount of the fees to be paid back to the Township. Mr. Schmiesing explained how the fees are paid back and the length of time.

Public Comment

No one came forward to speak for or against Resolution No. R-76-09.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-76-09 be adopted. Voice vote, Aye: Vogt, Martin, Fess, and Terry. Nay. None. Motion carried unanimously. Mayor Hudson declared Resolution No. R-76-09 adopted.

OTHER

Mid-Year Financial Update – Cindy Holtzapple

Finance Director Cindy Holtzapple presented a power point overview of the Enterprise Usages through July 2008 and July 2009, Actual General Fund Revenues through July 2008 and July 2009, Actual Tax Revenues and a breakdown by Type through July 2008 and July 2009, and General Fund Projects 2006-2008 by going through each area and explaining the projections.

Commissioner Fess asked if Ms. Holtzapple would explain the difference between the Enterprise Fund and the General Fund. Ms. Holtzapple explained how the money was distributed in each of the two funds.

A copy of the Mid Year Update was given to each Commissioner, and is on file in the Finance Department.

City Manager Enderle stated with the 1.7 million ending balance we should make it through 2009 ok, but if the revenues don't bounce back very significantly there could be some problems. The focus for 2010 is the 13.6 million expenditure level that needs to be reduced by at least 2.0 million, or the revenues will have to increase by that much. City Manager Enderle further stated he was glad they had put the Lottery winnings in savings, and the estate money the city received this year.

Commissioner Fess stated this does not take into consideration the State may make additional cuts to municipalities because they have not finished their budgets yet. Ms. Holtzapple stated yes, we are uncertain what our funding levels will be, and will be watching the State Legislature closely to see where they are going to try and balance their budget.

Commissioner Fess stated the City of Piqua is not alone in their struggle to balance the budget, other communities are having the same issues.

Resolution No. R-77-09 was added to the City Commission Agenda at the August 17, 2009 meeting after an Executive Session was held at the beginning of the Commission Meeting.

RES. NO. R- 77-09

A Resolution rejecting the Fact-Finders decision regarding contractual matters between the City of Piqua and the American Federation of State, County and Municipal Workers, Inc. (AFSCME), Ohio Council 8, Local 984

Law Director Wall explained the subsequent changes to the contract issues in the resolution. Ms. Wall further stated the City of Piqua has ten days to accept or reject the contract, which involves the decision of the Fact-Finder on eight articles, including wages and health insurance that was issued on August 14, 2009. This resolution rejects the contract that was presented to the City of Piqua by the Fact-Finders, said Ms. Wall.

City Manager Enderle stated we would have to cut services, and possibly lay people off to pay for the increases as proposed, and he believes the Fact-Finder erred in his judgment, and strongly recommends we reject this report.

Commissioner Fess asked what exactly does it mean to reject the Fact-Finders decision. Law Director Wall explained what it means, and stated the Union has the right to strike, but must give a ten-day notice before doing so. Commissioner Fess stated the City has had several unusually high health care claims recently, which could increase the premiums in the future. Law Director Wall explained what the insurance companies look at, and stated the City will receive the insurance quotes in October of this year.

Public Comment

No one came forward to speak for or against Resolution No. R-77-09.

Moved by Commissioner Fess, seconded by Commissioner Vogt, to adopt Resolution No. R-77-09. Roll call vote, Aye: Fess, Martin, Terry, Vogt, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson declared Resolution No. R-77-09 adopted.

Public Comment

Bradley Boehringer, Mound Street, stated the Charter Review Committee did an excellent job, and were well appointed, and he is looking forward to seeing the changes implemented if voted in.

Mr. Boehringer voiced his concern on whether the City of Piqua is being fiscally responsible, and if it is necessary to lay-off personnel where would it be, and would it be possible to give unpaid time off, and furloughs instead.

James Cruse, N. County Rd. 25-A, voiced his concern over weeds on County Road 25-A west of the Indian Ridge subdivision. City Manager Enderle stated he would check into it and get back to him.

Joe Francis, W. Parkway Drive, voiced his concern about the Route 36 paving and if the city annexes property in, would the city be responsible for any of the new area of the road. City Manager Enderle stated we would receive state aid if we had to repave it at this time, it would be something we would have to work out with ODOT.

Commissioner Vogt stated he had received several calls regarding the \$50,000 funding for the playground equipment at Kiwanis Park and Das Park, and would it have to come to the City Commission before being spent. City Manager Enderle stated yes, the resolution would come before the City Commission.

Commissioner Fess stated she wanted to respond to the comment about the City of Piqua being fiscally responsible. Commissioner Fess believes the Commission and the Administration are working as hard as they can to make sure everything they are doing is responsible, and doing the best they can under these tough circumstances. Commissioner Fess further stated we are no position to say who and where the lay-offs will be. Hopefully we can do this without any lay-offs, which is our goal, and lay-offs would be our last resort.

Commissioner Fess also stated she has several citizens ask her about seeing Street Department employees working overtime on Saturdays and asked if this was putting us over in the budget. City Manager Enderle explained the reason for the Street Department employees working on Saturdays doing weed cutting and etc. and further stated it does not impact the budget.

Commissioner Terry inquired if the Street Schedule was on track or behind at this time, and if they are concentrating on the alley's and potholes. City Manager Enderle stated they are on schedule and believes they are doing very well.

Commissioner Terry stated the north end has had several break-ins, and reminded citizens to lock their cars and report any suspicious activity to the Police Department.

Commissioner Terry also inquired as to the Hospital Demolition Project and the EPA involvement.

City Planner Chris Schmiesing explained that they are in Phase II of the project and are looking into grants and Brownfield Funds to help the owner with the expenses.

Commissioner Fess asked if the city had any other means to go after the property owner to get things done. Mr. Schmiesing explained the process, and the EPA's involvement, and stated they are looking to move to the next step soon.

Commissioner Terry thanked Tom Westfall and all the students involved for another great performance of the Music Warehouse. Commissioner Terry announced the Neighborhood Associations are challenging each other in a blood drive to be held on September 1, 2009 at the Piqua Fire Department, and asked citizens to come and donate and vote for their particular Neighborhood Association. Commissioner Terry also reminded citizens of the Piqua Heritage Festival that will take place Labor Day Weekend.

City Manager Enderle stated he believes the City of Piqua is fiscally responsible and will be considering all options on reducing workdays and etc. and are considering all possible solutions. We are going to do what is best for the City in terms of providing the level of service that our citizens expect given the situation, said City Manager Enderle.

Mayor Hudson reminded citizens that students go back to school on Monday, August 24, 2009, and to watch for children crossing the streets and on the sidewalks. Also, they have installed new yellow speed bumps on Indian Trail this year, so be prepared to slow down when coming in and out of school.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission at 9:38 P.M. Voice vote, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

