

**MINUTES
PIQUA CITY COMMISSION
Tuesday September 20, 2011
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Vogt, Martin, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

PRESENTATION:

Rev. Hinds and Mr. Michael Yannucci – Presentation of 9/11 Ceremony Filed of Honor Flag

Mr. Yannucci gave a brief overview of the Day of Honor events and thanked the City of Piqua, and the many volunteers who worked to make this event a day of Unity for the Community.

Mr. Yannucci presented a Flag of Honor with a ribbon attached with the names of ten victims from the September 11, 2001 tragedy.

Mayor Fess accepted the flag and thanked Mr. Yannucci and Rev. Hinds for their leadership and to all of the volunteers who help make the Day of Honor a very special day in the Piqua community.

Rev. Hinds stated it was truly an honor to have been a part of the Day of Honor, and thanked the many volunteers who helped to put together such a special day. Rev. Hinds further stated it was truly a day of Unity in the Community.

Mayor Fess thanked both Mr. Yannucci and Rev. Hinds for their continued dedication and volunteerism to the Piqua Community.

RESIDENCE PRIDE AWARDS

326 N. Wayne Street
1002 Nicklin Avenue
538 W. North Street
416 Walker Street
1516 Amesbury Court

Murray, Wells, Wendeln, & Robinson CPA's
Daniel & Irene Dunton
Harry Lamoreaux
Glen & Jan Foutz
Charles & Mary Sue Tullis

Mayor Fess read the names and addresses of the Residence Pride Award winners while a slide was shown of each of the properties. Mayor Fess congratulated all of the winners thanking them for their contribution to making the city beautiful. Mayor Fess further stated she would like to see more homes nominated, and asked citizens to look around their neighborhoods and nominate their neighbors.

Approval of the minutes from the September 6, 2011 Regular Piqua City Commission Meeting, and the minutes from the September 9, 2011 Special Meeting-Executive Session

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the Regular Piqua City Commission Meeting of September 6, 2011 and the Special Meeting-Executive Session of September 9, 2011 be approved. Voice vote, Aye: Fess, Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 12-11 (3rd Reading)

An Ordinance amending Schedule 1-Speed Limits, adopted in accordance with City of Piqua Code of Ordinances Section 77-01 Traffic Schedules Adopted of Chapter 77 Traffic Codes

Interim City Manager Murphy stated this is the third reading of Ordinance No. 12-11 relating to the rerouting of State Route 185.

City Planner Chris Schmiesing gave a brief slide presentation offering the staff's interpretation of the State Law as it relates to the speed limits. Mr. Schmiesing stated the presentation will summarize the purpose of a speed limit, the factors considered when establishing a speed limit, in particular as the subject relates to the proposed modification of the Park Avenue, Broadway and Ash Street speed limits.

Mr. Schmiesing went over each section briefly explaining the information and stating there are a lot of factors to be considered before revising the speed limit, and hopes the presentation was able to bring more in depth information for the consideration of the lowering of the speed limit. A complete copy of the power point presentation is available in the Development Department and in the Clerk of Commission's office for review.

Mayor Fess stated she has received a number of telephone calls and emails from the community regarding the issue of the speed limit. Mayor Fess asked for public opinion at this time.

Frank Patrizio, Sunset Drive, came forward stating he has driven on the road in question for over thirty years and has only seen one accident, and believes the line of site along there is excellent. Mr. Patrizio stated the Ohio Revised Code Section 4511.65 is the definition of a Through Highway and read the designation. The State of Ohio designated this street as a Through Highway when it was designated as State Route 185, and asked now by removing the State Route 185 designation it is no longer considered a Through Highway? Mr. Patrizio went on to cited and read several other ORC Sections including Sections 4511.21B and 4511.21J concerning the speed limits and the definition of a widely spaced intersection is.

Mr. Patrizio further stated he feels the line of site should be reviewed and improved on the lower portion of Park Avenue, as there are several intersections that have site issues when pulling out on to Park Avenue.

Mr. Patrizio stated he is the Solicitor for Covington, Ohio and previously called the Ohio Department of Transportation Executive Directors Office on another matter and inquired about the area in question concerning the speed limits. The Directors Office stated they could care less about what Piqua makes their Speed Limits, stated Mr. Patrizio.

Mr. Patrizio's opinion is that he feels the upper portion of Park Avenue should remain the same at 35 MPH, the lower portion of Park Avenue be lowered to 25 MPH, and take a look at the line of site along the lower area. That is where the problem lies, stated Mr. Patrizio.

Gary Koenig, Peregrine Place, came forward stating he is a candidate for 5th Ward City Commissioner and wanted to voice his opinion on the speed limit on Park Avenue. Mr. Koenig stated he feels the roadway from the Bike Path up to Sunset Drive should remain 35 MPH, and roadway from the Bike Path to downtown should be lowered to 25 MPH.

Russ Fashner, Forest Ave. came forward and noted he has seen people flying both up and down Park Avenue over the many years he has resided on Forest Avenue, and is concerned about the stopping distance with the current speed limit of 35 MPH, especially the Bike Path area. Mr. Fashner further stated it was previously discussed at the meeting held on the rerouting and the

changing of State Route 185, and the lowering of the speed limit from 35 MPH to 25 MPH. Mr. Fashner's opinion is that the speed limit should be lowered to 25 MPH on both areas of Park Avenue.

Jim Hemmert, Boone Street, stated he felt City Planner Chris Schmiesing did a very good job on his explanation on the analysis of the speed limits. Mr. Hemmert feels the speed limit on the upper part of Park Avenue should remain 35 MPH, and feels that the lower portion should be 25 MPH having the city look into the site distance issue.

Glenn Orebaugh, Clifton Drive, came forward and voiced his concern over children walking along Sunset Drive traveling to and from school with the increased truck traffic. Mr. Orebaugh asked if there has been any consideration given to the residents that live along Sunset Drive and what the rerouting of State Route 185 is going to do to their property values.

Mr. Schmiesing gave a brief overview of the rerouting of State Route 185. In 2007 a Comprehensive Plan Update was completed and one of the things that was heard from a number of the citizens throughout the community was an interest in the rerouting of State Route 185 from the residential environment as it currently is located in, and shifting it to Sunset Drive where it is four lane and is a commercial facility that exists where it could connect with Route 36 and connects at Sunset and Covington Avenue. The Ohio Department of Transportation was contacted and they were very receptive to the suggestion of relocating State Route 185. Trucks have a lot of trouble making the turns at several of the intersections such as Sunset and Park, Broadway and Park, and Broadway and Ash Streets, these intersections were not designed for the current truck traffic needs to make the turns. Sunset Drive does not have these issues and it has been designed with four lanes to handle the increased truck traffic.

Mr. Orebaugh stated before the truck traffic was not that heavy on State Route 185 because of the narrow turns, and now with the rerouting of State Route 185 to Sunset there is increased truck traffic because of the easy access and flow of traffic on Sunset Drive.

Mr. Schmiesing stated they looked at the existing traffic counts to be sure they understood the volume of traffic that existed today. He noted that they felt the traffic would remain the same, and increases are typically driven by new development, and there has been no new development west or east of the city recently.

Jim Cruse, County Road 25A, stated he volunteered on the Comprehensive Plan Committee and remembered the rerouting of State Route 185 coming across the table with a lot of citizen input. In their discussions it was found that the speed limit should be changed on Park Avenue. Mr. Cruse further stated he wanted to point out that thirty years ago the semi trucks were not as long as they are now, and it is harder to maneuver the longer semis on Park Avenue.

Kevin Pryfolge, Downing Street, voiced his opinion on the speed limits stating he feels the city is making too much out of this and over thinking it. Mr. Pryfogle suggested at possibly looking at installing bump-outs on the lower portion of Park Avenue and to keep the speed limit the way it is.

Law Director Stacy Wall gave her legal opinion on the speed limits and the General Law. A General Law is something that affects anyone and speed limits are General Laws. As Ms. Wall stated previously any person driving through the City of Piqua regardless if they are a citizen or not is affected by the speed limits, which makes it a General Law. Ms. Wall explained the various sections of the Ohio Revised Code that she researched with the explanations, they include 4511.21 which governs speed limits, 4511.21B which is the definitions, 4511.01 referencing Section 4511.65 defines what the requirements are to be a Through Highway, and 4511.21J it is exception to give the city the authority to increase the speed limit with several items that are needed to meet the exception. There are only two primary research cases, and Mr. Patrizio referenced one and Ms. Wall researched the other. It was found there is no case law on defining widely spaced intersections. You rely basically on common sense or Webster's dictionary to explain what is widely spaced. When you look at the Comprehensive Plan in the City, it references intersections to be up to sixteen hundred feet apart, and we are not even close, the average is

slightly over four hundred feet apart. The area in question is only about one hundred and seventy-one to two hundred feet apart, not close to the average. Ms. Wall stated her legal opinion is that no exceptions are met at this time.

Commissioner Vogt stated he feels the 25 MPH would be appropriate from Washington Avenue to Broadway, and from Washington Avenue to Sunset Drive be 35 MPH as it has always been. Commissioner Vogt further stated there are deer all over town on the roadways not just on Park Avenue, and the children do have sidewalks on Park Avenue and Sunset to walk on. Commissioner Vogt stated he feels there is no basis for increasing the speed limit, and does not like the idea of changing it.

Law Director Wall stated her opinion was not what can we do to reduce the speed limit, is that we are required to reduce the speed limit to 25 MPH because the State Route has been moved. By losing the State Route designation the statute states it has to be 25 MPH so leaving it at the 35 MPH means you want to increase the speed limit. The city is required to and mandated by the Ohio Revised Code, and is her opinion to lower the speed limit to 25 MPH, but you are considering doing what you want to increase it to 35 MPH, explained Law Director Wall.

Commissioner Vogt made a motion, seconded by Commissioner Martin to table Ordinance No. 12-11 until a Work Session can be set-up with the City Commission and the Ohio Department of Transportation to receive further information regarding the speed limits. Roll call, Aye: Fess, Wilson, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

NEW BUSINESS

RES. NO. R-107-11

A Resolution authorizing the City Manager to contract with the Miami County Public Defender Commission

Interim City Manager Bill Murphy stated Resolution No. R-107-11 is the renewal of the contract with the Miami County Public Defender Commission for the year 2011, with no increase this year.

Public Comment

No one came forward to speak for or against Resolution No. R-107-11.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adopt Resolution No. R-107-11. Voice vote, Aye: Fess, Martin, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-107-11 adopted.

RES. NO. R-108-11

A Resolution approving the tax rates for the City as determined by the Miami County Budget Commission

Interim City Manager Bill Murphy stated Resolution No. R-108-11 is the resolution approving the tax rates for the City as determined by the Miami County Budget Commission. This is an annual request for approval of the certified tax rates that will be used to levy property tax on all general duplicates for 2011 to be collected in 2012.

Public Comment

No one came forward to speak for or against Resolution No. R-108-11.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-108-11 be adopted. Roll call, Aye: Vogt, Terry, Wilson, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-108-11 adopted.

RES. NO. R-109-11

A Resolution accepting the resignation of Joe Drapp as a member of the Energy Board

Interim City Manager Bill Murphy stated Resolution No. R-109-11 accepts the resignation of Joe Drapp from the Energy Board.

Public Comment

No one came forward to speak for or against Resolution No. R-109-11 at this time.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-109-11 be adopted. Voice vote, Aye: Terry, Wilson, Vogt, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-109-11 adopted.

RES. NO. R-110-11

A Resolution accepting the resignation of Joe Drapp as a member of the Stormwater Utility Board

Interim City Manager Murphy stated Resolution No. R-110-11 accepts the resignation of Joe Drapp from the Stormwater Utility Board.

Public Comment

No one came forward to speak for or against Resolution No. R-110-11 at this time.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-110-11 be adopted. Voice vote, Aye: Wilson, Vogt, Fess, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-110-11 adopted.

RES. NO. R-111-11

A Resolution authorizing a purchase order to Francis Office Supply for various office products

Interim City Manager Murphy stated the next three resolutions are very similar and deal with existing purchase orders we have with various vendors in the city. Resolution No. R-111-11 deals with Francis Office Supply based on expenditures and expected expenditures for the rest of the year. We are recommending increasing it from \$24,000 to \$50,000,

Commissioner Martin stated we went through \$24,000 in eight months now we are going to go through \$26,000 in four months? Finance Director Cynthia Holtzapple explained further. The \$50,000 that we are requesting is basically looking at what was spent last year, as we spent a little over \$47,000 last year by the end of 2010. Supplies are ordered by each department on an as needed basis, and are not a set amount. We don't necessarily spend the same amounts each year and Ms. Holtzapple gave an example of some of the end of year purchases that occur.

Commissioner Martin asked if the departments did any price checking on the Internet? Ms. Holtzapple stated certainly, and explained that Francis Office Supply is not the only supplier they work with; they don't routinely order the same amount from Francis Office Supply in any department any given month. The departments are required to check for better pricing from other sources before ordering and order on an as needed basis, stated Ms. Holtzapple.

There was further discussion regarding the higher figure being put in the budget at the beginning, and the reason for adding the amount at this time. Ms. Holtzapple explained the reason for the lower amount at the beginning and what might be spent in 2011.

Commissioner Vogt stated he would rather they come to the Commission a second time rather they give them a blank check.

Commissioner Wilson stated to date we have spent approximately \$24,000? Ms. Holtzapple stated yes, through the time the legislation was prepared. Commissioner Wilson stated he agrees the \$50,000 sounds excessive.

Public Comment

No one came forward to speak for or against Resolution No. R-111-11 at this time.

Moved by Commission Martin, seconded by Commissioner Wilson, to amend Resolution No, R-111-11 in Section 2 to read, “ *not to exceed \$36,000*”. Roll call, Aye: Fess, Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Wilson, that Resolution No. R-111-11 be adopted, as amended. Roll call, Aye: Fess, Martin, Vogt, Terry, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-111-11 adopted, as amended.

RES. NO. R-112-11

A Resolution authorizing the City Manager to increase the purchase order amounts for two vehicle maintenance vendors

Interim City Manager Murphy stated there has been a need for additional increases in two of the seven companies and this resolution is asking for approval of these increases.

Finance Director Holtzapple explained the need for the increase citing several vehicle needs and further stating that if it the repairs are not necessary, the money will not be spent.

Commissioner Vogt inquired who designates what service facility the vehicles go to?

Interim City Manager explained in 2009 a Request for Proposal that included various services for City vehicles was approved, and further explained the various services approved.

There was discussion concerning business going to one particular facility, and why \$5000 of business was going to Paul Sherry that should have gone to Automotive Armature. Ms. Holtzapple further explained the process, and how the problem is addressed. Commissioner Vogt stated it is his opinion the vehicles are being sent to the wrong facility.

Mayor Fess stated she does not think it is working; and we need to revisit the contracts.

Interim City Manager Murphy stated these are two-year contracts, however we can revisit the contracts. We can go to the individual departments and look into the repairs that were made.

Commissioner Vogt stated there should be someone in the city that has the knowledge of vehicles that departments heads can go ask about specific problems they are having with their vehicles and where the vehicle should be taken.

Commissioner Martin asked if there was anything specific that we would need repaired to require these amounts be adjusted? Ms. Holtzapple stated no, but you don't know when a repair will come in, with some of the big trucks it could be in the thousands of dollars. There are two purchase orders one is a K purchase order, and the other one is an annual purchase order for each of the businesses, and further explained the reason.

Mayor Fess stated she feels the city needs to revisit this and could possibly have a work session on this issue. Law Director Wall explained we would need to review the contracts first.

Ed Krieger, Power System Director came forward and explained the need for the contracts being approved with the problems they have sometimes with the big trucks, and does not want to see the purchasing process put in jeopardy.

There was discussion on the possible breakdown of some the larger vehicles and the problems they may have if the increase is not approved at this time. Several of the Commissioners felt the increase was to high.

Mayor Fess asked if it would be possible to put in place someone that the departments could go to for reference on a problem with a vehicle.

Interim City Manager Murphy stated they would look into some of the specifics Commissioner Vogt identified, and Commissioner Martins' point to look at a reduced level for spending on these purchase orders. They will schedule a Work Session with the Commission to revisit the process on this. Reminders will be sent out to all department heads to remind them of the process, and if they are not sure where to send the vehicle there are a number of individuals in the city to help them make the right decision on where to take the vehicle based on the problem, stated Mr. Murphy.

Mayor Fess stated the contract could be amended because we have to keep the vehicles running.

Commissioner Vogt feels the problem needs to be addressed because one business is getting all the work now.

Mayor Fess stated we can look at a Work Session in order to discuss the problem and in the mean time we need to give them enough funds to get the work that needs to be done.

Commissioner Wilson stated there is no reason why we can't come back at a later date and amend it again.

Mayor Fess stated by having a Work Session, open to the public and the people who are involved will be able to attend to voice their concerns.

Public Comment

Steve Stiefel, Brentwood came forward and stated it is not a limited situation, with the number of bills Commissioner Vogt has we are talking about a major amount of vehicles in the City. Mr. Stiefel cited several examples of various services that were done with a lot of over charges.

Mayor Fess stated they will look into it, and she hopes that Mr. Stiefel will attend the Work Session.

Mr. Stiefel stated if there is money left on other Purchase Orders why not see if some of the other vendors would do the work rather than giving it to one place, and asked why it was not brought up sooner.

Commissioner Terry stated it would make sense to take the vehicles to the vendors that have not been used.

Finance Director Holtzapple stated there could be problems and we will have to look into it.

There was further discussion on the specific reasons for the problems we are having in taking the vehicles to the correct facility, and if there is someone in house to help direct them to the correct facility. It was stated the city does not have a fleet manager on staff, but will look at all options.

Law Director Wall stated there are legal issues with just appointing someone to do this job since the city is a majority Union City. In the beginning when the contracts were taking place there were issues with billing. The purchasing Agent set down with the department heads and met with the companies and it was stated they were in accordance with the contracts, stated Ms. Wall.

Moved by Commissioner Martin, seconded by Commissioner Terry to amend Resolution No. R-112-11 in Section 1, to lower the amount paid to The Service Company to **\$60,000** and the amount paid to Paul Sherry Chrysler Dodge Jeep to **\$75,000**. Roll call, Aye: Martin, Terry, Wilson, Vogt, and Fess. Nay: None.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-112-11 be amended in Section 1 to lower the amount to The Service Company from \$80,000 to **\$60,000** and to lower the amount for Paul Sherry Chrysler Dodge Jeep from \$100,000 to **\$75,000**. Roll call, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Mayor Fess declared Resolution No. R-112-11 adopted, as amended.

RES. NO. R-113-11

A Resolution authorizing a purchase order to Piqua Materials Inc. for various types of stones

Interim City Manager Murphy stated Resolution No. R-113-11 relates to various projects that will need stone, including the Water Street project, and the Hemm Avenue Roadway Improvements associated with the new Power Systems Service Center.

Public Comment

No one came forward to speak for or against Resolution No. R-113-11 at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-113-11 be adopted. Roll call, Aye: Vogt, Terry, Wilson, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-113-11 adopted.

RES. NO. R-114-11

A Resolution accepting the resignation of Jeff Ortieb as a member of the Income Tax Board of Review

Interim City Manager Murphy stated Resolution No. R-114-11 accepts the resignation of Jeff Ortieb as a member of the Income Tax Board of Review.

Public Comment

No one came forward to speak for or against Resolution No. R-114-11 at this time.

Moved by Commissioner Vogt, seconded by Commissioner Wilson, that Resolution No. R-114-11 be adopted. Voice vote, Aye: Terry, Wilson, Vogt, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-114-11 adopted.

RES. NO. R-115-11

A Resolution requesting authorization to enter into a contract with Camp Dresser & McKee for Professional Services of the Wastewater Plant Master Plan

Interim City Manager Murphy stated this resolution refers to the Wastewater Master Plan.

Bob Yoxthimer of Camp Dresser & McKee came forward and gave a brief overview of the need for the resolution at this time stating it is part of the Plan of Action required by the EPA.

Commissioner Martin asked if city employees performed any of the work done previously. Dave Davis, Wastewater Supervisor stated no; we do not have the capabilities or the proper equipment to that. Mr. Yoxthimer stated that work was done as part of the Sanitary Sewer Master Plan.

Commissioner Wilson asked if there are any changes in the law coming that would affect the SSO requirements since we have a new Republican Governor. Mr. Yoxthimer stated no, we are still on the same path, and regulations state we are not allowed to have SSO's so they have to be eliminated.

Public Comment

No one came forward to speak for or against Resolution No. R-115-11 at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-115-11 be adopted. Roll call, Aye: Wilson, Fess, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-115-11 adopted.

RES. NO. R-116-11

A Resolution transfers of cash from the General Fund to the other funds for the Fiscal Year 2011

Interim City Manager Murphy stated this is a companion resolution to the recent appropriations ordinance that was passed at the September 6, 2011 Commission meeting, and is part of the housekeeping that is done every year.

Finance Director Holtzapple explained this is due to changes in various funds, and this is the explanation of the funds being transferred,

Public Comment

No one came forward to speak for or against Resolution No. R-116-11 at this time.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-116-11 be adopted. Roll call, Aye: Fess, Martin, Vogt, Terry, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-116-11 adopted.

RES. NO. R-117-11

A Resolution authorizing a Professional Service agreement with RA Consultants, LLC

Interim City Manager Murphy stated this deals with the issues of exploring the operational and financial feasibility of establishing a joint water district with the City of Troy. In the beginning the focus was on selling the City of Piqua strictly water with no talk of shared ownership in that proposal. In June 2011 the City was approached by the City of Troy about revisiting the issue. There was discussion of shared ownership of the water treatment facility. In working closely with City of Troy a consultant has been identified as RA Consultants and David Rager who has a great deal of experience working on a regional water authority. This contract for professional services will be shared on a fifty-fifty basis with the City of Troy provide up to \$70,000 to evaluate this alternative. Several pieces of property have been purchased on St. Rt. 66 with the reason being that the City is on a pretty tight timeframe with OPEA in meeting the requirements of updating our water treatment facility and think it is prudent to pursue both paths at this time.

Mayor Fess stated in the initial meetings with the City of Troy to discuss the possibility of working with them, we approached them about an equity interest in their plant, but at that point they had no interest in doing that they only wanted the City to purchase water. This would have created a situation where the City of Piqua had no control over the rates or so many other things, and felt that was not in the best interest of the city, stated Mayor Fess. Troy has now revisited the decision and has come to the City of Piqua with an option of possibly doing an equity interest in their plant,

which is a much newer plant. This is a good time to look at the feasibility of a Regional Water Plant and we need this type of contract.

Commissioner Vogt asked if there would be any State money made available for this project. A meeting is scheduled for October 3, 2011 in Troy to meet with the District Representative from the Governors office. There has been a lot of money put aside for Regionalization Projects, said Mayor Fess and we hope to be able to receive some of these funds if possible.

David Rager, and Paul Thorn from RA Consultants came forward and gave a brief overview on their plans on how to proceed with the project.

Public Comment

Jim Cruse, County Road 25-A came forward and stated as far as Economic Development a Regional Water Plant would be a great asset.

Mayor Fess stated the survey would provide the City with the information needed to make the best decision.

Moved by Commissioner Wilson, seconded by Commissioner Vogt, that Resolution No. R-117-11 be adopted. Roll call, Aye: Martin, Vogt, Terry, Wilson and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-117-11 adopted.

RES. NO. R-118-11

A Resolution authorizing the City Manager to enter into a contract with Burgess and Niple, Inc. for all Certified Professional and Environmental Management Services required to complete the environmental remediation and demolition of the Piqua Hospital Site at a cost not to exceed \$197,100

Interim City Manager Murphy stated this is the next step in removing the eyesore and hope to begin work later in October with completion within twelve months. Questions were asked about the Board of Education requesting the site be ready earlier if the school levy passed in November.

Public Comment

Glenn Orebaugh, Clifton Drive came forward and asked why the city did not pay to have the demolition done. Mayor Fess explained the property was given to the City of Piqua for one dollar, and the demolition will be done with grant dollars, and the City of Piqua could sell it to the School District for one dollar.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-118-11 be adopted. Roll call, Aye: Vogt, Terry, Wilson, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-118-11 adopted.

PUBLIC COMMENT

Russ Fashner, Forest Avenue, came forward and commented on several items including the 185 State Route rerouting, asking about some of the work being done in house such as the paving on Water Street. Mr. Fashner further stated the Northparks Neighborhood Association has been maintaining the weeds along the fenced area around the hospital project. But now Mr. Fashner stated the Northpark Neighborhood members were told they could not be inside the fenced area due to "Liability" issues. Mr. Fashner asked if someone could explain what the liability issues are. Is there something inside the citizens have not been told about, has it been cleaned up? Mr. Fashner stated he has a document he obtained from the EPA that leads him to believe the site has been cleaned up. The way I read the report the catch basins are open and one of the reports shows a grid system showing each area that has been cleaned up. Also, Mr. Fashner asked if the

hospital building and the area not fenced in next to the church are clean? In the document Mr. Fashner obtained it states there is a list of items and the amounts that were taken off of the site, the gallons, pounds, tons and cubic yards of materials removed. The report also gave a week-by-week report of the grid areas that were cleaned, stated Mr. Fashner. What is the liability, the Northparks have built playground equipment in parks and all they had to do was sign waivers, why can't we continue to work on the weeds.

Mayor Fess asked if Mr. Fashner was talking about them going inside the fence to clean up the weeds? Mr. Fashner replied yes.

Mr. Fashner stated he is concerned about the appearance of the property and if the Northparks Neighborhood Association is not permitted to take care of the weeds what will happen? Will the City have to pay to have someone take care of the weeds if the Northparks Neighborhood Association is not permitted to do so?

Mayor Fess stated the City appreciates all the work that the Northparks Neighborhood has provided and will look into the situation.

Edna Stiefel, Boone Street, came forward and asked if someone would check the sidewalks at East Greene and Ash Street citing there are big chunks of sidewalk lying there. Ms. Stiefel also asked if someone would take a look at the young trees in town some of them are dying especially along Spring Street, and inquired about the painting of the five houses on the corner of High and College Street. Mayor Fess stated she would look into these things.

Law Director Wall stated there are civil litigations and legal issues with the five houses on the corner of High and College Street at this time.

Commissioner Wilson commented on the 9/11 Day of Honor, mentioned the Dancing in the Moonlight/Stride and Ride event to be held on September 24th. Commissioner Wilson also commented on the recent dog attack and stated he would like to have a Work Session on the issues with dogs along with Miami County to look at the current rules and regulations. The Wright Pat Credit Union in Troy is accepting donations for Ms. Getsendiner. Commissioner Wilson thanked the citizens who helped Ms. Getzendiner and would like to publicly honor them in some way. Chief Jamison stated Ms. Getzendiner is improving each day. Mayor Fess stated they would look into it.

Commissioner Terry stated she is concerned about the dog situation, and asked about the possible use of Mace to deter them when walking along the Bike Path. Chief Jamison stated there are plenty of legal sprays available, but cautions their use in certain situations.

Commissioner Terry congratulated the 9/11 Committee and all the volunteers for the wonderful presentation, and also congratulated the Residence Pride winners. Commissioner Terry reminded citizens of the Chocolate Walk in downtown Piqua sponsored by MainStreet Piqua on October 14, 2011.

Commissioner Martin thanked all the volunteers in the City of Piqua for all they do for the community stating they make the city proud. Commissioner Martin stated he was glad there were individuals in the area to help the lady who was attacked by the two dogs. The 9/11 Day of Honor was very well attended and was really nice and well done, commented Commissioner Martin.

Commissioner Vogt congratulated the Residence Pride winners and reminded citizens to pick up the paper laying in their yards before mowing, and to please not blow the grass out into the streets to go down into the sewers.

Mayor Fess stated she wanted to ditto all of the congratulatory expressions made by the Commissioners to the various groups and organizations and to all of the volunteers.

ADJOURNMENT TO EXECUTIVE SESSION:

Moved to Executive Session to consider the appointment, employment, dismissal, discipline or compensation of the City Manager.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to move into Executive Session at 10:05 P.M. to consider the appointment, employment, dismissal, discipline or compensation of the City Manager. Roll call, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay: None.

Moved by Commissioner Vogt seconded by Commissioner Martin to adjourn from the Executive Session at 10:40 P.M. Voice vote, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None.

Adjournment

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 10:41 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

Lucinda L. Fess, Mayor

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION