

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday December 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.

Approval of the minutes from the December 6, 2011 Regular Piqua City Commission Meeting and the Commission Work Session Meeting on December 8, 2011. Moved by Commissioner Terry, seconded by Commissioner Wilson, that the minutes of the Regular Piqua City Commission Meeting of December 6, 2011 and the City Commission Work Session Meeting December 8, 2011 be approved. Voice vote, Aye: Fess, Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

**OLDBUSINESS**

**ORD. NO. 14-11 (3rd Reading)**

An Ordinance repealing Schedule A-1 of Chapter 33 of the Piqua Code and adopting a new Schedule A-1 of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees

City Manager Huff stated this is the third reading of Ordinance No. 14-11 adopting a new Schedule A-1 of Chapter 33 of the Piqua Code. The minimum wage in the State of Ohio is being increased from \$7.40 to \$7.70 per hour and we will need to adjust Schedule A-1 of Chapter 33 to be compliance with the State of Ohio minimum wage rate requirement.

**Public Comment**

No one came forward to speak for or against Ordinance No. 14-11.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 14-11 be adopted. Voice vote, Aye: Martin, Fess, Vogt, Terry, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 14-11 adopted.

**ORD. NO. 15-11 ( 3rd Reading)**

An Ordinance repealing Chapter 33.08 –Insurance and enacting a new Chapter 33.08 –Insurance of the Piqua Code, relating to Employee policy

City Manager Huff stated this is the third reading of Ordinance No. 15-11 enacting a new Chapter 33.08-Insurance relating to Employee policy. The non-union rate will stay the same as 2011.

**Public Comment**

No one came forward to speak for or against Ordinance No. 15-11.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Ordinance No. 15-11 be adopted. Voice vote, Aye: Wilson, Martin, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 15-11 adopted.

**ORD. NO. 16-11 (3rd Reading)**

An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2012

City Manager Huff stated this is the third reading of the appropriations for the year 2012 that will be appropriated from the General Fund and is approximately \$71 million dollars.

Mayor Fess stated the City Commissioners went over the 2012 Budget line by line in the Budget Meetings. Mayor Fess thanked Finance Director Holtzapple and her staff for their work in putting together the 2012 Budget.

City Manager Huff commended Finance Director Holtzapple and the Department Heads who worked on the budget this year. This was City Manager Huff's first budget and he was very impressed with the process and how it was put together.

**Public Comment**

No one came forward to speak for or against Ordinance No. 16-11.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Ordinance No. 16-11 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay, None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 16-11 adopted.

**NEW BUSINESS**

**ORD. NO. 18-11 (1st Reading)**

An Emergency Ordinance to make Appropriations for the City of Piqua, Ohio for the 2011

City Manager Huff stated this is the first reading of Ordinance No. 18-11 and asked the Commission to waive the three readings and pass the ordinance, stating the emergency appropriations need to be completed at this time. Finance Director Holtzapple gave a brief explanation on the final 2011 appropriations. One of the areas increased in the General Fund area was in the transfers. This transfer is to our debt service, which is the Hotel debt service and further explained the reason for the transfer along with information on several other funds.

Mayor Fess asked if the City was debt free on the Ft. Piqua Plaza. Ms. Holtzapple stated the funds that were borrowed have been paid off.

**Public Comment**

No one came forward to speak for or against Ordinance No. 18-11.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that the rule requiring Ordinance No. 18-11 be read fully and distinctly on three separate days be suspended. Roll call, Aye; Terry, Wilson, Fess, Martin, and Vogt. Nay, None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 18-11 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay, None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 18-11 adopted.

**ORD. NO. 19-11 (1st Reading)**

An Ordinance amending Section 77.01 – Traffic Schedules adopted of Chapter 77 Traffic Code

City Manager Huff stated at the December 8 City Commission Work Session the Commissioners directed staff to bring forth legislation that would adopt the Ohio Code for speed limits and so forth rather than go through individual streets on an individual basis. This is the first reading of Ordinance No. 19-11, said City Manager Huff.

Mayor Fess stated there was quite a lengthy discussion on this at the Work Session but Commissioners were comfortable with the recommendation of the Law Director and Police Chief.

Commissioner Vogt stated he did not like it; and does not want to change the speed limits on all the streets in town, further stating he would not vote yes on this Ordinance.

Commissioner Terry also stated she was concerned that this might be a blanket change for all streets not just for the State Route 185, and does not want to change all of them at this time.

Mayor Fess stated it was her understanding this Ordinance would change the speed limit on State Route 185 but not all streets in town.

City Manager Huff stated maybe we misunderstood, but he thought the Commission wanted to follow the State Legislation so that the city would comply with the speed limits according to the criteria established by the State, and at the time we said it might affect other streets.

There was discussion on what can be done with the other streets at this time, it was suggested to return the Ordinance to the Law Director to revisit.

Law Director Stacy Wall explained this Ordinance was prepared from the information gathered at the December 8, 2011 Work Session and her notes indicated writing the ordinance to delete the schedules and make them default to the Ohio Revised Code. That is what this ordinance does, it deletes the schedules, and the Commission would not have to individually approve changes every time it is appended. By writing the Ordinance this way it states the City Engineer cannot make any change without complying with the Ohio Revised Code, the Ohio Uniform Traffic Manual, any Manual or Guideline, or Law put in place by the State of Ohio. They all have to be complied with. By not doing it this way every time there is a change it will have to come back to the Commission to be approved. By allowing the schedule to be deleted and going to the Ohio Revised Code it will be approving the guidelines for the City Engineer has to follow.

There were questions and a discussion on the changes that were to be made and how it would be done. It was stated that the speed limit on State Route 185 has been officially changed with the new starting point beginning at Covington and Sunset.

Commissioner Wilson stated he would like to talk a little more about what needs to be done with the Ordinance at this time. The current City Code needs to be changed because of the Speed Limit Schedule and that needs to be deleted. Mayor Fess asked what would the State do if the City did not make the speed limit change to State Route 185? Law Director Wall stated she is not sure the State would do anything, but the city could be facing a potential lawsuit if there were to be an accident. Law Director Wall stated the city is required to be in compliance with the State Law.

City Manager Huff stated one alternative would be to come back to the Commission and present more information on the process in the future.

**Public Comment**

No one came forward to speak for or against Ordinance No. 19-11.

After a lengthy discussion Ordinance No. 19-11 was given a 1<sup>st</sup> Reading.

**RES. NO. R-140-11**

A Resolution reappointing a member to the Piqua Energy Board

City Manager Huff stated Resolution No. R-140-11 reappoints Bill Vogt as a member of the Energy Board for a term of two (2) years to expire on December 31, 2013.

**Public Comment**

No one came forward to speak for or against Resolution No. R-140-11.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to adopt Resolution No. R-140-11. Voice vote, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-140-11 adopted.

**RES. NO. R-141-11**

A Resolution reappointing a member to the Piqua Energy Board

City Manager Huff stated Resolution No. R-141-11 reappoints John Martin as a member of the Energy Board for a term of two (2) years to expire on December 31, 2013.

**Public Comment**

No one came forward to speak for or against Resolution No. R-141-11.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-141-11 be adopted. Voice vote, Aye: Terry, Martin, Vogt, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-141-11 adopted.

**RES. NO. R-142-11**

A Resolution reappointing a member to the Miami County Council

City Manager Huff stated Resolution No. R-142-11 reappoints John Martin as a member of the Miami County Council for a term of two (2) years to expire on December 31, 2013.

**Public Comment**

No one came forward to speak for or against Resolution No. R-142-11.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-142-11 be adopted. Voice vote, Aye: Terry, Wilson, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-142-11 adopted.

**RES. NO. R-143-11**

A Resolution authorizing the City of Piqua to file an application to the State of Ohio to participate in the Clean Ohio Revitalization Fund

City Manager Huff stated the Resolution No. R-143-11 and the next two Resolutions all apply to the Grant Application for the Power Plant. Resolution No. R-143-11 applies to the filling of the application to the Clean Ohio Revitalization Fund for the demolition of the Municipal Power Plant and is the second phase. The city is applying for \$2 million dollars of grant money with a local match of \$500,000 said City Manager Huff.

Mayor Fess asked if this would have to go to the County? Economic Development Director Bill Murphy further explained.

**Public Comment**

No one came forward to speak for or against Resolution No. R-143-11.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-143-11 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-143-11 adopted.

**RES. NO. R-144-11**

A Resolution declaring future development at the site of the Piqua Municipal Power Plant will incorporate sustainable design principles

City Manager Huff explained this declares the Municipal Power Plant site as one of the highest priority redevelopment areas as defined in the Redevelopment Opportunities Analysis Report of 2010. By adopting this it will yield additional points in the city's Clean Ohio Revitalization Fund application.

**Public Comment**

No one came forward to speak for or against Resolution No. R-144-11

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-144-11 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-144-11 adopted.

**RES. NO. R-145-11**

A Resolution acknowledging and adopting the status of the Piqua Municipal Power Plant as one of the highest priority redevelopment areas as defined in the redevelopment opportunities redevelopment analysis report

City Manager Huff stated this declares that the future development and remediation efforts to take place on the site will incorporate sustainable development principles. This resolution would also yield additional points in the city's Clean Ohio Revitalization Fund application, stated City Manager Huff.

**Public Comment**

No one came forward to speak for or against Resolution No. R-145-11.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-145-11 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-145-11 adopted.

**RES. NO. R-146-11**

A Resolution approving contractual services with Time Warner Cable to provide institutional network (INET) services and maintenance for the City

City Manager Huff stated the State assumed local franchise agreements for cable services. The city will lose the opportunity to use the institutional network of Time Warner which we have done so under the local franchise with no cost to the city at the end of 2011. The IT Director has looked into other opportunities and sources without any success. The future plan is to install our own fiber network through the Power Distribution System. This would be a high-speed fiber that would allow the City to offer high-speed fiber connections to businesses in the City and give them great advantages and to also attract high-speed data businesses in the future. Because we do not have

our own system in place yet we must enter into an agreement with Time Warner at this time for a monthly fee of \$4,137.45. Our goal is to have our own fiber system within the next two-three years, said City Manager Huff.

Mayor Fess stated that having our own fiber system would be good for economic development.

### **Public Comment**

Steve Yenney, Echo Lake Drive came forward and presented a copy of a Fiscal Impact Statement to the Mayor and voiced his opinion and raised several questions regarding the Fiscal Impact Statement and various other items. IT Director Dean Burch gave a brief explanation on what the city has been working on. Law Director Wall explained the State changed the Law and we recently received notice of the charge for the INET Services by Time Warner. The City has been using it for free even after the franchise agreement was terminated. Ms. Wall stated she is talking with Time Warner, and Piqua is not the only city that they have done this to. There was a lengthy discussion with Mr. Yenney asking various questions regarding the INET services and the use of wireless system. Mayor Fess stated the questions Mr. Yenney is asking cannot be answered at the meeting and asked Mr. Yenney to speak with Ms. Wall and other representatives who have the knowledge on what is being discussed at a later date. City Manager Huff stated we are now just starting to look at the fiber option and plan on calling in experts to help us.

Commissioner Martin asked if there was any way we could raise the pole fees by January 1<sup>st</sup> so that it would be a wash on the funds? City Manager Huff stated he was not sure of the legal requirements. Law Director Wall stated we couldn't arbitrarily charge a pole tax fee.

Power Systems Director Ed Krieger stated the rates are based on the formulated rates from the FCC. Fred Enderle did ask at one time if these could be negotiated and Time Warner was not interested, said Mr. Krieger.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-146-11 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-146-11 adopted.

### **RES. NO. R-147-11**

A Resolution authorizing purchase orders to Water Solutions Unlimited, Chemical Services, Carmeuse Lime & Stone, City of Dayton, JCI Chemical, Bonded Chemicals, American International chemical and Tri-State Carbonic for the 2012 purchase of various water treatment chemicals

City Manager Huff stated this would authorize the annual purchase of water treatment chemicals for the year 2012.

There were eighteen bids received this year and prices were stable. We will be purchasing the quicklime from the City of Dayton, as it is quite a cost savings for the City, stated Water Superintendent Don Freisthler.

### **Public Comment**

No one came forward to speak for or against Resolution No. R-147-11.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-147-11 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-147-11 adopted.

**RES. NO. R-148-11**

A Resolution appointing a member to the Miami County Community Action Council Board

City Manager Huff stated this would appoint William Lutz to the Miami County Community Action Council Board for a four-year (4) term to expire on December 31, 2016. Mayor Fess stated Mr. Lutz is currently the Community Development Director for the City.

**Public Comment**

No one came forward to speak for or against Resolution No. R-148-11

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-148-11 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-148-11 adopted.

**RES. NO. R-149-11**

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

Finance Director Holtzaple explained Resolution No. R-149-11 and 150-11 are companion resolutions that deal with the 2011 and 2012 Appropriations Ordinance. The Auditor of State Ohio Compliance Supplement requires that: "Transfers require a resolution authorizing the transfers" This is done every year with the 2011 transfer resolution finalizing all of the transfers for 2011, and the 2012 transfer resolution sets the stage for 2012.

**Public Comment**

No one came forward to speak for or against Resolution No. R-149-11.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-149-11 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-149-11 adopted.

**RES. NO. R-150-11**

A Resolution authorizing transfers of cash from the General Fund to the other funds for the Fiscal Year 2012

Finance Director Holtzaple gave a brief explanation of this in the previous resolution stating this is for 2012.

**Public Comment**

No one came forward to speak for or against Resolution No. R-150-11.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-150-11 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-150-11 adopted.

**RES. NO. R-151-11**

A Resolution amending the contract and total payment to RA Consultants, LLC for professional services.

City Manager Huff stated earlier this year the Commission authorized a professional services agreement with RA Consultants, LLC to study the feasibility of operating a joint water operation

with the City of Troy. Since then it has come to the city's attention of contamination of the City of Troy's water source. Both the City of Piqua and City of Troy have agreed to fund an independent investigation and analysis of the contamination to determine the impact on future water source reliability and treatment alternatives. This was not included in the original agreement and Eagon & Associates was selected to perform the services with a cost not to exceed \$25,000 and the City of Piqua's share would be \$12,500. The current contract cannot exceed \$140,000, which is the current contract thus the reason for the amendment at this time. It is critical that we look into this issue as it will determine how and whether a joint operation can be successful in the future, said City Manager Huff. It was noted that the consultant has not worked for either Troy or Piqua before and are independent. This is a joint study by the City of Troy and the City of Piqua, stated City Manager Huff.

### **Public Comment**

Jeff Lange, St. Rt. 66, came forward stating he is in full support of this amended dollar amount for hiring a third party look at the water quality of the City of Troy water sources.

Mr. Lange thanked Commissioner Terry, City Manager Huff, and several Department Heads who attended the Echo Hills Golf Course Stream Restoration Project on Tuesday. Mr. Lange also thanked Bill Lutz and Amy Havenar along with many others for helping to get public notification out for the project.

Mr. Lange stated he would like the City to look into possibly applying for a 319 Ohio EPA Grant for help with the removal of the Dam behind the Power Plant together with the Clean Ohio Revitalization Grant.

Mr. Lange also expressed his opinion on the choices of water either well or source water, we need to protect all of our surface water. Mr. Lange would like to see a "Source Water Protection Plan", and he stated he has spoken with Mr. Freisthler about this Plan. Mr. Lange stated he would like to see the City of Piqua build their own water plant, and keep the existing surface water.

Mayor Fess stated she appreciates Mr. Lange and the Community Advisory Council and all of their work.

Commissioner Wilson asked if the study would extend out to the areas on the east side of Troy in the Brownfield areas? City Manager Huff stated the study would look at all the areas where water is located in Troy.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-151-11 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-151-11 adopted.

### **OTHER**

Monthly Reports for November 2011

Monthly Reports for November 2011 were accepted.

### **Public Comment**

Brad Boehringer, Mound Street came forward and expressed his opinion on the speed limit on State Route 185 and Ordinance No. 19-11 dealing with the speed limit on State Route 185, and the traffic schedule.

Steve Yenney, Echo Lake Drive inquired about the 319 Ohio EPA Grant that Mr. Lange mentioned stating he believes it has been applied for? City Manager Huff stated that is something we are looking at it has not been applied for yet. City Engineer Amy Havenar stated the city applied for the 319 Ohio EAP Grant for a study but they do not like to fund studies for the partial removal of

the Dam and it was turned down. Mr. Yenney asked if the city was aware of the fact the Dam was a candidate for a small micro-hydro in 1991 and was considered to be in excellent shape. Mr. Yenney asked if it would be possible to consider a small micro-hydro modification rather than being removed. City Manager Huff stated the intent is to have a Work Session on the Dam in the future.

Commissioner Wilson stated the Salvation Army is still in need of children's hats and gloves and they can be dropped off at the Salvation Army any time.

Commissioner Terry stated she would be helping to distribute the Christmas gifts at the Salvation Army this year.

Commissioner Terry attended the Echo Hills Golf Course Stream Restoration Project and noted the improvements that were made will make a big difference in the waterway. Commissioner Terry commended the Water Committee and the City for working together to get this project completed.

Commissioner Terry wished everyone a Merry Christmas and a Happy New Year and reminded residents to take the time to drive around and look at the Christmas lights, and to specifically drive by the display at the corner of Broadway and Lindsey Street.

Commissioner Vogt wished everyone a Merry Christmas, and stated there is still time to donate to the Salvation Army.

Commissioner Martin wished everyone a Merry Christmas and a Happy New Year.

City Manager Huff stated there are two new programs that citizens can be involved in. The first is "INVOLVE" Program (Interested Neighbors Volunteering Valuable Energy) with neighbors helping neighbors in any way such as shoveling snow or mowing lawns. In the community there is a lot of energy of people wanting to help out and he has seen it in the short time he has been in Piqua.

This is a support for the current neighborhood associations, stated Mayor Fess.

The other program is an "Adopt A Park", and there will be various other adopt programs such as adopt a flowerbed, adopt a street, etc. City Manager Huff will be presenting this to the Park Board in the future and commends the Commission for their ideas and thoughts for these programs.

Mayor Fess stated the next City Commission Work Session is scheduled for January 12, at 7:30 in the Commission Chambers and invited citizens to attend and to get involved with city government.

Mayor Fess wished everyone a Merry Christmas and a Happy New Year. Just enjoy spending time with family and friends, and to please remember your neighbors who may need a little help.

### **Adjournment to Executive Session**

To consider the purchase or sale of property for public purposes

### **Adjournment**

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting into Executive Session at 9:00 P.M. Roll call, Aye: Martin, Fess, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Executive Session at 9:17 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adjourn from the Regular Piqua City Commission Meeting at 9:18 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

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Lucinda L. Fess, Mayor

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION