

**MINUTES
PIQUA CITY COMMISSION
Tuesday October 16, 2012
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 Martin, Vogt, Terry, and Wilson. Absent: None.

PROCLAMATION

National Planning Month in the City of Piqua

Mayor Fess read the proclamation and presented it to City Planner Chris Schmiesing.

Mr. Schmiesing read the names and years of service of the various Board Members from the Planning Commission, Board of Zoning Appeals, and The Downtown District Design Review Board and asked if they were present to come forward. Mr. Schmiesing presented each of Board Members present a Certificate of Appreciation and thanked them for their continued service to the community.

Mr. Schmiesing also thanked Lorna Swisher who administers the Downtown District Design Review Board, Becky Cool who serves as Clerk for both the Board of Zoning Appeals and Planning Commission, the members of the boards and committees who serve in the best interest of the community and provide their support and encouragement for the betterment of the Piqua, the citizens of Piqua who take the time to attend our public hearings and workshops and provide their input and ideas, and the elected officials who have the difficult task sometimes of making choices for the betterment of the community.

Mayor Fess thanked all of the board members on behalf of the City Commission, stating we could not what we do in this City without the support of our board members.

PROCLAMATION

Manufacturing Month in the City of Piqua

Mayor Fess read the proclamation. City Manager Huff announced the Dayton Business Journal recently recognized two Piqua businesses October 11, 2012. French Oil Mill Machinery 2nd Place in the Exporting Category, and Industry Products 3rd Place in the Safety Category congratulating both of them on their awards.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of the minutes from the October 2, 2012 Regular Piqua City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to approve the Minutes from the October 2, 2012 City Commission Meeting. Voice vote, Aye: Wilson, Vogt, Terry, Martin, and Fess. Nay: None. Motion carried unanimously.

Mayor Fess asked that Resolution No. R-137-12 be moved to the front of the agenda at this time.

RES. NO. 137-12

A Resolution of Appreciation for the public service of James R. Taylor as a City Employee

Chief Jamison stated he would like to extend his appreciation along with the citizens of the City of Piqua for Mr. Taylor's 32 years of service to the community as a Police Officer.

Mayor Fess read the Resolution of Appreciation and presented it to Mr. Taylor thanking him for his 32 years of dedicated service to the Piqua Police Department and the citizens of Piqua.

Mr. Taylor stated between his father's Police Service and his own they have dedicated over 58 years of service to the City of Piqua and its citizens.

Public Comment

No one came forward to speak for or against Resolution No. R-137-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution R- 137-12 be adopted. . Roll call, Aye: Vogt, Martin, Wilson, Fess, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-137-12 adopted

ORD. NO. 18-12 (3rd Reading)

An Ordinance amending Sections 154.020 and 154.021 of the City of Piqua Code of Ordinances to list a Bed and Breakfast use type as a Special Use in the R-11 and R-1A One-Family Residential Zoning District

City Planner Chris Schmiesing explained this item was presented to the Planning Commission in response to a request to amend the zoning code to include a Bed and Breakfast use type as a special use option in the R1AA and R1A One –Family Residential Zoning District. The Planning Commission held a public hearing and no objections were received. The Planning Commission unanimously recommended approval of this item and advanced it to the City Commission for adoption.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 18-12 be adopted. Roll call, Aye: Fess, Terry, Vogt, Martin, and Wilson. Nay: None. Mayor Fess then declared Ordinance No. 18-12 adopted.

ORD. NO. 19-12 (1ST READING)

An Ordinance amending Sections 154.005, 154.096, 154.097, 154.101, and 154.104 of the City of Piqua Code of Ordinances to modify definitions, standards and other general provisions applicable to high-rise/highway oriented and other sign types

City Planner Chris Schmiesing stated this item was presented to the Planning Commission in response from the City Commission to amend the sign standards in regards to high rise/highway oriented signage in regards to a request by a local business Paul Sherry RV Jeep Chrysler Dodge to maintain a 600 square foot 90 foot tall high-rise/highway sign. The high rise/highway oriented sign amendments proposed will affect on-premises signs located in business and industrial zoning districts along I-75. The Planning Commission held a public hearing concerning this item on October 9, 2012. There was a lengthy discussion concerning the public input that went into the rewriting of the sign code provision that were adopted in 2006, was noted that the current sign standards are consistent with the stated goals and objectives of the community as adopted in the Plan It Piqua 2007 Comprehensive Plan Update.

The Planning Commission reviewed each of the proposed amendments item by items and carefully considered the consequences of each of the proposed change. The Planning Commission members in attendance unanimously supported all but one of the proposed changes to the code language, stated Mr. Schmiesing. Concerning the proposed maximum sign area allowance the Planning Commission found that the existing 200 square foot area allowance is consistent with most of the existing high-rise/highway oriented signs in the community and suggested that this be the base allowance for this sign type. The Planning Commission also

recommended an amended escalator provision that would allow the sign area of a high-rise rise/highway oriented signs on exceptionally large lots to increase by 10 square feet in area per acre of lot area in excess of 10 acres, with a maximum sign area allowance of 400 square feet. It was noted that the 400 square foot allowance is twice the size that is currently allowed, and the Paul Sherry site is 30 acres, which would allow for the increase in size.

Mayor Fess asked what size the current damaged sign is. Mr. Schmiesing stated it was 1250 square foot and is 90 foot tall. Commissioner Vogt voiced his concern about the sign size and stated he feels the sign should be grandfathered in stating they are putting up a smaller sign in the same box not replacing the larger sign.

Commissioner Wilson stated he would like to amend the Ordinance under **Section 154.101 Permanent; Detached Signs- Section C-1 under Minimum Sign Area** to amend the ~~40 sq. feet~~ to **20 sq. feet**, and in the last line to amend the ~~400 sq. feet~~ to **600 sq. feet** to accommodate the sign that Paul Sherry is proposing. City Manager Huff reiterated for clarification the section Commissioner Wilson was referencing.

Public Comment

Brad Bubb, Park Avenue came forward stating he was on the Planning Commission when the original request was altered and was based on the other communities with Sidney being the largest with 400 sq. ft. and felt that was a fair adjustment.

Steve Reindel, Wilshire came forward stating is currently a member of the Board of Zoning Appeals that hears many cases regarding the sign code. In 2006 a group of citizens came together putting a lot to time and effort into revising the sign code, and unless there is a peculiar exception to the property it is very difficult to grant variances to the sign code. Mr. Reindel further stated he was in attendance at the Planning Commission and there was a lot of thoughtful discussion concerning this issue and feels the proposal is fair in terms of square footage based on the neighboring communities. Mr. Reindel asked the City Commission to consider when granting the 600 sq. ft. sign in question we would have to allow other businesses that would want to come in with a sign that size, and is that what we want in our community. The Planning Commission recommends 400 sq. feet. And believes that is what the community wants, stated Mr. Reindel.

Jim Cruse, Co. Rd. 25-A, came forward and asked if it would be possible to state signs along the I-75 corridor be considered at the discession of the City Commission? City Manager Huff stated he would not be able to answer that question as it was a legal question and would not be qualified to answer that, but would look into it legally.

Mayor Fess asked Jim Sherry, Orchard Drive, if it would be possible to put up a 400 sq. ft. sign? Mr. Sherry stated the LED sign is only 400 sq. ft. the additional 200 sq. ft. is for the name of the business. Mr. Sherry provided a drawing of the proposed sign for Commission to view.

Commissioner Terry stated she would like to make everyone happy but is unable to do that. The current sign is 1200 sq. ft. and the Commission may have to decide it case by case in the future.

Commissioner Vogt stated we as Commissioners have a responsibility to other businesses and the citizens of Piqua. We know times are hard and they need all the customers they can get, regardless of what they are selling. This is not Centerville or Beavercreek, and we are working people in this town, and it is our responsibility to help them stay alive. Commissioner Vogt stated he voted no in 2006 for the changes in the sign code at that time. When you are out in the community you hear complaints about our sign ordinance that our signs are very small and hard to see. Commissioner Vogt stated Commissioner Wilson has a motion on the table to amend Ordinance No. 19-12 at this time, and he would like to second the amendment.

Mayor Fess stated she received a letter from Mark Spoltman, Chairman of the Planning Commission supporting the 400 sq. ft. and explaining how the Planning Commission arrived at that particular size.

City Manager Huff stated if the Commission chooses to amend the Ordinance at this time it can only be given a first reading, and can possibly take action at the second reading on November 6, 2012 unless a Special Meeting is held and they must have at least 24 hours notice for the meeting. Mayor Fess stated she has a motion and a second to amend the Ordinance and she would like to look into a one to one basis for approving signs in the future. Opening the sign code can possibly be a problem in the future. Mayor Fess stated she would like to call a vote for the amendment and would like to have the Commission's approval to look into the legality of looking at the signs on a one to one basis. Commissioner Wilson voiced his concern about going case to case in the signs.

Mayor Fess stated she would like to take action on the amendment on the floor at this time. Moved by Commissioner Wilson, seconded by Commissioner Vogt to make the amendments to Ordinance No. 19-12 as previously stated. Roll call; Aye: Terry, Wilson, Fess, Vogt, and Martin. Nay: None. Motion to amend Ordinance No. 19-12 was approved.

Amended Ordinance No. 19-12 was given a first reading.

Commissioner Martin made a motion to hold a Special City Commission Meeting on Friday, October 19, 2012 at 9:00 A.M. in the Commission Chambers to discuss Ordinance No. 19-12. All Commissioners were in agreement to the time and place for the special meeting.

ORD. NO. 20-12 (1ST READING)

An Ordinance amending Chapter 53 of the Piqua Municipal Code, Sections 53.03 Rates Outside City, 53.07 New Service, 53.40 Definitions, 53.42 Emergency Limitations and 53.49 Water Main Extensions

City Manager Huff explained this is a housekeeping ordinance to clean up several items. One it provides for the Piqua School District to receive in city water rates for Springcreek School, and corrects an error that was transposed in the 2 inch water tape rates effective January 1, 2013, removes the Public Works Director from the Water Systems responsibilities, and provide for a pro-rata of the reimbursement program for developers and owners to hook up to water main lines at their expense and be reimbursed, which is a new program.

Commissioner Martin asked if a resident/homeowner would like to connect to the city water would they have to pay the full price. City Manager explained the process they would follow.

Public Comment

No one came forward to speak for or against Ordinance No. 20-12.

City Manager asked if it would be possible to suspend the three reading rule on Ordinance No. 20-12, Ordinance No. 21-12 and Ordinance No. 22-12.

Moved by Commissioner Wilson, seconded by Commissioner Martin, to suspend the three reading rule that requires Ordinance No. 20-12 to be read fully and distinctly on three separate days. Roll call, Aye: Fess, Terry, Wilson, Martin, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to adopt Ordinance No. 20-12. Roll call, Aye: Vogt, Terry, Fess, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 20-12 adopted.

ORD. NO. 21-12 (1ST READING)

An Ordinance amending Chapter 51 of the Piqua Municipal Code, Sections 51.02 Definitions, 51.81 Wastewater Service Fees, 51.47 Responsibility for Cost and 51.87 Review of Rates

City Manager Huff explained this is also a housekeeping ordinance. This ordinance removes the Public Works Department and Public Works Director from Wastewater System responsibilities. It also provides a prorated reimbursement for developers and owners who construct sewer mains, and allows customers meeting specific criteria in the water ordinance for wastewater rates to be a city customer.

Public Comment

No one came forward to speak for or against Ordinance No. 21-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to suspend the three reading rule that requires Ordinance No. 21-12 to be read fully and distinctly on three separate days. Roll call, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Terry, to adopt Ordinance No. 21-12. Roll call, Aye: Vogt, Wilson, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 21-12 adopted.

ORD. NO. 22-12 (1ST READING)

An Ordinance amending Chapter 30 Commission; City Officials of the Piqua Municipal Code

City Manager Huff explained this is also a housekeeping ordinance and is just redefining the job responsibilities of the Director of Public Works.

Public Comment

No one came forward to speak for or against Ordinance No. 22-12.

Moved by Commissioner Wilson, seconded by Commissioner Martin, to suspend the three reading rule that requires Ordinance No. 22-12 to be read fully and distinctly on three separate days. Roll call, Aye: Martin, Fess, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to adopt Ordinance No. 22-12. Roll call, Aye: Wilson, Terry, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 22-12 adopted

RES. NO. R-136-12

A Resolution approving the purchase of excess liability insurance

City Manager Huff stated the City has had excess liability coverage for over 20 years for its dams and waterways, and recommends continuation of coverage at this time.

Public Comment

No one came forward to speak for or against Resolution No. R-136-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt that Resolution No. R-136-12 be adopted. Roll call, Aye: Terry, Vogt, Martin, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-136-12 adopted.

RES. NO. R-138-12

A Resolution acquiring the services of SSOE Group to provide Engineering Services associated with the Power Plant Clean Ohio Revitalization Fund Grant

Power System Director Ed Krieger this would allow the power plant to move forward with the project to do a partial demolition of retired power plant. The city was awarded a \$1.4 million dollar grant to remove the structures in the back of the plant on the east side that are deteriorating which is part of the coal conveying system, the environmental controls, and also the water intake structures along the river. Throughout the process, SSOE has developed engineering and demolition cost estimates for completion of this project. Staff is also recommending that SSOE be commissioned to provide the engineering service for the completion of the project. The required matching funds for the \$1,876,263 project is \$471,900 with the cost of the engineering services to be provided by SSOE Group and will be a part of the match requirement for the project, stated Mr. Krieger.

Public Comment

No one came forward to speak for or against Resolution No. R-138-12.

Commissioner Martin asked about the rate schedule, specifically where it states at the bottom of the schedule “ *The above rates are valid for services provided through October 1, 2012*” does that mean that all of the rates go up since it is past the October 1, 2012 date? Mr. Krieger explained that all services were covered and they would be able to get an extension with the existing rates.

Commissioner Martin stated he would like to have the resolution amended to include the rates stay the same. City Manager Huff stated the Commission could move for approval based on the prices that are on the bid document. Mr. Krieger explained how they would keep the rates the same. Commissioner Wilson asked if language could be added to the resolution to make the rates concrete. City Manager Huff stated it would be appropriate to add the language changes at the time when making the motion.

Public Comment

No one came forward to speak for or against Resolution No. R-138-12.

Moved by Commissioner Martin, seconded by Commissioner Wilson to approve Resolution No.138-12 to include the rates that are specified in the document. Roll call, Aye: Martin, Wilson, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution R-138-12 adopted as stated.

RES. NO. R-139-12

A Resolution of authorization to submit applications for Federal Map-21 Funds through the Miami Valley Regional Planning Commission

City Engineer, Amy Havenar explained the resolution would allow the City of Piqua to apply for two separate grants through the Miami Valley Regional Planning Commission. One is the resurfacing of County Road 25-A from Statler Avenue to Riverside Drive and would become available in fiscal year 2014 with a 75% Federal and 25% Local funding. The second one is for the development of a Multi-Use Recreational Trail, which is a ten-foot trail along U.S. Rt. 36 from the Piqua Lumber driveway to Looney Road and would be available in 2018 with 70% Federal and 30% Local funding.

Commissioner Wilson asked why are they asking for the 10-foot wide trail? Ms. Havenar explained this is the result of the Comprehensive Plan talking about connectivity, and more recently the U.S. 36 enhancement project. The biggest thing they are hearing is there is no connectivity for the workers on the east side of river who work at the fast food restaurants and the mall that are walking along E. Ash Street over the bridge which is very dangerous at this time.

Questions were asked if there is room on the bridge for a 10 ft bike path, how the area would be separated from traffic, and how is it any safer than it is now, and how did we get by with the current size of the sidewalk on the bridge now. Ms. Havenar explained. Commissioner Wilson voiced concern over the need for the 10ft wide trail, and moved to amend Resolution 139-12 to remove the “U.S. 36 Multi-Use Recreational Trail Development, Local match of \$171,398.” Ms. Havenar stated they would have to withdraw for the CMAQ Grant Funds.

Commissioner Martin asked if there is anyway we could petition for a grant to work on the section from the railroad bridge to Center Street to start the process, to make it safer for the employees to mow the hills along Rt. 36? Ms. Havenar explained what the CMAQ Funds could be used for. There was discussion on how much the sidewalks are used along Ash Street, and how taking 10 ft off of the roadway on the bridge area would affect the traffic on Rt 36, the merging of the lanes coming into the bridge area as the traffic is not slowing down, it was stated the signage stating the lane is merging should be moved out further. Ms. Havenar further explained how the 10 ft sidewalk would fit in. Commissioner Wilson stated he believes this is a waste of money at this time and voiced his concern. Ms. Havenar explained. Commissioner Martin also voiced his concern on the spending the money for this. Commissioner Vogt, stated he agrees with the other Commissioners that it is a lot of money to spend, and would like to see the city take the money and find a grant that would erase the grade on both sides of Rt. 36 so the businesses can be seen. City Manager Huff explained what the CMAQ Funds could be used for. Commissioner Terry asked if the City’s match would come from the Street Department Funds and if there is a time constraint for the grant. Ms. Havenar stated yes and explained. Commissioner Wilson asked if it would be possible to get these types of request in a more timely basis, and not so close to the deadline so they would have more time to make alterations. Commissioner Martin agreed with Commissioner Wilson’s comment. Commissioner Vogt stated he would like to see the grants separated on the Resolution so they can be voted on separately. Commissioner Wilson stated he already has a motion on the table to remove the US 36 Multi-Use Recreational Trail Development, Local match of \$171,398. Commissioner Vogt seconded the motion to amend Resolution No. R-139-12 under the 4th WHEREAS, to remove Item #2. U.S. 36 Multi Use Recreational Trail Development, Local match of \$171,398. Roll call vote, Aye: Wilson, Martin, and Vogt. Nay; Fess and Terry. Motion carried on a 3-2 vote.

Public Comment

No one came forward to speak for or against Resolution No. R-139-12.

Moved by Commissioner Wilson, seconded by Commissioner Martin, to approve amended Resolution No. R-139-12. Roll call, Aye: Wilson, Fess, Terry, Vogt, and Martin. Nay, None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-139-12 adopted, as amended.

RES NO. R-140-12

A Resolution authorizing and supporting an application to the Clean Ohio Conservation Fund for a project at Forest Hill Cemetery

Development Program Manager Bill Lutz stated the city received a request from the Superintendent of Forest Hill Cemetery with a request to apply for funds on the Cemetery’s behalf for funding through the Clean Ohio Conservation Fund to install a fishing dock and to make other natural improvements to the canal at Forest Hill Cemetery. The Cemetery is not legally permitted to apply for funds thus the request for help through the city. This particular program requires matching funds and the Cemetery is fiscally able and willing to meet this financial requirement at this time. There are no city funds being applied to this project, strictly coming from Forest Hill Cemetery Budget.

Applications are due by October 22, 2012 and the award announcements are expected by February 1, 2013, stated Mr. Lutz.

Public Comment

No one came forward to speak for or against Resolution No. R-140-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to approve Resolution No. R-140-12. Roll call, Aye: Fess, Terry, Vogt, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-140-12 adopted.

Monthly Reports

Monthly Reports for August 2012 were accepted.

Public Comment

This is an opportunity for citizens to address the City Commission regarding 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.

Ruth Koon, Park Avenue came forward and expressed her opinion on the use of grant money for the bike path, getting information out for consideration in a timely manner, and several other concerns regarding mowing along the Rt. 36 banks, and the lack of entrance signs coming into Piqua. Mayor Fess stated the city has purchased equipment to make mowing the hills along Rt. 36 safer, and believes that Ms. Havenar has done a great job of getting information out in a timely manner.

Brad Boehringer, Mound Street came forward stating he would like to see the Special Meeting held on Friday, October 19, 2012 at 5:00 P.M. instead of 9:00 A.M.

Commissioner Wilson stated the City Commission have held a lot meetings including work sessions for citizen input, and asked citizens to call their Commissioner or send letters and emails to voice their concerns or opinions.

Jean Franz, Parkridge Place, voiced her concern on the sign code. Mrs. Franz asked citizens to drive by Mote Park and check out the new playground equipment. Mayor Fess thanked Mrs. Franz and the Neighborhood Association for all their hard work at Mote Park.

Mike Taylor, W. High Street, came forward stating he hopes the citizens of Piqua appreciate the amount of time the City employees spend finding and apply for grant money for city projects.

Mayor Fess stated thanks goes to Bill Lutz, Amy Havenar and all of the City staff for finding and applying for the grant money and we are very grateful for all they do for the City.

City Manager's Report

City Manager Huff stated he did not have anything to report.

Commissioner Vogt congratulated Jim Taylor on his 32 years of service to the citizens and the City of Piqua, stating he will be hard to replace. Commissioner Vogt voiced his opinion on the reason for removing the Grant Money from Resolution No. R-139-12. Commissioner Vogt stated he feel the Commission is responsible for bringing business into the City of Piqua and will do all he can do to bring business to Piqua.

Commissioner Martin stated he would like to see the \$171,398 they were going to use for the Grant match to pave city streets. Commissioner Martin provided his home phone number and his cell phone number so citizen can contact him and voice their opinions and concerns before the meetings.

Commissioner Terry announced the Meet the Candidate Night is scheduled for October 30, 2012 at 7:30 at the YWCA with State and Local issues being discussed. City Manager Huff will be present-to-present information on the Safety Levy on the November 6 ballot, stated Commissioner Terry,

Commissioner Terry stated how ironic it was that we celebrated Community Planning Month and the Planning Board submitted a plan and the City Commission changed it. Commissioner Terry went on to state the members of all of the boards are appreciated for all the work they do and is just government in action. Commissioner Terry voiced her own opinion on the 10 ft. wide Bike Path and the need for the extension.

Commissioner Wilson stated there has not been an update recently on recycling. Mayor Fess stated they just received an email that day. Commissioner Wilson commented that we are ahead already this year on recycling figures. Commissioner Wilson reminded citizens about the leaf pickup and stated there is a hot line number to call to find out when they will be in their neighborhood. The hot line telephone number is 778-2047 to call and see where they are working.

Mayor Fess also invited citizens to attend Meet the Candidate Night to hear information regarding the issues on the November 6 ballot, further stating it would only last about an hour.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:10 P.M. Voice vote, Aye: Wilson, Fess, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION