

**A G E N D A**  
**PIQUA CITY COMMISSION**  
**MONDAY JANUARY 4, 2010**  
**7:30 P.M.**  
**201 WEST WATER STREET**  
**PIQUA, OHIO 45356**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE**  
**MAYOR – LUCINDA L. FESS**

**OATH OF OFFICE**  
**VICE MAYOR – WILLIAM VOGT**

**OATH OF OFFICE**  
**THIRD WARD COMMISSIONER – JOSEPH WILSON**

**ROLL CALL**

**JOINT MEETING WITH WASHINGTON TOWNSHIP TRUSTEES**

**ROLL CALL**

1. **APPROVAL OF MINUTES** Approval of the minutes from the January 5, 2009 Joint Meeting of the Washington Township Trustees and Piqua City Commission
2. **RES. NO. R-1-10** A Resolution reappointing a member to the Board of Trustees of Forest Hill Union Cemetery

**ADJOURNMENT**

**REGULAR CITY COMMISSION MEETING**

1. **APPROVAL OF MINUTES** Approval of the minutes from the December 21, 2009 Regular City Commission Meeting
2. **RES. NO. R-2-10** A Resolution of Appreciation for the Public Service of Rich Donnelly as a City Employee
3. **RES. NO. R-3-10** A Resolution of Appreciation for the Public Service of James MacKellar as a City Employee

4.     **RES. NO. R-4-10**                     A Resolution honoring Thomas D. Hudson for his service to the City
5.     **RES. NO. R-5-10**                     A Resolution authorizing the City Purchasing Analyst to advertise for bids to make certain purchases during the 2010 year
6.     **RES. NO. R-6-10**                     A Resolution authorizing a purchase order to Miami Valley Risk Management Association for purchase of insurance
7.     **RES. NO. R-7-10**                     A Resolution reappointing two members to the Piqua Energy Board
8.     **RES. NO. R-8-10**                     A Resolution appointing a member to the Miami County Council
9.     **RES. NO. R-9-10**                     A Resolution appointing two members to the Governing Board of the Piqua Improvement Corporation
10.    **RES. NO. R-10-10**                    A Resolution reappointing a member to the Miami Valley Regional Planning Commission
- 11     **RES. NO. R-11-10**                    A Resolution appointing two members to the Community Diversity Committee

**OTHER:**

- Monthly Reports for November 2009

**ADJOURNMENT**

**MINUTES  
PIQUA CITY COMMISSION/WASHINGTON TOWNSHIP  
MONDAY, JANUARY 5, 2008  
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, Vogt, Fess, Terry and Washington Township Trustees McMaken, Hiegel, and Holfinger. Absent: None.

**JOINT MEETING WITH WASHINGTON TOWNSHIP TRUSTEES**

**RES. NO. R-1-09**

A Resolution reappointing a member to the Board of Forest Hill Union Cemetery

Public Comment

No one came forward to speak for or against Resolution No. R-1-09.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-1-09 be adopted. Voice vote, Aye: Holfinger, McMaken, Hiegel, Martin, Hudson, Terry, Vogt. Nay: None. Commissioner Fess abstained due to her appointment. Motion carried unanimously.

Trustee Hiegel asked several questions concerning the cost of heating the mausoleum and in particular the area where the controls are for the carillon. City Manager Enderle explained what has been done so far as to secure the mausoleum, citing there still are other repairs that need to be done in the future. Trustee Hiegel further stated a small heater could be installed in the control room for the carillon and the whole building could be kept at a lower temperature.

Moved by Trustee Hiegel, seconded by Commissioner Vogt, to adjourn from the Joint Meeting with Washington Township Trustees at 7:40 P.M. Voice vote, Aye: Holfinger, McMaken, Hiegel, Terry, Vogt, Fess, Martin, and Hudson. Nay: None. Motion carried unanimously.

\_\_\_\_\_  
THOMAS D. HUDSON, MAYOR

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

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

**WASHINGTON TOWNSHIP TRUSTEES**

\_\_\_\_\_  
James A. Hiegel

\_\_\_\_\_  
Edward F. McMaken

\_\_\_\_\_  
Paul S. Holfinger

**RESOLUTION NO. R-1-10**

**A RESOLUTION REAPPOINTING A MEMBER TO  
THE BOARD OF TRUSTEES OF FOREST HILL UNION  
CEMETERY**

BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, and by the Board of Trustees of Washington Township, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: Harlen Smoot is hereby reappointed as a member of the Board of Trustees of Forest Hill Union Cemetery for a term to expire on December 31, 2012, or until his successor is confirmed and qualified:

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**MINUTES  
PIQUA CITY COMMISSION  
DECEMBER 21, 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.

**REGULAR CITY COMMISSION MEETING**

**OATHS OF OFFICE – PIQUA FIRE DEPARTMENT**

Assistant Fire Chief Brent E. Pohlschneider

Fire Captain Chad L. Kennedy

Law Director Stacy Wall administered the oath of office to Assistant Fire Chief Brent E. Pohlschneider and Fire Captain Chad L. Kennedy.

**PRESENTATION:      MAYOR’S “MAKING A DIFFERENCE” AWARD**

Mayor Hudson stated this is the first Mayor’s “Making A Difference” Award and hopes Mayor Elect Fess will continue this award in the future. Russell Donovan Scott has been chosen as the first recipient to receive this quarterly award. Mr. Scott was not able to attend the meeting but was watching the Commission meeting at home. Mayor Hudson read the award and gave a little background on Mr. Scott and some of the things he has done for the community. Mayor Hudson thanked Mr. Scott for all the good deeds he performs in the community.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the Regular City Commission Meeting of December 7, 2009 be approved. Voice vote, Aye: Hudson, Fess, Terry, Martin, and Vogt. Nay: None.

**ORD. NO. 20-09 (2ndReading)**

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

**Public Comment**

No one came forward to speak for or against Ordinance No. 20-09.

Moved by Commissioner Terry, seconded by Commissioner Martin that the rule requiring Ordinance No. 20-09 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 Martin, that Ordinance No. 20-09 be adopted. Voice vote, Aye: Martin, Fess, Vogt, Terry, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 20-09 adopted.

**ORD, NO. 21-09 (2ndReading)**

An Ordinance repealing existing Chapter 33 and enacting a New Chapter 33 of the Piqua Code, relating to Employee Policy

City Manager Enderle stated this would adopt this policy for current and new employees hired after January 1, 2010 and explained the various changes in the policy.

**Public Comment**

No one came forward to speak for or against Ordinance No. 21-09.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the rule requiring Ordinance No. 21-09 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay, None. Motion carried unanimously.

Moved by Commissioner Fess, seconded by Commissioner Terry that Ordinance No. 21-09 be adopted. Voice vote, Aye: Fess, Martin, Terry, Hudson, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 21-09 adopted.

**ORD. NO. 22-09 (2nd Reading Amended)**

An Ordinance to make appropriations for the City of Piqua, Ohio for the Year 2010

City Manager Enderle went over the amended changes in the ordinance. Revenues are down about 12 percent, two general fund administrative positions are not going to be filled, and there will be no cost of living increases for city employees, said City Manager Enderle. The budget also delays expenditures for an ambulance, three police cruisers, golf carts, and a pump replacement for the Municipal Swimming Pool at this time.

There was discussion on the various budget fund cuts, and the total amount of the appropriations for 2010.

City Manager Enderle stated the city received an increase in the income tax revenue last year due to the lottery winners.

Commissioner Martin stated he thought the 2009 budget was only about \$55 million, and asked why the 2010 budget was up so much. City Manager Enderle stated it was more than \$55 million, but he did not have his budget book with him at this time to give him the exact figure. Commissioner Fess stated she thought the 2009 budget was about \$64 million range.

Commissioner Fess inquired about the appropriations amount in the Civil Service Budget in 2009.

Elaine Barton stated several tests were given this year, thus the reason for the higher amount.

City Manager Enderle stated he would email the correct 2009 budget amount to Commissioner Martin.

**Public Comment**

No one came forward to speak for or against Ordinance No. 22-09.

Moved by Commissioner Terry, seconded by Commissioner Martin, that the rule requiring Ordinance No. 22-09 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin, Vogt, Hudson, Terry, and Fess. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Ordinance No. 22-09 be adopted. Voice vote, Aye: Fess, Hudson, Terry, Vogt, and Martin. Nay; None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 22-09 adopted.

**ORD. NO. 23-09 (1<sup>st</sup> Reading)**

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

Commissioners were given an amended page to Ordinance No. 23-09 at the beginning of the meeting.

City Manager Enderle explained the changes on the amended page, and stated this ordinance is necessary to make adjustments required by law to close the books for the 2009 year.

**Public Comment**

No one came forward to speak for or against Emergency Ordinance No. 23-09.

Moved by Commissioner Terry, seconded by Commissioner Martin, that the rule requiring Emergency Ordinance No. 23-09 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin, Hudson, Fess, Vogt, and Terry. Nay, None. Motion carried unanimously.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Emergency Ordinance No. 23-09 be adopted. Roll call, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Emergency Ordinance No. 23-09 adopted.

**RES. NO. R-117-09**

A Resolution of Intent to provide services to certain territory proposed for annexation

City Planner Chris Schmiesing gave a brief explanation on the annexation process for the parcels of land in question.

Commissioner Vogt voiced his concern over the annexation of land at this time. City Manager Enderle stated this is vacant land now, and will be developed sometime in the future. By having it annexed into the City at this time it would provide revenue in the future to the city as it is developed. The city would not be responsible for the installation of utilities at this time, only when it is developed, and then it would be the responsibility of the developer, said City Manager Enderle. The biggest mistake cities make is not to annex land around them into the city, and when it is developed at a later date the city is not in position to receive the revenue.

There was discussion of the proposed use for the annexed land. Mr. Schmiesing stated the current use of this land is agricultural and it will remain agricultural at this time. There is no imminent development plan in place at this time, but the most likely use of the land would be light industrial or commercial, said Mr. Schmiesing. Commissioner Vogt asked what happens if the city does not annex the land at this time? Mr. Schmiesing explained the process the city must follow at this time. Commissioner Fess stated if the city annexes this land now the city is not responsible for the extension of the utilities, it falls on the developer to incur the costs at the time of development. City Manager Enderle stated the city is stating in this resolution that the city can serve this property with city services. Commissioner Martin asked what the benefits are to annex this land into the city at this time, and are there any up front costs? City Manager Enderle explained annexing the property into the city would be in the best economic interest to the city, so it is ready for development if a company is looking to locate in Piqua. And, no there are no up front costs to the city at this time, said City Manager Enderle.

There is a shortage of property along the interstate at this time, and if there are no up front costs, it would be a benefit to the city, said Commissioner Fess. And, if we expect Mr. Murphy to be successful as economic development director we need to provide him with the tools to do it.

Commissioner Martin stated he does not want the annexed property to be used for housing. Commissioner Martin inquired as to the number of acres the city has available for economic development at this time. Assistant City Manager/Economic Development Director Bill Murphy explained the city has in excess of over 300 acres at this time, and each one of the properties has their own challenges and opportunities associated with them. With these additional properties it gives us additional options, said Mr. Murphy.

## **Public Comment**

Holly Denlinger, Alexander Drive came forward to express her concern about the annexation of the properties at this time.

Joe Drapp, Park Avenue asked if there was a reason this resolution has to be passed at this meeting?

City Manager Enderle explained the need to pass the resolution at this time.

Mr. Drapp asked if the County agrees to the annexation would the surrounding property owners have time to file a referendum? The property owners would have to seek their own legal advice, said City Manager Enderle.

Pat Jenkins, Stratford Drive, voiced his opinion on the annexation of the land, providing of services, and stated how this would affect several areas of his property. Mr. Jenkins asked how annexing this land applied to the running of water & sewer out to Fletcher. City Manager Enderle explained how the services are being provided to Fletcher. Mr. Jenkins stated he does not understand why things have to move so fast at this time.

City Manager Enderle stated for clarification we have to pass this resolution at this time or we would have to start the annexation process all over again because of time lines set by the state.

Kevin Denning, Alexander Drive voiced his concern over the annexation of any of the properties that the city is considering for annexation. Mr. Denning showed a map with the corporation limits outlined and stated there is a lot of land already annexed for development, why do we need more. Mr. Denning also voiced his opinion on the water line being extended from Springcreek School to Fletcher.

Commissioner Vogt stated the property owner has requested the annexation of this land, the annexations of these properties was not something that was initiated by the City of Piqua

Mr. Schmiesing explained the annexation process and how residents are notified of when and where the hearings take place. A public hearing is set for January 21, 2010 at the County and notices with the hearing date were sent to the residents so they can attend the hearing to voice their concerns on the annexations.

James Cruse, County Road 25-A, voiced his opinion on the annexation and the tax base issue.

Commissioner Fess stated if a company comes in and is interested in a parcel of land that has not been annexed into the city there is a chance they would not want to wait the almost six months that it would take to get it annexed and could possibly lose a potential business.

Bill Denlinger, Alexander Drive voiced his opinion and concern on the annexations and the services that are to be provided if annexed at this time.

There was discussion on who has the authority to designate the use of the annexed property, the property owner or the city. City Manager Enderle explained how the city and the Planning Commission would look at the zoning designation of the property.

Cathy Glassco, Alexander Drive voiced her opinion on the annexation of the land, and stated she does not want it to go through at this time.

Ed Purk, Weymer Drive, voiced his opinion on the annexations and how the Commission is considering the annexations. Mr. Purk stated he believes the Commissioners were not provided with enough information before considering the annexations. Mr. Purk further sited the Cromes Drive Industrial area is not that far off of the interstate, maybe five minutes and it is still available.

Commissioner Fess stated the city does not have control over the Cromes Drive property or the price of the land.

City Manager Enderle stated we do not control the timing on this, it is established by State statute to the extent that the rules have changed. They were changed by the state not by the city, and we are just working within the perimeters that the State statutes outline.

Commissioner Terry stated she understands the property owners not wanting changes around them, but they need to voice their objections to the County.

Law Director Wall stated Resolution No. 117-09 is in accordance with the Revised Code. All this resolution is doing is telling the County that services are available, if annexed in the City would provide city services, and would then have to come back to the City Commission for final approval.

**Public Comment**

No one came forward to speak for or against Resolution No. R-117-09.

Moved by Commissioner Terry, seconded by Commissioner Fess, to adopt Resolution No. R-117-09. Roll call, Aye: Terry, Hudson, Fess, Nay: Vogt and Martin. Motion carried on a 3-2 vote. Mayor Hudson then declared Resolution No. R-117-09 adopted on a 3-2 vote.

**RES. No. R-118-09**

A Resolution of Intent to provide services to certain territory proposed for annexation

**Public Comment**

Holly Denlinger, Alexander Drive voiced her concern over the annexation of the property since it is currently zoned Heavy Industrial.

Commissioner Terry stated the residents need to make their objections known to the County at the January 21<sup>st</sup> meeting.

Cathy Glassco, Alexander Drive asked would happen if the City Commission voted this down at this time? You do not have to give the County permission to vote on this now, said Ms. Glassco.

Commissioner Fess stated she is not sure it is not in the best interest of the City of Piqua at this time. Mrs. Fess further stated she was elected by all of the citizens of Piqua that voted her in, and she feels she needs to vote on their behalf as well as the several residents that live in the country. I appreciate your concerns, but I do not see where we are doing anything wrong for the City of Piqua, said Commissioner Fess.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-118-09 be adopted. Roll call, Aye: Terry, Hudson, and Fess. Nay. Martin and Vogt. Motion carried on a 3-2 vote. Mayor Hudson declared Resolution No. R-118-09 adopted on a 3-2 vote.

**RES. NO. R-119-09**

A Resolution of Intent to provide services to certain territory proposed for annexation

City Manager Enderle explained these two parcels were purchased from Piqua Materials for the equalization basin, and for future expansion of the wastewater treatment plant should it ever be needed. The city owns these properties and would like to annex them in at this time, said City Manager Enderle.

**Public Comment**

No one came forward to speak for or against Resolution No. R-119-09 at this time.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-119-09 be adopted. Voice vote, Aye: Terry, Hudson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-119-09 adopted.

**RES. No. R-120-09**

A Resolution of Intent to provide services to certain territory for annexation.

There was discussion of the location of the parcel that is contiguous to the city limits now.

Mr. Schmiesing explained the reason for the request for annexation, and stated the property owners made the request at this time.

**Public Comment**

Pat Jenkins, Stratford Drive owns property near the proposed annexation and stated his notification of this request for annexation came from Mr. Schmiesing, not the landowner. Mr. Jenkins further stated he feels it is the wrong move at this point in time because we do not know what the intend use is for the land.

Commissioner Terry asked Mr. Jenkins if he would you have the same opportunity to address this in an open public hearing if it were not for the annexation? Mr. Jenkins stated he is not aware of how the County conducts their business, but knows from being on the Piqua Board of Zoning Appeals if a property owner wants to do something specific that is outside the zoning, all of the adjacent property owners are to be notified. This particular annexation has already been before the County Commissioners and I was not notified of that, said Mr. Jenkins.

David Purk, Alexander Drive voiced his opinion on the annexations, and stated you can get city utility services without being in the City because I live outside the city limits and have city services.

Terry Walker, Alexander Drive stated the way I understand we need to annex more ground for future opportunities for businesses to come to Piqua is that a correct statement? Do we have a shortage of property for business or a shortage of businesses for property, asked Mr. Walker.

City Manager Enderle stated you have to position yourself as a community to be able to respond to those developers or businesses that come to you looking for opportunities. We need to have property available to offer and market, said Mr. Enderle.

Mr. Walker further stated there is 100 acres across the road from him at this time and it has not been developed yet, so why do you need more?

City Manager Enderle explained the reason behind the annexations when they are offered to the city, and what this means to the City of Piqua.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Resolution No. R-120-09 be adopted. Roll call, Aye: Fess, Terry, and Hudson. Nay: Vogt and Martin. Motion carried on a 3-2 vote. Mayor Hudson then declared Resolution No. R-120-09 adopted on a 3-2 vote.

**RES. NO. R-121-09**

A Resolution authorizing the sale of city owned real estate

**Public Comment**

No one came forward to speak for or against Resolution No. R-121-09.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Resolution No. R-121-09 be adopted. Roll call, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-121-09 adopted.

**RES. NO. R-122-09**

A Resolution appointing a member to the Downtown District Design Review Board

**Public Comment**

No one came forward to speak for or against Resolution No. R-122-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-122-09 be adopted. Voice vote, Aye: Fess, Vogt, Martin, Terry and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-122-09 adopted.

**RES. NO. R-123-09**

A Resolution approving the purchase of excess liability

**Public Comment**

No one came forward to speak for or against Ordinance No. R-123-09.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-123-09 be adopted. Roll call, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-123-09 adopted.

**RES. NO. R-124-09**

A Resolution authorizing the execution of an Administration Agreement with the Ohio Department of Development for Housing Resolving Loan Funds and Program Income for funds generated from the Federal Community Development Block Grant and State of Ohio Home Investment Partnerships program funds

**Public Comment**

No one came forward to speak for or against Resolution No. R-124-09.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-124-09 be adopted. Voice vote, Aye: Martin, Fess, Vogt, Terry, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-124-09 adopted.

**RES. NO. R-125-09**

A Resolution authorizing transfers of cash from the General Fund to the other funds for the Fiscal Year 2010

**Public Comment**

No one came forward to speak for or against Resolution No. R-125-09 at this time.

Moved by Commissioner Martin, seconded by Commissioner Terry that Resolution No. R-125-09 be adopted. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-125-09 adopted.

**RES. No. R-126-09**

A Resolution authorizing transfers of cash from the General Fund to the other funds for the Fiscal Year 2009

**Public Comment**

No one came forward to speak for or against Resolution No. R-126-09 at this time.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-126-09 be adopted. Voice vote, Aye: Martin, Vogt, Terry, Fess, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-126-09 adopted.

**ECONOMIC DEVELOPMENT UPDATE**

Presented by – Mr. Bill Murphy, Assistant City Manager/Director of Economic Development

Mr. Murphy gave a brief update on the prospects, permit activity, permit valuations, and incentive revenue that have taken place in 2009.

Mayor Hudson thanked Mr. Murphy for the update.

Commissioner Martin made a motion, seconded by Commissioner Vogt, to suspend the collection of the storm water utility fees until we can figure out a way to make it affordable for businesses in Piqua. No further action was taken at this time.

Commissioner Fess agreed the city needs to take a look again at the storm water utility fees, and refigure the cost to possibly ease the burden a bit on the businesses.

Mayor Hudson also stated he had no problem with reviewing the storm water utility fees again.

Commissioner Vogt stated when it was presented to the Commission he was concerned about the cost to the residents, but was amiss and did not think about what the cost could be to the businesses.

Commissioner Martin stated we are not here to put the businesses out of business, and need to work out the costs for the businesses.

There was discussion of alternatives for cutting the costs, the need for the storm water utility fees, how they are imposed, what does impervious surface actually cover, and how much would businesses actually be required to pay. City Manager Enderle explained the problems the city is facing with the EPA mandates. We could have a study session to review the storm water utility fees if you like, said City Manager Enderle.

Commissioner Fess inquired as to how many of the city properties are involved in paying the Storm water utility fee, and what funds would it be coming out of to pay these fees?

City Manager Enderle stated depends on what funds the properties were purchased from, and gave several examples.

Commissioner Fess asked if the cost for the storm water utility fees have been built into the 2010 budget. City Manager Enderle stated yes, the fees have been built into the 2010 budget.

Commissioner Martin stated he would like to amend his first motion to suspend enforcement of Sections 55.31 and 55.32 in Ordinance No. 18-09 beginning with the December 2009 billing, seconded by Commissioner Vogt.

Mayor Hudson asked for public comment at this time.

## **Public Comment**

Joe Drapp, Park Avenue voiced his opinion on the cost figures for the industrial customers of their ERU's and asked if instead of rounding them off they use their actual figures to help defray the costs.

Ed Purk, of Purk Automotive Statler Road, voiced his opinion on storm water utility fees and how they are calculated. Mr. Purk stated they do not have a storm sewer on their property, and asked if there are any special provisions being made for those who do not have sewer. On the subject of Economic Development Mr. Purk further stated he feels new business are not as concerned about being located along Interstate 75 as they are of the little individual things that get tagged on, such as the demand charge on electric and the storm sewer costs.

City Manager Enderle explained the Storm Water Advisory Committee also reviewed the information, and the city has been working on this for four years, it is not something that just came up.

Jerry Voisnet, Garbry Road voiced his opinion on the storm water utility fees in question for businesses, and asked if there are any credits or discounts for those customers.

Darin Yingst, Adams Street asked several questions regarding a property he owns on Wayne Street, and the fact he is unable to get into the building on the weekends to work on the property.

Mayor Hudson stated he would like to have a vote on the motion made previously by Commissioner Martin to suspend the collection of the storm water utility fee in Ordinance No. 18-09 in Sections 55-31 and 55-32 beginning with the December 2009 billing. Roll call, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Motion was adopted.

Commissioner Vogt wished all a Happy Yuletide Season and a safe holiday and apologized for the Storm water situation at this time. Commissioner Vogt stated that Mayor Hudson has been a great cheerleader for the City of Piqua, and thanked him for his service to the citizens.

Commissioner Martin asked if the Electric Department could look at rolling the demand charges back to what they were previously for one year. City Manager Enderle stated he would look into it.

Commissioner Martin stated we did not always agree on things but we got things done, and wished Mayor Hudson the best.

Commissioner Fess congratulated Mr. Pohlschneider and Mr. Kennedy on their appointments to the Fire Department. Commissioner Fess stated she knows how many hours it takes to do the Mayors job, and hopes Mayor Hudson can spend more time with his family now and thanked him for his service to the citizens of the City of Piqua. Commissioner Fess wished everyone a safe and happy holiday season.

Commissioner Terry wished Mayor Hudson the best as he retires from the City Commission and stated it has been a pleasure serving with you, and I know how many hours you have spent which is more hours then the rest of us have spent, and thanked him for his service. Commissioner Terry wished everyone a happy holiday and stated she is looking forward to 2010.

City Manager Enderle thanked the Commissioners for all their work and cooperation this year, even though it was a difficult year, and for those returning it will be just as rewarding. City Manager Enderle wished everyone a happy holiday season.

Mayor Hudson stated he was given a tour of Piqua Materials and was impressed with the business operations.

Mayor Hudson thanked all the residents who spoke on the annexations, and stated there are several things the Commission has to look out for when considering the annexations. One is the quality of life for the citizens, and to try and be proactive when ever possible.

Mayor Hudson thanked the Commissioners stating it has been a great four years. Mayor Hudson thanked the citizens of Piqua for electing him to his position, and further stated he has been proud to serve in his position as Commissioner and Mayor, and plans to be working behind the scenes with Grow Piqua Now. Mayor Hudson also thanked City Manager Enderle and Law Director Wall for all of their help.

**EXECUTIVE SESSION**

Pursuant to Charter Sections 4 (a) (b) and (f) for purposes of considering the employment condition of the City Manager, to discuss pending litigation and to discuss the purchase of property.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to move into Executive Session at 10:20 P.M. Roll call, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adjourn from the Executive Session at 11:45 P.M. Voice vote, Aye: Hudson, Martin, Vogt, Fess, and Terry. Nay, None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adjourn from the Piqua City Commission Meeting at 11:45 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

**RESOLUTION NO. R-2-10**

**A RESOLUTION OF APPRECIATION FOR THE  
PUBLIC SERVICE OF RICH DONNELLY AS  
A CITY EMPLOYEE**

WHEREAS, Rich Donnelly has retired as Traffic Signal Technician with the Street Department; and

WHEREAS, his retirement follows 31 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of Rich Donnelly as Traffic Signal Technician, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-3-10**

**A RESOLUTION OF APPRECIATION FOR THE  
PUBLIC SERVICE OF JAMES MACKELLAR AS  
A CITY EMPLOYEE**

WHEREAS, James MacKellar has retired as Police Officer with the Police Department; and

WHEREAS, his retirement follows over 30 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of James MacKellar as Police Officer, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-4-10**

**A RESOLUTION HONORING THOMAS D. HUDSON  
FOR HIS SERVICE TO THE CITY**

WHEREAS, Thomas D. Hudson has served the City of Piqua as Third Ward Commissioner and Mayor from January 2006 through December of 2009; and

WHEREAS, his additional services on the Piqua Improvement Corporation Board, and the Grow Piqua Now Board have been valuable to the City; and

WHEREAS, this acknowledgment follows 4 years of faithful and dedicated service to the City and its citizens as a Commissioner and Mayor;

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

SEC. 1: In recognition and appreciation of the manifold services rendered by Thomas D. Hudson as Commissioner and Mayor from the Third Ward and his other offices, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record as an expression of its gratitude.

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-5-10**

**A RESOLUTION AUTHORIZING THE CITY  
PURCHASING ANALYST TO ADVERTISE  
FOR BIDS TO MAKE CERTAIN PURCHASES  
DURING THE 2010 YEAR**

WHEREAS, the present operations of the City require the purchase of various items and materials during the 2010 year as listed in Exhibit "A" appended hereto; and

WHEREAS, Section 34.19 of the Piqua Code requires the advertisement for written bids be published at least twice in the Piqua Daily Call;

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

SEC. 1: The City Purchasing Analyst is authorized to cause the publication of advertisement for bids on said items and materials listed in Exhibit "A", the exact specifications of which are on file and available from the office of the City Purchasing Analyst;

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**EXHIBIT "A"**  
**2010 Commodity/Bid Items**

<b>Department</b>	<b>Description</b>	<b>Bid</b>
Various	Refuse Disposal	Piqua
	Excess Utility Insurance	Piqua
Piqua Tree Fund	Trees	Piqua
Economic Development	Phase II Environmental Assessments	Piqua
Health	Demolition of houses, etc.	Piqua
	Home repairs	Piqua
Parks	Lawn Treatment	Piqua
	Tree Removal	Piqua
	ODNR Boating Facilities	Piqua
	Hance Pavilion Improvements	Piqua
	Pool Circulation Pump Replacement	Piqua
Street	Road salt	SWOP4G
	Lawn Treatment	Piqua
	Tub Grinding	Piqua
	Asphalt Zipper Milling Machine	State/Piqua
	Pick up Trucks with plows	State/Piqua
Street Income Tax	E. Ash St. Reconstruction Land Acquisition	Piqua
	Broadway Reconstruction Phase II	State/Piqua
	Landscaping Enhancements to I-75/US 36 exchange	State/Piqua
	Street Resurfacing	Piqua
	Asphalt	Piqua
Fire	Fire Sprinkler System – FEMA Grant	Piqua
	Air Compressor for new airpacks	State/Piqua
	Medic Replacement	State/Piqua
Police	Police Records Management System	Piqua
	Towing Services	Piqua
	Cruiser Replacements and related upfitting	State/Piqua
	Cruiser In-Car Camera System	State/Piqua

Power	Digger Derrick	State/Piqua
	Purchase of Service Center Property and preliminary design work	Piqua
	Metering Van	State/Piqua
	Material 1 Ton Truck	State/Piqua
	45' Bucket Truck	State/Piqua
	Phase II Environmental Assessment of Power Plant	Piqua
	Transformers	Piqua
	Combustion Turbine Maintenance Inspections	Piqua
	Repair leak on 50 MVA Substation Transformer	Piqua
Cooperative Response Center	State/Piqua	
Water	Acquire land for New Well Field or New Plant Site	Piqua
	Well Field Development	Piqua
	Water Treatment Chemicals	Piqua/SWOP4G
	Ferric Sulfate	State/Piqua
	Lime Residual Removal	Piqua
	Replace Raw Water Flow Regulator	State/Piqua
	Purchase pump & other equipment to do a production well	State/Piqua
	New Backhoe	State/Piqua
	Filter & High Service Turbidity equipment replacement	State/Piqua
Double Line Stops	State/Piqua	
Riverside Dr. Phase II	Piqua	
Wastewater	Broadway Reconstruction Phase II	Piqua
	State Rt. 36 Sewer Extension	Piqua
	SSO Plan of Action (NPDES Permit)	State/Piqua
	36" Miami River Interceptor Sewer Rehabilitation	Piqua
Stormwater	Pick-Up Truck	State/Piqua
	Maintenance Crew Work Truck	State/Piqua
	Vac Con 3-Stage Hydro Upgrade	State/Piqua
	Dewatering basin construction	Piqua
	Broadway Phase II Storm Sewer Improvements	Piqua
Sanitation	Refuse Packer Truck	State/Piqua
Golf	Golf Course Chemicals	Piqua
	Golf Carts	State/Piqua

**RESOLUTION NO. R-6-10**

**A RESOLUTION AUTHORIZING A PURCHASE ORDER  
TO MIAMI VALLEY RISK MANAGEMENT  
ASSOCIATION FOR PURCHASE OF INSURANCE**

WHEREAS, on January 22, 2002, this Commission passed Resolution No. R-16-02 awarding a contract to Miami Valley Risk Management Association, Inc. for the purpose of entering into a risk management pool for property and liability insurance; and

WHEREAS, it is the desire of the City of Piqua to continue participation in the risk management pool in calendar year 2010 through the Miami Valley Risk Management Association; and

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

SEC. 1: A purchase order is hereby authorized for a not to exceed amount of \$315,951 to Miami Valley Risk Management Association for property and liability insurance.

SEC. 2: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasure in payment for said services in the not to exceed amount of \$315,951.00

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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



## LAW DEPARTMENT

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Stacy M. Wall – Law Director  
201 West Water Street \* Piqua, Ohio 45356  
(937) 778-2042 - FAX (937) 778-2043  
E-Mail: [swall@piquaoh.org](mailto:swall@piquaoh.org)

To: City Commission; Fred Enderle, City Manager

From: Stacy M. Wall

Date: December 31, 2009

Re: MRVMA Premium

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The City's 2010 MVRMA premium is \$315,951. The premium is determined based on several items: loss history, number of employees and value of assets. The value of the City's assets has increased due to the ownership of the Mausoleum and other improvements such as the equalization basin. The loss history is calculated for a period of five years before a loss year is no longer considered in the calculation. Therefore, a year with low loss history will contribute to a lower yearly premium whereas high loss years calculate to a higher premium.

MVRMA is operated by its Board of Directors or the actual members. As a result of the investment of its members (premiums paid), the members directly benefit when a loss year is closed. In 2009, loss year 2003 was closed, meaning that all claims originating from 2003 have been closed. The City received a return of \$94,390.85 from its 2003 investment. In 2010, loss year 2005 will be closed and the City will receive a return of approximately \$120,000. These returns can be used to pay the City's yearly premium or remain with MVRMA to pay the City's liabilities. The City's deductible remains \$2,500. In 2009, the last Slyman lawsuit was dismissed. Attorney fees were \$13,375; the City paid \$2,500. The Fine litigation was also dismissed this year. The City paid its deductible of \$2,500.

In addition to property damage coverage and liability insurance, MVRMA advises on many issues such as coverage needed for special events, liability issues specific to a municipality such as issues in its parks or at swimming pools, and provides coverage where a municipality may have a unique need for a specific type of coverage. For example, MVRMA worked diligently in providing coverage for Piqua in 2009 for its immunization clinic. Out of the 20 members, Piqua and only one other community have an immunization clinic.

There are many benefits provided by MVRMA. If you have any questions, please do not hesitate to ask.

Thank you.



**RESOLUTION NO. R-7-10**

**A RESOLUTION REAPPOINTING TWO  
MEMBERS TO THE PIQUA ENERGY BOARD**

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

SEC. 1: Bill Vogt is hereby reappointed as a member of the Piqua Energy Board for a term of two (2) years to expire on December 31, 2011 or until his successor is confirmed and qualified;

SEC. 2: John Martin is hereby reappointed as a member of the Piqua Energy Board for a term of two (2) years to expire on December 31, 2011 or until his successor is confirmed and qualified;

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-8-10**

**A RESOLUTION APPOINTING A MEMBER TO THE  
MIAMI COUNTY COUNCIL**

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

SEC. 1: Joseph Wilson is hereby appointed as a member of the Miami County Council for a term of two (2) years to expire on December 31, 2011, or until his successor is confirmed and qualified;

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-9-10**

**A RESOLUTION APPOINTING TWO MEMBERS TO  
THE GOVERNING BOARD OF THE PIQUA IMPROVEMENT  
CORPORATION**

WHEREAS, by Resolution No. C-6538, passed September 5, 1979, this Commission nominated the elected or appointed officials of the City to sit on the Governing Board of the Piqua Improvement Corporation; and

WHEREAS, a vacancy now exists on said Governing Board; and

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

SEC. 1: John Martin is hereby appointed as one of the City officials authorized for appointment to the Governing Board of the Piqua Improvement Corporation.

SEC. 2: Julia (Judy) Terry is hereby appointed as one of the City officials authorized for appointment to the Governing Board of the Piqua Improvement Corporation.

SEC. 3: This Resolution shall take effect and be in force from and the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-10-10**

**A RESOLUTION REAPPOINTING A MEMBER TO THE  
MIAMI VALLEY REGIONAL PLANNING COMMISSION**

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

SEC. 1: William Vogt is hereby reappointed as a member of the Miami Valley Regional Planning Commission for a one-year term to expire March 1, 2011 or until his successor is confirmed and qualified.

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-11-10**

**A RESOLUTION APPOINTING TWO MEMBERS TO  
THE COMMUNITY DIVERSITY COMMITTEE**

WHEREAS, by Resolution No. R-28-08, Piqua City Commission established a Community Diversity Committee and adopted the Committee's mission and responsibilities; and

WHEREAS, The Community Diversity Committee consists of the appointment of one City Commission representative and the City Manager.

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

SEC. 1: Frederick E. Enderle is hereby appointed to serve as one of the City officials for appointment to the Community Diversity Committee.

SEC. 2: Joseph Wilson is hereby appointed to serve as one of the City officials for appointment to the Community Diversity Committee.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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