

**REGULAR PIQUA CITY COMMISSION MEETING MINUTES  
TUESDAY, MAY 21, 2024**

**CALL TO ORDER**

Piqua City Commission met at 5:30 p.m. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street, Piqua, Ohio.

**ROLL CALL**

Mayor Lee and Commissioners Simmons, DeBrosse and Vetter were present.

A motion was made by Commissioner Simmons to excuse Commissioner Hohman and seconded by Commissioner Vetter. All were in favor and the motion was carried unanimously.

**ADJOURN TO EXECUTIVE SESSION** at 5:32 p.m.

A motion was made by Commissioner DeBrosse to adjourn to Executive Session and seconded by Commissioner Simmons. All were in favor and the motion was carried unanimously.

**ROLL CALL**

Mayor Lee and Commissioners Hohman, Simmons, DeBrosse and Vetter were present.

**EXECUTIVE SESSION**

The Executive Session was to consider pending or imminent litigation and to prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel.

**ADJOURN FROM EXECUTIVE SESSION** at 6:10 p.m.

A motion was made by Commissioner Vetter to adjourn from Executive Session and seconded by Commissioner Simmons. All were in favor and the motion was carried unanimously.

**PROCLAMATION**

Mayor Lee read a proclamation recognizing all teachers in the City of Piqua and their significant contributions to our community.

Commissioner Hohman made a motion to amend the Regular Commission Meeting Agenda to include a work session regarding the First Amendment in relation to City Commission Meetings, along with the addition of Resolution No. R-78-24. Commissioner DeBrosse seconded the motion. All were in favor and the motion was carried unanimously.

Commissioner Hohman then made a motion to approve the amended Regular Commission Meeting Agenda, and Commissioner DeBrosse seconded it. All were in favor and the motion was carried unanimously.

## **WORK SESSION**

Law Director Frank Patrizio gave a presentation regarding the First Amendment and City Commission Meetings. He said that lewd, obscene language, profanity, and libelous and insulting speech are not protected by the First Amendment in a limited public forum such as Piqua City Commission Meetings. The First Amendment does allow for the Commission to restrict the manner, place, and time if reasonable. Mr. Patrizio recommended that some, if not all, of allowable restrictions be adopted by Commission, such as separating the business meeting from the public forum, requiring a sign up for public comment prior to the meeting, having public comment take place at the beginning of the agenda, and restricting public comment to agenda items only.

Mayor Lee stated his desire for effective Rules of Conduct so that citizens behave properly in the business meetings. He is neutral on the sign-up recommendation.

Commissioner Simmons said he does not want to separate the business meeting from the public forum and does not want to restrict public comment in content.

Commissioner Hohman said he is open to new Code of Conduct rules, but he is opposed to a time limit on public comment of 3 minutes and is opposed to requiring a sign-up ahead of time for public comment.

Commissioner DeBrosse said he is aware of the behavior and conduct issues at recent meetings, but he does not want to make changes to the rules now. He said that the 5-minute limit is good, and that public comment should not be eliminated.

Commissioner Vetter inquired about the process to amend the rules for Commission meetings. Mr. Patrizio responded that he would draft an ordinance for the Commission to consider.

## **PRESENTATION**

Engineering Manager Kenton Kiser provided information on the Piqua Pavement Program. Initiated by City Manager Paul Oberdorfer, this newer program ensures a thorough and efficient means to maintain and improve the streets in Piqua. The program includes minor rehabilitation, such as resurfacing, preventative maintenance, such as crack sealing and Microsurfacing, and routine maintenance, such as Durapatching and pothole patching. The city is now using a better Street Treatment Cycle that leads to a longer pavement life. Mr. Kiser shared that more information on the Piqua Pavement Program will be available on the city GIS webpage by the end of this year.

## **REGULAR PIQUA CITY COMMISSION MEETING**

### **CONSENT AGENDA**

### **APPROVAL OF MINUTES**

Approval of the minutes from the May 7, 2024, Regular City Commission Meeting

A Resolution of Appreciation for recent retiree Jason Preston was presented by Mayor Lee to Mr. Preston. The mayor thanked him, Larry Wiles, and Tammy Wright for their many years of faithful service to the City of Piqua.

A motion was made by Commissioner Hohman to approve the Consent Agenda, and Commissioner Vetter seconded the motion. All were in favor and the motion was carried unanimously.

## **OLD BUSINESS**

### **ORDINANCE NO. O-3-24 (3<sup>rd</sup> Reading)**

An ordinance to adopt Chapter 99: Piqua Historic Preservation Ordinance

Introduction: Community Services Director Kyle Hinkelman stated that he made some small changes to this ordinance due to requirements by the State Historic Preservation Office.

Commissioners Comments: Commissioner Vetter complimented Mr. Hinkelman for his recent presentation to the Hance Pavilion Committee; he was very thorough and informative.

Commissioner Hohman said he appreciated the process that Mr. Hinkelman has went through to establish the Piqua Historic District and create the City Historic Review Commission.

Public Comment: None

A motion was made by Commissioner Vetter to approve the ordinance, and Commissioner Simmons seconded the motion. All were in favor and the motion was carried unanimously.

### **ORDINANCE NO. O-4-24 (3<sup>rd</sup> Reading)**

An ordinance to amend Chapter 32: Boards and Commissions

Introduction: Mr. Hinkelman reiterated the purpose of this amended ordinance to include two new boards formally: the Board of Zoning Appeals and the City Historic Review Commission. He stated that the CHRC would consist of 6 members, including a member of the Board of the Piqua-Caldwell Historic District and a City Commission member. Mr. Hinkelman stressed that members should have architectural and archaeology knowledge, and the city will begin taking applications tomorrow for this new board.

Commissioners Comments: Mayor Lee said he would like to nominate Commissioner Simmons to the CHRC.

Commissioner DeBrosse asked for clarification regarding the appointment of members, to which Mr. Hinkelman responded that it will be the same process as for other boards and committees. The City Commission will decide on the members after recommendations are provided.

Public Comment: Don Smith stated his appreciation for Mr. Hinkelman, as he is a member of the Piqua-Caldwell Historic District and happy to be a part of this process.

A motion was made by Commissioner Hohman to approve the ordinance, and Mayor Lee seconded the motion. All were in favor and the motion was carried unanimously.

**ORDINANCE NO. O-5-24 (3<sup>rd</sup> Reading)**

An ordinance to amend Title XV: Land Usage, Piqua Development Code

Introduction: Mr. Hinkelman stated that this ordinance allows for changes to the Piqua Development Code to accommodate Ordinance No. O-3-24 and Ordinance No. O-4-24. He said there are no changes from the 1<sup>st</sup> Reading.

Commissioners Comments: None

Public Comment: None

A motion was made by Commissioner Hohman to approve the ordinance, and Commissioner Vetter seconded the motion. All were in favor and the motion was carried unanimously.

**ORDINANCE NO. O-6-24 (2<sup>nd</sup> Reading)**

An ordinance to regulate burning activities

Introduction: Commissioner DeBrosse stated that he would like to make a motion for an amendment to this ordinance, noting that this amendment regarding Section 8 was offered by Commissioner Simmons at the last meeting. The addition to Section 8 would be "and violators shall be responsible for the cost of all contamination testing and the cost of all remediation of any environmental injury or damage as a result of the violation."

Commissioners Comments: Commissioner Simmons commented that the monetary penalty amount should be increased, but Mr. Patrizio replied that the penalty amount must be reasonable.

A motion was made by Commissioner Simmons to adopt the amendment to this ordinance, and Commissioner Hohman seconded the motion. All were in favor and the motion was carried unanimously.

Public Comment: Kim Heisler said that the penalty amount should be increased to deter a burning event from happening again in Piqua.

Melanie Walker expressed concern for having enough Certified Firefighters in Piqua to manage burns; Commissioner Hohman explained that it can be any Ohio Certified Firefighter, not just Piqua's Certified Firefighters.

Nancy Roof asked if it is possible for the City of Piqua itself to be a violator of this ordinance. Commissioner Hohman said that it would be possible, but that private entities will not desire to sublet city property now that this ordinance will be in place.

Jeff Grimes asked if this ordinance pertains to the entire city, to which Commissioner Hohman replied that this ordinance applies to all city-owned property, not private property.

A motion was then made by Commissioner DeBrosse to waive the 3-Reading Rule on this ordinance, and Mayor Lee seconded the motion. Mayor Lee and Commissioners Hohman, Vetter, and DeBrosse were in favor of the motion; Commissioner Simmons was not in favor. The motion was carried.

Finally, a motion was made by Commissioner Vetter to approve the amended suspended ordinance, and Commissioner DeBrosse seconded the motion. All were in favor and the motion was carried unanimously.

### **ORDINANCE NO. O-7-24 (2<sup>nd</sup> Reading)**

An ordinance repealing and replacing Piqua Municipal Code Section 30.01

Introduction: Finance Director Jerry O'Brien said this will serve as a second reading for this ordinance, which would provide the City Manager with the authority to approve claims against the city up to the legal amount for non-bidding contracts without prior approval from the Commission. The increase in the legal amount would go from \$2,500 to \$75,000.

Commissioners Comments: None

Public Comment: Kim Heisler expressed her concern of the large increase from \$2,500 to \$75,000, stating the need for more oversight and that she would like to know where the city funds are going.

Commissioner Vetter commented that the City Manager will continue to make Commission aware of larger monetary claims as a courtesy.

Commissioner Hohman said that based on the form of government for the City of Piqua, the City Manager has the latitude to make these types of decisions for claim settlements.

Mr. Oberdorfer commented that \$75,000 is the current legal limit established by the Ohio Revised Code. He offered that a policy be established with the Finance Department that Commission be informed of any settlements.

Jonathan Wessel inquired about the typical amount of claims and said that it makes sense to do an increase in the amount for auto damage claims. He asked if employee settlements would be included, to which Mr. Patrizio answered that personnel matters always go before the Commission.

### **NEW BUSINESS**

### **ORDINANCE NO. O-8-24 (1<sup>st</sup> Reading)**

An amended ordinance to make appropriations for the City of Piqua, Ohio, for the year 2024

Introduction: Mr. O'Brien explained that two line items would be amended in this ordinance: Section 1-General Government would increase appropriations by \$10,000 for the Trap Neuter Release and Farm Sanctuary programs, and Section 7-Fire Department would increase appropriations by \$320,000 for the purchase and repairs of a used ladder truck.

Commissioners Comments: Commissioner Vetter wanted clarification on changes made to the contract with the Humane Society of Dayton for the TNR program. Mr. Oberdorfer said that due to grant funding drying up, the Human Society needs extra funding, and that the TNR program helps with rehoming efforts and the proper care of stray cats.

Public Comment: Nicholas Mahrt expressed his concern with the lack of funding. He recommended that the city partner with BGSU and Edison State Community College to build a new facility behind ESCC that would be tailored to First Responder needs. He said that this would remove any conflict of interest for the city, get everyone away from contaminated grounds, and serve as a more centralized location.

A motion was made by Commissioner Hohman to waive the 3-Reading Rule on this ordinance, and Commissioner Vetter seconded the motion. All were in favor and the motion was carried unanimously.

A motion was then made by Commissioner Hohman to adopt this ordinance, and Commissioner Simmons seconded the motion. All were in favor and the motion was carried unanimously.

#### **RESOLUTION NO. R-73-24**

A resolution awarding a contract to Walls Bros. Asphalt Co. for the 2024 Pavement Preservation Program – Mill and Overlay Project

Introduction: Mr. Hinkelman started by saying that in January of 2024, the city regrouped the Engineering Department under Community Services. The City of Piqua is finding ways to better explain its programs to tell our story. A good example is the Pavement Preservation Program. The city has done \$3.3 million dollars of pavement projects in the last 4 years. This resolution will award a contract to Walls Bros. Asphalt Co. for the 2024 pavement program with a total cost of \$783,000.

Commissioners Comments: Commissioner Hohman asked if the city was selecting the best company to ensure that quality was not sacrificed. Mr. Hinkelman replied that the bid specs were very thorough, and the bids were very competitive. He is confident that the best contractor was chosen.

Public Comment: None

A motion was made by Commissioner Vetter to approve the resolution, and Commissioner Hohman seconded the motion. All were in favor and the motion was carried unanimously.

#### **RESOLUTION NO. R-74-24**

A resolution awarding a contract to Grissom Construction, LLC, for the 2024 ADA Curb Ramp Program

Introduction: Mr. Hinkelman stated that the city intends to be more transparent in the future with the ADA Curb Ramp Program and will include it in the CIP. For 2024, the portion allocated will be \$189,000.

Commissioners Comments: Commissioner Hohman asked how many curb ramps this would cover, to which Mr. Hinkelman responded approximately 37-40 curb ramps.

Commissioner Simmons had a question about the curb ramp bump plates, as he heard about a mobility cart tipping over due to the raised bumps. Mr. Hinkelman replied that the bump plates are required, as these are Federal standard specs for the ADA.

Public Comment: None

A motion was made by Commissioner Simmons to approve the resolution, and Commissioner Hohman seconded the motion. All were in favor and the motion was carried unanimously.

## **RESOLUTION NO. R-75-24**

A resolution awarding a contract to Performance Site Development for the Robinson to Maple Alley Sanitary Sewer Replacement Project

Introduction: Utilities Director Kevin Krejny explained that this project involves replacement of the sewer pipe in the alley between Robinson and Maple Street east of Madison Avenue, replacement of a stormwater pipe on South Street near the Shell Gas Station, and replacement of manholes on Ellerman and Orr Street. He reported that the bids came in under budget, and the total will be \$422,000.

Commissioners Comments: None

Public Comment: None

A motion was made by Commissioner Hohman to approve the resolution, and Commissioner Vetter seconded the motion. All were in favor and the motion was carried unanimously.

## **RESOLUTION NO. R-76-24**

A resolution authorizing a purchase order to the Board of Trustees, Clearcreek Township, Warren County, Ohio, for a used aerial ladder truck and upfitting costs

Introduction: Fire Chief Lee Adams explained that the Piqua Fire Department would like to purchase a 2001 rear-mount Aerial Ladder Truck similar to the previously owned 1986 model. Clearcreek Township has agreed to sell it for \$250,000, and an additional \$70,000 would be allotted for repair and upfitting costs. Chief Adams said the ladder truck would have a limited lifespan of 5-6 years, and the mechanic's evaluation said it could be ready for operation in 6-8 weeks. Because a new apparatus has a timespan of 3-5 years, this would serve as a stopgap measure.

Commissioners Comments: Mayor Lee asked if the ladder truck would fit inside the current fire station, to which Chief Adams replied yes.

Commissioner Hohman inquired as to what kind of training would be needed to use this truck; Chief Adams said that he anticipates funds to train his crew and that there would be a learning curve.

Commissioner Vetter said that the city should begin setting aside funds annually for new apparatus, such as a ladder truck, so that debt service would not have to be used.

Public Comment: Nancy Roof suggested utilizing our contract with BGSU for training the Piqua staff. Chief Adams said that he was unaware of ladder training offered by BGSU and that there would still be a cost involved for training with BGSU.

Valerie Mullikin expressed her gratitude to Chief Adams for the new ladder truck.

Josh Blackshire gave his support for approval of this resolution.

Jonathan Wessel asked if the city really needs a ladder truck; Commissioner Hohman said that the ladder truck would help with rescue to higher floors, especially to business buildings downtown. Chief Adams' response was that having a ladder truck also helps the city's Insurance Services Office (ISO) rating, which

has financial benefits regarding insurance costs to the city, its residents, and particularly to the businesses.

A motion was made by Commissioner Hohman to approve the resolution, and Commissioner DeBrosse seconded the motion. All were in favor and the motion was carried unanimously.

#### **RESOLUTION NO. R-77-24**

A resolution requesting authorization of an agreement with Stantec Consulting Services, Inc., for continued engineering support regarding Piqua's Hydraulic Canal and Dam System

Introduction: Mr. Krejny explained this resolution would continue an existing relationship with Stantec Consulting Services, Inc., who the city started working with in 2018. Stantec Consulting Services, Inc. has been evaluating the city's 3 dams and providing potential solutions to get the city in compliance with ODNR's guidelines. Mr. Krejny reported that the 2019 HHPD Grant has been depleted, so the city will start using the 2022 HHPD Grant soon.

Commissioners Comments: Commissioner Hohman wanted to ensure that this does not involve the draining of any lakes in Piqua, to which Mr. Krejny confirmed that Stantec Consulting Services, Inc., is just evaluating the dam systems.

Mayor Lee asked about the grant match requirement; Mr. Krejny responded that the city is required to match 35% and this money will come from the Water fund.

Commissioner Vetter informed everyone that there will be another meeting this fall for anyone interested or to learn more about the hydraulic canal and dam system of Piqua.

Commissioner DeBrosse asked Mr. Krejny if he was satisfied with Stantec Consulting Services, Inc. Mr. Krejny replied that he is pleased with their services over the past 5 years.

Public Comment: Nicholas Mahrt expressed concerns with Stantec Consulting Services, Inc., and suggested that the Commission table this resolution so that citizens can educate themselves on this company. Mr. Krejny responded that Stantec Consulting Services, Inc., has done a great job, as they are following the guidelines set by ODNR; he also said that 2 public forums have been held to inform and educate citizens.

Commissioner Simmons asked if Mr. Krejny has received any negative feedback from citizens regarding this company, to which Mr. Krejny replied that there was 1 citizen at a meeting who was unhappy with Stantec Consulting Services, Inc., but Mr. Krejny believes that was because the citizen did not get the answers he wanted.

Commissioner DeBrosse added that Stantec Consulting Services, Inc., has provided several scenarios that would get the city in compliance with ODNR, presenting what would be required.

Kim Heisler suggested that this resolution be tabled so that citizens can do more research. Mr. Krejny said that the city must come into compliance with ODNR for the 3 dams, as they are each 100 years old.

Jeff Grimes inquired about the city fighting ODNR on this issue; Commissioner DeBrosse responded that this is an unfunded mandate by the government and the city is working with State officials to try to get it

changed. In the meantime, however, if Piqua does nothing, ODNR as the regulating authority could drain all 3 waterways as the cheapest option to force the city into compliance.

A motion was made by Commissioner Hohman to approve the resolution, and Commissioner Vetter seconded the motion. All were in favor and the motion was carried unanimously.

#### **RESOLUTION NO. R-78-24**

A resolution amending the City Manager's contract

Introduction: Human Resources Director Catherine Bogan explained that the existing contract for the City Manager has no term limit. This resolution would amend the contract to include a specific term of May 2024 to May 2026, along with additional provisions to allow for a contribution by the city to OPERS in the event of the Commission terminating the employment of the City Manager.

Commissioners Comments: Mayor Lee asked what would happen if the City Manager chose to leave the position. Ms. Bogan said that OPERS contributions would stop immediately if he obtained another OPERS job.

Commissioner DeBrosse asked if the OPERS contribution would exclude criminal conduct, to which Ms. Bogan replied yes, if he was charged and convicted.

Commissioner Simmons inquired about the OPERS contribution in the event the City Manager would be terminated for other reasons besides criminal. Ms. Bogan said that an OPERS contribution would still occur in this case.

Public Comment: Nicholas Mahrt said he respects Mr. Oberdorfer, as they recently cleaned up the bike path together. He also noted that the city needs to be mended, citing distrust of city government by citizens.

Kim Heisler asked for clarification on OPERS and the contractual term.

Jeff Grimes expressed his disapproval of Mr. Oberdorfer.

Melanie Walker, as both a resident and business owner in Piqua, provided her support for Mr. Oberdorfer.

Don Smith expressed his approval of Mr. Oberdorfer.

Roland Sourmail expressed his disapproval of Mr. Oberdorfer.

Cindy Pearson, a citizen and previous mayor for 2 years, provided her endorsement of Mr. Oberdorfer.

Greg Neves expressed his disapproval of Mr. Oberdorfer.

Tim Peltier expressed his support for Mr. Oberdorfer as a great leader in the city.

A motion was made by Commissioner Hohman to approve Resolution No. R-78-24, and Mayor Lee seconded the motion. Mayor Lee and Commissioners Hohman and DeBrosse were in favor; Commissioners Vetter and Simmons were not in favor. The motion was carried.

### **CITY MANAGER'S REPORT**

Mr. Oberdorfer had nothing to report to the Commission.

### **COMMISSIONERS COMMENTS**

Commissioner Vetter announced that there will be a Celtic Heritage Festival at Johnston Farm this coming weekend.

Commissioner Simmons wished everyone a safe Memorial Day weekend.

Commissioner Hohman encouraged citizens to remember why we celebrate Memorial Day.

Mayor Lee thanked the recent retirees, and he also thanked Chief Byron and Chief Adams for their work in acquiring the ladder truck.

Commissioner DeBrosse congratulated the Piqua Junior High School "Top 10 Awards" students and also Teacher of the Year Sara Jane Magoteaux.

### **PUBLIC COMMENT**

Valerie Mullikin announced several upcoming events for Memorial Day weekend in Piqua.

Kim Heisler reiterated her suspicions regarding the high property evaluation at the old water plant on SR 66. Mr. Patrizio reiterated that the city does not control the Miami County Auditor and that the city does not pay property taxes. Commissioner DeBrosse requested that the city send a letter to the Auditor's office requesting a new evaluation.

Nicholas Mahrt talked more about his suggestion to move the current Fire Training Center to Edison State Community College, then to make the 9300 SR 66 area an educational area for youth.

Roland Sourmail commented that the city can call the County Auditor to get the property evaluation lowered at the old water plant.

Greg Neves presented some social media posts from a member of the Board of Zoning Appeals and said that this member should be removed from the board.

Jeff Grimes commented on several issues, including the waterways, the scenic river, the old Wilder School project, and stoplight suggestions.

Kay Neves spoke of a post on social media regarding the Benghazi Rabbit.

**ADJOURNMENT** at 9:54 p.m.

A motion was made by Commissioner Vetter to adjourn, and Commissioner Hohman seconded the motion. All approved and the motion was carried unanimously.



KRIS LEE, MAYOR

Passed: 6-4-24

Attest: Diana Tamplin  
COMMISSION CLERK