

**MINUTES
PIQUA CITY COMMISSION
Tuesday February 16, 2010
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.

Assistant City Manager/Economic Development Director William Murphy conducted the meeting in the absence of City Manager Fred Enderle who was ill.

REGULAR CITY COMMISSION MEETING

Oath of Office

Police Lieutenant Joseph M. Preston

Law Director Wall administered the Oath of Office to Police Lieutenant Joseph M. Preston.

Law Director Stacy Wall gave a brief overview of the new look of the Piqua City Commission Agenda and explained how the Ordinances and Resolutions would be approved. The Consent Agenda is for non-substance/non decision-making items. Old Business contains items discussed previously or tabled, and New Business will contain new business items to be discussed.

Consent Agenda

Moved by Commissioner Martin, seconded by Commissioner Wilson, that the minutes of the January 15, 2010 Piqua City Commission Work Session, and the Regular City Commission Meeting of February 2, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

Old Business

ORD. 2-10 (2nd Reading)

An Ordinance amending Sections 154.005 and 154.129 of the City of Piqua Code of Ordinances to establish definitions and standards applicable to swimming pools, spas, and hot tubs.

Public Comment

No one came forward to speak for or against Ordinance No. 2-10 at this time.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 2-10 be read fully and distinctly on three separate days be suspended. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None.

Moved by Commissioner Vogt, seconded by Commissioner Martin that Ordinance No. 2-10 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 2-10 adopted.

New Business

ORD. NO. 3-10 (1st Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 3 and 4 The Commission

Law Director Wall stated Ordinance No. 3-10 and 4-10 were both related to changes in the Piqua Charter, and gave a brief overview of the proposed Charter Amendments that have been proposed for the Spring 2010 ballot. These changes will occur in Ordinance No. 3-10 under Charter Sections 3 and 4, The Commission, and in Ordinance No. 4-10 under Charter Section 33, Administrative Service.

Ms. Wall stated these amendments are the result of the Charter Review Committee's recommendations, and by the request of the City Commission.

Section 3: Redistricting of the wards shall occur every ten years using the census. The redistricting shall be based on an equitable balance of population and shall commence with the 2010 census figures, having the new boundaries of the ward in effect for January 1, 2012. After January 1, 2012, said boundaries of the wards if redrawn shall go into effect at the earliest possible time that the census information can be verified and the boundaries redrawn.

Section 4: In the first line: At seven-thirty o'clock P.M. on the first ~~Monday~~-Tuesday in January following a regular municipal election the commission shall meet at the usual place for holding commission meetings and the newly elected members shall assume the duties of office.

Section 4: Add under G: To consider the compensation or discipline of a City employee.

Public Comment

Joe Goetz, Wilshire Drive, stated the Wards have been previously redistricted. Mr. Goetz feels using the census will not give an accurate count because children are counted and they do not vote. Mr. Goetz stated he feels the redistricting should be based on the number of registered voters at the last general election instead. Mr. Goetz also voiced his opinion on the Commission going into Executive Session for discussion of compensation matters, and asked why some of the Charter Amendments were going on the ballot in the Spring instead of waiting until fall, citing it would save money to put them all at one time in the fall.

Law Director Wall explained the compensation, and the different reasons they may go into Executive Session. Also Ms. Wall explained the reason for putting the Charter Amendments on at two different ballot times.

Commissioner Wilson stated he was on the Charter Review Committee and explained the reason the census was chosen over the registered voters.

Ordinance No. 3-10 was given a first reading.

ORD. NO. 4-10 (1st Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 33 under Administrative Service

As previously explained by Law Director Wall.

Section 33 Commission Not To Interfere in Appointments or Removals

Add a line stating: However, nothing in this section shall prohibit City Commissioners from communicating with employees regarding city matters.

Commissioner Terry stated the City Manager should be involved and in the loop at all times. There needs to be good communication between the City Manager and the Commission.

Mayor Fess stated all communities have the same situation. Mayor Fess feels there should be a policy in place for the commissioners to know what is acceptable and what is not acceptable when speaking with a city employee regarding a situation.

Commissioner Vogt stated he felt this amendment was an attack on his integrity. Commissioner Vogt commented that he would not be a buffer between an employee with a problem and the City Manager.

Commissioner Martin stated the Charter Review Committee went over this and made the recommendation. They must have seen some value to have this in the Charter language or they would not have proposed it, said Mr. Martin.

Commissioner Wilson stated he was on the Charter Review Committee and explained the reason behind the language being added to the Charter. This language clearly states what the Commissioners can and cannot say to employees.

Law Director Wall explained the language that is being proposed is very generic. It would allow a Commissioner to have communication with an employee, and does not require the Commissioner to notify the City Manager, and does not restrict communication with an employee, said Ms. Wall. By putting generic language in the City Charter it really gives the potential for violating the

Commissioner Wilson asked if it would be possible to add language to permit inquiry to make it more comfortable, a better link to ask for information.

Mayor Fess stated she feels it comes down to a legal opinion.

Ms. Wall stated public input was received at the Charter Amendment meetings, but feels it could be a violation of the City Manager form of government. could be accomplishing the same thing by creating a policy with the City Manager.

Mayor Fess asked if it would be possible to add language to the policy to make it clear. Ms. Wall stated she would look at it and see what can be done.

PUBLIC COMMENT

Joe Goetz, Wilshire Drive, stated when he served as a Commissioner it was very adamant by the Law Director that Commissioners were not allowed to go into any particular unit under the direction of the City Manager and order them to do something. If there was a problem with a particular unit by Charter you could order an investigation as a whole Commission, said Mr. Goetz.

Mayor Fess stated she felt it was a good idea to review the Charter and feels they did a very good job. There was a lot of experience on the committee, and she appreciates Mr. Goetz comments.

Ordinance No. 4-10 was given a first reading.

RES. NO. R-24-10

A Resolution reappointing a member to the Civil Service Commission

This resolution reappoints David Vollette as a member of the Civil Service Commission for a three-year term to expire on March 1, 2013.

Public Comment

No one came forward to speak for or against Resolution No. R-24-10.

Moved by Commissioner Vote, seconded by Commissioner Martin, to adopt Resolution No. R-24-10. Voice vote, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-24-10 adopted.

RES. No. R-25-10

A Resolution reappointing a member to the Community Diversity Committee

This resolution reappoints Helen Cuff to the Community Diversity Committee for a one-year term to expire on March 1, 2011.

Public Comment

No one came forward to speak for or against Resolution No. R-25-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-25-10 be adopted. Voice vote, Aye: Fess, Terry, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-25-10 adopted.

RES. NO. R-26-10

A Resolution reappointing a member to the Community Diversity Committee

This resolution reappoints Terry Wright to the Community Diversity Committee for a two-year term to expire on March 1, 2012

Public Comment

No one came forward to speak for or against Resolution No. R-26-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-26-10 be adopted. Voice vote, Aye: Terry, Wilson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-26-10 adopted.

RES. No. R-27-10

A Resolution reappointing a member to the Downtown District Design Review Board
This resolution reappoints Bradley Bulp to the Downtown District Design Review Board for a three-year term to expire on March 1, 2013.

Public Comment

No one came forward to speak for or against Resolution No. R-27-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-27-10 be adopted. Voice vote, Aye: Wilson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-27-10 adopted.

RES. NO. R-28-10

A Resolution reappointing a member to the Planning Commission

This resolution reappoints Jim Oda to the Planning Commission for a five-year term to expire on March 1, 2015.

Public Comment

No one came forward to speak for or against Resolution No. R-28-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to adopt Resolution No. R-28-10. Voice vote, Aye: Fess, Terry, Vogt, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-28-10 adopted.

RES. NO. R-29-10

A Resolution reappointing a member to the Planning Commission

This resolution reappoints Michael Taylor to the Planning Commission for a five-year term to expire on March 1, 2015.

Public Comment

No one came forward to speak for or against Resolution No. R-29-10.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-29-10 be adopted. Voice vote, Aye: Fess, Vogt, Martin, Terry and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-29-10 adopted.

RES. NO. R-30-10

A Resolution reappointing an alternate member to the Miami Valley Regional Planning Commission

This resolution reappoints William P. Murphy as an alternate member of the Miami Valley Regional Planning Commission for a term of one-year to expire on March 1, 2011.

Public Comment

No one came forward to speak for or against Resolution No. R-30-10

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-30-10 be adopted. Voice vote, Aye: Martin, Vogt, Wilson, Fess, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-30-10 adopted.

RES. NO. R-31-10

A Resolution reappointing an alternate member to the Miami Valley Regional Planning Commission

This resolution reappoints Chris Schmiesing to the Miami Valley Regional Planning Commission for a one-year term to expire on March 1, 2011.

Public Comment

No one came forward to speak for or against Resolution No. R-31-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-31-10 be adopted. Voice vote, Aye: Fess, Terry, Martin, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-31-10 adopted.

Mayor Fess stated there are still several board openings available and for more information contact the City Managers Office.

OTHER BUSINESS

Economic Development Update

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

Mr. Murphy gave a brief presentation on the Economic Development.

Mayor Fess asked Mr. Murphy to explain how the Small Business Grants are applied for and the types of businesses that would be eligible for the grants.

Mr. Murphy gave a brief overview of the Small Business Grant program, further stating that Hartzell Fan utilized the Grant Funds with their recent expansion.

Mayor Fess stated she would like to get more information out to the public on the use of the Small Business Grant Program. Mayor Fess stated Hartzell Fan Company was recently highlighted on hiVelocity a multi-media news source with a video on the company's success. The video can be viewed on the Grow Piqua Now website.

PUBLIC COMMENT

Harold Martin, Brook Street, came forward to voice his opinion on the recycling and refuse pick-up, stating citizens do not know where to get recycling bins. Mr. Martin also voiced concern about city employees driving through his alley taking pictures. Citizens are afraid to come to the City Commission meetings to voice their concerns, said Mr. Martin

Health & Sanitation Director Amy Welker explained where citizens can pick-up the recycling bins, and why the city employees were driving through the alley taking pictures.

Mayor Fess stated she appreciated Mr. Martins help on getting the recycling information out to citizens, and stated they can contact the Mayor, City Commissioners, and the Health Department at any time to get help or for answers to questions they may have.

Mike Perando, Third Street, came forward and stated he would help Mr. Martin get in touch with his Neighborhood Association, stating the City Commission works well with the Associations.

Larry Hamilton, Maplewood Drive, came forward and gave a brief presentation on the nomination of William M. McCulloch as one of Ohio's two representatives in the Statuary Hall in the U.S. Capital. This would be a great honor for Mr. McCulloch, and the City of Piqua, said Mr. Hamilton.

Mr. Hamilton stated citizens could write letters to their Congressman in support of the Wm. M. McCulloch statue.

Joe Goetz, Wilshire Drive, voiced his concerns about the negative attitude in the City of Piqua, citing the Covington Avenue entrance into the city is an eyesore.

Mayor Fess stated she has spoken to the City Manager about the problem and they are working on it at this time.

Mayor Fess welcomed a young Boy Scout Jerry Curtis who is working on his Citizenship Badge.

Commissioner Comments

Commissioner Terry inquired whom citizens should contact to let them know a street or an area has been overlooked for snow removal.

City Engineer Amy Havenar stated citizens should contact the Street Department from 7:0 A.M.- 3:00 P.M. and then they may contact the Engineering Office after 3:00 to 5:00 P.M. Ms. Havenar reminded citizens to leave complete information on where the streets are and a telephone number to get in touch with them if necessary when calling in and leaving messages.

Commissioner Martin reminded citizens to not snow blow or shovel their snow out into the streets, place it in the tree lawns or up into their yards.

Commissioner Wilson stated there are about one hundred fifty citizens setting on various city boards and committees, and encouraged residents to apply for the current board openings.

Mayor Fess thanked William Murphy for sitting in for City Manager Enderle.

Law Director Stacy Wall stated the State of Ohio is holding Momentum 2010 on March 5 & 6, in Columbus, Ohio for women and young women, and encouraged them to attend. Ms. Wall stated for more information they can contact her at 937-778-2042.

Mayor Fess stated Momentum 2010 is a great event and encouraged young women to attend.

Mayor Fess also congratulated Director Tom Westfall and the Piqua High School Show Choir on receiving their third Grand Champion Award this year.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 9:05 P.M. Voice vote, Aye: Vogt, Martin, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION