

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday July 6, 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.

**REGULAR CITY COMMISSION MEETING**

**Consent Agenda**

**Approval of Minutes**

Approval of the minutes from the June 15, 2010 Regular City Commission Meeting.

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

**Old Business**

**ORD. 15-10 (3rd Reading)**

An Ordinance amending Chapter 55 of the Piqua Municipal Code Stormwater Management

City Manager Enderle stated this is the third reading of the Ordinance, and briefly stated this clarifies the billing. Single family properties shall be billed on a per unit basis at one (1) ERU per month and duplexes, will be billed on a per unit basis of one-half (1/2) an ERU per month.

**Public Comment**

Al Grau, Greene Street, came forward and voiced his opinion and concerns with the Stormwater Management and the maintenance that would be required in order to sustain the Stormwater system. It needs to go back to the way it was, said Mr. Grau.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Ordinance No. 15-10 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 15-10 adopted.

**ORD. NO. 17-10 (3rd Reading)**

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 66 and 68 Police and Fire Services

City Manager Enderle stated this is the third reading of Ordinance 17-30 and is the result of the Charter Review Committee's recommendations.

Section 66: Police Force. Shall Charter 66 be amended to eliminate the mayor's responsibility in an emergency with regards to the command of the Police Department.

Section 68: Fire Force. Shall Charter Section 68 be amended to eliminate the mayor's responsibility in an emergency with regards to the command of the Fire Department.

City Manager Enderle gave a brief summary of the ordinance and stated Ordinance No. 17-10 and the next two Ordinances 18-10 and 19-10 are the recommended changes made by the Charter Review Committee. These changes include:

Section 5: President of Commission, Mayor  
Section 6: Salary of Commission Members and Mayor  
Section 8: Rules of Commission

Section 32: Removal of Officers and Employees  
Section 41: Qualifications and Duties of Law Director

Section 66: Police Force  
Section 68: Fire Force

### **Public Comment**

No one came forward to speak for or against Ordinance No.17-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Ordinance No. 17-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 17-10 adopted.

### **ORD. NO. 18-10 (3rd Reading)**

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections, 5,6 and 8 The Commission

City Manager Enderle stated this is the third reading of Ordinance No. 18-10, and is also a result of the Charter Review Committee recommendations.

Section 5 President of Commission, Mayor: Shall Charter Section 5 be amended to eliminate the authority of the mayor to take command of the police department in time of emergency.

Section 6 Salary of Commission Members and Mayor: Shall Charter Section 6 be amended to eliminate the vice mayor being paid the mayor's salary during absences of the mayor.

Section 8 Rules of Commission: Shall Charter Section 8 be amended to specify reason when a commission member may be expelled from City Commission.

### **Public Comment**

No one came forward to speak for or against Ordinance No.18-10.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Ordinance No. 18-10 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 18-10 adopted.

### **ORD. NO. 19-10 (3rd Reading)**

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 32 and 41 Administrative Service

City Manager Enderle stated this is the third reading of Ordinance No. 19-10, and is also a result of the Charter Review Committee recommendations.

Section 32 Removal of Officers and Employees: Shall Charter Section 32 be amended to require that any employee who is to be laid off, suspended or removed receive written notice.

Section 41 Qualifications and Duties of Director of Law: Shall Charter Section 41 be amended to require the director of law to have five years of experience as a practicing attorney rather than two years.

The proposed changes are in the interest of the City in defining how an employee is to be notified of a layoff, suspension or removal and increasing the qualifications of the law director.

**Public Comment**

No one came forward to speak for or against Ordinance No 19-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Ordinance No. 19-10 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 19-10 adopted.

**ORD. No. 22-10 (2<sup>nd</sup> Reading)**

An Ordinance to change the street name of portions of Bridge Street and Statler Road

City Manager Enderle gave a brief explanation on the reason for the requested changes, and stated the Planning Commission unanimously recommended this change.

**Public Comment**

No one came forward to speak for or against Ordinance No. 22-10.

After a brief discussion Ordinance No. 22-10 was given a second reading.

**NEW BUSINESS**

**RES. NO. R-79-10**

A Resolution rescinding Resolution No. R-78-10.

City Manager Enderle stated this is a resolution rescinding Resolution No. R-78 that was changed from an Ordinance to a Resolution at the June 15, 2010 Piqua City Commission Meeting.

**Public Comment**

No one came forward to speak for or against Resolution No. R-79-10.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-79-10 be adopted. Voice vote, Aye: Martin, Fess, Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-79-10 adopted.

**RES. NO. R-80-10**

A Resolution awarding a contract to Cargill, Inc. for the purchase of road salt for the Street Department

City Manager Enderle stated this resolution awards a contract to Cargill, Inc. for the purchase of road salt for the Street Department for the 2010-2011 winter season. This will allow the City to purchase road salt at a very competitive rate, by participating in the joint bid through the SWOP4G.

**Public Comment**

No one came forward to speak for or against Resolution No. R-80-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-80-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-80-10 adopted.

**RES. NO. R-81-10**

A Resolution endorsing the multi-county Advantage Sharing Program proposal

Economic Development Director Bill Murphy gave a brief explanation on how the Advantage Sharing Program works, and the benefits the City of Piqua would receive from belonging to the program.

The Advantage Sharing Program provides grant funding available for participating jurisdictions in order to help promote economic and workforce development activities in the communities in the region. The grant funding must go to any project that helps create or retain jobs in the region and stipulates that 25% of the funding must be paid back to the Advantage Sharing Program.

**Public Comment**

No one came forward to speak for or against Resolution No. R-81-10

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-81-10 be adopted. Voice vote, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-81-10 adopted.

**RES. NO. R-82-10 (Public Hearing)**

A Resolution accepting for statutory purposes a budget for the calendar year 2011

City Manager Enderle gave a brief overview of the revenues and expenditures.

**Public Comment**

No one came forward to speak for or against Resolution No. R-82-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-82-10 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-82-10 adopted.

**RES. NO. R-83-10**

A Resolution establishing "Trick or Treat/Beggars' Night" in the City of Piqua

City Manager Enderle stated this establishes "Trick or Treat/Beggar's Night" in the City of Piqua, and this would be observed all over Miami County the same evening.

**Public Comment**

No one came forward to speak for or against Resolution No. R-83-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-83-10 be adopted. Voice vote, Aye: Wilson, Terry, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-83-10 adopted.

**RES. NO. R-84-10**

A Resolution appointing members to the Stormwater Utility Board

City Manager Enderle stated this appoints five members to the Stormwater Utility Board for various terms.

There was a brief discussion of the appointees and if any of the Commissioners would set on this board. City Manager Enderle stated the Stormwater Utility Board will act like the Planning Commission, Board of Zoning Appeals to set policy changes and rate increases.

**Public Comment**

No one came forward to speak for or against Resolution No. R-84-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-84-10 be adopted. Voice vote, Aye: Wilson, Terry, Fess, and Vogt. Nay: Martin. Motion carried on a 4-1 vote. Mayor Fess then declared Resolution No. R-84-10 adopted on a 4-1 vote.

**RES. No. R-85-10**

A Resolution for the sale of Parcel No. N-44-250379

City Manager Enderle explained the reason for the sale of the property, stating it is not a suitable building lot.

**Public Comment**

No one came forward to speak for or against Resolution No. R-85-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-85-10 be adopted. Voice vote, Aye: Fess, Vogt, Terry, Wilson, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-85-10 adopted.

**RES. NO. R-86-10**

A Resolution approving the Transportation Review Advisory Council applications to the Ohio Department of Transportation for calendar year 2010

City Manager Enderle stated this resolution authorizes the filing of the City of Piqua's Transportation Review Advisory Council application with the Ohio Department of Transportation. The application requests funding to add an additional lane of travel on Interstate 75 from State Route 41 in Troy to the County Road 25-A (Exit 83) interchange located in Piqua. City Manager Enderle stated this is also supported by Troy and Miami County. The City of Piqua is willing to commit \$15.58 million (which is 20% of the total project cost) for the multi-year project that should start no earlier than January 2014. The total project cost has been estimated to be \$77.94 million.

City Engineer Amy Havenar explained the difference between the Tier I and Tier II phase.

**Public Comment**

No one came forward to speak for or against Resolution No. R-86-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-86-10 be adopted. Voice vote, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-86-10 adopted.

**OTHER**

Monthly Reports – May 2010

Monthly Reports for May 2010 were accepted.

## **Economic Development Update**

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

Mr. Murphy gave a brief power point presentation on several new developments that have occurred recently.

## **Public Comment**

Bill Hogston, Greene Street, President of the Piqua Firefighter's Local 252 came forward and voiced his concern and opinion on the recent announcement of the possible layoff of two firefighters in September 2010. Mr. Hogston read a prepared statement with his concerns. Mr. Hogston stated, "he was forced to come here tonight to take a stand because I have a moral objection and grave concerns about your treatment of the Piqua Fire Department and your plans to cut public safety in our city." Mr. Hogston further stated " we have come to realize that the City government and this commission in particular cannot be trusted to honor their word or to honor a binding agreement that they affixed their signatures to." Mr. Hogston stated it was his understanding that in exchange for the firefighters agreeing to forgo raises during 2009 and 2010, that funds for the departments wages and benefits would be budgeted until the end of the year, meaning the end of 2010. Mr. Hogston commented on the editorial written by City Manager Enderle that appeared in the Piqua Daily Call on Monday, July 5, 2010 regarding the impact of the budget cuts in the Fire Department citing the NFPA standards.

Mayor Fess stated both the Police and Fire Officers and Departments in Piqua are among the best in the region, and are highly trained and dedicated. Mayor Fess further stated she is not at all happy about the fact there may be layoffs, but Safety Services are 74% of the General Fund Budget. Resolution No. 83-09 signed by the Commission and the Firefighters, in Section 1 the Memorandum of Understanding was to be in effect through 8-31-09.

Law Director Wall stated there would not be a legal debate over the interruption of the Resolution and Memorandum of Understanding at his time. Ms. Wall stated she has advised the city that it means contract year and the resolution clearly states that it is tied with the contract through August 31, 2010. The Memorandum of Understanding also indicates in Section 2, Other, that the parties agree that all the remaining articles terms and conditions go through the August 31, 2010. The Memorandum of Understanding would not exist without the contract; they go hand in hand, said Ms. Wall.

Mayor Fess stated she does not feel the Commission let the Firefighters down, they were told if they would come up with a certain dollar amount in cuts there would be no layoffs. Mr. Hogston stated that it is his understanding that that was what was negotiated on last September. This is not a good time, whether you are a citizen, or are on the Fire or Police Department when 76% of the General Fund is dedicated to the Police & Fire, said Mayor Fess. City Administrators and Department Heads have not had a raise in three years, they have forgone those raises in order to help with the city budget.

City Manager Enderle stated both the Police and Firefighters and Officers agreed to one year back, while others agreed to three years, while everyone else has taken a hit on insurance and other benefits that the firefighters and officers have not agreed to take. We cannot sustain the cost of personal at this given pace, there has to be cutbacks. If benefits and salary cuts are not being taken the only alternative is a reduction in personal, said City Manager Enderle. The Fire Department needed to make \$41,000 in sustainable cuts out of the Fire Department budget in 2010, and they did not make them. Recently Assistant Chief Rick Maggert was able to come up with the \$41,000 cuts, and asked City Manager Enderle if by coming up with the required amount of cuts as asked, would it mean no layoffs in 2010? City Manager Enderle stated he told Assistant Chief Maggert, yes, and Assistant Chief Maggert asked if he could tell the officers that. City Manager Enderle stated yes, but that 2011 is another story and that goes for every employee in the City of Piqua. It is going to take the City of Piqua at least five years at best to get back to the 2008 revenues.

Mayor Fess asked if all of the firefighters responded when called in for the fire on June 26, 2010. Mr. Hogston stated he could not answer that. Mayor Fess stated she understood some firefighters work second jobs, and that they do not respond when called in. Mr. Hogston stated he did not know what the case was, but some of the firefighters come in and some don't. Mayor Fess further stated the City has to pay the State 19% of the firefighters wages into their pension, no other employee has that amount paid for them, and now the State is asking the City to raise the amount to 24%. We need to keep the safety services strong, and we do appreciate the firefighters taking the wage freeze along with the Administrators and Department Heads. We all need to work together to make this happen.

City Manager Enderle stated we are ok for the moment, but if revenues continue to dip he cannot guarantee that they will not be looking for more cuts elsewhere. We have a two million dollar deficit now, and need to make sense of what we have.

Commissioner Vogt asked if the citizens of Piqua would support a ¼% income tax for the safety services? Mr. Hogston stated no, he did not believe the citizens would support a ¼% income tax at this time. Mr. Hogston further stated the firefighters made an agreement with the City Manager and the City Commission and there is obviously a dispute over what the agreement is.

Commissioner Vogt stated Assistant Chief Maggert came up with the \$41, 000 cuts necessary to keep the Fire Department going until the first of the year.

Mayor Fess stated she is sorry that the firefighters feel the City let them down, but according to the Law Director the City did not leave them down, that this is a difference of opinion and we have to agree to disagree. Mayor Fess further stated from her standpoint she would do everything she can to make sure the fire department stays strong. When the budget is done this year, I will do everything we can to be sure both Police and Fire get all that can be provided for them. We can't say that is all you are going to want, and we may not get all you want, said Mayor Fess.

Mr. Hogston inquired as to the comment on keeping the fire department strong and to protect public safety, does it mean having fulltime professional firefighters or looking at alternatives? We have discussed volunteers but that is something we do not want to go to. It is still on the table, and something we have to look at, said Mayor Fess. Mayor Fess further stated the Commission has not talked seriously about using volunteer fireman. Commissioner Vogt stated he has been on the City Commission for seven years and has never heard anything about using volunteers.

Mayor Fess stated the other employees have given up their right to cash in sick leave, and other things to meet their budget targets, and asked that the firefighters work with the city to. Mr. Hogston stated just to clarify this, those employees did not give up these things, they really do not have a choice, these are non-represented employees. Mayor Fess stated they did have a choice to make a commitment to find the dollars to meet the target they were given. If we can't meet your demands you can always find another fire department, and we don't want you to do that, we want all of the firefighters, but we just don't have any alternatives to offer at this time, stated Mayor Fess

Brad Boehringer, Mound Street, came forward to voice his opinion on the use of the Automated Traffic system in the City of Piqua.

Mr. Boehringer also voiced his opinion on the City Administration not taking cuts.

Tom Caserta, W. High Street, came forward to voice his opinion on the Fire Fighters and Police Department. Mr. Caserta stated that when you start messing with the troops you are messing with the morale. Mayor Fess stated she supports the firefighters and the police department one hundred percent, and will do everything she can to make sure they stay strong and are compensated, as they should be. However, it comes down to the fact there is just so much money in the coffers, and we have to do what we have to do, said Mayor Fess.

**City Commission Comments**

Commissioner Wilson stated he is concerned about the way the city is being portrayed in the newspaper on going back on their word or that the City and the Commissioners are against public safety. Every Commissioner wants public safety and wants a strong Police and Fire Department.

Commissioner Vogt stated he likes the new look of the Hance Pavilion, citing it was a joint effort to getting the work done. Commissioner Vogt thanked the Parks Department and the city employees for doing such a good job. Commissioner Vogt voiced concern over a letter in the Piqua Daily Call in regards to the Piqua Firefighters and how the Commission was treating them. Commissioner Vogt also voiced concern over the number of homes with high grass and trash, stating this all reflects a bad image on the City of Piqua. Commissioner Vogt stated maybe the Commission should consider a ¼% tax levy for Public Safety.

Mayor Fess thanked the 4<sup>th</sup> of July Committee for putting on another wonderful event in Fountain Park and for the outstanding fireworks display.

Mayor Fess thanked the Firefighters stating the Police and Fire have a direct impact on the City. Mayor Fess stated she appreciates both the Police and Fire Departments, and feels the Commission did not let the firefighters down, stating these are tough times.

Mayor Fess thanked all the Firefighters present at the meeting for attending.

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

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LUCINDA L. FESS, MAYOR

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

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