

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday January 18, 2011  
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 Vogt, Martin, Terry, and Wilson. Absent: None.

**OATHS OF OFFICE – PIQUA FIRE DEPARTMENT**

**Assistant Fire Chief Vincent P. Ashcraft**

**Fire Captain F. John Kendall, Jr.**

Law Director Stacy Wall administered the Oaths of Office to Assistant Fire Chief Vincent P. Ashcraft and Fire Captain F. John Kendall, Jr.

**INTRODUCTION OF WESTERN OHIO TV CONSORTIUM (WOTVC) EXECUTIVE DIRECTOR**

**Mr. Guy Fogle**

City Manager Enderle gave a brief introduction of Guy Fogle, Executive Director of the new Western Ohio TV Consortium (WOTVC).

Mr. Fogle gave a brief overview of the plans for the new Channel 5 in coming months.

**REGULAR CITY COMMISSION MEETING**

**Consent Agenda**

**Approval of Minutes**

Approval of the minutes from the January 4, 2011 Regular Piqua City Commission Meeting

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the January 4, 2011 Regular Piqua City Commission Meeting be approved. Voice vote, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

**OLD BUSINESS**

**ORD. NO. 35-10 (3rd Reading)**

An Ordinance to vacate a public alley right of way

City Manager Enderle stated this is the third reading on the purchase of the property located on either side of the subject alley way and plans to consolidate the parcels into one tract of land. The purpose for combining the parcels is to create one tract of land for the construction of the Power System Service Center

**Public Comment**

No one came forward to speak for or against Ordinance No. 35-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 35-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 35-10 adopted.

**ORD. NO. 1-11 (2nd Reading)**

An Ordinance amending Ordinance No. 33-66, relating to the Municipal Income Tax

City Manager Enderle stated this is the second reading for Ordinance No. 1-11 to provide funds for the purpose of permanent improvements, new equipment, extension and enlargement of municipal services and facilities, capital improvements and operating expenses of the City of Piqua and is just a housekeeping item.

**Public Comment**

Bill Shinall, New Haven Rd. came forward and inquired if the funds from this tax were the same funds as in a previous ordinance that was passed regarding the license fees.

City Manager Enderle explained the difference between the two funds stating the fees from the license fee collected go into Street Fund 101, and the fees collected from the Municipal Income Tax Fund go into Street Fund 103. These funds are strictly for capital improvements and no maintenance comes out of this fund, said City Manager Enderle.

Ordinance No. 1-11 was given a second reading.

**RES. NO. R-6-11**

A Resolution authorizing the City Manager to execute a labor contract with the Fraternal Order of Police (Civilians), Ohio Labor Council, Inc.

City Manager Enderle stated Resolution No. 2-11 is authorizing the City to execute a Labor Contract with the Fraternal Order of Police (Civilians), Ohio Labor Council, Inc. to be in effect from January 1, 2011 through December 31, 2013.

**Public Comment**

No one came forward to speak for or against Resolution R-6-11.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-6-11 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-6-11 adopted.

**RES. NO. R-7-11**

A Resolution appointing Julia (Judy) Terry to the Grow Piqua Now Board

City Manager Enderle stated Resolution No R-7-11 appoints Judy Terry to the Grow Piqua Now Board for a term of (3) years to expire on December 31, 2013.

**Public Comment**

No one came forward to speak for or against Resolution No. R-7-11.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-7-11 be adopted. Voice vote, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-7-11 adopted.

**RES. NO. R-8-11**

A Resolution appointing Sharon Lyons to the Energy Board

City Manager Enderle stated this Resolution appoints Sharon Lyons to the Energy Board to fill the unexpired term of Brian Kellogg for a term to expire on February 28, 2015.

**Public Comment**

No one came forward to speak for or against Resolution No. 8-11.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-8-11 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-8-11 adopted.

**RES. NO. R-9-11**

A Resolution of Appreciation for the public service of Rick Maggert as a City Employee

City Manager Enderle stated this is a Resolution of Appreciation for Rick Maggert for his thirty-five plus years of service in the Piqua Fire Department. Mr. Maggert held the position of Assistant Fire Chief for over (18) eighteen years, and also served as Acting Fire Chief for (1) one year until the new fire Chief was chosen.

Mayor Fess read the proclamation and presented it to Fire Chief Mike Rindler, who accepted the proclamation for Mr. Maggert.

Mayor Fess stated Mr. Maggert waited until his retirement to have a much-needed back surgery, and was unable to attend the City Commission Meeting.

**Public Comment**

Jean Franz, Parkridge Place, came forward and stated her husband Fred Franz was on the Fire Department when Mr. Maggert started his career, and they wanted to wish him the best in his retirement.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-9-11 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-9-11 adopted.

**RES. NO. R-10-11**

A Resolution to request the Miami County Board of Elections to set a Special Election on March 1, 2011 for the purpose of a Recall Election for Commissioner, Lucinda L. Fess, Commissioner William Vogt, Commissioner Joe Wilson, and Commissioner Julia Terry

City Manager Enderle stated this is a vote by the Commission set by the Charter, if there are enough significant signatures the Commission has between forty and sixty days to set an election date. We are suggesting March 1<sup>st</sup>, 2011, which would give everyone the opportunity to prepare for and be ready to vote. This is also the first Tuesday of the month, which is the usual day for an election and should be easy to remember, stated City Manager Enderle.

Mayor Fess stated there has been some question as to how the Commissioners can vote on something that involves them.

Law Director Stacy Wall explained there has been some questions asked if there is a conflict of interest with four of the Commissioners being the subject of the Resolution and voting on it. Ms. Wall stated it is her legal opinion there is no conflict of interest. Section 122 of the Piqua Charter mandates the Commission set the election date, the Commissioners are not deciding on whether or not there is a recall election. The only thing the Commissioners are doing is setting the date for the recall election. The recall election is automatic once the signatures are verified by the Board of

Elections, and the necessary 1000 required signatures were found valid on each of the four petitions.

### **Public Comment**

Dean Ward, Lambert Drive, came forward and stated he was very much in support of the four current Commissioners and trusts the democratic process that put them in office. Mr. Ward asked if it would be possible to retract the recall and let the process take place as should be. Mr. Ward further stated he would like for all citizens to work together to solve these issues in the future.

Mayor thanked Mr. Ward for his comments, and stated unfortunately it is too late to stop the process at this time.

Hal Heiner, Lambert Drive, came forward and voiced his concern over the recall election costs to the City, and asked if it would be possible for him to make a donation to help defray the costs of the election?

Finance Director Cynthia Holtzapple explained that contributions can be made to any fund within the City, and the cost of the election will be borne by the General Fund. Please make a note on the check the reason for the donation, said Ms. Holtzapple.

Jim Brown, Park Avenue, came forward and stated to the four Commissioners listed on the recall that he feels, and he also feels the majority of the citizens of Piqua the Commissioners have served honorably, faithfully, and tried to do the right thing on behalf of the city. Mr. Brown said he appreciates it and their dedication to the City of Piqua.

Mayor Fess stated she appreciates all of the comments.

Commissioner Terry stated she felt it was ironic that the Commissioners have to set the date for their own recall. Let's put a positive spin on this by setting the date and getting the recall behind us, and come out on the other side better by having more cooperation within the city, and do more positive things. The Positive Promoting Piqua organization came out of this, and is a very positive movement, so let's move forward and put all this behind us, said Commissioner Terry.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-10-11 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-10-11 adopted

Mayor Fess stated when the Commissioners were sworn in they pledged to support the Charter of the City of Piqua as part of their oath, and the Charter indicates this is what we need to do, so let's get the recall election behind us and move forward. The PPP Organization is not just a one-time thing; they intend to stay together to work on getting the negativity out of the City of Piqua. Mayor Fess encouraged citizens to get out and vote on March 1 in the Special Election, stating it may be one of the most important things that has happened in the City of Piqua.

### **OTHER**

#### **Public Comment**

Brad Boehringer, Mound Street, came forward and encouraged citizens to vote for the Piqua Catholic Schools Pepsi Challenge. Mr. Boehringer also voiced his comments on the upcoming recall election and asked citizens to vote with their hearts, and also thanked the Positively Promoting Piqua organization for their support. Mr. Boehringer said he agrees with the democratic process stating we voted the current Commissioners in office; we should wait until the next regular election to make any change.

Russ Fashner, Forrest Avenue, came forward and read a prepared statement concerning the Fire Department. Mr. Fashner requested a public records request for a report that was written concerning part-time volunteer Fire Departments. Mr. Fashner stated he wanted to clarify that he had heard about the report on the study from the community, not the Fire Department, and encouraged the community to get a copy of the report.

Mayor Fess stated she wanted to clarify that Mr. Fashner was not a member of the P.O.I.N.T. Organization, but was one of the circulators of the Recall Petitions. Mr. Fashner agreed with the Mayor's statement.

Mayor Fess stated the City has not laid off any firefighters.

Mr. Fashner stated were two firefighters not told they would be laid off on August 31, 2010?

City Manager Enderle explained it was stated if the money was not in the budget there would be the possibility for the layoff of two firefighters as of 8-31-10. But this did not happen. No one was notified; the discussion was that was one of the cuts they were considering unless they could come up with the dollars. It then came into dispute whether the promise to the firefighters was for the full year of 2010, or it was for the contract period. Ultimately the dollars were identified by the Fire Department to make the necessary cuts to avoid any layoffs, and that is the truth of the matter stated City Manager Enderle.

Mayor Fess added that the Commission was very adamant that they did not want any layoff of City Firefighters. Mayor Fess further stated the Commission has never looked at a Part-time Fire Department that she is aware of.

Mr. Fashner stated all he was doing was asking for a document, a public records request. Mayor Fess stated she is not aware of any such document.

City Manager Enderle stated the document comes from the City Manager's Office, and Mr. Fashner has never made a request for such a document. Mr. Fashner asked the Fire Chief for the document, and the Fire Chief directed Mr. Fashner to the City Manager's Office

Law Director Wall explained the records request is made to the keeper of the record.

Mr. Fashner stated he is requesting the public record, and further stated this is what the recall is about, Mr. Enderle not wanting the public to know anything.

Mayor Fess stated they have not heard any specific reasons for the recall. Mayor Fees further stated she feels Mr. Fashner is way off base calling her a liar, stating that she told Bill Hogston to go out and get another job, which she never said that. In fact what she stated at a Commission Meeting is, "if the firefighters could not be happy here with the wages they are making maybe they should look at another department". Mayor Fess stated she did not mean she wanted any of the firefighters to leave, or that she wanted to get rid of any firefighters, but that the City can pay this much money and are trying to stay within a budget. If they cannot live with that then maybe they should look elsewhere. I would say that not only to the firefighters but also to any employee of the City. If you are not happy with the wages you are getting here you always have the opportunity to go somewhere else.

Mr. Fashner stated all I am asking for is a report," how do I take this document and send it to Mr. Enderle to get the report I am asking for?" City Manager Enderle stated all Mr. Fashner had to do was to call him and tell him he wanted the document, or send an email requesting the document.

Mr. Fashner stated he is here in the public, and is not hiding behind the computer. City Manager Enderle stated if you want a document you have to ask for it. He further stated he will be glad to respond to what the document is but was not going to argue or debate the issue with Mr. Fashner.

Mayor Fess asked Mr. Fashner to take his seat. Mayor Fess further stated Mr. Fashner would get his public document by asking for it the proper way and in the proper place.

Mike Gutmann, Marymont, came forward stating he is a member of the Positively Promoting Piqua group and wanted citizens to know the next meeting is going to be held on Wednesday, January 19, 2011 at 5:00 P.M. at Hartzell Propeller, in the All Hands area, and is open to the public and encouraged citizens to attend.

Commissioner Wilson commented on the Pep Rally held for the Piqua Catholic School to win the Pepsi Challenge and the \$50,000 grant. This is the true character of the people who live in Piqua. Look at the campaign for the new football field that was completed without any tax dollars, and the Neighborhood Associations that have formed and are doing wonderful things where they live, the Salvation Army and the Bethany Center, the Cold Weather Shelter, and the PPP Organization who has been a great help with the issues. We live in a really nice community and we need to remember all the good thing that are being done here, and not the bad things that we sometimes talk about.

Commissioner Vogt thanked retiring Assistant Fire Chief Rick Maggert for his thirty-five plus years of service to the City of Piqua, and congratulated the new Assistant Fire Chief Vincent Ashcraft, and the new Fire Captain John Kendall on their promotions.

Commissioner Vogt stated he attend the Martin Luther King Celebration at the YWCA and thanked them for putting the celebration together.

Commissioner Vogt stated one thing is positive he does not lie. None of the Commissioner's have lied to the public, they do as good as the can with the information they have, said Commissioner Vogt.

Commissioner Terry stated she enjoyed the Martin Luther King Day Celebration program at the YWCA, and congratulated the Johnston Farm and Indian Museum for receiving one of the highest national recognitions from the American Association of Museums. Presently there are only 780 accredited museums out of the 17,500 museums in the nation, and this is something the City of Piqua can be proud of, said Commissioner Terry.

Commissioner Terry asked citizens who are voting for the Piqua Catholic Pepsi Challenge to also go to the \$250,000 category and vote for Team Sanfilippo. Members of our community, Bill and Karen McNeil have two grandchildren who have this disease, and are asking you to help them reach their goal for research for this disease.

Commissioner Terry stated she received several calls concerning the use of absentee ballots, for information citizens can contact the Miami County Board of Elections at 937-440-3900.

Commissioner Terry encouraged citizens to attend the Positively Promoting Piqua Meeting on Wednesday January 19, 2011 at 5:00 P.M.

Commissioner Martin asked if Piqua Catholic Schools had to be number one, or just in the top ten to receive the grant. Commissioner Terry explained the ratings, and how they can still vote several ways.

Commissioner Martin also congratulated Rick Maggert, Vince Ashcraft, and John Kendall.

Commissioner Martin stated he wanted to commend Positively Promoting Piqua for creating a group to positively promote the City we live in; it is one of the best things to happen to Piqua right now.

City Manager Enderle stated he wanted to apologize to Mr. Fashner for mispronouncing his name previously.

City Manager Enderle explained this Commission stated when discussing the Budget they did not want to lay any Firefighters off, and did not want to go to a part-time Fire Department. City Manager Enderle further stated it is his responsibility as City Manager to look at all alternatives which may include layoffs, or possibly going to a part-time Fire Department, or even asking the public for a ¼% tax increase.

City Manager Enderle further explained he had asked the Fire Chief to complete a study on the various aspects of part-time firefighters and several other avenues. The completed study was not adequate and he asked Chief Rindler to do a more thorough analysis and assigned several other city personnel to help him compile this study. We do not have a problem this year, and are not filling two retirement positions at this time. The information study that the City Manager has is incomplete he feels at this time, but would be glad to give the study to Mr. Fashner or anyone else who wants it. City Manager Enderle explained he is not trying to hide anything from the Commission; and stated he had explained the information in an email to the Commissioners. The last thing we want to do is be caught without having any alternatives, said City Manager Enderle.

Mayor Fess stated we are not the only city having difficulty funding Police and Fire; it is going on all over the United States, and other cities have had to lay off Police and Fire personnel.

Mayor Fess encouraged citizens to move forward and not dredge up the past.

Mayor Fess congratulated the Piqua Catholic Schools and asked citizens to keep voting to help them win the \$50,000 grant.

Mayor Fess also congratulated the Johnston Farm on the honor of being named one of the best Historical Districts in the country; it is something amazing for the City of Piqua. We need to build on all the positive things going on and get over the negativity, and get past what has been going on the past couple of years in the city.

**Adjournment**

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 8:35 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

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LUCINDA L. FESS, MAYOR

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

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