

AGENDA

PIQUA CITY COMMISSION
MONDAY, FEBRUARY 4, 2008
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PIQUA HEALTH BOARD

1. APPROVAL OF MINUTES Approval of the minutes from the January 7, 2008 Piqua Health Board Meeting
2. RES. NO. H-296 A Resolution modifying certain fees for service and repealing Resolution No. H-294

ADJOURNMENT

REGULAR CITY COMMISSION MEETING

- Presentation: Ms. Kim Fair/ Ms. Penny Welbaum: Council on Rural Services
Regeneration Program

1. APPROVAL OF MINUTES Approval of the minutes from the January 14, 2008 Piqua City Commission Work Session and the January 22, 2008 Regular City Commission Meeting
2. ORD. NO. 5-08 An Ordinance enacting Chapter 54 of the Piqua Municipal Code to establish a new chapter entitled Right-Of-Way Management, which regulates the use of the public right-of-way and establishes a permit schedule
3. RES. NO. R-28-08 A Resolution establishing a Committee on Community Diversity and adopting the Committee's mission and responsibilities
4. RES. NO. R-29-08 A Resolution establishing a different date for the second Regular Commission meeting February

5. **RES. NO. R-30-08** A Resolution awarding contracts for the purchase of transformers for the Power System

6. **RES. NO. R-31-08** A Resolution authorizing reimbursement of a share of the cost of the local funding match with Miami County, the City of Tipp City and the City of Troy to provide transit service to Miami County

7. **RES. NO. R-32-08** A Resolution reappointing a member and an alternate member to the Miami Valley Regional Planning Commission

8. **RES. NO. R-33-08** A Resolution requesting authorization to issue a purchase order to Flatirons Engineering, Inc. for Phase 2 of the Water Department SCADA (Supervisor Control and Data Acquisition) system

OTHER

Monthly reports for December 2007

ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
HEALTH BOARD
JANUARY 7, 2008
7:30 P.M.
201 W. WATER STREET
PIQUA, OHIO 45356**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers, 201 W. Water Street. President Tom Hudson called the meeting to order. Also present were Commissioners Fess, Terry, Vogt, and Martin. Absent: None.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that the minutes of the Piqua Health Board Meeting of April 17, 2006 be approved. Voice vote, Aye: Terry, Hudson, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously.

RES. NO. H-296 (PUBLIC HEARING)

A Resolution modifying certain fees for service and repealing Resolution No. H-296

City Manager Enderle stated this is the Public Hearing for Resolution No H-296.

No one came forward to speak for or against Resolution No. H-296 at this time.

Moved by Commissioner Fess, seconded by Commissioner Terry, to adjourn from the Piqua Health Board Meeting at 7:45 P.M. Voice vote, Aye: Hudson, fess, Martin, Terry, and Vogt.

THOMAS D. HUDSON, PRESIDENT

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. H-296

**A RESOLUTION MODIFYING CERTAIN FEES
FOR SERVICES AND REPEALING RESOLUTION
NO. H-294**

BE IT RESOLVED by the Board of Health of the City of Piqua, Miami County, Ohio, the majority of all members concurring, that:

SEC. 1: Inspection fees for food service operations/retail food establishments operations shall be modified as follows:

A. The license fees established by the Board of Health pursuant to Sections 3709.09 of the Ohio Revised Code for the food service/retail food establishment operations as described in Section 3717 of the Ohio Revised Code shall be as follows:

<u>Commercial Fees</u>	<u>Non- Commercial Fees</u> (Schools, churches, non-profit youth groups, churches etc.)
0-25,000 square feet	0-25,000 square feet
Level 1 - \$140.00	Level 1 - \$ 70.00
Level 2 - \$160.00	Level 2 - \$ 80.00
Level 3 - \$320.00	Level 3 - \$160.00
Level 4 - \$400.00	Level 4 - \$200.00
25,000 + square feet	25,000 + square feet
Level 1 - \$215.00	Level 1 - \$107.50
Level 2 - \$225.00	Level 2 - \$112.50
Level 3 - \$650.00	Level 3 - \$325.00
Level 4 - \$750.00	Level 4 - \$375.00
Mobile	\$75.00
Temporary	\$10.00/day
Vending machine locations	\$15.24

The cost of a license for food service/retail food establishments and vending machines shall include an amount in addition to the fees as set forth above, to be determined by the Public Health Council and the Director of Agriculture pursuant to Sections 3717.25 and 3717.45 of the Ohio Revised Code.

RESOLUTION NO. H-296 CONTINUED

SEC. 2: No licenses issued pursuant to this Resolution are transferable to any person not applying for said license;

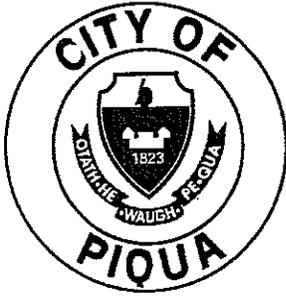
SEC. 3: Resolution No. H-294 is hereby repealed.

SEC. 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, PRESIDENT

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK TO HEALTH COMMISSIONER



HEALTH DEPARTMENT

201 West Water Street • Piqua, Ohio 45356
(937) 778-2060 • FAX (937) 778-0050

November 28, 2007

To: Fred Enderle, Health Commissioner

Subject: Agenda item for Board of Health /City Commission

The Health Department is required to perform a cost analysis each year for the food operation program. After conducting the analysis, the Board of Health must establish license fees. Attached are the proposed license fees for the 2008 licensing year which runs from March 1, 2008 through February 28, 2009. Also attached is a fee comparison sheet.

In order to modify existing fees, the Board of Health must first hold a public hearing to accept comments regarding the proposed fees. In order to allow time to notify all interested parties, I propose the Board of Health conduct the public hearing at the January 7, 2008 meeting. The resolution would then be placed on a subsequent meeting for approval.

If you have any questions or need additional information, please let me know.

Sincerely,

Amy Welker, RS
Director of Health & Sanitation

Piqua City Health Department
Proposed Food Fees 2008

November 27, 2007

Operations equal to or less than 25,000 ft2

RISK LEVEL	PIQUA FEE	STATE FEE	TOTAL FEE
	PROPOSED		
1	\$ 140.00	\$ 28.00	\$ 168.00
2	\$ 160.00	\$ 28.00	\$ 188.00
3	\$ 320.00	\$ 28.00	\$ 348.00
4	\$ 400.00	\$ 28.00	\$ 428.00
Non-commercial			
1	\$ 70.00	\$ 14.00	\$ 84.00
2	\$ 80.00	\$ 14.00	\$ 94.00
3	\$ 160.00	\$ 14.00	\$ 174.00
4	\$ 200.00	\$ 14.00	\$ 214.00

Operations greater than 25,000 ft2

RISK LEVEL	PIQUA FEE	STATE FEE	TOTAL FEE
	PROPOSED		
1	\$ 215.00	\$ 28.00	\$ 243.00
2	\$ 225.00	\$ 28.00	\$ 253.00
3	\$ 650.00	\$ 28.00	\$ 678.00
4	\$ 750.00	\$ 28.00	\$ 778.00
Non-commercial			
1	\$ 107.50	\$ 14.00	\$ 121.50
2	\$ 112.50	\$ 14.00	\$ 126.50
3	\$ 325.00	\$ 14.00	\$ 339.00
4	\$ 375.00	\$ 14.00	\$ 389.00

MOBILE	\$ 75.00	\$ 28.00	\$ 103.00
TEMPORARY	\$ 10.00	\$ -	\$ 10.00
VENDING	\$ 15.24	\$ 6.00	\$ 21.24

Piqua Food Fees Comparison

Operations equal to or less than 25,000 ft²

RISK LEVEL	PIQUA FEE	PIQUA FEE	MIAMI CO	DARKE CO
commercial	CURRENT	PROPOSED		
1	\$ 95.00	\$ 140.00	\$ 163.00	\$ 235.50
2	\$ 108.00	\$ 160.00	\$ 184.00	\$ 264.00
3	\$ 209.00	\$ 320.00	\$ 341.00	\$ 494.00
4	\$ 266.00	\$ 400.00	\$ 425.00	\$ 623.00

Operations greater than 25,000 ft²

RISK LEVEL	PIQUA FEE	PIQUA FEE	MIAMI CO	DARKE CO
commercial	CURRENT	PROPOSED		
1	\$ 139.00	\$ 215.00	\$ 231.00	\$ 335.50
2	\$ 147.00	\$ 225.00	\$ 241.00	\$ 352.50
3	\$ 530.00	\$ 650.00	\$ 814.00	\$ 1,219.50
4	\$ 561.00	\$ 750.00	\$ 866.00	\$ 1,292.00

MOBILE	\$ 75.00	\$ 75.00	\$ 175.00	\$ 135.00
TEMPORARY	\$ 10.00	\$ 10.00	\$ 20.00	\$ 28.00
VENDING	\$ 15.24	\$ 15.24	\$ 26.60	\$ 30.49

**Fees do NOT include state fee

***Non-commercial fees are 50% of commercial fees (risk class only)

MINUTES
PIQUA CITY COMMISSION WORK SESSION
JANUARY 14, 2008
5:00 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

Piqua City Commission met in Special Work Session at 5:00 P.M. in the Municipal Government Complex City Commission Chambers, 201 W. Water Street. Mayor Hudson called the meeting to order at 5:00 P.M. Also present were Commissioners Martin, Vogt, Terry and Fess. Absent: None. Also in attendance: City Manager Fred Enderle, and Department Heads.

REVIEW OF 2007 GOALS

City Manager Enderle went over the 2007 Goals and gave a brief synopsis of each category.

Goal #1 Economic Development

- 1.1 Pursue Fort Piqua Hotel opportunities.
- 1.2 Market available industrial sites.
- 1.3 Ensure adequate inventory of shovel ready sites.
- 1.4 Attract developers to invest in Piqua.
- 1.5 Pursue foreign investment of Chinese, Japanese, and German investors.
- 1.6 Create economic opportunities in healthcare & other industries utilizing our Education Resources.
- 1.7 Address the River Corridor as a centerpiece in the comprehensive plan, downtown and neighborhood revitalization.

Goal #2 Improve Physical Appearance

- 2.1 Revitalize declining neighborhoods.
- 2.2 Improve property maintenance.
- 2.3 Improve city entryways.
- 2.4 Pursue opportunities to engage the community and develop partnerships for neighborhood revitalization and clean up.
- 2.5 Improve overall community aesthetics.

Goal #3 Update the City's Comprehensive Plan

- 3.1 Ensure the Plan provides a long-range vision for the City.
- 3.2 Engage all sectors of the community in development of the Plan.
- 3.3 Ensure the Plan addresses the essential needs of the community.
- 3.4 Ensure the Plan is implementable.

Goal #4 Maintain and Improve the City's Infrastructure

- 4.1 Ensure the City maintains a long-range vision for infrastructure planning and improvement.

Goal #5 Enhance Public Safety

- 5.1 Ensure the Safety Departments are equipped with the resources to do the job.
- 5.2 Enhance and develop a community partnership to assist addressing public safety needs of the community.

Goal #6 Improve Public Awareness of City Affairs

- 6.1 Improve communications with the public.

REVIEW NEW GOALS FOR 2008

City Manager Enderle went over and explained the projected goals for 2008.

There was discussion of several of the areas

DISCUSSION

City Manager Enderle asked if the Commissioners would like to add anything to the Goals for 2008.

Mayor Hudson stated he would like to see the clean up of Franz Pond, Echo Lake, and Swift Run included in the 2008 Goals.

City Manager Enderle stated it could be included in the Community Appearance Strategy.

There was discussion on how the cleanup of Franz Pond, Echo Lake, and Swift Run can be done and by whom. It was suggested that maybe citizens or adjoining property owners could be involved in the process.

City Manager Enderle asked if all were in agreement to add the cleanup of Franz Pond, Echo Lake, and Swift Run to the 2008 Goals.

All present stated they were in agreement to add the cleanup of Franz Pond, Echo Lake, and Swift Run to the 2008 Goals.

There was discussion of the code enforcement issues, and the use of loans and groups to help with violations on properties.

There was discussion of the soft billing for the ambulance fees, and how the Springcreek and Washington Townships billed for their ambulance fees.

Mayor Hudson thanked everyone for attending.

Moved by Mayor Hudson, seconded by Commissioner Vogt, to adjourn from the Piqua City Commission Work Session at 6:40 P.M. Voice vote, Aye: Hudson, Terry, Vogt, Fess, and Martin. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
TUESDAY, JANUARY 22, 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, and Terry. Absent: None.

Mayor Hudson read a statement on public conduct at the City Commission Meetings.

REGULAR CITY COMMISSION MEETING

APPROVAL OF MINUTES

Moved by Commissioner Vogt, seconded by Commissioner Fess, that the minutes of the Regular City Commission Meeting of January 7, 2008 be approved. Voice vote, Aye: Terry, Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously.

ORD. NO. 2-08

An Ordinance vacating a portion of Campbell Street public right-of-way

Commissioner Terry asked if there was any urgency to adopt this ordinance at this time.

Chris Schmiesing, City Planner explained.

Commissioner Terry asked if anyone spoke against this vacation at the Planning Commission meeting?

Mr. Schmiesing stated no, no one spoke against the vacation, and it was passed unanimously.

Commissioner Vogt voiced his opinion and asked that it be given a first reading.

Commissioner Fess asked if the neighbors have been notified of the vacation.

Mr. Schmiesing stated yes the neighbors were all notified, and they have had the opportunity to voice their opinions.

Moved by Commissioner Terry, seconded by Commissioner Fess, that the rule requiring the Ordinance be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin, Fess, Terry, and Hudson. Nay: Vogt. Motion carried on 4-1 vote.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Ordinance No. 2-08 be adopted. Voice vote, Aye: Vogt, Hudson, Fess, Terry, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 2-08 adopted.

ORD. NO. 3-08

An Ordinance amending Zoning Ordinance No. 26-82 and map of the City to adopt an R-1AA (One Family Residential) designation for the proposed 8750 Looney Road annexation.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring the ordinance to be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Hudson, Terry, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 3-08 be adopted. Voice vote, Aye; Fess, Martin, Vogt, Hudson, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 3-08 adopted.

ORD. NO.4-08

An Ordinance repealing Schedule A and A-1 of Chapter 33 of the Piqua Code, and adopting a new Schedule A and A1 of Chapter 33 of the Piqua Code relating to wages of certain municipal employees.

Commissioner Terry asked if there was any urgency to pass Ordinance No. 4-08 at this time?

City Manager Enderle explained.

Moved by Commissioner Terry, seconded by Commissioner Fess, the rule requiring the Ordinance to be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Vogt, Fess, Martin, Hudson, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Ordinance No. 4-08 be adopted. Voice vote, Aye: Hudson, Terry, Martin, Vogt, and Fess. Nay, None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 4-08 adopted.

RES. NO. R-16-08

A Resolution adopting the 2008 Goals for the City of Piqua

City Manager gave a brief overview of the 2008 Goals for the City of Piqua.

City Manager Enderle stated under Goal 6.1 at the end of the sentence, strike out "and old power plant site-re-use analysis" before adopting.

There was discussion of the use of the old Power Plant facility.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Resolution No. R-16-08 be adopted. Voice vote, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-16-08 adopted.

RES. NO. R-17-08

A Resolution of Appreciation for the public service of E. Mic Koehl as a City Employee

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-17-08 be adopted. Voice Vote, Aye: Terry, Hudson, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-17-08 adopted.

RES. NO. R-18-08

A Resolution appointing a member to the Board of Zoning Appeals as the Planning Commission Representative

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-18-08 be adopted. Voice vote, Aye: Fess, Vogt, Martin, Terry, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-18-08 adopted.

RES. NO. R-19-08

A Resolution relating to the application for annexation of certain real property to the City located at 8750 Looney Road

Mayor Hudson asked why the applicant wanted to annex into the City of Piqua.

City Manager Enderle explained the reason for the request to annex into the City of Piqua.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-19-08 be adopted. Voice vote, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-19-08 adopted.

RES. NO. R-20-08

A Resolution adopting the "Plan It Piqua" 2007 Comprehensive Plan update document as the official Comprehensive Plan of the City of Piqua

City Planner, Chris Schmiesing thanked several organizations and groups for their support in working on the Plan It Piqua program. Mr. Schmiesing gave a brief overview of the Plan It Piqua process.

Mr. Schmiesing introduced Brad Bubp, Chairman of the Plan It Piqua program. Mr. Bubp gave a brief overview of the many different groups of citizens who worked together to make the Plan It Piqua such a success.

Commissioner Terry asked if the Plan It Piqua booklet would be available to citizens and where can they obtain one if so.

Mr. Schmiesing stated yes, the Plan It Piqua booklet is available to citizens, and it is also available on the City of Piqua web site.

Mayor Hudson asked when the last Comprehensive Plan was updated?

Mr. Schmiesing stated the last update was completed in 1971.

Mayor Hudson thanked Mr. Bubp for all his hard work, and all the citizens who participated in putting together the Comprehensive Plan.

Commissioner Terry also thanked all the volunteers who participated in putting together the City of Piqua's Comprehensive Plan.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-20-08 be adopted. Voice vote, Aye: Hudson, Martin, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-20-08 adopted.

Mayor Hudson asked that Resolution No. R-21-09 be moved to end of the agenda in anticipation of the presenter arriving late.

RES. NO. R-22-08

A Resolution authorizing the City Manager to enter into a Memorandum of Understanding with the City of Troy, Ohio, City of Tipp City, Ohio, County of Miami Clerk of Courts and Miami County Board of Commissioners for the purposes of funding a Hazardous Coordinator position.

Commissioner Terry asked what the qualifications were for the Hazardous Coordinator position.

Fire Chief Gary Connell explained the type of individual who would qualify for the position of Hazardous Coordinator.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-22-08 be adopted. Roll call, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-22-08 adopted.

RES. NO. R-23-08

A Resolution requesting authorization to purchase land from Piqua Materials for the equalization basin

Commissioner Terry asked what is the land being use for at this time that is being purchased?

Public Works Director Tom Zechman explained what the land is being used for at this time.

Mayor Hudson asked someone to explain what an equalization basin is.

Mr. Zechman explained what an equalization basin is and what it is used for.

There was discussion and several questions were asked in regards to the equalization basin.

Joe Drapp, 1366 Park Avenue, asked several questions concerning the equalization basin.

Mr. Zechman answered all of Mr. Drapp's questions on the equalization basin.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Resolution No. R-23-08 be adopted. Voice vote, Aye: Hudson, Martin, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-23-08 adopted.

RES. NO. R-24-08

A Resolution awarding a contract for the purchase of a Sewer Jet-Vac

Commissioner Terry asked if someone could explain what a Sewer Jet-Vac function is.

Mr. Zechman explained the function of the Sewer Jet-Vac.

Mayor Hudson asked how long will the new Sewer Jet-Vac last and what happens with the old one.

Mr. Zechman stated the current one has been in use for twelve years now, and we will continue to use it as a backup as needed.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-24-08 be adopted. Roll call, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-24-08 adopted.

RES. NO. R-25-08

A Resolution awarding a contract to Pohlkat Incorporated in the amount not to exceed \$100,000 for removal and disposal of lime residual from the lime lagoon at the Water Plant.

Commissioner Terry asked how the lime is removed and who is in charge of hauling it away now?

Mr. Zechman explained the process of the lime removal at this time.

Commissioner Martin asked if this process would come close to clearing out the lagoon?

Mr. Zechman explained.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-25-08 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-25-08 adopted.

RES. NO. R-26-08

A Resolution awarding a contract for the 2008 Street Resurfacing and Alley Paving program

Mayor Hudson asked how many miles of alleys are there in Piqua?

Mr. Zechman stated there are five miles of alleys in the City of Piqua.

Commissioner Vogt asked how many miles of alleys were paved last year?

Mr. Zechman stated only one mile of the alleys was completed last year, this was used as a pilot program for this year.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-26-08 be adopted. Roll call, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-26-08 adopted.

RES. NO. R-27-08

A Resolution authorizing a purchase order to Life Star Rescue Inc. for the purchase of power pro assist cots for the Fire Department

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-27-08 be adopted. Roll call, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-27-08 adopted.

RES. NO. R-21-08

A Resolution approving a Mix Use Planned Unit Development (M-PUD) concept plan for the Davis Village located at the northwest corner of US Route 36 and R. M. Davis Parkway

City Planner, Chris Schmiesing gave a brief overview of the Project Davis Village located at the northwest corner of US Route 36 and R.M. Davis Parkway.

Commissioner Fess asked what the current zoning was for the parcel in question at this time.

Mr. Schmiesing stated it is B-General Business and explained the need for the resolution.

Mayor Hudson asked how much would the investment be for this project, and what type of units were going to be built, and who would be eligible to live there, would it be for seniors?

Mr. Schmiesing stated about five million would be invested at this time, and yes the units will be available for rent by senior citizens.

Commissioner Fess asked if there would only be rentals available not purchases, and would the housing be subsidized housing ?

Mr. Schmiesing explained yes, they would be rentals, and no they would not be subsidized housing.

Brad Boehringer, 132 E. Main Street, voiced his opinion on the possibility of the City of Piqua having more rentals with the Davis Village project.

Chet Osborne, 406 Staunton Street, voiced his opinion on the Davis Village project.

Jim Cline, 1025 Clark Avenue, voiced his opinion on the Davis Village project.

Chuck Starrett, 4244 Demming Road, voiced his opinion on the mixed use of the area with Davis Village project.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-21-08 be adopted. Voice vote, Aye: Terry, Hudson, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-21-08 adopted.

Larry Hamilton, 1104 Maplewood Drive, voice his concern over an article that appeared in the Piqua Daily Call on Wednesday, January 16, 2008 on board appointments to City of Piqua Boards.

Commissioner Fess asked what the article related to in reference to the board appointments.

Mr. Hamilton explained he was talking about the lack of a Diversity Committee.

City Manager Enderle explained why the Diversity Committee was not included in the Goals and stated they are in the process of establishing a committee at this time.

Brad Boehringer, 132 E. Main Street, voiced his opinion concerning the statement the Mayor read at the beginning of the Commission Meeting on public conduct at the meetings.

City Manager Enderle responded to Mr. Boehringers opinion.

Jean Franz, 114 Parkridge Place, stated she has spoken to many citizens concerning the new ordinances and rules.

Ms. Franz also complemented Commissioner Vogt on his article that appeared in the Piqua Daily Call on Tuesday, January 22, 2008.

Chet Osborne, 406 Staunton Street, voiced his opinion on the rental property issues and that the petitions have been filed to overturn the ordinance.

Jim Cline, 725 Clark Avenue, voiced his opinion about the enforcement of the nuisance ordinance and the employees who are enforcing them.

Mr. Cline also stated he would like to have several traffic lights removed around the city to make the traffic flow better.

City Manager Enderle stated there is a study being done at this time to remove several of the traffic lights.

Roy Howard, 6720 Spiker Road, stated citizens have told him they are afraid to voice their opinions to the City for fear of being put on a list or of retaliation.

Commissioner Fess stated let the process work itself out with the petitions, and let's work together for the good of the City.

Chuck Starrett, 4244 Demming Road, stated he wanted to clear up the accusations, and explained what he would like to accomplish at this time.

Ruth Koon, 1307 Park Avenue, congratulated the City of Piqua on taking a leadership role in helping to make the City of Piqua beautiful.

Commissioner Vogt voiced his opinion on the need for citizens to clean up their properties with just general cleaning. The Group WorkCamp project is a great opportunity for citizens to receive help in fixing up and repairing their properties.

Commissioner Martin stated he would like to see more citizens apply for the various boards and committees that are in need of new members.

Commissioner Fess stated we all need to work together and stop the animosity that is going on.

Commissioner Terry asked citizens to step up and get involved with the various boards and committee seats that are open. We would like to have citizen input, and this is your chance to be heard, said Commissioner Terry.

Mayor Hudson stated Public Works Director Tom Zechman, and Economic Development Director Harry Bumgarner gave a very informative power point presentation on the Hotel Project recently

Mayor Hudson commended Commissioner Vogt on the letter he wrote that appeared in the Piqua Daily Call recently.

Mayor Hudson stated he would respond to Mr. Boehringer's comments in a letter.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission meeting at 9:32 P.M. Voice vote, Aye: Fess, Hudson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 5-08

AN ORDINANCE ENACTING CHAPTER 54 OF THE PIQUA MUNICIPAL CODE TO ESTABLISH A NEW CHAPTER ENTITLED RIGHT-OF-WAY MANAGEMENT, WHICH REGULATES THE USE OF THE PUBLIC RIGHT-OF-WAY AND ESTABLISHES A PERMIT SCHEDULE

WHEREAS, it is in the public interest for the City of Piqua to exercise control over the City Rights-of-Way, including construction and other work activity in the City Rights-of-Way; and

WHEREAS, it is necessary to regulate such activity in the City Rights-of-Way to promote efficiencies, to discourage duplication of activity, to encourage coordination of such activity, to lessen public inconvenience, and to promote public safety.

NOW THEREFORE, BE IT RESOLVED BY the Piqua City Commission, a majority of its members concurring that:

SECTION 1. That the City of Piqua hereby adopts Chapter 54 entitled Right-of-Way Management and hereby reads in full as follows:

CHAPTER 54: RIGHT-OF-WAY MANAGEMENT

Section

- 54.01 Purpose and scope of chapter
- 54.02 Definitions
- 54.03 Types of permits; grant of authority
- 54.04 Procedure for Permits, Terms
- 54.05 Criteria for granting permits
- 54.06 Use of right-of-way
- 54.07 Obligations of permittees; conditions of permits
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§ 54.01 PURPOSE AND SCOPE OF CHAPTER

(A) The purpose of this chapter is to provide requirements for the use or occupation of any and all right-of-way and public property in the City, the issuance of permits to persons for such use or occupancy and to set forth the policies of the City related thereto.

(B) This chapter does not take the place of any franchise, license, or permit which may be additionally required by law and shall not alter or affect the requirements imposed by Piqua Code sections 51.45 to 51.47, Chapter 92, and/or Chapter 117. Each permittee shall obtain any and all such additional franchises, licenses or permits necessary to the operations and conduct of its business.

(C) The Public Works Director, or his or her representative, is hereby granted the authority and duty of enforcing the provisions of this chapter.

(D) No person shall erect, place or store any objects, items, basketball poles, fixtures, material, equipment, shed, roof, fence or temporary walk, guard, device or any other structure on a public right of way without first obtaining a permit from the Public Works Director to do so; nor shall any person move any building or structure onto, across or over any public right of way without first obtaining a permit from the Public Works Director.

(E) The policy of the City with regard to right-of-way is hereby declared to be:

1. To authorize any right-of-way user to utilize the right-of-way in a competitively neutral, non-discriminatory manner that maximizes the efficient use of and conserves the right-of-way and

- minimizes the burden on the right-of-way, physically and aesthetically;
2. To promote public safety and protect public property;
 3. To promote the utilization of right-of-way for the public health, safety and welfare and to promote economic development in the City;
 4. To promote the availability of a wide range of utility, communication and other services, including the rapid deployment of new technologies and innovative services, to the City's citizens and taxpayers at reasonable rates;
 5. To promote cooperation among the City and permittees in the occupation of right-of-way, and work therein, in order to minimize public inconvenience during work in the right-of-way and avoid uneconomic, unneeded and unsightly duplication of facilities;
 6. To ensure adequate public compensation for the regulation of the private use of the right-of-way and the regulation thereof; and
 7. To promote and require reasonable accommodation of all uses of right-of-way and to establish the following priority of use of right-of-way, when all requested usage of right-of-way by permittees cannot be accommodated:
 - (a) First priority: use by the City;
 - (b) Second priority: use by another governmental entity with City's concurrence or other uses required by law;
 - (c) General Permittees and franchisees shall have third priority;
 - (d) General Permittees shall have fourth priority; and
 - (e) Special Permittees shall have fifth priority;provided, however, that the Public Works Director may reasonably require right-of-way permittees to cooperate to accommodate use by other permittees and provided further that the Public Works Director may alter this priority when the Public Works Director reasonably determines a deviation to be in the public interest.
 8. To protect the value of private property by setting minimum aesthetic standards for uses of public property; and
 9. To require underground placement of all facilities in areas with existing underground facilities; and
 10. To require the improvement of existing areas to underground facilities to be at the permittee's cost; and
 11. To protect existing facilities, structures, and trees in the public right-of-way during the installation of new underground facilities and to assure the repair of existing underground facilities and

co-existence with new underground facilities to protect the first facilities' usability.

12. To minimize the impact on existing facilities and/or utilities including landscaping.

(F) Nothing in this Chapter should be construed to apply the provisions of this chapter to facilities owned or operated by the City or any of its operations.

(G) Unless otherwise specifically stated in a permit or in a franchise, all permits granted hereunder shall be non-exclusive.

(H) The Public Works Director is the principal city official for administration of right-of-way permits for work and excavations made in the right-of-way. The Public Works Director may delegate any or all of the duties hereunder.

§54.02 DEFINITIONS

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words *shall* and *will* are mandatory and *may* is *permissive*. Words not defined shall be given their common and ordinary meaning.

"Applicant" means any person requesting permission to occupy, lease or operate facilities using the right-of-way, or to excavate the right-of-way.

"Approved" means approval by the City pursuant to this chapter or any regulations adopted hereunder.

"Best efforts" means the best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, safety, expedition, available technology and human resources and cost.

"Chapter" or **"this chapter"** means this chapter 54 of the City of Piqua Code of Ordinances, as amended from time to time and any regulations adopted hereunder.

"City" means the City of Piqua, Ohio, or, as appropriate in the case of specific provisions of this chapter, any board, bureau, authority, agency, commission, department of, or any other entity of or acting on behalf of, the City of Piqua, or any officer, official, employee, representative or agent thereof, the designee of any of the foregoing, or any successor thereto.

"Commission" means the City Commission of the City of Piqua.

"Facility" means lines, pipes, irrigation systems, wires, cables, conduit facilities, poles, towers, vaults, pedestals, boxes, appliances, antennas, transmitters, gates, meters, appurtenances, or other equipment.

"Force majeure" means a strike, acts of God, acts of public enemies, orders of any kind of a government of the United States of America or of the State of Ohio or any of their departments, agencies, or political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms,

floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party, but only to the extent the disabled party notifies the other party as soon as practicable regarding such *Force Majeure* and then of only so long as and to the extent that, the *Force Majeure* prevents compliance or causes non-compliance with the provisions hereof.

"Franchise" shall mean a valid franchise pursuant to the Constitution and laws of Ohio and/or the United States, extended by the City and accepted by any person, business, firm or entity, pursuant to which such person, business, firm or entity may operate or provide utility, cable television, communications or other such services to consumers within the City.

"Gross revenues" shall mean all cash, credit, property of any kind or nature, or other consideration received directly or indirectly by a general permittee arising from or attributable to the sale or exchange of any services within the City in any way derived from the operation of its facilities in or use of the right-of-way.

"Permit" means the non-exclusive grant of authority to use or occupy all or a portion of City's rights-of-way granted pursuant to this chapter.

"Permittee" means any person, business, firm or entity issued a permit pursuant to this chapter to use or occupy all or a portion of the right-of-way in accordance with the provisions of this chapter and said permit.

"Person" means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.

"Public property" means any real property owned by the City or easements held or used by the City, other than a right-of-way.

"Public Works Director" means the Director of the Public Works Department of the City of Piqua, Ohio, or the authorized representative.

"Regulation" means any rule adopted by and pursuant to the authority of this chapter.

"Residential related purposes" shall mean residential use of right-of-way for mailboxes, decorative purposes, curb cuts, driveways, irrigation systems and other uses permitted in the right-of-way by ordinance.

"Right-of-way" means the surface of and the space above and below any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive or any public easement or right-of-way now or hereafter held by the City which shall, within its proper use and meaning in the sole opinion of the City, entitle a permittee or franchisee, in accordance with the terms hereof and of any permit, to the use thereof for the purpose of installing or operating any poles, wires, cables, transformers, conductors, ducts, lines, mains, conduits, vaults, manholes, amplifiers, appliances, attachments or other property or facilities as may be ordinarily necessary and pertinent to the provisions of utility, cable television, communications or other services as set forth in any franchise or any permit. Right-of-way shall also include public property, but only to the extent the use or occupation thereof is specifically granted in a permit or by ordinance or regulation.

§54.03 TYPES OF PERMITS; GRANTS OF AUTHORITY

(A) The following type of permits are available:

1. Franchise Permit – Permit granted to holders of a valid franchise;
2. General Permit – Permit granted to persons who do not hold a franchise but who desire and are granted authority to utilize rights-of-way generally; provided, however, that nothing in this chapter or in any general permit shall be constructed to authorize the permittee to provide any utility, cable television, communications or other services for which the City may lawfully require a franchise;
3. Special Permit – Permit granted to persons for a specific, limited use of the rights-of-way or a specific portion thereof;
4. Residential Permit - Permit granted to an adjacent or proximate residential landowner to occupy or use a portion of the right-of-way for residential related purposes.

(B) All Permits shall specify the use or uses for which such permits are granted, the conditional date of expiration of the permit and such other non-discriminatory terms and conditions as are appropriate and as are set forth in the regulations.

(C) Permits and the rights of permittees there under are not transferable without the express written approval of the City Manager or the Public Works Director.

§54.04 PROCEDURE FOR PERMITS, TERMS

(A) Applicants for Franchise Permits shall be granted a franchise permit hereunder which shall be valid and the applicable provisions that franchise and of this chapter are complied with; provided, however, that a franchise permit shall only entitle the franchise permittee to utilize the right-of-way, in accordance with this chapter, for purposes directly related to the provision of the specific services for which it has a specific franchise. Any other right-of-way use by such permittee shall require a separate permit. Any condition of Chapter 117 Competitive Service Authorizations shall also be satisfied.

(B) Applicants for General Permits, or renewals thereof, shall file an application therefore, in such form as regulations require, along with an application fee as also set forth in the regulations. The Public Works Director shall determine if the application is in order and, if so, forward the application to City Commission to determine whether or not, in accordance with the criteria set forth in Section 54.06, the Applicant should be granted a permit hereunder. City Commission shall make a final determination as to whether or not such permit should be granted and if so, upon what terms and conditions. The term of such permit shall be for five (5) years.

(C) Applicants for Special Permits, or renewals thereof, shall file an application therefore, in such form as the regulations require, along with an application fee as also set forth in the regulations. The Public Works Director

shall determine if the application is in order and if so, and if the Public Works Director also finds, in accordance with the criteria set forth in Section 54.06 that the application should be granted, the Public Works Director shall conditionally grant or renew such a Permit. Residential Permits shall be valid until canceled by the Public Works Director upon sixty (60) days' written notice to the permittee; provided, however, that upon a finding by the Public Works Director that an emergency exists, the Public Works Director may cancel any such permit upon such lesser notice as is necessary under the circumstances.

(D) Permits for residential related purposes are not required; however any residential related uses:

1. Exists and continues at the sufferance of the City;
2. May not jeopardize or adversely affect the public health, welfare, morals or safety;
3. May not interfere with the City's own uses or the right-of-way;
4. Must be modified, moved, or removed, upon notice, when the City determines in its sole judgment that such action is necessary; provide further, that in an emergency, or upon failure of the responsible party to respond in a timely fashion, the City may do or contract to do whatever it requires and recover the costs of same as such costs are recoverable by law.

(E) Before any construction may be begun in the right-of-way, the permittee shall file with the Public Works Director a performance bond in the required amount from a company licensed to do business in the State of Ohio, which such performance bond shall be maintained at the sole expense of the permittee so long as the permittee has facilities located in the right-of-way.

(F) Any applicant may appeal the failure of the Public Works Director to grant a permit or to recommend it to be granted upon terms and conditions acceptable to the applicant. In order to perfect such appeal, the applicant shall file within ten (10) days of the Public Works Director's determination or recommendation or ninety (90) days of the filing of the application if the Public Works Director has taken no action, an appeal to the City Manager. The City Manager shall then review the matter and render a final determination after affording the applicant an opportunity to be heard either in person or in writing. Except to the extent otherwise appealable by law, the City Manager's decision shall be final.

§54.05 CRITERIA FOR GRANTING PERMITS

(A) Franchise permits shall be granted to all persons holding a valid franchise and shall be effective for so long as such franchise is valid and the permittee complies with the provisions of such permit and this chapter.

(B) General and special permits shall be granted to persons based upon a determination that the following criteria are met:

1. The granting of the permit will contribute to the public health, safety or welfare in the City;
2. The granting of the permit will be consistent with the policy of the City as set forth in Section 54.01 hereof;

3. The permittee has and will continue to have liability insurance in effect, which names the City as an additional insured, in such amounts and for such liability as the City may require. Proof of said insurance, in a manner acceptable to the City, shall be provided to the City annually. If the insurance coverage expires, the permit will become null and void;
4. The applicant is a proper person to hold a permit and will fulfill all its obligations hereunder;
5. All field and maintenance personnel and equipment shall be responsible to perform proper construction zone traffic control as per the Ohio Department of Transportation (ODOT) Guidelines.

§54.06 USE OF RIGHT-OF-WAY

(A) The permittee's use of the right-of-way shall in all matters be subordinate to the City's use or occupation of the right-of-way. Without limitation of its rights, the City expressly reserves the right to exercise its governmental powers now and hereafter vested in or granted to the City.

(B) The permittee shall coordinate the placement of facilities in a manner which minimizes adverse impact on any public improvement, as reasonably determined by the City.

(C) The permittee shall consider any request made by the City concerning placement of facilities in private easements in order to limit or eliminate future street improvement relocation expenses.

(D) All facilities shall be located and laid so as not to disrupt or interfere with any pipes, drains, sewers, irrigation systems, or other structures or public improvements already installed. In addition, the permittee shall, in doing work in connection with its facilities, avoid, so far as may be practicable, disrupting or interfering with the lawful use of the streets, alleys, sidewalks or other public lands of the City.

(E) All facilities of the permittee shall be placed so that they do not interfere with the use of right-of-way and public lands. The City, through its Public Works Director, shall have the right to consult and review the location, design and nature of the facility prior to its being installed.

(F) Whenever reasonably possible, all newly constructed facilities shall be located underground. The permittee shall comply with all requirements of the City relating to underground facilities.

(G) The permittee shall not interfere with the facilities of the other right-of-way users without their permission. If and when the City requires or negotiates to have a service provider cease using its existing poles and to relocate its facilities underground, all other service providers using the same poles shall also relocate their facilities underground at the same time.

(H) The Public Works Director may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is currently or, pursuant to current technology, the Public Works Director expects will someday be located within the right-of-way. All right-of-way permits issued by Public Works Director shall indicate the proper corridor for the

Right-of-Way user's facilities. Any Right-of-Way user whose facilities are currently in the right-of-way in a position at a variance with the designated corridors shall, no later than at the time of next reconstruction or excavation of the area where its facilities are located, move the facilities to its assigned position within the right-of-way, unless this requirement is waived by Public Works Director for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, user service needs and hardship to the Right-of-Way user.

(I) All earth, materials, sidewalks, paving, crossings, utilities, other public improvements or improvements of any kind damaged or removed by the permittee shall be fully repaired or replaced promptly by the permittee at its sole expense and to the reasonable satisfaction of the City. Upon determination by the Public Works Director that such repair or replacement is a public safety matter, all such repair or replacement shall be commenced within twenty-four (24) hours of notice from the City, or the Public Works Director may direct the City to make such repair or replacement and bill the permittee for the City cost. The Public Works Director has the authority to inspect the repair or replacement of the damage, and if necessary, to require the permittee to do any necessary additional work at the permittee's expense.

(J) All technical standards governing construction, reconstruction, installation, operation, testing, use, maintenance, and dismantling of a permittee's facilities in the right-of-way shall be in accordance with applicable federal, state and local law and regulations, including those promulgated by national trade associations commonly associated with the service provided by the permittee. It is understood that the standards established in this paragraph are minimum standards and the requirements established or referenced in this Ordinance may be in addition to or stricter than such minimum standards. A permittee shall not construct or reconstruct any of its facilities located upon, over, under or within the City right-of-way without first having submitted in writing a description of its planned improvement to the Public Works Director and having received a permit for such improvement. The Public Works Director may require that any drawings, plans and/or specifications submitted be certified by a registered professional engineer stating that such drawings, plans and/or specifications comply with all applicable technical codes, rules and regulations, unless such plans are based directly on nationally recognized codes, which are appropriately cited, and attested to on the plans by the signature of an authorized official of the organization applying for the permit.

(K) The permittee shall cooperate promptly and fully with the City and take all reasonable measures necessary to provide accurate and complete on-site information regarding the nature and horizontal and vertical location of its facilities located within the right-of-way, both underground and overhead, when requested by the City or its authorized agent for a public improvement. Such location and identification shall be at the sole expense of the permittee without any expense to the City, its employees, agents, or authorized contractors.

§54.07 OBLIGATION OF PERMITTEES; CONDITIONS OF PERMITS

(A) In addition to the other requirements set forth herein each franchise, general and special permittee shall:

1. Locate its improvements within the right-of-way in a manner which attempts to anticipate and preserve available space for future use by the City or other permittees, and submit to the City, in the form of a scaled drawing, the proposed location of the improvements for approval by the City prior to the placement or installation of any of the improvements;
2. Use its best efforts to cooperate with other permittees and the City for the best, most efficient, most aesthetic and least obtrusive use of right-of-way, consistent with safety and to minimize traffic and other disruptions including street cuts;
3. Participate in such joint planning and advance notification of right-of-way work, excepting such work performed in emergencies or other exigent circumstances;
4. Cooperate with other permittees and in utilization of, construction in and occupancy of private right-of-way, but only to the extent the same is not inconsistent with the grant thereof or state or federal law or is not additionally burdensome to any property owner;
5. Provide maps or other information identifying any changes since the most recent, previous plans, maps or description, in such form and at such times, no less than annually, as the regulations require. Said maps and information shall locate, describe and identify all uses, structures and facilities of such permittee, of and in the rights-of-way;
6. Perform all work, construction, maintenance or removal of structures and facilities within the right-of-way in accordance with good engineering and construction practice and ODOT traffic control guidelines, including any appropriate safety codes and in accordance with the regulations and use best efforts to repair and replace any street, curb or other portion of the right-of-way, or facilities or structure located therein, to a condition materially equivalent or to City standards, whichever is greater, to its condition prior to such work, and to do so in a manner which minimizes inconvenience to the public, the City and other permittees, all in accordance with regulations and City Engineering Standards;
7. Register with all appropriate underground reporting services; and
8. Not, unless otherwise set forth in a permit and without the City's prior written approval, enter into leases or other agreements for the use of such permittee's facilities located within the rights-of-way. All such final, approved leases or agreements shall be filed with the Public Works Director.

(B) Each permittee shall assure that all subcontractors or others performing any work or services in the right-of-way on behalf of said permittee comply with all applicable provisions of this chapter and said permittee shall be responsible and liable hereunder for all actions of any such subcontractor or others as if said permittee had performed or failed to perform any such obligation.

(C) To the extent allowed by law, the City may limit the number of right-of-way opening permits, based upon, but not necessarily limited to, specific local considerations such as:

1. The capacity of the right-of-way to accommodate service facilities;
2. The impact on the community of the volume of facilities in the right-of-way;
3. The disruption arising from numerous excavations of the right-of-way;
4. The financial capabilities of the service provider and its guaranteed commitment to make necessary investments to erect, maintain and operate the proposed facilities; or
5. Any other consideration based upon the interests of the public safety and welfare.

§54.08 PERMIT FEES AND AUDITING

(A) Telecommunication and Utility Permittees pay an annual fee determined by the following:

1. Permittees utilizing less than one mile of Right-of-Way shall pay a fee of One Thousand Dollars per year.
2. Permittees utilizing between one and ten miles of Right-of-Way shall pay a fee of Ten Thousand Dollars.
3. Permittees utilizing more than ten miles of Right-of-Way shall pay a fee of Twenty Five Thousand Dollars.

Such fee shall be paid in advance for each year prior to January 31. Partial year permits shall be prorated.

(B) Special Permittees shall pay an annual fee of Ten Cents (\$.10) per linear foot of Right-of-Way used or occupied, but not less than One Hundred Dollars (\$100). Such fee shall be paid in advance for each year prior to January 31 of such year. Partial year permits shall be prorated.

(C) In addition to the annual fees set forth in subsection (A) and (B) hereof, Permittees shall reimburse the City for the cost of inspection of the erection, installation, maintenance and/or restoration authorized by the Right-of-Way Work Permit. Such reimbursement is payable upon receipt of an invoice from the City.

(D) As additional compensation for the use of the Right-of-Way, the City Manager, in his sole discretion, may require Permittees to release the City from any obligation to pay compensation to the Permittee for the cost of relocation of utilities located in private easements in conjunction with road improvement projects.

§54.09 NOTICE OF RIGHT OF WAY WORK, JOINT PLANNING

(A) All permittees shall file a written notice, in such form as the regulations require, with the Public Works Director at least thirty (30) days before working in or on the right of way. In addition to such other information as the regulations require, such notice shall contain or indicate, to the extent applicable:

1. The right-of-way affected;
2. A description of any facilities to be installed, constructed or maintained;
3. Whether or not any street will be opened or otherwise need to be restricted, blocked or closed;
4. An estimate of the amount of time needed to complete such work;
5. A description and timetable of any remedial measures planned to close any street opening or repair any damage done to facilitate such work;
6. A statement verifying that other affected or potentially affected permittees have been notified; and
7. A map showing the proposed facilities' location, and the location of any other infrastructure located near the proposed facilities

(B) The Public Works Director shall adopt regulations governing joint planning requirements for all permittees.

(C) Permittees may, under emergency or other exigent circumstances, work in the right of way so long as the permittee uses best efforts to provide the City the notice required by subsection (A) hereof at the earliest possible time.

(D) Permittees shall, under emergency conditions as declared by the Public Works Director work 24 hours per day with full crew levels.

§54.10 USE OF PERMITTEE FACILITIES

The City shall have the right to install and maintain free of charge upon any poles and within any underground pipes and conduits or other facilities of any franchise general or special permittee any facilities desired by the City unless such installation and maintenance unreasonably and materially interferes with existing and future operations of the permittee, and that such installation and maintenance would be unduly burdensome to such permittee. Each permittee shall cooperate with the City in planning and design of its facilities so as to anticipate the City's needs in this regard.

§54.11 INDEMNIFICATION

Each permittee shall indemnify, protect and hold harmless the City from any claim, loss or damage arising in any way from permittee's use of the right-of-way including but not limited to traffic control, OSHA or the construction operation or

maintenance of permittee's facilities or from any such permittee's negligent or wrongful act or omission.

§54.12 REMOVAL OF FACILITIES

(A) In the event any permittee intends to discontinue use of any facilities within the right-of-way, such permittee shall submit a notice to the Public Works Director describing the portion of the facilities to be discontinued and the date of discontinuance, which date shall not be less than thirty (30) days from the date such notice is submitted to the Public Works Director. The permittee may not remove, destroy or permanently disable any such facilities after such notice without the written approval of the Public Works Director. The permittee shall remove and repair surface conditions, and secure such facilities as set forth in the notice unless directed by the Public Work Director to abandon such facilities in place.

(B) Upon such abandonment and acceptance by the City in writing, full title and ownership of such abandoned facilities shall pass to the City, excluding any environmental hazards, and the City shall have no obligation to pay compensation to the permittee. The permittee shall, however, continue to be responsible for all taxes on such facilities or other liabilities associated therewith, until the date the same is accepted by the City.

§54.13 REMEDIES AND REVOCATION

(A) In case of any failure of permittee's facilities, whether due to damage, age, lack of maintenance or any other cause, the City shall notify permittee who shall, within the time stipulated by the City, respond and repair such failed facility. Should permittee fail to act as required, or in cases where protection of public safety requires an immediate response, the City may take any required, corrective action and recover the costs of same from the permittee by bond execution, civil action or by certifying the amount to the County Auditor for collection with the permittee's personal property or real estate taxes.

(B) The Public Works Director shall give the permittee thirty (30) days prior written notice of City's intent to revoke the permit under this section stating the reasons for such action, unless it is an automatic revocation pursuant to this chapter. If the permittee cures the stated reason within the thirty (30) day notice period or if the permittee initiates efforts satisfactory to the City to remedy the stated violation, the City may not revoke the permit. If the permittee does not cure the stated violation or undertake efforts satisfactory to the City to remedy the stated violation, then, after granting the permittee an opportunity to be heard in person or in writing, the Public Works Director may revoke the permit.

In the event the permit is revoked, all facilities located in the right-of-way or located upon public property shall be removed from the streets and public places of the City at the sole expense of the permittee

§54.14 RESERVATION OF RIGHTS

(A) Nothing in this chapter shall be construed to prevent the City from constructing, maintaining, repairing or relocating any City utility, communications or like facilities; grading, paving, maintaining, repairing, relocating or altering any street, utility, or right-of-way; or constructing, maintaining, relocating, or repairing any sidewalk or other public work or improvement.

(B) Nothing in this chapter should be construed so as to grant any right or interest in any right-of-way or public property other than that explicitly set forth herein or in a permit.

(C) Nothing in this chapter shall be construed to alter or modify any rights previously granted under a franchise agreement.

(D) In emergency situations, the City reserves the right to relocate any and all facilities with no compensation to the permittee. Any permittee facilities removed will remain on site or as otherwise arranged until the permittee can reinstall the facilities. No notice of such emergency removal shall be made by the City to the permittee but the City shall notify the permittee of the emergency removal as soon as it is practical. No claims against the City for damages created by emergency removal of permittee facilities shall be made by the permittee.

§54.15 STREET VACATION

Unless preempted by state or federal law, in the event any right-of-way or public property used by a permittee shall be vacated or conveyed to others by the City during the term of any permit granted pursuant to this chapter, the permittee shall, at the permittee's expense, forthwith remove its facilities there from unless specifically permitted by the City to continue the same, and upon the removal thereof, restore, repair or reconstruct the area where such removal has occurred to a condition materially equivalent to that existing before such removal took place. Regulations may be adopted to further specify this requirement. In the event of failure, neglect or refusal of the permittee, after thirty (30) days written notice by the City to remove the facilities or to repair, restore, reconstruct, improve or maintain such vacated area, the City may do such work or cause it to be done, and the cost thereof as found and declared by the City shall be paid by the permittee as directed by the City and collection may be made by any available remedy.

§54.16 TEMPORARY MOVEMENT OF FACILITIES

In the event it is necessary temporarily to move or remove any of the permittee's wires, cables, poles, or other facilities placed pursuant to this chapter, in order to lawfully move a large object, vehicle, building or other structure over the streets or utilities of the City, upon two (2) weeks written notice by the City to the permittee, the permittee shall, at the expense of the person requesting the temporary removal of such facilities (excluding the City), comply with the City's request.

§54.17 PERMANENT REMOVAL OR RELOCATION OF FACILITIES

In the event that City utilities must be moved, removed or additional structures installed within the right-of-way or other public property, which requires the relocation or removal of the permittee's facilities, the permittee shall, at its own expense, cause such relocation or removal to be made within thirty (30) days.

§54.18 FORECLOSURE AND RECEIVERSHIP

(A) Foreclosure. Upon the foreclosure or other judicial sale of the permittee's facilities located within the right-of-way, the permittee shall notify the City of such fact and its permit shall be deemed void and of no further force and effect. The permittee shall remove all facilities from the right-of-way and repair existing

facilities to a condition equivalent to that existing upon the voiding of the permit, bonding shall be used as needed to insure the facilities are removed.

(B) Receivership. The City shall have the right to cancel any permit granted pursuant to this chapter subject to any applicable provisions of law, including the Bankruptcy Act, one hundred and twenty (120) days after the appointment of a receiver or trustee to take over and conduct the business of the permittee, whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred and twenty (120) days, or unless:

1. Within one hundred and twenty (120) days after his election or appointment such receiver or trustee shall have fully complied with all the provisions of this chapter and the relevant permit and remedied all defaults there under; and
2. Such receiver or trustee, within said one hundred and twenty (120) days, shall have executed an agreement duly approved by the Court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this chapter and the relevant permit.

54.19 DISCONTINUANCE OF OPERATIONS, ABANDONED AND UNUSED FACILITIES

(A) Provider who has discontinued or is discontinuing operation of any System in the City shall:

1. Provide information satisfactory to the City that the Provider's obligations for its System in the Rights-of-Way under this Chapter and any other chapters in the Codified Ordinances or other Laws that have been lawfully assumed by another Applicant and/or Provider; or
2. Submit a written proposal to re-use its Facilities in a manner that promotes the City's goals of providing innovative and economic solutions to efficiently and economically utilize a potentially limited Rights-of-Way capacity. Said proposal must be approved by the City Engineer; or
3. Submit a written proposal for abandonment of Facilities in place indicating why good engineering practice would support this type of solution. Said proposal must be approved by the City Engineer; or
4. Completely remove its entire System within a reasonable amount of time and in a manner acceptable to the City; or
5. Submit to the City, in good faith and within a reasonable amount of time, and in accordance with O.R.C. Sections 4905.20 and 4905.21, a proposal for transferring ownership of its Facilities to the City. If a Provider proceeds under this clause, the City may, at its option:

- a. Purchase the Facilities; or
 - b. Require the Provider to post a bond in an amount sufficient to reimburse the City for its reasonably anticipated costs to be incurred in removing the Facilities.
- (B) Facilities of a Provider who fails to comply with this Section and which remain Unused Facilities shall be deemed to be abandoned. Abandoned Facilities are deemed to be a public nuisance. The City may exercise any remedies or rights it has at Law or in equity, including, but not limited to: abating the nuisance; or taking possession of the Facilities and restoring them to a useable condition subject to the finding of the PUCO pursuant to the requirements of O.R.C. Sections 4905.20 and 4905.21; or requiring removal of the Facilities by the Provider or by the Provider's surety. If the City determines to require a Provider to remove Unused Facilities in any Rights-of-Way, the City shall use reasonable efforts to direct that this removal occur in conjunction with other scheduled excavation of the Rights-of-Way. If the City abates the nuisance it may take all action necessary to recover its costs to abate said nuisance, including but not limited to, those methods set forth in O.R.C. Section 715.261.

§54.96 NONENFORCEMENT AND WAIVERS BY CITY

The permittee shall not be relieved of its obligation to comply with any of the provisions of this chapter by reason of any failure of the City or to enforce prompt compliance. However, the Public Works Director may in individual instances and upon a request in writing establishing hardship and for good cause shown waive, in writing, any requirements of this chapter.

§54.97 CONTROLLING LAW

This chapter shall be construed and enforced in accordance with the Constitution and laws of the State of Ohio.

§54.98 CAPTIONS

The captions and headings in this chapter are for convenience and reference purposes only and shall not affect in any way the meaning of interpretation of this chapter.

§54.99 PENALTIES

(A) In addition to any other penalties set forth in this chapter, and the remedy of specific performance, the following penalties shall apply:

1. Any person, firm, corporation, or permittee violating Sections 54.01(D) or 54.14 shall be guilty of a misdemeanor of the first (1st) degree. Each day such violation continues shall be deemed a separate offense; and
2. For failure to comply with any other provision of this chapter, the penalty shall be a civil forfeiture, payable to the City, in the amount of \$100.00 per day for each day of violation.

(B) Any permittee may be excused for violations of this chapter and its permit for reasons of Force Majeure.

SECTION 2. The Clerk shall send by certified mail a copy of this Ordinance to Time Warner Cable.

SECTION 3. This Ordinance shall take effect from the earliest allowable period by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK

RESOLUTION NO. R-28-08

**A RESOLUTION ESTABLISHING A COMMITTEE ON
COMMUNITY DIVERSITY AND ADOPTING THE COMMITTEE'S
MISSION AND RESPONSIBILITIES.**

WHEREAS, the Piqua City Commission in Resolution No. R-24-07 established an Ad Hoc Committee on Community Diversity to review City policies, procedures and guidelines to determine their conformance to the principle of community diversity and recommend updates, revisions or new policies, procedures, guidelines and/or programs; and

WHEREAS, the Ad Hoc Committee on Community Diversity made a final report and recommendation to the City Commission in the form of Resolution No. R-110-07 in October, 2007; and,

WHEREAS, the final report and recommendation of the Ad Hoc Committee recommended establishing a standing committee of the City Commission to monitor and advise the City Manager and City Commission on matters of community diversity; and

WHEREAS, the City Commission adopted the final report and recommendation of the Ad Hoc Committee in Resolution No. R-110-07; and

NOW THEREFORE, be it ordered by the City of Piqua Commission, Miami County, Ohio the majority of all members elected thereto concurring that:

SEC. 1: That a permanent standing Committee on Community Diversity shall be established to review existing policies and practices of the City and advise the City Manager and City Commission on matters relating to community diversity. The Committee mission and charge is attached hereto as Exhibit "A."

SEC. 2: That membership of the committee shall be as follows: One City Commission representative; the City Manager or his designee; and five (5) community members at large, representing the diversity of the Piqua community, serving staggered 3 year terms. The initial terms of members at large shall be as follows:

- 1 member at large serving a one-year term expiring March 1, 2009
- 2 members at large serving a two-year term expiring March 1, 2010
- 2 members at large serving a three-year term expiring March 1, 2011.

SEC. 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Exhibit A
AD HOC COMMITTEE
ON
COMMUNITY DIVERSITY
CHARGE

I. **MISSION STATEMENT:** *(What is the reason this Committee exists?)*

The Ad Hoc Committee on Community Diversity will assist in the review, formation and/or development of recommended policy, and program development strategies to enhance community diversity in the City of Piqua.

II. **PROCESS:** *(What are the steps to be followed and what are the questions to be answered by this Committee?)*

The Committee will follow the process outlined below:

- A. Review Committee Charge and recommend changes to the City Commission as needed.
- B. Solicit City Commission and public input concerning issues to be addressed.
- C. Identify and prioritize issues to be addressed by the Committee in the form of an Action Plan.
- D. Review existing City policies and procedures with regard to their effect on diversity.
- E. Identify, review and analyze alternatives for addressing issues as identified in the action plan.
- F. Prepare and present a Report to the City Commission recommending changes and/or new plans, policies, procedures and/or programs relating to community diversity.

III. **EVIDENCE OF SUCCESS:** *(What results are expected in what time frames for this Committee to be successful?)*

- A. Arrive at a consensus regarding the mission and charge statement.
- B. Survey existing plans, policies, procedures and or programs and enhance team members' knowledge regarding current and best community practices.
- C. Develop an Action Plan, including timeline for completing Committee objectives.
- D. Attain the objectives listed in the Action Plan.
- E. Complete Report to the City Commission and present findings and recommendations by October 1, 2007.

IV. **COMMITTEE RULES:**

- A. Committee members will operate on the basis of mutual respect.
- B. Members will engage in open and honest communication.
- C. Members will remain focused and listen to others.
- D. Members will manage their meeting time wisely and will recognize that assignments must be completed within designated time frames.
- E. The Committee Chair shall be empowered with the responsibility to conduct the meetings in an expeditious manner.
- F. All Committee members will be cognizant of and not disclose confidential matters.

V. **RESOURCES:** *(Who are the Committee members, Committee Chair, who will support the Committee if needed; how much time should be spent both in meetings and outside of meetings; and what additional resources are available to the Committee?)*

- A. The Committee will consist of a representative of the City Commission, the City Manager or his designee and members as appointed by the City Commission.
- B. The Committee Chair will be elected from among the appointed members of the committee.
- C. Meetings will occur as necessary upon the request of the Committee Chair.
- D. The City Manager's Office will provide administrative support as necessary.

VI. **CONSTRAINTS:** *(What authority does the Committee have; what is the overall time frame for the evolution of the empowerment process; what things cannot be changed; what items are outside of the scope of the Committee; and what budget does the Committee have?)*

- A. The Committee will operate within existing, rules, policies and procedures for Boards and Commissions of the City Piqua.
- B. Time is of the essence as portrayed in the action plan.
- C. Committee decisions should be made by consensus. Consensus is defined as each member can honestly live with the results of the decision. If necessary, the Committee will vote to reach decisions.

VII. **EXPECTATIONS:** *(What are the outputs from the Committee; when are they expected to be complete; and to whom should they be given?)*

- A. Minutes will be made of all Committee meetings, disseminated to all Committee members and the City Commission at the next meeting.
- B. The Committee's Action Plan, including timeline for completing Committee objectives will be submitted to the City Commission by June 1, 2007.
- D. The final report and recommendations shall be submitted to the City Commission no later than October 1, 2007.

Approved February 5, 2007.
(date)

RESOLUTION NO. R. 29-08

**A RESOLUTION ESTABLISHING A DIFFERENT DATE
FOR THE SECOND REGULAR COMMISSION MEETING
IN FEBRUARY**

WHEREAS, Section 4 of the Piqua Charter permits this Commission to establish by resolution the frequency of its meetings;

WHEREAS, by Resolution No. C-6497 passed June 4, 1979, this Commission established the first and third Monday nights of each month as the dates for its regular meetings; and

WHEREAS, the third Monday in February, being February 18, 2008, is a legal holiday (Presidents' Day);

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 second regular Commission meeting in the month of February shall be held on Tuesday, February 19, 2008 at 7:30 p.m.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-30-08

**A RESOLUTION AWARDING CONTRACTS
FOR THE PURCHASE OF TRANSFORMERS
FOR THE POWER SYSTEM**

WHEREAS, the present operations of the City require the purchase of transformers for the Power System; and

WHEREAS, after proper advertisement, bids were opened resulting in the tabulation of bids as listed in Exhibit "A" attached hereto;

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: Contracts with Ermco for the purchase of 45 transformers and Power Line Supply for the purchase of 12 transformers are hereby approved as the lowest, responsible bidders for said project and the City Manager is hereby authorized to execute a contract with said bidders pursuant to contract specifications;

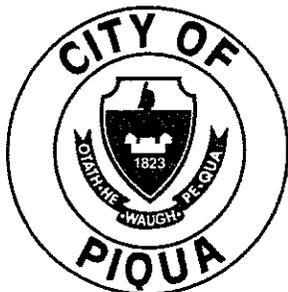
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$249,387.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



POWER SYSTEM

Edward K. Krieger – Assistant Power System Director
123 Bridge Street • Piqua, Ohio 45356
(937) 778-2077 • FAX (937) 773-7277
E-Mail: ekrieger@piquaoh.org

MEMORANDUM

Date: January 10, 2008
To: Frederick E. Enderle, City Manager
From: Edward K. Krieger, Asst. Power System Director *EKK*
Re: Transformer Purchases

Included in the 2008 Power System budget is \$250,000 for distribution transformer purchases. Each year the Power System solicits bids to replenish inventory. Bids were received from three vendors for transformers of various sizes, voltages and quantities on December 31, 2007.

As is our standard procedure, the bids were evaluated on a present value basis for the total cost to own and operate over a twenty five year expected life. This evaluation considers not only the initial cost but also the operational cost associated with the transformer core and winding losses.

The lowest and best bids were received from Ermco and Power Line Supply. Transformer bid result sheets are attached for these transformers. Ermco was the successful bidder for 45 transformers totaling \$191,417. Power Line Supply was the successful bidder for the remaining 12 transformers totally \$57,970.

The Power System requests authorization to purchase 45 transformers from Ermco and 12 transformers from Power Line Supply for a not to exceed price of \$249,387. Shipment of these transformers is expected within 40 weeks of receipt of order.

*Piqua Power System
Transformer Bid Results*

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 25 KVA

Primary Voltage:

2400/4160 X 7620/13200 X
7620/13200 _____

Secondary Voltage:

120/240 X
120/208 _____
277/480 _____
240/480 _____
2400/4160 _____

Transformer Type:

Conventional X

Padmount _____

Single Phase X

Three Phase _____

Quantity: 6

<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
Power Line	Howard	\$1,294.00	\$2,741.50
Ermco	Ermco	\$1,219.00	\$2,917.51
Wesco	ABB	\$1,240.00	\$3,002.93

Lowest and Best Bid:

Vendor: **Power Line Supply**

Total Cost: **\$7,764.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 37.5 KVA

Primary Voltage:		Secondary Voltage:	
2400/4160 X 7620/13200	<u>X</u>	120/240	<u>X</u>
7620/13200	<u> </u>	120/208	<u> </u>
		277/480	<u> </u>
		240/480	<u> </u>
		2400/4160	<u> </u>

Transformer Type:

Conventional	<u>X</u>	Padmount	<u> </u>
Single Phase	<u>X</u>	Three Phase	<u> </u>

Quantity: 6

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Ermco	Ermco	\$1,502.00	\$3,633.59
Power Line	Howard	\$1,688.00	\$3,690.16
Wesco	ABB	\$1,607.00	\$3,871.75

Lowest and Best Bid:

Vendor: **Ermco** Total Cost: **\$9,012.00**

*Piqua Power System
Transformer Bid Results*

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 100 KVA

Primary Voltage:

Secondary Voltage:

2400/4160 X 7620/13200 X
7620/13200 _____

120/240 X
120/208 _____
277/480 _____
240/480 _____
2400/4160 _____

Transformer Type:

Conventional X

Padmount _____

Single Phase X

Three Phase _____

Quantity: 6

<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
Ermco	Ermco	\$3,254.00	\$7,631.14
Power Line	Howard	\$3,425.00	\$7,737.28
Wesco	ABB	\$3,174.00	\$9,079.42

Lowest and Best Bid:

Vendor: **Ermco**

Total Cost: **\$19,524.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 25 KVA

Primary Voltage:

2400/4160 X 7620/13200 X
7620/13200 _____

Secondary Voltage:

120/240 X
120/208 _____
277/480 _____
240/480 _____
2400/4160 _____

Transformer Type:

Conventional _____

Padmount X

Single Phase X

Three Phase _____

Quantity: 12

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Ermco	Ermco	\$2,025.00	\$3,502.98
Power Line	Howard	\$2,910.00	\$4,296.68
Wesco	ABB	\$1,982.00	\$4,759.51

Lowest and Best Bid:

Vendor: **Ermco**

Total Cost: **\$24,300.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 37.5 KVA

Primary Voltage:

2400/4160 X 7620/13200 X
7620/13200 _____

Secondary Voltage:

120/240 X
120/208 _____
277/480 _____
240/480 _____
2400/4160 _____

Transformer Type:

Conventional _____

Padmount X

Single Phase X

Three Phase _____

Quantity: 11

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Ermco	Ermco	\$2,088.00	\$4,379.29
Power Line	Howard	\$2,585.00	\$4,602.37
Wesco	ABB	\$2,060.00	\$5,289.82

Lowest and Best Bid:

Vendor: **Ermco**

Total Cost: **\$22,968.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 50 KVA

Primary Voltage:

2400/4160 X 7620/13200 X
7620/13200 _____

Secondary Voltage:

120/240 X
120/208 _____
277/480 _____
240/480 _____
2400/4160 _____

Transformer Type:

Conventional _____

Padmount X

Single Phase X

Three Phase _____

Quantity: 3

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Ermco	Ermco	\$2,539.00	\$5,118.89
Power Line	Howard	\$2,933.00	\$5,421.42
Wesco	ABB	\$2,490.00	\$5,848.87

Lowest and Best Bid:

Vendor: Ermco

Total Cost: \$7,617.00

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 100 KVA

Primary Voltage:

2400/4160 X 7620/13200 X
7620/13200 _____

Secondary Voltage:

120/240 X
120/208 _____
277/480 _____
240/480 _____
2400/4160 _____

Transformer Type:

Conventional _____

Padmount X

Single Phase X

Three Phase _____

Quantity: 3

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Ermco	Ermco	\$3,791.00	\$8,217.44
Power Line	Howard	\$4,771.00	\$9,106.14
Wesco	ABB	\$3,199.00	\$9,194.98

Lowest and Best Bid:

Vendor: **Ermco**

Total Cost: **\$11,373.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 112.5 KVA

Primary Voltage:

2400/4160 X 7620/13200 X
7620/13200 _____

Secondary Voltage:

120/240 _____
120/208 X
277/480 _____
240/480 _____
2400/4160 _____

Transformer Type:

Conventional _____ Padmount X

Single Phase _____ Three Phase X

Quantity: 2

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Power Line	Howard	\$7,637.00	\$13,263.83
Ermco	Ermco	\$8,257.00	\$14,446.55
Wesco	ABB	\$7,645.00	\$15,563.46

Lowest and Best Bid:

Vendor: **Power Line Supply**

Total Cost: **\$15,274.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 150 KVA

Primary Voltage:

2400/4160 X 7620/13200 X
7620/13200 _____

Secondary Voltage:

120/240 _____
120/208 X
277/480 _____
240/480 _____
2400/4160 _____

Transformer Type:

Conventional _____

Padmount X

Single Phase _____

Three Phase X

Quantity: 2

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Power Line	Howard	\$8,853.00	\$15,114.35
Ermco	Ermco	\$8,596.00	\$17,495.24
Wesco	ABB	\$7,765.00	\$19,541.81

Lowest and Best Bid:

Vendor: **Power Line Supply**

Total Cost: **\$17,706.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 150 KVA

Primary Voltage:

2400/4160 X 7620/13200
7620/13200

X

Secondary Voltage:

120/240
120/208 X
277/480
240/480
2400/4160

Transformer Type:

Conventional

Padmount X

Single Phase

Three Phase X

Quantity: 1

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Power Line	Howard	\$7,267.00	\$14,037.44
Ermco	Ermco	\$7,694.00	\$16,482.46
Wesco	ABB	\$6,984.00	\$17,662.32

Lowest and Best Bid:

Vendor: **Power Line Supply**

Total Cost: **\$7,267.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 225 KVA

Primary Voltage:

2400/4160 X 7620/13200 X
7620/13200 _____

Secondary Voltage:

120/240 _____
120/208 X
277/480 _____
240/480 _____
2400/4160 _____

Transformer Type:

Conventional _____

Padmount X

Single Phase _____

Three Phase X

Quantity: 1

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Power Line	Howard	\$9,959.00	\$19,787.33
Ermco	Ermco	\$10,307.00	\$21,896.59
Wesco	ABB	\$8,432.00	\$28,843.31

Lowest and Best Bid:

Vendor: **Power Line Supply**

Total Cost: **\$9,959.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 500 KVA

Primary Voltage:

2400/4160 X 7620/13200
7620/13200

X

Secondary Voltage:

120/240 _____
120/208 _____
277/480 X
240/480 _____
2400/4160 _____

Transformer Type:

Conventional _____

Padmount X

Single Phase _____

Three Phase X

Quantity: 1

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Ermco	Ermco	\$15,001.00	\$31,954.60
Power Line	Howard	\$16,420.00	\$32,205.20
Wesco	ABB	\$9,493.00	\$43,607.32

Lowest and Best Bid:

Vendor: **Ermco**

Total Cost: **\$15,001.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 750 KVA

Primary Voltage:

2400/4160 X 7620/13200
7620/13200 X

Secondary Voltage:

120/240
120/208
277/480 X
240/480
2400/4160

Transformer Type:

Conventional _____ Padmount X

Single Phase _____ Three Phase X

Quantity: 1

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Ermco	Ermco	\$20,164.00	\$46,021.96
Power Line	Howard	\$28,452.00	\$51,786.03
Wesco	ABB	\$15,808.00	\$56,154.83

Lowest and Best Bid:

Vendor: **Ermco**

Total Cost: **\$20,164.00**

**Piqua Power System
Transformer Bid Results**

Date: 1/10/2008

Evaluated By: Ed Krieger

Size: 1000 KVA

Primary Voltage:		Secondary Voltage:
2400/4160 X 7620/13200	<u> </u>	120/240
7620/13200	<u> X </u>	120/208
		277/480
		<u> X </u>
		240/480
		<u> </u>
		2400/4160
		<u> </u>

Transformer Type:

Conventional	<u> </u>	Padmount	<u> X </u>
Single Phase	<u> </u>	Three Phase	<u> X </u>

Quantity: 2

Vendor	Manufacturer	Purchase Price	Evaluated Cost
Ermco	Ermco	\$30,729.00	\$61,818.61
Power Line	Howard	\$19,319.00	\$71,214.76
Wesco	ABB	\$43,618.00	\$72,399.52

Lowest and Best Bid:

Vendor: **Ermco**

Total Cost: **\$61,458.00**

RESOLUTION NO. R-31-08

A RESOLUTION AUTHORIZING REIMBURSEMENT OF A SHARE OF THE COST OF THE LOCAL FUNDING MATCH WITH MIAMI COUNTY, THE CITY OF TIPP CITY AND THE CITY OF TROY TO PROVIDE TRANSIT SERVICE TO MIAMI COUNTY

WHEREAS, the present operations of the Miami County Transit System is under the administration of the Miami County Board of Commissioners; and

WHEREAS, the Miami County Transit System is currently funded by the Federal Urban Transit Program with the local funding share coming from contracts, fare box revenues and general County funds; and

WHEREAS, the Miami County Transit Merger Plan is providing a framework for service, revenue and policy issues as it was completed in February, 2006; and

WHEREAS, the Transit Merger Plan recommended the cities of Piqua, Tipp City and Troy contribute forty-nine percent (49%) and Miami County contribute fifty-one percent (51%) of the local funding share of Transit Operations with Piqua's share of the local funding being forty-seven percent (47%) of the remaining forty-nine (49%); and,

WHEREAS, the City of Piqua's share of the local match is estimated at up to \$40,000 for the 2008-operating year.

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:

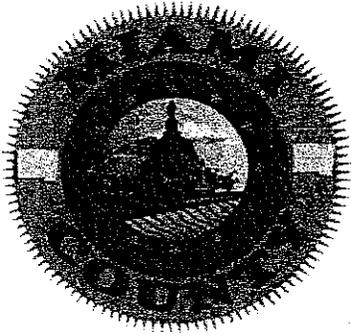
SEC. 1: The Finance Director is hereby authorized to draw her warrants on the appropriate account of the City treasury in payment according to this Resolution not exceeding a total of \$40,000 for the 2008 operating year for transit services.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



OFFICE OF
COMMISSIONERS OF MIAMI COUNTY

Transit Department

Elaine A. Carter
Director

Ph. (937) 440-3552
FAX (937) 440-5487
jgearhardt@co.miami.oh.us

Hobart Center for County Government
510 West Water Street, Suite 150
Troy, OH 45373-2984

January 24, 2007

City of Piqua, Ohio
ATTN: Fred Enderle
201 W. Water Street
Piqua, OH 45356

Dear Mr. Enderle,

In order to obtain Miami County Commissioners' signatures on the attached (MOU) Memorandum of Understanding, with the intent of providing the MOU in order to process payment, we are asking that you sign the MOU and return it to us as soon as possible for the Commissioners' signature.

Once the commissioners' signatures have been obtained, we will send the signed MOU, a resolution from the commissioners', and a new invoice for your local share.

If you have any questions or concerns, please do not hesitate to give me a call.

Respectfully,

Elaine A. Carter
Director
Miami County Public Transit

MEMORANDUM OF UNDERSTANDING
Between the
Miami County Board of Commissioners; and
City of Piqua, Ohio

This Memorandum sets forth an understanding an agreement for the cooperative funding of the Local Share for program year (PY) 2008 of the Miami County Transit System;

WHEREAS, representatives of the City of Piqua, City of Troy, City of Tipp City, and Miami County have established the Miami County Transit Steering Committee, and;

WHEREAS, all representatives mutually agree that local share funding agreement is necessary for the successful implementation of a county wide transit system, and;

WHEREAS, all representatives mutually agree that local share funding agreement is necessary for the successful implementation of a county wide transit system for 2008, and;

WHEREAS, the Miami County Commissioners of Miami County, Ohio is the operator of the Miami County Transit System, operating grant assistance under 49 U.S.C. Section 5307 for operation of public transit service, and Ohio Elderly and Disabled Transit Fare Assistance Program, as authorized under Section 5501.07 of the Ohio Revised Code, and:

WHEREAS, the following Local Share funding arrangement shall be as set forth below for the program year PY 2008;

NOW, THEREFORE, BE IT RESOLVED, the City of Piqua and Miami County Boards of Commissioners hereby adopt this Memorandum of Understanding, and agree to the following:

The Local Share funding policy will provide the maximum utilization of all available federal and state grant dollars, and:

- The Miami County Commissioners will provide all administrative functions for the operation of the Miami County Transit System, and the funds required therein
- The Miami County Commissioners will provide funding for the remaining fifty-one percent (51%) of the local funding required to maximize federal and state funds.
- The municipalities of Troy, Piqua, and Tipp City will fund the remaining forty-nine percent (49%) of the local funding required to maximize federal and state funds
- The municipality share of the funding is based upon ridership data at the time of the initial proposal.
- The City of Troy's share of the local funding will be forty-seven percent (47%) of the remaining forty-nine (49%), an amount not to exceed \$ 40,000.00.
- The City of Piqua's share of the local funding will be forty-seven percent (47%) of the remaining forty-nine (49%), an amount not to exceed \$40,000.00.
- The City of Tipp City's share of the local funding will be six percent (6%) of the remaining forty-nine (49%), an amount not to exceed \$ 5,000.00.

Furthermore, funding will be disbursed by the City of Piqua on the following basis:

- Fifty percent (50%) on or before March 31, 2008

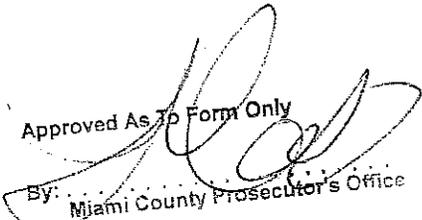
- This amount will cover the anticipated local share for the first six (6) month, from January to June 2008.
- The remaining fifty percent (50%) will be billed in two installments quarterly, based on the local share portion previously mentioned, not to exceed the amount agreed to by the municipality
 - Billing for the remaining fifty percent (50%) will be billed for the third and fourth quarters only.
 - Billing reconciliation will be performed for the first and second quarter.

The Miami County Commissioners will provide the following, on a quarterly basis:

- Financial Statements detailing the distribution of the Local Share requirement.
- Ridership data for the County, by municipality
- Public Transit Service within the Municipal boundary

AND BE IT FURTHER RESOLVED, that The Miami County Board of Commissioners establish a Miami County Public Transit Steering Committee consisting of the Service and Safety Director for the City of Troy, the City Manager for the City of Piqua, the City Manager for the City of Tipp City, the Miami County Transit Director, and the Miami County Administrator or other designee of the Board of Commissioners of Miami County, Ohio, with the purpose to investigate and develop mutually acceptable funding sources for the Miami County Public Transit System beyond 2008.

_____ City Representative	_____ Date
_____ County Commissioner	_____ Date
_____ County Commissioner	_____ Date
_____ County Commissioner	_____ Date

Approved As To Form Only
 By: 
 Miami County Prosecutor's Office

RESOLUTION NO. R-32-08

**A RESOLUTION REAPPOINTING A MEMBER AND
AN ALTERNATE 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 and Harry Bumgarner is hereby reappointed as an alternate member of the Miami Valley Regional Planning Commission for a one-year term to expire March 1, 2009 or until their successors are confirmed and qualified;

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-33-08

**A RESOLUTION REQUESTING AUTHORIZATION
TO ISSUE A PURCHASE ORDER TO FLATIRONS
ENGINEERING, INC. FOR PHASE 2 OF THE WATER
DEPARTMENT SCADA (SUPERVISOR CONTROL AND
DATA ACQUISITION) SYSTEM**

WHEREAS, the present operations of the City require upgrading the SCADA system at the Water Treatment Plant; and

WHEREAS, Flatirons Engineering, Inc. successfully completed Phase 1 of the SCADA system upgrade at the Water Treatment Plant in 2007; and

WHEREAS, the City desires to complete Phase 2 of the project that includes design services for equipment and installation for said project.

WHEREAS, Flatirons Engineering, Inc. is qualified and capable of providing said services efficiently and competently;

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 contract for said services is hereby authorized and approved and payment not exceeding \$30,000.00 is hereby authorized and approved for said services;

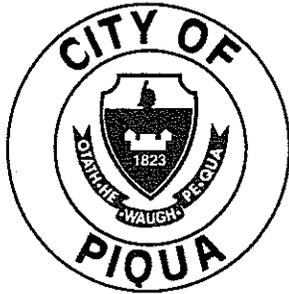
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to this Resolution;

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



PUBLIC WORKS DEPARTMENT

Thomas R. Zechman, P.E., P.S. – Public Works Director
201 West Water Street • Piqua, Ohio 45356
(937) 778-2044 • FAX (937) 778-5165
E-Mail: tzechman@piquaoh.org

January 30, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

**RE: Request for commission authorization to issue a purchase order to Flatirons Engineering, Inc. for Phase 2 of the Water Department SCADA (Supervisor Control and Data Acquisition) System
Total Cost not to exceed \$30,000**

We request authorization to issue a purchase order as referenced above. Flatirons Engineering, Inc. successfully completed phase 1 of the SCADA upgrade at the water treatment plant in 2007. The total cost of phase 1 was \$30,000.

The components of phase 2 of the SCADA upgrade project include the instrumentation and software for the following services:

- **Differential Pressure Calibration Unit** – The project will deliver a calibration instrument and train personnel so that calibration of the meters need no longer be outsourced. Accurate instrumentation is critical to producing high quality water and accurate regulator reports.
- **The PLC (Programmable Logic Controller) Upgrade to Ethernet** – The water treatment plant has experienced frequent unexplained failures with its current PLC. This task will replace the existing controller with two Ethernet capable units for better communications between system monitoring devices and terminal display.
- **Maintenance Room Work Station** – This will allow the SCADA system to be assessed by operators in the maintenance room.

Phase 2 also includes design services for additional equipment to be purchased by the city and installed according to Flatiron's specifications. The design services are for the following tasks:

- **Filter Turbidity and Reports** – This will allow the SCADA system to monitor, alarm, and report all filter turbidity signals. Turbidity control is the incident that required the required boil order in 2007.
- **Chlorine Level Monitoring** – Currently the alarm in the chlorine room is simply a yes/no alarm. If there would be a chlorine leak, the operators have no way of knowing whether it is one or one hundred parts per million (ppm) released into the workspace.

Memo to Mr. Enderle, City Manager
January 30, 2008
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- **Raw Water Inlet Flow Monitoring** – It is necessary to upgrade the measuring equipment for the raw water inlet to the plant.
- **Pump Station Communication Upgrade** – The system currently has antiquated communications between the plant operator and the two pump stations in the system located on Ziegler Road and Hetzler Road.

All of the changes included as a part of this project will be compatible with improvements designed into the upgrade of the water treatment plant for 2009.

The 2008 budget includes \$30,000 for this work.

Please let me know if you have any questions pertaining to this matter.

Respectfully submitted,



Thomas R. Zechman, P.E., P.S.

TRZ/jc

c: Ron Klima, Water System Superintendent