

**MINUTES
PIQUA CITY COMMISSION
MONDAY, APRIL 7, 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.

REGULAR CITY COMMISSION MEETING

APPROVAL OF MINUTES

Moved by Commissioner Fess, seconded by Commissioner Terry, that the minutes of the March 3, 2008 Regular City Commission Meeting and the Piqua City Commission Work Session of March 10, 2008 be approved. Voice vote, Aye: Terry, Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously.

ORD. NO. 7-08
(1st Reading)

An Ordinance amending Section 94.20 of the Piqua Code, relating to Community Swimming Pool fees

Commissioner Fess stated she had several telephone calls concerning raising the fees at the swimming pool and would like to table this ordinance at this time.

Mayor Hudson stated he would like to review this at the next City Commission Worksession in May.

City Manager Enderle stated it would be late August before the final budget would be ready for Commission approval.

Commissioner Vogt asked how the swimming pool fees compared to other communities surrounding Piqua?

Public Works Director, Tom Zechman stated the swimming pool fees are close and even a little below the Sidney, Troy, and Tipp City pool fees.

The increase in revenue would be most significant in the Group Rental fees, and after hours rentals said City Manager Enderle. At this time the pool does not break even each year.

Commissioner Fess stated she is concerned about raising the fees before we know the whole picture.

Finance Director Holtzapple stated the city had to transfer over \$60,000 from city funds to cover expenses last year.

City Manager Enderle stated the pools will be ok for the 2008 season but should consider raising fees for next year.

Commissioner Vogt stated that the city has hired a new Recreation Director and maybe he will have some direction for new programs and ways to increase revenue.

Commissioner Terry voiced her concern over raising the fees, and the fees that disabled citizens and caregivers must pay to utilize the swimming pool.

Commissioner Martin asked how long the pool was being used for therapy?

Michele Herndon, representing Riverside of Miami County and the Board of Mental Retardation and Developmental Disabilities, stated the pool is used for about an hour to an hour and a half for rehabilitation therapy once a week.

There was discussion on the rate currently charged for the disabled citizen, and the caregiver now and in the future.

Commissioner Martin would like to see the client only have to pay the after 5:00 fee and caregiver not have to pay to give help and support to the client.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that the Ordinance be tabled. Voice vote, Aye: Martin, Fess, Terry, Vogt, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 7-08 tabled.

ORD. NO. 8-08
(1st Reading)

An Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Piqua

Commissioner Vogt inquired as to the amount that we pay now for this service.

City Manager Enderle stated the resolution is only approving the service at this time.

Commissioner Fess asked to have the resolution explained.

Law Director Stacy Wall explained the reason for the resolution, stating they were only approving the service not the payment or contract for the service at this time. These are code supplements that are done on a quarterly basis to update the City of Piqua Code Books after passage of new legislation.

Commissioner Fess inquired if the process could be done in house to save money.

City Manager Enderle stated no, it is too time consuming of a project to do in house, it makes more sense to send out like we have been doing,

Moved by Commissioner Terry, seconded by Commissioner Martin, that Ordinance No. 8-08 be given a first reading. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 8-08 be given a first reading.

ORD. NO. 9-08
(1st Reading)

An Ordinance repealing Schedule A of Chapter 33 of the Piqua code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of Certain Municipal Employees

Commissioner Fess stated she would like to table Ordinance No. 9-08 until after the Work Study session on May 12, 2008.

Moved by Commissioner Vogt, seconded by Commissioner Fess, to table Ordinance No. 9-08 until after the May 12, 2008, Work Study Session in order to discuss the 3% pay increase. Roll call, Aye: Fess, Vogt, and Martin. Nay: Terry and Hudson. Motion carried on a 3-2 vote to table Ordinance No. 9-08 until after the May 12, 2008 Work Study Session.

ORD. NO. 10-08
(Emergency)

An Emergency Ordinance amending Section 50.07 of the Piqua Code, relating to refuse collection

Commissioner Vogt voiced his concern over Ordinance No. 10-08 stating it was his idea to increase the fee for Spring Cleanup, but not do it the day it begins, and further stated he is not in favor of it at this time.

Commissioner Fess voiced her concerns over the increase at this time stating there does not seem to be a large number of citizens using it this year. She stated she has seen a large amount of concrete out and she is not in favor of the city picking that up. Maybe the neighborhood associations could look into a better way of disposing of materials on a more regular basis, said Mrs. Fess.

Commissioner Fess also voiced concern over the size of cans being used for refuse pickup.

Health & Sanitation Director, Amy Welker, explained the size of container and the weight is not to be over seventy-five pounds.

Commissioner Martin asked about raising the fees for commercial haulers?

Mayor Hudson stated Spring Cleanup is a great service to the citizens of Piqua, but putting out whole sidewalks or patios, buildings, and whole trees is something we should look at. Mayor Hudson stated we should ask citizens for input on this for next year.

Commissioner Terry voiced her concern over the raise in fees for all citizens, senior citizens usually do not have things to put out for Spring Cleanup and should not have to pay for it. There are citizens that are abusing the service stated Commissioner Terry.

Commissioner Vogt stated he has spoken to the Refuse crew and they are ahead of the schedule so far this year.

Commissioner Fess stated we are trying to find revenue, but so are the citizens trying to balance their budgets, and asked that we be cautious in raising rates.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Ordinance No. 10-08 be tabled. Voice vote, Aye; Fess, Martin, Vogt, Hudson, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 10-08 be given a first reading.

ORD. NO. 11-08
(1ST Reading)

An Ordinance adopting and implementing Section 91.11 Tow Administrative and Storage Fees for impounded vehicles at City facilities

City Manager Enderle explained the need for the storage area and fees.

Police Chief Willcox further explained the reason for the ordinance and the location of the storage lot.

Commissioner Vogt inquired if other cities had impound lots and if they charged fees.

Chief Willcox stated yes, other cities do have larger impound areas.

Mayor Hudson asked where the impound lot is located in the City of Piqua?

Chief Willcox stated the impound lot is located at the Street Department on City property.

Commissioner Terry stated she is favor of charging impound fees.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Ordinance No. 11-08 be given a first reading. Voice vote, Aye: Terry, Hudson, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 11-08 be given a first reading.

RES. NO. R-44-08

A Resolution authorizing the City of Piqua to file an application to the State of Ohio, Department of Development to support an application for assistance under the Ohio Job Ready Sites program

Commissioner Fess asked if there is a particular site being reserved or considered at this time?

Development Project Manager, Bill Lutz, explained how the process would work, and the criteria that is involved.

There was discussion of how the project would be completed.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-44-08 be adopted. Voice vote, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-44-08 adopted.

RES. NO. R-45-08

A Resolution authorizing the City Manager to enter into an agreement with the Miami County Park District for the design-build construction of a 3-mile section of bike trail from Lock 9 Park to Peterson Road

Mayor Hudson stated this project was approved last year correct?

Tom Zechman stated yes, it is a two-year grant and this is the last piece before the contract.

Commissioner Vogt stated this area is south of the Wastewater Treatment Plant and will be completed by the City of Piqua.

Mayor Hudson stated the total cost of the project was \$600,000 and the City would be responsible for up to \$80,000.

Tom Zechman explained where the bike trail would be located.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-45-08 be adopted. Voice vote, Aye: Fess, Vogt, Martin, Terry, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-45-08 adopted.

RES. NO. R-46-08

A Resolution of Appreciation for the public service of Patricia E. Motter as a City Employee

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-46-08 be adopted. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-46-08 adopted.

RES. NO. R-47-08

A Resolution of Appreciation for the public service of Michael T. Heffelfinger as a City Employee

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-47-08 be adopted. Voice vote, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-47-08 adopted.

RES. NO. R-48-08

A Resolution of Appreciation for the public service of Richard Callison as a City Employee

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-48-08 be adopted. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-48-08 adopted.

RES. NO. R-49-08

A Resolution approving the Fiscal-Year 2008 Community Housing Improvement Program application

Commissioner Fess voiced concern over discrepancies in the previous Resolution, but the revised Resolution that is being considered tonight has them corrected.

City Manager Enderle explained the reason for the changes in the resolution.

Commissioner Terry inquired as to who would be eligible for these services?

Development Project Manager, Bill Lutz, explained the services that would be available and who would be eligible for them.

Commissioner Fess inquired as to how the citizens were chosen to receive this help?

Mr. Lutz explained how citizens were chosen and what type of services they would receive.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-49-08 be adopted. Voice vote: Aye: Terry, Fess, Martin, Vogt, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-49-08 adopted.

RES. NO. R-50-08

A Resolution awarding a contract to Barrett Paving Materials Inc, for the 2008 Street Resurfacing program

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-50-08 be adopted. Roll call, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-50-08 adopted.

RES. NO. R-51-08

A Resolution awarding a contract to L. J. DeWeese Co., Inc. for the 2008 Sidewalk ADA Compliance Program

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-51-08 be adopted. Roll call, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-51-08 adopted.

RES. NO. R-52-08

A Resolution awarding a contract to Zachrick Leasing, Inc. for the Shawnee Storm Water Pumping Station Improvements Project

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-52-08 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-52-08 adopted.

RES. NO. R-53-08

A Resolution appointing two members to the Civil Citation Appeal Board

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-53-08 be adopted. Voice vote, Aye: Martin, Hudson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-53-08 adopted.

RES. NO. R-54-08

A Resolution objecting to the renewal of liquor permit #9646690 held by Peggy S. William, DBA Paul's Bar 204 North Main Street, Piqua, Ohio

Commissioner Fess inquired as to the reason for the Resolution objecting to the renewal of the liquor permit.

Law Director Stacy Wall explained the reason the city is objecting to the renewal of the liquor permit for Paul's Bar.

Mayor Hudson asked what recourse if any the owner of Paul's Bar had.

Ms. Wall explained the objection to the liquor license is related to the location of the bar, not the owner or the business itself. It will be on the November ballot, and only the voters in that precinct will be able to vote on it.

Commissioner Martin asked what if the voters do not want a dry location at this location?

Ms. Wall explained what the process would be if it was voted on not to be a dry location. Commissioner Fess asked if the City would have the opportunity to object to a new liquor license at a later date?

Ms. Wall stated yes, voters are only deciding whether the location should be dry or not.

Commissioner Martin asked if the property were to be sold would the liquor license transfer to the new owner?

Ms. Wall stated no, the new owner would have to apply for a transfer, and the city would be notified of that transfer and have the option to object at that time.

Ms. Wall encouraged the City Commission to adopt Resolution No. R-54-08 due the circumstances surrounding the closing of Paul's Bar.

Roy Howard, Spiker Road, voiced his opinion on the Paul's Bar closing.

Commissioner Terry stated there has been a court judgement against the bar.

City Manager Enderle stated it was declared a nuisance and the court ordered it shut down.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Resolution No. R-54-08 be adopted. Voice vote, Aye: Hudson, Martin, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-54-08 adopted.

PROCLAMATIONS: Month of April 2008:

**Fair Housing Month
Poppy Days**

Monthly Reports – February 2008 were accepted.

Public Comments

Jim Cline, 725 Clark Avenue, voiced his opinion on several issues including the pay increases for city employees, and the possible layoffs of Police and Fire Personnel.

City Manager Enderle asked Mr. Cline to come into his office and he would discuss the changes and further stated that at this time there will be no Police Officers let go.

Mr. Cline also voiced his opinion about the \$80,000 being spent on the bike path and asked if it could not be spent in another fund better at this time.

Commissioner Terry responded to Mr. Clines comment and explained the reason for the money being put toward the bike path at this time.

Chuck Starrett, Demming Road, made a suggestion that more information be added to the minutes, but did not need to be word for word, but it is only a suggestion.

Roy Howard, Spiker Road, voiced his concern over not having reduced rates for low-income families at the swimming pool.

Alex Shinall, Boy Scout Troop 76, inquired about the transit system services in Piqua, and when we fill potholes in the city streets.

City Manager Enderle explained how the transit services were provided within the city, and stated the potholes are being repaired at this time.

Adam Wendle, Troop 76 inquired about upgrading the restaurants and businesses in town, and also asked if and when the city may get a skate park.

City Manager Enderle explained how the Economic Development Department worked with the businesses and restaurants to expand into the Piqua area. And due to the current financial situation a skate park is not feasible at this time, but may be possible with grant monies.

Bill Shinall, 1612 New Haven Road, voiced his concern over the traffic flow through the city, and asked if it would be possible to have a traffic light installed at Clark and McKinley Avenues.

Mr. Shinall also voiced concern over the increase in refuse rates for the Spring Cleanup, and the money being spent on the Hotel Project out of the General Fund.

City Manager Enderle explained the city would get money back when the Hotel Project is completed from grants and lease money. Also money will come in from the Historic State Tax Credits and this will all go back into the General Fund, said Mr. Enderle.

Commissioner Vogt stated he had driven through the city and there are still several homes in need of attention, but that there have been a considerable number of homes repaired and cleaned up. The city is looking better every day, keep up the good work stated Commissioner Vogt

Commissioner Vogt stated Ed Fry and his staff of Piqua Lumber would be more than happy to assist citizens on how to do repairs to their homes. Also Mr. Vogt spoke to Home Depot about the possibility of having Home Repair Seminars for citizens to attend. Both of the businesses have a list of contractors on file to assist homeowners.

Commissioner Vogt congratulated Pat Motter, Mike Heffelfinger, and Rick Callison on their retirement and wished them well.

Commissioner Martin stated the Southview Neighborhood Association would be holding their meeting on Thursday, April 17th, and the Shawnee Neighborhood Association would be holding their meeting on Saturday, April 19, 2008.

Commissioner Martin inquired about the status of the large hole next to Paul's bar on Main Street.

City Manager Enderle stated he has spoken to the property owner and it should be repaired by the end of the month.

Commissioner Martin asked if there were new requirements this year on filing City Income Tax?

Finance Director Cindy Holtzapple stated the city is asking for a copy of the 1040 returns in order to complete the City Income Tax forms.

Commissioner Martin asked if the Hotel Project is on budget?

Tom Zechman, stated pretty much so, and explained what has been spent and how. More information will be available for the Commission to see at the Work Study Session in May. There have been some unforeseen expenditures, and they will cover them in the Work Study Session in May.

Commissioner Martin complimented the Piqua Police Department on their recent Accreditation Status.

Commissioner Fess stated the Miami Valley Centre Mall was a very happening place when the "Deal or No Deal" crew came to Piqua to hold auditions for their show. Commissioner Fess congratulated Peggy Henthorn and her staff on hosting the event with over 6,000 attendees.

Commissioner Fess cited there is still a lot of debris in yards and reminded citizens to get out and pick up their yards.

Commissioner Fess stated she has heard from citizens that they are afraid to contact their Commissioners to express complaints. Mrs. Fess encouraged citizens to not be afraid to contact the Commissioners to express their complaints of problems.

Commissioner Terry stated she participated in the Martin Luther King Walk, and had the pleasure of hearing an eight-year student recite the "I Have A Dream Speech" by heart.

Commissioner Terry stated the North view Neighborhood Association would hold their meeting on Tuesday, April 22, at 6:30 P.M. at Wilder School, and invited citizens to attend.

Commissioner Terry thanked all the volunteers who serve on the Boards & Committees for the City of Piqua.

Commissioner Terry congratulated Pat Motter, Mike Heffelfinger, and Rick Callison for the thirty years of service each of them provided to the City of Piqua. That is a combined total of ninety-years (90) of service all together to the City of Piqua, said Commissioner Terry.

City Manager Enderle stated the City is accepting nominations for the Residence Pride Awards and explained the criteria. Applications may be picked up in the City Managers office, or at the front

counter in the Municipal Government Complex and on the City of Piqua web page and the Piqua Chamber of Commerce.

Mayor Hudson congratulated Larry Hamilton on the Martin Luther King March, and Police Chief Wayne Willcox on the Police Departments Accreditation.

Mayor Hudson stated he rode with Street Department employees doing plowing on March 8th, one of the larger snowfalls. I was very impressed on how they handled working around the cars and curbs and other obstacles they encounter while clearing the city streets, said Mayor Hudson.

Mayor Hudson inquired as how much the City of Piqua has invested in the Hotel Project to date?

City Manager Enderle stated he would be able to give a better figure at the Work Study Session in May.

Finance Director Holtzapple stated roughly the City of Piqua has invested about five million dollars so far.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:40 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. 8-08

**AN ORDINANCE ENACTING AND ADOPTING A
SUPPLEMENT TO THE CODE OF ORDINANCES
FOR THE CITY OF PIQUA**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2007 supplement to the Code of Ordinances of the City of Piqua, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this City of Piqua; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the Ohio Code; and

WHEREAS, it is the intent of the Piqua City Commission to accept these updated sections in accordance with the changes of the law of the State of Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the City of Piqua and for the immediate preservation of the public peace, health, safety and general welfare of the City of Piqua that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC 1: That the 2007 supplement to the Code of Ordinances of the City of Piqua as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, is hereby adopted by reference as if set out in its entirety.

SEC. 2: Such supplement shall be deemed published as of the day of its adoption and approval by the Piqua City Commission and the Clerk of Commission is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk of Commission.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____
2nd Reading

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 11-08

**AN ORDINANCE ADOPTING AND IMPLEMENTING § 91.11 TOW,
ADMINISTRATIVE AND STORAGE FEES FOR IMPOUNDED VEHICLES AT CITY
FACILITIES**

WHEREAS, the City of Piqua has an impound lot that it is not currently charging fees even though the Piqua Police Department incurs administrative costs; and

WHEREAS, certain offenses of the Ohio Revised Code and the Piqua Municipal Code require a vehicle to be seized and impounded; and

WHEREAS, daily storage fees are charged for all private storage lots.

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

SEC. 1: That the City of Piqua hereby adopts Section 91.11 as set forth below:

§ 91.11 Tow, administrative and storage fees for impounded vehicles at city facilities.

Any person whose vehicle is impounded by a sworn or non-sworn representative of the Piqua Police Department for violation of any section of the Piqua City Code relating to criminal investigation, duly adopted parking restrictions, traffic restrictions, and/or abandoned/junk vehicle restrictions, shall be liable to the City for paying the corresponding tow fees, administrative fee of \$100 plus \$10 for each day or part thereof that the vehicle is in storage at a city facility. The requirements of Section 91.07 must be satisfied and all fees shall be paid in full before the vehicle shall be released.

Impounded motor vehicles which are stolen and abandoned by the thief, or which were disabled at the time of impoundment may be released without charge at the discretion of the police chief upon evidence establishing that the motor vehicle was stolen or disabled at the time of its impoundment. The owner or person entitled to possession of an impounded motor vehicle which is retained in police custody for law enforcement purposes not related to the original impoundment shall not be responsible for any impounding fees related solely to the continuing possession of the motor vehicle by the city of Piqua for law enforcement purposes.

Any person electing to appeal the impoundment fees shall have a right to appeal, following the procedures set forth in Section 91.06 of the Piqua Municipal Code.

SEC. 2: This Ordinance shall not be retroactive nor apply to any vehicle in the impound lot that was impounded prior to the effective date of this Ordinance.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____
2nd Reading

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

ORDINANCE NO. 12-08

AN EMERGENCY ORDINANCE AMENDING SECTION 94.36 OF
THE PIQUA MUNICIPAL CODE DEFINING PROHIBITED ACTS

WHEREAS, it is necessary to prohibit the possession of a gasoline motor on any of the City's water ways as a spill is harmful to the environment.

NOW THEREFORE, BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected or appointed thereto concurring, that:

SEC. 1: Section 94.36 (Prohibited Acts) of the Piqua Municipal Code is hereby amended to read as follows:

§94.36 PROHIBITED ACTS.

(A) (1) It shall be unlawful for any person to drive, propel, or operate a boat of any kind or description driven, propelled, or operated by an electric trolling motor in excess of 12 volts, or a gasoline motor of any horsepower to have an attached gasoline motor on any type of boat, even if not in operation or to operate a snowmobile, motorcycle, or any type of off-road recreational vehicle on the hydraulic canal and the lakes and ponds connected therewith.

(2) The terms of Section (A) (1) and ~~this division and divisions (B), (C), (D) and (E)~~ of this section shall not apply to employees of the city when acting in their capacity as a city employee in the exercising of police power in patrolling the hydraulic canal, and the lakes and ponds connected therewith.

(B) It shall be unlawful for any person to bathe or swim, or throw animals, trash or other debris into the Hydraulic Canal, and the lakes and ponds connected therewith.

(C) (1) It shall be unlawful for any person to abandon any boat in the Hydraulic Canal or the lakes and ponds connected therewith.

(2) The Superintendent of the City Municipal Water Works is authorized and directed to remove and destroy any abandoned boats found in the Hydraulic Canal and the lakes and ponds connected therewith.

(3) For the purpose of this section **ABANDONED BOATS** shall be boats which are submerged in the water, or which are in an unusable condition, or boats which are not licensed by the state.

(D) It shall be unlawful for any person to operate a motor vehicle, motorcycle, motor bicycle, snowmobile or any type of off-road recreational vehicle on the banks of the hydraulic canal, except for the purpose of loading or unloading boats when the consent of the Water Works Superintendent is first obtained.

~~(E) It shall be unlawful for any person to use the south side of the Echo Lake Drive bridge for pedestrian traffic, or to loiter, loaf or fish from the south side of the Echo Lake Drive bridge or the approaches thereto, being a distance of 25 feet by 8 feet on each side.~~

SEC. 2: Section 94.36 (Prohibited Acts) of the Piqua Code as previously enacted, is hereby amended.

SEC. 3: This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and so that the City of Piqua may immediately begin protecting the City's water ways.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-55-08

**A RESOLUTION OPPOSING HR 3359 "MOBILE
WORKFORCE STATE INCOME TAX FAIRNESS
AND SIMPLIFICATION ACT OF 2007"(A BILL TO
LIMIT STATE AND LOCAL AUTHORITIES TO TAX
CERTAIN INCOME OF WORKERS) AND DECLARING
AN EMERGENCY**

WHEREAS, the 110th United States Congress is considering HR 3359 "Mobile Workforce State Income Tax Fairness and Simplification Act of 2007" which is intended to limit state and local authorities in their ability to tax certain income for workers; and

WHEREAS, HR 3359 would jeopardize a valuable funding resource now available to local governments, particularly municipalities, through income tax withholding and reporting; and

WHEREAS, HR 3359 will prevent local authorities from assessing taxes on wages or other remuneration for workers who reside in other jurisdictions and are not physically present and performing their duties in the taxing jurisdiction for more than sixty (60) days during any calendar year. Further, the Bill requires that the worker perform more than fifty percent (50%) of their duties in the jurisdiction in order to be physically present for tax computation of a day; and

WHEREAS, the City relies on income tax to support vital services and functions of our local government. In 2008, income tax proceeds account for sixty-six (66%) of the revenues in the City's general fund; and

WHEREAS, in recent years the City has greatly benefited from income received from workers and associated with projects that would no longer meet the threshold requirement of physical presence for more than sixty (60) days in a calendar year; and

WHEREAS, restriction proposed by HR 3359 would greatly impact the City's ability to collect income tax on non-resident workers and would erode municipal income tax funds designated to help maintain local services. Any reduction in funds would likely require cuts in vital City services such as fire, police, road construction, repair and maintenance, traffic control, parks, recreation and health services upon which residents and non-residents depend upon; and

WHEREAS, business contractors located within the City of Piqua would be disadvantaged in bidding work within the corporate limits as compared to contractors located outside of the corporate limits due to exemption of outside contractors from the City Income Tax causing disincentives for existing businesses to remain in the City and new businesses to relocate into the City; and

WHEREAS, the City of Piqua would be severely disadvantaged if this bill is passed and a resolution in opposition is necessary as an emergency measure and shall take effect upon its passage.

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: This Commission hereby expresses its strong opposition to HR 3359 "Mobile Workforce State Income Tax Fairness and Simplification Act of 2007" and any other proposed federal legislation that would limit state and local authorities in their

ability to tax the income of workers who are not residents of the jurisdiction which would result in diminished local revenue.

SEC. 2: The Clerk of Commission is hereby authorized and directed to cause publication of this Resolution to be made in a summary manner as provided by the City Charter.

SEC. 3: The Clerk of Commission is hereby authorized and directed to send a certified copy of this Resolution to State Representatives and House Judicial Sub-Committee members.

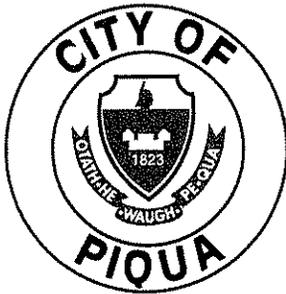
SEC. 4: This Commission finds and determines that all formal actions of this Commission concerning and relating to the adoption of this Resolution were taken in an open meeting and that all deliberations of the Commission that resulted in those formal actions were in meetings held in compliance with the law.

SEC. 5: This Resolution is declared an emergency for all the reasons set forth in the preamble hereto, which is made a part hereof, and shall take effect and be in force from and after the earliest period allowed by law.

THOMAS HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



FINANCE DEPARTMENT

Cynthia A. Holtzapple – Director of Finance
201 West Water Street • Piqua, Ohio 45356
(937) 778-2065 • FAX (937) 778-1130
E-Mail: choltzapple@piquaoh.org

MEMORANDUM

TO: Frederick E. Enderle, City Manager

FROM: Cindy Holtzapple, Finance Director *CH*

RE: Request for City Commission Approving a Resolution Opposing HR 3359
“Mobile Workforce State Income Tax Fairness and Simplification Act of 2007”
and Declaring an Emergency

DATE: April 16, 2008

+++++

Currently the 110th U.S. Congress is considering HR 3359 “Mobile Workforce State Income Tax Fairness and Simplification Act of 2007” which would limit state and local authorities in their ability to tax certain income for workers.

HR 3359 will prevent us from assessing taxes on wages or other remuneration for workers who live in other jurisdictions, but work in Piqua for less than 60 days during any calendar year. Further, the Bill also requires that the worker perform more than fifty percent (50%) of their duties in the City in order to be physically present for tax computation that day. HR 3359 would jeopardize a very valuable funding source now available to local governments, particularly municipalities, through income tax withholding and reporting.

The City of Piqua relies heavily on income tax to support vital services and functions of our local government. In 2008, income tax proceeds are expected to account for sixty-six (66%) of the revenues to the City’s general fund. Restrictions, such as those proposed by HR 3359, would greatly impact the City’s ability to collect income tax on non-resident workers and would reduce municipal income tax funds designed to aid and maintain local services. Any reduction in tax funds would likely require cuts in vital City services, such as fire, police, road construction, repair and maintenance, traffic control, parks and recreation and health services upon which residents and non-residents depend and enjoy.

HR 3359 also opposes local business retention and expansion as business contractors located within the City of Piqua would be disadvantaged in bidding work within the corporation limits as compared to contractors located outside of the corporation limits due to the proposed exemption



of outside contractors from the City of Piqua income tax. This is unfair causing disincentives for existing businesses to remain in the city and new businesses to start up or relocate within the City.

The Ohio Municipal League as well as multiple Ohio cities are opposing HR 3359 and supports passage of resolutions such as this one by cities throughout Ohio. We also plan and encourage you to write and contact our representatives, especially Representative Jim Jordan (R-OH-4) a member of the House Judiciary Sub-Committee, and a co-sponsor of the bill.

Thank you for your consideration of this important matter.

RESOLUTION NO. R-56-08

**A RESOLUTION AWARDING A CONTRACT
FOR THE COLLECTION OF RECYCLABLE
MATERIALS IN THE CITY**

WHEREAS, on January 7, 2008 this Commission passed Resolution No. R-6-08 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the collection of recyclable materials in the City; 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: A three-year contract with Rumpke of Ohio for the collection of recyclable materials in the City is hereby approved as the lowest, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder 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 \$770,640 for a three-year period.

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

Memo

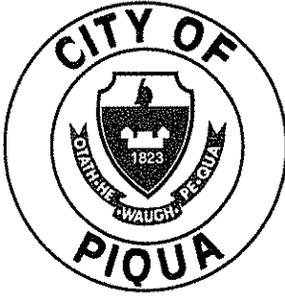
To: City Commission
From: Fred Enderle
Date: April 15, 2008
Re: Recycling Contract Award

Attached, please find a report from Amy Welker on the recent recycling bid results. Amy provides some background on the recycling program, summarizes the bid results, explores alternatives available for consideration and provides staff recommendation.

As you will see the bid is a sizable increase over the last contract period. We are preparing a resolution to authorize the award of new three-year contract with Rumpke. However, because of the cost and our current revenue/expense I thought we should get the memorandum out to you a little early.

If you have any questions or would like further information please let me know.

Cc: Stacy Wall, Law Director



HEALTH DEPARTMENT

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

MEMORANDUM

To: Frederick Enderle, City Manager
 From: Amy Welker, Director of Health & Sanitation
 Date: April 14, 2008
 Subject: RECYLING REPORT

Background

The City of Piqua has operated a curb-side recycling program since 1992 and it is one of the oldest and largest in Miami County. Piqua is part of the Miami County Solid Waste District which is under a recycling mandate from the EPA. The District has a goal of 25% residential waste reduction. This goal has been achieved due in large part to curb-side recycling programs in Piqua and Troy, the two largest cities in Miami County.

The curb-side recycling effort in Piqua has averaged an 11% reduction in waste. This does not include the waste reduction realized from other programs such as yard waste separation and scrap metal recycling. The following chart demonstrates the historical trend in Piqua's recycling program. The highest percentage of recycled materials was in 1993 (17%) and the lowest full year was in 2004 (9%).

| TONS OF REFUSE | | | | |
|----------------|------------------|------------------|---------------|------------|
| YEAR | TRANSFER STATION | RUMPKE RECYCLING | TOTAL TONNAGE | % RECYCLED |
| 1990 | 8,435 | 0 | 8,435 | 0% |
| 1991 | 8,249 | 0 | 8,249 | 0% |
| 1992 | 8,073 | 319 | 8,392 | 4% |
| 1993 | 7,524 | 1,530 | 9,054 | 17% |
| 1994 | 7,644 | 1,219 | 8,863 | 14% |
| 1995 | 7,960 | 1,061 | 9,021 | 12% |
| 1996 | 7,781 | 1,062 | 8,843 | 12% |
| 1997 | 8,027 | 1,098 | 9,125 | 12% |
| 1998 | 7,968 | 1,083 | 9,051 | 12% |
| 1999 | 8,684 | 1,009 | 9,693 | 10% |
| 2000 | 9,088 | 999 | 10,087 | 10% |
| 2001 | 9,165 | 1,009 | 10,174 | 10% |
| 2002 | 9,256 | 1,043 | 10,299 | 10% |
| 2003 | 9,656 | 1,079 | 10,735 | 10% |

| | | | | |
|------|-------|-------|--------|-----|
| 2004 | 9,476 | 912.3 | 10,388 | 9% |
| 2005 | 9,270 | 1,069 | 10,339 | 10% |
| 2006 | 9375 | 1,191 | 10,566 | 11% |
| 2007 | 8745 | 1171 | 9,916 | 12% |

Piqua has always used an outside contractor to operate the curb-side recycling program. The program is currently operating on an extended contract with Rumpke. The traditional 3-year contract expired October 31, 2007. In order to pursue alternative bidding options, the contract was extended for six months and is set to expire on April 30, 2008.

Bids

One item to consider when reviewing the current and past recycling bids is the effect of the fuel market. By all accounts, the last recycling contract was beneficial because the fuel market was relatively stable at that time. The last three years have shown tremendous increases in fuel prices and consequently, all contractors who utilize fuel for their business are passing the increase on to their customers. In an attempt to limit the effects of fuel surcharges on this contract, the bid specifications addressed fuel surcharges for the first time.

The following bids were received for curb-side recycling for 2008-2011:

| | RUMPKE OF OHIO | RUMPKE OF OHIO | RUMPKE OF OHIO | WASTE MANAGEMENT | WASTE MANAGEMENT | BEST WAY DISPOSAL |
|-----------|----------------|----------------|----------------|------------------|------------------|-------------------|
| | Rate per Week | Annual Cost | 4 % Discount | Rate per Week | Annual Cost | |
| RECYCLING | | | | | | NO BID |
| 2008-2009 | \$ 4,864.00 | \$ 252,928.00 | \$ 242,811.00 | \$ 6,146.40 | \$ 319,612.80 | |
| 2009-2010 | \$ 4,940.00 | \$ 256,880.00 | \$ 246,605.00 | \$ 6,361.52 | \$ 330,799.04 | |
| 2010-2011 | \$ 5,016.00 | \$ 260,832.00 | \$ 250,399.00 | \$ 6,584.18 | \$ 342,377.36 | |

Rumpke's annual base bid is 26% lower than Waste Management for the first year, 28% the second year, and 31% the third year. Rumpke has also provided a 4% discount on the base bid if Troy and Piqua both contract with Rumpke for recycling service. Therefore, Rumpke has been determined to be the best and lowest bidder. The following chart details the monthly cost for the contract compared to current and past years.

| RECYCLING | 2005-2007 | Current Cost | 2008-09 | 2009-10 | 2010-11 |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|
| | per month |
| RUMPKE | \$ 16,720.00 | \$ 18,620.00 | \$ 21,077.00 | \$ 21,407.00 | \$ 21,736.00 |
| Increase from previous year | | 11% | 13% | 1.5% | 1.5% |
| Piqua/Troy DISCOUNT (4%) | | | \$ 20,234.00 | \$ 20,551.00 | \$ 20,867.00 |

Alternatives

Due to the significant amount of resources that are utilized for curb-side recycling, other alternatives and opportunities were evaluated as follows:

1. Drop-Off Location: This alternative would mean completely eliminating the curb-side recycling program. To allow citizens to continue to have access to recycling, the city would establish a location (or multiple locations) for residents to dispose of recyclable materials. The benefit from this alternative is cost. To operate such a program would require a contract with a recycling company to provide containers and then empty those containers.

Other cost considerations include:

- Such a facility really should be staffed to eliminate illegal dumping and nuisance control.
- Increase in tonnage for the refuse department due to loss in customer recycling participation.

Other factors to consider:

- Public opinion in regards to the elimination of a service provided since 1992.
- Location for drop-off containers: If it is out of the way, will residents use it? If the location is more centralized in the city, will it be unsightly and cause nuisance issues?
- Impact on the Miami County Solid Waste District's ability to meet EPA mandates. Miami County reports that Piqua's recycling efforts are critical to the waste districts ability to meet EPA mandates.
- Long term effects from decreased recycling, thus more waste going to the landfill.

| | |
|-------------------------------|--------------------|
| Estimated Program Cost: | \$ 50,000 per site |
| Container rental and disposal | \$11,000 |
| Personnel (20hr/wk) | \$10,500 |
| Increased refuse tonnage | \$28,500 |

2. Overall Solid Waste Management Plan

This is an opportunity to consider all factors that influence the solid waste system currently in place. How the city views solid waste, whether the item is recyclable or not, contributes to the overall health of the Sanitation fund. The Sanitation Department operates on a 1.6 million dollar budget. How we distribute those funds is important. Each major fund area should be evaluated for cost containment. Cost containment measures to be evaluated include:

- Waste Reduction (Tipping Fees - \$510,000)
 - Limits on weekly pick-up
 - Eliminate types of waste collected (exp. Tires)
 - Evaluate City-wide clean-up program

- Item specific reduction / recycling (e-waste, hazardous waste)
- Collection Methods
 - Personnel (\$371,090 plus benefits \$142,611)
 - Temporary Help (\$46,000)

Recommendations

It is my recommendation that the city continue with the curb-side recycling program, utilizing the lowest bidder Rumpke for the next contract period. In cooperation with the contractor, it is recommended that the city embark on a comprehensive education campaign to increase recycling. It is further recommended that the overall solid waste system be evaluated as described above.

One concern with the cost of the recycling program has been that the materials could simply be thrown in the trash cheaper. Currently, this is true. Following is a cost analysis showing the cost to recycle versus the cost to landfill waste items:

| 2008 Budget estimates | REFUSE | RECYCLING | RECYCLING RATE |
|-----------------------|-----------------|---------------|----------------|
| Total Cost | \$ 1,449,998.00 | \$ 252,928.00 | |
| Tonnage | 9272 | 1150 | |
| Price / Ton | \$ 156.00 | \$ 220.00 | 11% |
| Price / Ton *** | \$ 163.00 | \$ 163.00 | 15% |
| increased recycling | | | |

*** Based on increase of 400 tons. Tonnage removed from waste stream and recycled.

Assumptions: No significant increase in expenses. Increase in recycling equates to decrease in refuse. Annual tonnage figures are estimates based on historical data.

As you can see, if the recycling rate was increased by 4% to 15%, then the cost to recycle and the cost to landfill items would be the same during that contract period. To date, the city has never set a goal for recycling nor has it made a concerted effort to educate the citizens regarding the benefits of recycling. At this time, I feel it would be premature to conclude that recycling does not make sense for Piqua. When making decisions of this magnitude, it is important to think long term. A small savings today may cause considerable economic constraints in the future as landfill space is depleted. A sound long term goal would be to reduce the amount of refuse going to the landfill.

If you have any questions regarding this matter, please let me know.