

**A G E N D A**  
**PIQUA CITY COMMISSION**  
**MONDAY, OCTOBER 20, 2008**  
**7:30 P.M.**  
**201 WEST WATER STREET**  
**PIQUA, OHIO 45356**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**REGULAR CITY COMMISSION MEETING**

1.     **APPROVAL OF MINUTES**                     Approval of the minutes from the October 6, 2008 Regular City Commission meeting
  
2.     **ORD. NO. 25-08**                     An Ordinance amending Ordinance No. 33-66  
       **2<sup>nd</sup> Reading**                     relating to the Municipal Income Tax
  
3.     **ORD. NO. 26-08**                     An Ordinance amending Section 93.04 of the  
       **1<sup>st</sup> Reading**                     Piqua Code relating to Fire Prevention
  
4.     **ORD. NO. 27-08**                     An Ordinance vacating a portion of Campbell  
       **1<sup>st</sup> Reading**                     Street public right-of-way
  
5.     **RES. NO. R-115-08**                     A Resolution adopting a Long Range Financial plan  
       **Tabled 10/6/08**                     for the City of Piqua
  
6.     **RES. NO. R-116-08**                     A Resolution amending the total payment to Zachrich  
  Leasing, Inc. for the Shawnee Storm Water Pumping  
  Station improvements project
  
7.     **RES. NO. R-117-08**                     A Resolution amending Resolution No. R-28-08  
  (Section 2) by expanding the Diversity Committee by  
  two additional members
  
8.     **RES. NO. R-118-08**                     A Resolution appointing two members to the Community  
  Diversity Committee

**ADJOURN**

**MINUTES  
PIQUA CITY COMMISSION  
MONDAY, OCTOBER 6, 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**

**Residence Pride Awards – OCTOBER 2008**

Slides were shown of each of the Residence Pride Award winners, they include:

- |                                    |                        |
|------------------------------------|------------------------|
| • Elmer & Vickie Steward           | 231 McKinley Avenue    |
| • Francis Noland (Owner)           |                        |
| • Judy & Allen Wright (Renters)    | 636 W. Water Street    |
| • The Learning Place               | 201 R.M. Davis Parkway |
| • Shad & Donna Freeman             | 1600 New Haven Road    |
| • Clarence & Lillian Ford (Owners) |                        |
| • Norma Leiberick (Renter)         | 109 Johnston Street    |

**PRESENTATION OF PROCLAMATION – CRIME PREVENTION – 2008**

Mayor Hudson read the proclamation and presented it to Acting Police Chief Bruce Jamison.

**APPROVAL OF MINUTES**

Moved by Commissioner Fess, seconded by Commissioner Martin, that the minutes of the September 8 Special City Commission Meeting, September 15, Regular City Commission Meeting, August 27 and September 24, 2008 City Hall in the Park minutes be approved. Voice vote, Aye: Terry, Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously.

**ORD. NO. 25-08**

An Ordinance amending Ordinance No. 36-66 relating to the Municipal Income Tax

Finance Director Cindy Holtzapple briefly went over the proposed changes. There was discussion on how businesses and citizens were to be notified, how losses were to be reported, what constituted a legal loss, and the number of other communities in the area who have the mandatory monthly filing.

**Public Comment**

Joe Drapp, 1366 Park Avenue, voiced his concern over the smaller business owners having to file on a monthly basis.

Brad Boehringer 128 Mound Street, asked several questions concerning gambling losses and the filing of a profit or loss statement with the City of Piqua Income Tax Department.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 25-08 be given a first reading. Voice vote, Aye: Hudson, Fess, Vogt, Martin and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 25-08 be given a first reading.

**Res. No. R-108-08**

A Resolution of authorization for an Ohio Public Works Commission (OPWC) Grant application for the Riverside Drive/Broadway Phase II reconstruction project

Public Comment

No one came forward to speak for or against Resolution No. R-108-08.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Resolution No. R-108-08 be adopted. Voice vote, Aye: Hudson, Terry, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-108-08 adopted.

**RES. NO. R-109-08**

A Resolution awarding a contract for the purchase of a refuse packer truck for the Sanitation Department

Public Comment

No one came forward to speak for or against Resolution No. R-109-08.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Resolution No. R-109-08 be adopted. Roll call, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-109-09 adopted.

**RES. NO. R-110-08**

A Resolution authorizing the City Manager to submit an application for Federal Safetea-Lu Funds through the Miami Valley Regional Planning Commission for the County Road 25-A Phase II Reconstruction Project

Public Comment

No one came forward to speak for or against Resolution No. R-110-08.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-110-08 be adopted. Voice vote, Aye: Fess, Terry, Martin, Vogt, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-110-08 adopted.

**RES. NO. R-111-08**

A Resolution for preliminary consent to award a contract to Peterson Construction Company for the construction of a 3.0 million gallon flow equalization basin and standby power generator for the Wastewater Treatment Plant

There was discussion on the dollar amount that was set-aside in the budget for this project, and the design cost. Acting Public Works Director Amy Havenar gave a brief overview of the design cost and how it is broken down.

Public Comment

No one came forward to speak for or against Resolution No. R-111-08.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-111-08 be adopted. Roll call, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-111-08 adopted.

**RES. NO. R-112-08**

A Resolution declaring and designating a blighted area in the City of Piqua, Ohio

Commissioner Terry stated she has received several comments about the term "blighted" being used in regards to the neighborhoods.

Commissioner Vogt asked if by using the term "blighted" would the homes in the area lose their value in any way. City Manager Enderle stated no, it is just a definition or term the Federal Government uses and it does not affect the property values in the neighborhood.

Commissioner Fess asked if the matching funds were just for businesses only. City Manager Enderle stated yes, only businesses would be eligible to receive the matching funds from the grant.

Public Comment

No one came forward to speak for or against Resolution No. R-112-08

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-112-08 be adopted. Voice vote, Aye: Hudson, Fess, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-112-08 adopted.

**RES. NO. R-113-08**

A Resolution approving the fiscal year 2008 Community Development Block Grant Revitalization program application

Commissioner Martin asked if any downtown property owner could utilize the funds for any internal or external improvements. City Manager Enderle stated yes, the funds could be used for either internal or external improvements to their businesses.

Public Comment

No one came forward to speak for or against Resolution No. R-113-08.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-113-08 be adopted. Voice vote, Aye: Martin, Terry, Hudson, Fess and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-113-08 adopted.

**RES. NO. R-114-08**

A Resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation (ODOT) for the landscape design services to the I-75/US Route 36 interchange in conjunction with the Ohio Department of Transportation US Route 36 bridge deck Replacement project over I-75

Acting Public Works Director Amy Havenar gave a brief explanation on the deck replacement and the landscape design plans.

Public Comment

No one came forward to speak for or against Resolution No. R-114-08.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-114-08 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay, None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-114-08 adopted.

**RES. NO. R-115-08**

A Resolution adopting a Long Range Financial plan for the City of Piqua

City Manager Enderle went over the long-range financial plan for the 2009, and by tying to bring revenues and expenses back together either by raising revenues or cutting expenses. Mr. Enderle stated we need to start taking some action to narrow the gap in the Plan. What we have tried to do in the plan is to avoid layoffs and avoid drastic service cuts, but what we have tried to do is to look at opportunities to stream line businesses, look at personal and opportunities down the road to change job descriptions as they become available. Before we can finish the 2009 budget we need to decide what the long-range plan will be, and we would like to adopt the plan as soon as possible, said Mr. Enderle.

There was discussion among the Commissioners on the various department's expenditures and revenues. Some of the items included the increase in pool fees, housing inspections for every home not just for rentals and various other items.

**Public Comment**

Brad Boehringer 128 Mound Street, asked several questions on some of the line items discussed, and voiced his opinion about the five referendums that will appear on the November ballot regarding the property maintenance issues.

Bill Hogston, Greene Street, asked if the Long Range Financial Plan overview that was presented would be available to the citizens. City Manager Enderle stated the information that was presented is available on the website under the agenda package.

Commissioner Fess stated she would like to see Resolution No. R-115-08 tabled until the next meeting to give the community time to get their input on these budget recommendations.

Moved by Commissioner Fess, seconded by Commissioner Vogt, to table Resolution No. R-115-08 until the October 20, 2008 Piqua City Commission meeting. Voice vote, Aye: Martin, Fess, Hudson, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-115-08 tabled until October 20, 2008.

**OTHER**

**Monthly Reports**

Monthly Reports were accepted.

**PUBLIC COMMENT**

Dan Ramer, 1611 Broadway, representing the Citizens for Piqua Neighborhoods, asked citizens to vote for the five ordinances that will appear on the November ballot.

Brad Boehringer, 128 Mound Street, came forward to voice his opinion and to urge voters to vote against the five ordinances on the November ballot.

Bill Mader, 324 S. Downing Street, voiced his opinion on the Health Board and several other issues.

Roy Howard, 6630 Spiker Road, voiced his concern on the property maintenance issues.

Commissioner Vogt explained how the civil fines for traffic are enforced, and how the fines for code violations were designed.

Commissioner Martin stated he attended the Civil Appeals Board this past week and witnessed three separate cases. All of the city employees were respectful and polite and feels the Appeals Board is very well structured.

Commissioner Fess stated she feels when someone comes to the podium to speak the Commission should be able to respond to them, and then clarified several other statements that were brought up previously in the meeting. Commissioner Fess also congratulated the Heritage Festival on being selected as one of the top one hundred festivals in the United States. Tom Zechman, former Public Works Director was previously asked by Commissioner Fess exactly how much money was actually applied for and received in grants in his tenure with the City of Piqua. The City of Piqua received about twenty-seven million dollars in grant money under Mr. Zechman, which is quite amazing, said Commissioner Fess.

Commissioner Terry congratulated the Residence Pride Winners and stated she attend the send off for the World War II Veterans trip to Washington D.C. Commissioner Terry inquired as to the Neighborhood Associations status on receiving the 501-C3 distinction. City Manager Enderle stated that Bill Lutz is looking into it at this time. There was discussion of complaints received stating the City of Piqua is not being sensitive to property owners when investigating complaints. City Manager Enderle stated he feels the city employees do the best job they can in the very trying circumstances they encounter.

Mayor Hudson asked City Manager Enderle to give a brief update on his recent trip to Germany with the Troy Development Council. City Manager Enderle explained he traveled to Germany and visited with eight different companies, and the city will be putting together some site packages for them to review when they come over in early 2009. It was a very good trip and we hope to have a few possible prospects come to our area, said City Manager Enderle.

Mayor Hudson stated he has had several calls concerning Channel 2 missing from the Time Warner lineup and asked if the city could look into the contract. City Manager Enderle stated he would look into the contract the city has with Time Warner, but the city does not have a lot of control over them. Mayor Hudson stated he would like to move the local Channel 5 and Channel 13 if he could to another cable supplier other than Time Warner.

Mayor Hudson reminded citizens it is time of year for political signs and asked citizens not to place the signs in the right of way. The grand opening date for the Fort Piqua Plaza will take place on Sunday, October 19 with public tours and a ribbon cutting ceremony to be held at 5:00 P.M., said Mayor Hudson.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 9:30 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. 25-08

AN ORDINANCE AMENDING ORDINANCE NO. 33-66,  
RELATING TO THE MUNICIPAL INCOME TAX

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

SECTION 1. Ordinance No. 33-66 as enacted July 5, 1966 and as subsequently amended by Ordinance Numbers 18-67, 26-71, 28-71, 10-76, 67-78, 76-79, 24-83, 36-84, 29-88, 20-89, 84-89, 18-90, 7-97, 34-00, 39-00, 27-02, ~~and 20-03~~, and 22-04 is hereby amended to read as follows (with deletions lined out and additions underlined):

Section 1: Purpose

To provide funds for the purposes of permanent improvements, new equipment, extension and enlargement of municipal services and facilities, capital improvements and operating expenses of the City of Piqua, there shall be, and is hereby levied, a tax on income, qualifying wages, commissions and other compensation, net profits, and other taxable income as hereinafter provided.

Section 2: Definitions

As used in this ordinance, the following words shall have the meaning ascribed to them in this Section, except as and if the context clearly indicates or requires a different meaning.

ADJUSTED FEDERAL TAXABLE INCOME – A C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

- a. Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
- b. Add an amount equal to five percent (5%) of intangible income deducted under Section (2)(a), but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;
- c. Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

- d. (1) Except as provided in Section (2)(d)(2) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;
- (2) Section (2)(d)(1) does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the internal Revenue Code.
- e. Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;
- f. In the case of a real estate investment trust and regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;
- g. If the taxpayer is not a C corporation and is not an individual, the taxpayer shall compute adjusted federal taxable income as if the taxpayer were a C corporation, except;
  - (1) Guaranteed payments and other similar amounts paid or accrued to a partner, former partner, member, or former member shall not be allowed as a deductible expense; and
  - (2) Amounts paid or accrued to a qualified self-employed retirement plan with respect to an owner or owner-employee of the taxpayer, amounts paid or accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction.

Nothing in Section 2 shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

Nothing in this ordinance shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.

**ADMINISTRATOR** – The individual designated by the Director of Finance, with the approval of the City Manager, to administer and enforce the provisions of the ordinance.

**ASSIGNMENT** – The assignment made by a resident of the City of Piqua of claim for refund due from another taxing municipality granting credit to non-residents thereof.

ASSOCIATION – A partnership, limited partnership, limited liability company (including a single owner LLC), Chapter S corporation as defined in the federal tax code, 26 U.S.C. 1361, or any other form of unincorporated enterprise owned by two or more persons.

BOARD OF REVIEW – The Board created by and constituted as provided in Section 13 of this ordinance.

BUSINESS – An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, including but not limited to the renting or leasing of property, real, personal or mixed.

CORPORATION – A corporation or joint stock association organized under the laws of the United States, the State of Ohio or any other state, territory or foreign country or dependency, but not including Chapter S corporations.

THE DIRECTOR OF FINANCE – The Director of Finance of the City of Piqua, Ohio.

DOMICILE – The permanent legal residence of a taxpayer. A taxpayer may have more than one residence, but not more than one domicile.

EMPLOYEE – One who works for qualifying wages, ~~salary~~, commission or other type of compensation in the service of an employer.

EMPLOYER – An individual, partnership, association, corporation, governmental body, unit or agency or any other entity, whether or not organized for profit, who or that employs one or more persons on a ~~salary~~, qualifying wage, commission or other compensation basis.

FISCAL YEAR – An accounting period of twelve (12) months or less ending on any day other than December 31, and used by the taxpayer for Federal Income Tax purposes.

FORM 2106 – The Internal Revenue Service Form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

GROSS RECEIPTS – The total revenue derived from sales, work done, or service rendered before any deductions, exceptions or credits are claimed.

INCOME – Shall include all monies derived from any source whatsoever, including but not limited to:

- a. All ~~salaries~~, qualifying wages, commissions, other compensation and other income from whatever source received by residents of Piqua.

- b. All salaries, qualifying wages, commission, other compensation and other income from whatsoever source received by nonresidents for work done or services performed or rendered or activities conducted in Piqua.
- c. The portion attributable to the city of the net profits of all unincorporated businesses, associations, professions, corporations or other entities from sales made, work done, services performed or rendered, and business or other activities conducted in Piqua.

INTANGIBLE INCOME – Income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. Intangible income does not include prizes, awards, or other income associated with any lottery winnings or other similar games of chance.

INTERNAL REVENUE CODE – The Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

JOINT ECONOMIC DEVELOPMENT DISTRICT – Districts created under the Ohio Revised Code sections 715.70 through 715.83, as amended from time to time.

LIMITED LIABILITY COMPANY – A limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.

MUNICIPALITY – The City of Piqua.

NET PROFITS – A net gain from the operation of a business, profession, enterprise or other activity after provision for all ordinary and necessary expenses, either paid or accrued in accordance with the accounting system used by the taxpayer for Federal Income Tax purposes, without deduction of taxes imposed by this ordinance, federal, state and other taxes based on income; and in the case of an association, without deduction of qualifying wages salaries paid to partners and other owners; and otherwise adjusted to the requirements of this ordinance.

Net profits shall include any amount or value received, realized or recognized in a sale or other disposition of tangible personal property or real property used in business, in excess of book value.

NON-RESIDENT – An individual domiciled outside the City of Piqua.

NON-RESIDENT UNINCORPORATED BUSINESS ENTITY – An unincorporated business entity not having an office or place of business within the City of Piqua.

**NONQUALIFIED DEFERRED COMPENSATION PLAN** – A compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

**PERSON** – Every natural person, partnership, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a penalty, the term “person” as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

**PLACE OF BUSINESS** – Any bona fide office (other than a mere statutory office), factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity, individually or through one or more of his regular employees regularly in attendance.

**QUALIFIED PLAN** – A retirement plan satisfying the requirements under Section 401 of the Internal Revenue Code as amended.

**QUALIFYING WAGES** – Wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted in accordance with Section 718.03(A) of the Ohio Revised Code.

~~**RECIPROCITY CREDIT** – The credit granted by a municipality to its residents, and to non-residents whose city or residence grants a similar credit to non-residents thereof, based on fifty percent (50%) of the lesser of the two rates.~~

**RESIDENT** – An individual domiciled in the City of Piqua.

**RESIDENT UNINCORPORATED BUSINESS ENTITY** – An unincorporated business entity having an office or place of business within the City of Piqua.

**RULES AND REGULATIONS** – Administrative directives promulgated by the Administrator and approved by the Board of Review for the purpose of administering this ordinance.

**SCHEDULE C** – The Internal Revenue Service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.

**SCHEDULE E** – The Internal Revenue Service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.

**SCHEDULE F** – The Internal Revenue Service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.

**S CORPORATION** – A corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

**TAXABLE INCOME** – Qualifying wages, and other compensation paid by an employer or employers before any deductions and/or the net profits from the operation of a business, profession or other enterprise or activity adjusted in accordance with the provisions of the ordinance. Please refer to INCOME.

**TAXABLE YEAR** – The calendar year, or the fiscal year upon the basis of which the net profits are to be computed under the ordinance and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.

**TAXING MUNICIPALITY** – Any municipal corporation levying a municipal income tax on income, qualifying wages, commissions and other compensation earned by individuals, and on the net profits and other taxable income earned from the operation of a business, profession or other activity.

**TAXPAYER** – A person, whether an individual, partnership, association or any corporation or other entity, required under this ordinance to file a return or pay a tax.

### Section 3: Imposition of Tax

- A. Subject to the provisions of Section 16 of this ordinance, an annual tax for the purposes specified in Section 1 hereof shall be imposed at the rate of one and three-fourths percent (1.75%) per annum.

The first one percent (1%) of said tax shall be levied until repealed by this commission; the next one-half percent (.5%) until repealed by the electorate; and the remaining one-fourth percent (.25%) from January 1, 1991 through December 31, 2010 and upon:

1. All qualifying wages, commissions, other compensation and other income earned or received during the effective period of this ordinance by residents of the City of Piqua.
2. All qualifying wages, commissions, other compensation earned and other income earned or received during the effective period of this ordinance by nonresidents for work done or services performed or rendered in the City of Piqua.
3. a. The portion attributable to the City of Piqua of the net profits earned or received during the effective period of this ordinance, of all resident unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Piqua.  
b. The portion of the distributive share of net profits earned or received during the effective period of this ordinance of a resident partner or owner of a resident unincorporated business entity not attributable to the City of Piqua

and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner, taxable hereunder on income attributable to another taxing municipality, shall be subject to the Relief and Reciprocity Provisions of Section 15 hereof.

4. a. The portion attributable to the City of Piqua of net profits earned or received during the effective period of this ordinance of all non-resident unincorporated businesses, professions or other entities, derived from sales made, work done or services performed or rendered and business or other activities conducted in the City of Piqua, whether or not such unincorporated business entity has an office or place of business in the City of Piqua.
  - b. The portion of the distributive share of net profits earned or received during the effective period of this ordinance of a resident partner or owner of a nonresident unincorporated business entity not attributable to the City of Piqua and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner taxable hereunder on income attributable to another taxing municipality shall be subject to the Relief and Reciprocity provisions of Section 15 hereof.
5. The portion attributable to the City of Piqua of net profits earned or received during the effective period of this ordinance of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Piqua, whether or not such corporations have an office or place of business in the City of Piqua.
  6. All income received as gambling winnings as reported on IRS Form W-2G, Form 5754 and or any other Form required by the Internal Revenue Service that reports winnings from gambling, prizes and lottery winnings. Gambling losses are not deductible.
- B. The portion of the net profits attributable to the City of Piqua of a taxpayer conducting a business, profession or other activity, both within and without the boundaries of the City of Piqua, shall be determined as provided in Section 718.02 of the Revised Code of Ohio and in accordance with the Rules and Regulations.

#### C. OPERATING LOSSES ~~CARRY FORWARD~~

- a. The Municipality does not allow a net operating loss carryback or carryforward.
- b. Losses from federal schedules and other sources reported for federal income tax purposes cannot be used to offset qualifying wages, commissions, other compensation and other taxable income earned or received by residents or nonresidents of the Municipality.

If an individual is engaged in two or more taxable business activities to be included in the same return, the net loss of one unincorporated business activity may be used to offset the profits of another (except any portion of a loss or profit separately reportable for municipal tax purposes to another taxing entity) for purposes of arriving at overall net profits or net operating loss.

- ~~1. The portion of a net operating loss sustained in any taxable year allocable to the City of Piqua may be applied against the portion of the profit of the succeeding year (s) allocable to the City of Piqua, until exhausted but in no event for more than five (5) taxable years. No portion of a net operating loss shall be carried back against net profits of any prior year.~~
- ~~2. The portion of a net operating loss sustained shall be allocated to the City of Piqua in the same manner as provided herein for allocating net profits to the City of Piqua.~~
- ~~3. The Administrator shall provide by Rules and Regulations the manner in which such net operating loss carry forward shall be determined.~~

#### D. CONSOLIDATED RETURNS

1. Any affiliated group, which files a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code, may file a consolidated return with the City of Piqua. However, once the affiliated group has elected to file a consolidated return or a separate return with Piqua, the affiliated group may not change its method of filing in any subsequent tax year without written approval from Piqua.
2. In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the City of Piqua, constituting a portion only of its total business, the Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City of Piqua. If the Administrator finds net profits are not properly allocated to the City of Piqua by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity or by some other method, the Administrator shall make such allocations as the Administrator deems appropriate to produce a fair and proper allocation of net profits to the City of Piqua.

#### Section 4: Effective Period

The first one percent (1%) of said tax shall be levied, collected and paid with respect to the income, qualifying wages, commissions and other compensation, and with respect to net profits of businesses, professions or other activities earned from January 1, 1977, and until repealed by this Commission.

The next one-half percent (.5%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1984 and until repealed by the electorate.

The remaining one-fourth percent (.25%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1991 through December 31, 2010.

#### Section 5: Return and Payment of Tax

A. Each taxpayer who engages in business or other activity or whose qualifying wages, commissions, other compensation and other taxable income is subject to the tax imposed by this ordinance, and every resident shall, except as herein provided, shall, whether or not a tax be due thereon, make and file a return on or before April 15th of each the year, whether or not a tax is due. following the effective date of this ordinance, and on or before April 15 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed by the 15<sup>th</sup> day of the fourth month from the end of such fiscal year or period. The Administrator is hereby authorized to provide by regulation in accordance with Rules and Regulations that the return of an employer or employers, showing the amount of tax deducted by said employer or employers from the salaries, qualifying wages, commissions, other compensation or other income of an nonresident employee, and paid by the employer or employers to the Administrator, shall be accepted as the return required of any nonresident employee whose sole income, subject to tax under this ordinance, is such salary, qualifying wages, commissions, other compensation or other income.

The Administrator shall also have authority to require that certain retired individuals may be exempt from this section, providing that no reportable or taxable income exists beyond income exempt from taxation as provided by this ordinance.

- B. The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from such Administrator, or on a generic form, setting forth:
1. a. The aggregate amount of qualifying wages, commissions, other compensation and other income earned or received; and

- b. The gross income from a business, profession or other activity less allowable expenses incurred in the acquisition of such gross income;
    - c. Such income shall include only income earned or received during the year, or portion thereof, covered by the return and subject to the tax imposed by this ordinance;
  2.
    - a. The amount of tax imposed by this ordinance on income reported,
    - b. Any credits to which the taxpayer may be entitled under the provisions of Sections 6, 7 and 15 of this ordinance; and
  3. Such other pertinent statements, information returns or other information as the Administrator may require.
  4. A generic form once completed and filed must contain all of the information required to be submitted with Piqua's prescribed returns, reports or documents, and must be in a similar format that will allow processing of the generic forms without altering Piqua's procedures for processing forms. The taxpayer or return preparer filing the generic form must also otherwise comply with the rules or ordinances of Piqua governing the filing of returns, reports or documents. Determination as to whether a generic form meets this criteria shall be the responsibility of the Administrator.
- C. The Administrator may extend the time for filing of the annual return upon the request of the taxpayer for a period of not to exceed six (6) months, or one (1) month beyond any extension requested of or granted by the Internal Revenue Service for filing of the Federal Income Tax Return (whichever occurs later). The Administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due.

No penalty or interest shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended.
- D.
  1. The taxpayer making a return shall, at the time of filing thereof, pay to the Administrator the balance of tax due, if any, after deducting:
    - a. The amount of City of Piqua Income Tax deducted or withheld at the source pursuant to Section 6 hereof;
    - b. Such portion of the tax as has been paid on declaration by the taxpayer pursuant to Section 7 hereof;
    - c. Any credit allowable under the provisions of Section 15 hereof.

2. Should the return, or the records of the Administrator, indicate an overpayment of the tax to which the City of Piqua is entitled under the provisions of this ordinance, such overpayment shall first be applied against any existing liability and the balance, if any, at the election of the taxpayer communicated to the Administrator, shall be refunded or transferred against any subsequent liability. Provided, however, that overpayment of less than five dollars (\$5.00) ~~one dollar (\$1.00)~~ shall not be refunded.
- E. 1. AMENDED RETURNS. Where necessary, an amended return must be filed in order to report additional income and pay any additional tax due, or claim a refund of tax overpaid, subject to the requirements and/or limitations contained in Sections 11 and 15. Such amended returns shall be on a form obtainable on request from the Administrator. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return.
2. Within three (3) months from the final determination of any federal tax liability affecting the taxpayer's City of Piqua tax liability, such taxpayer shall make and file an amended City of Piqua return showing income subject to the City of Piqua tax based upon such final determination of federal tax liability, and pay any additional tax shown due thereon or make claim for refund of any overpayment.

#### Section 6: Collection at Source

- A. 1. Each employer within or doing business within the City of Piqua who employs one or more persons on a salary, qualifying wage, commission, other compensation or other income basis shall, at the time of payment thereof, deduct the tax of one and three-fourths percent (1.75%) from the qualifying wages, commissions, other compensation or other income earned or received by Piqua residents regardless of where such compensation was earned or received and shall deduct the tax of one and three-fourths percent (1.75%) from the qualifying wages, commissions, other compensation or other income earned or received within Piqua by non-residents;
2. Notwithstanding the provisions of paragraph A. 1. of this Section, where such employer employs a Piqua resident in another taxing municipality requiring such employer to deduct its tax from all employees engaged therein, such employer shall withhold for, and remit to, the City of Piqua only the difference, if any, between the tax imposed by such other taxing municipality and the tax imposed by this ordinance;
  3. Except as provided in Section 6 (4), each such employer shall, on or before the 15<sup>th</sup> day last day of the this month following such withholding each calendar quarter, make a return and remit to the City of Piqua the tax hereby required to be withheld. Such return shall be on a form or forms prescribed by, or acceptable to,

the Administrator and shall be subject to the Rules and Regulations. Such employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have, in fact, been withheld.

4. Based on city income taxes withheld by an employer during the measurement period and the amounts specified in the rules and regulations, monthly, quarterly or semi-monthly payments are required on or before the fifteenth day of the month following the end of each period. The Tax Administrator may revoke the approval of quarterly filing and payments whenever the Tax Administrator has reason to believe that the conditions for granting such authorization have changed, were judged incorrectly, were not met, or when it is in the best interest of the city to do so. Notice of withdrawal shall be made in writing and, in such case, the employer must begin to file in accordance with Section 6 (3).
5. On or before the 28<sup>th</sup> day of February following any calendar year, such employer shall file with the Administrator an information return for each employee from whom City of Piqua Income Tax has been, or should have been, withheld, showing the name, address and Social Security number of the employee, the total amount of compensation paid during the year and the amount of City of Piqua Income Tax withheld from such employee.
6. An employer is not required to make any withholding with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of the corporation with respect to whose stock the option has been issued.
7. a. An employee is not relieved from liability for a tax by the failure of the employer to withhold the tax as required by a municipal corporation or by the employer's exemption from the requirements to withhold the tax.  
b. The failure of an employer to remit to the municipal corporation the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer in connection with the failure to remit the tax withheld.
- B. Such employer, in collecting said tax, shall be deemed to hold the same until payment is made by such employer to the City of Piqua, as a Trustee for the benefit of the City of Piqua and any such tax collected by such employer from his employees shall, until the same is paid to the City of Piqua, be deemed a trust fund in the hands of such employer.
- C. All employers that provide any contractual service within Piqua, and who employ subcontractors in conjunction with that service, shall provide Piqua the names and addresses of the subcontractors. The subcontractors shall be responsible for all income tax withholding requirements under this ordinance.

- D. In addition to the wage reporting requirements of this section, any person required by the Internal Revenue Service to report on Form 1099-Misc. payments to individuals not treated as employees for services performed shall also report such payments to the Municipality when the services were performed in the Municipality. The information may be submitted on a listing, and shall include the name, address and social security number (or federal identification number), and the amount of the payments made. Federal form(s) 1099 may be submitted in lieu of such listing. The information shall be filed annually on or before February 28 following the end of such calendar year.
- E. DOMESTIC SERVANTS. No person shall be required to withhold the tax on the qualifying wages, commissions, other compensation, and other taxable income paid domestic servants employed exclusively in or about such person's residence. However, such domestic servants shall be responsible for filing and paying their own returns and taxes.

#### Section 7: Declarations

- A. Every person who anticipates any taxable income which is not subject to Section 6 hereof, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 3 hereof shall file a declaration setting forth such estimated income of the estimated profit or loss from such business activity, together with the estimated tax due thereon, if any. ~~provided, however, if a person's income is wholly from qualifying wages from which the tax will be withheld and remitted to the City of Piqua in accordance with Section 6 hereof, such person need not file a declaration.~~
- B. 1. Such declaration shall be filed on or before April 15 of each year during the life of this ordinance, except that no penalties or interest shall be assessed, for not filing a declaration, on any resident taxpayer who was not domiciled in Piqua on the first day of January of the year in which they became subject to estimated payments, nor shall penalties or interest be assessed on estimated payments if the taxpayer has remitted an amount equal to one hundred percent of the previous year's tax liability, provided that the previous year reflected a twelve-month period.
2. Those taxpayers reporting on a fiscal year basis shall file a declaration within 15 days of the fourth month after the beginning of each fiscal year or period.
- C. 1. Such declaration shall be filed upon a form furnished by, or obtainable from, the Administrator, or on a generic form. Credit shall be taken for Piqua income tax to be withheld, if any, from any portion of such income. In addition, credit may be taken for tax payable to other taxing municipalities in accordance with the provisions of Section 15 hereof.

2. The original declaration (or any subsequent amendment thereof) may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.
  3. A generic form once completed and filed must contain all of the information required to be submitted with Piqua's prescribed returns, reports or documents, and must be in a similar format that will allow processing of the generic forms without altering Piqua's procedures for processing forms. The taxpayer or return preparer filing the generic form must also otherwise comply with the rules or ordinances of Piqua governing the filing of returns, reports or documents. Determination as to whether a generic form meets this criteria shall be the responsibility of the Administrator.
- D. The taxpayer making the declaration shall, at the time of the filing thereof, pay to the Administrator at least one-fourth (1/4) of the estimated annual tax due after deducting:
1. Any portion of such tax to be deducted or withheld at the source pursuant to Section 6 hereof;
  2. Any credits allowable under the provisions of Section 15 hereof; and
  3. Any overpayment of previous year's tax liability which taxpayer has not elected to have refunded. Provided, however, the taxpayer may elect to apply any overpayment of previous tax liability to any one or more installments of the estimated annual tax.

At least a similar amount shall be paid on or before the 15<sup>th</sup> day of the sixth, ninth and thirteenth month after the beginning of taxpayer's taxable year, provided that in case an amended declaration has been duly filed, or the taxpayer is taxable for a portion of the year only, the unpaid balance shall be paid in equal installments on or before the remaining payment dates.

- E. On or before the 15<sup>th</sup> day of the fourth month of the year following that for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the City of Piqua shall be paid therewith in accordance with the provisions of Section 5 hereof.

#### Section 8: Duties of the Administrator

- A. 1. It shall be the duty of the Administrator to receive the tax imposed by this ordinance in the manner prescribed herein from the taxpayers; to keep an accurate record thereof; and to report all monies so received to the Director of Finance.

2. It shall be the duty of the Administrator to enforce payment of all taxes owed the City of Piqua, to keep accurate records for a minimum of six (6) years showing the amount due from each taxpayer required to file a declaration and/or make any return, including taxes withheld, and to show the dates and amounts of payments thereof.
- B. Said Administrator is hereby charged with the enforcement of the provisions of this ordinance, and is hereby empowered, subject to the approval of the Board of Review, to adopt and promulgate and to enforce Rules and Regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this ordinance, including provisions for the re-examination and correction of returns.
  - C. In any case where a taxpayer has failed to file a return or has filed a return which does not show the proper amount of tax due, the Administrator may determine the amount of tax appearing to be due the City of Piqua from the taxpayer and shall send to such taxpayer and tax practitioner a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.
  - D. Subject to the consent of the Board of Review and pursuant to the Rules and Regulations, the Administrator shall have the power to compromise any interest or penalty, or both, imposed by Section 10 of this ordinance.

Section 9: Investigative Powers of the Administrator  
Penalty for Divulging Confidential Information

- A. The Administrator, or any authorized employee, is hereby authorized to examine the books, papers, records and Federal Income tax returns of any employer or of any taxpayer or person subject to, or whom the Administrator believes is subject to the provisions of this ordinance, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this ordinance.  
  
Every such employer, supposed employer, taxpayer or supposed taxpayer is hereby directed and required to furnish upon written request by the Administrator, or the Administrator's duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations are hereby authorized.
- B. The Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before the Administrator and may examine such person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and Federal Income Tax returns and the attendance of all persons before the Administrator, whether as parties or witnesses, whenever the Administrator believes such persons have knowledge of such income or information pertinent to such inquiry.

C. The refusal to produce books, papers, records and Federal Income Tax returns, or the refusal to submit to such examination by any employer or person subject or presumed to be subject to the tax, or by any officer, agent or employee of a person subject to the tax or required to withhold tax, or the failure of any person to comply with the provisions of this Section or with an order or subpoena of the Administrator authorized hereby, shall be deemed a violation of this ordinance punishable as provided in Section 12 hereof.

D. Any information gained, as the result of any returns, investigations, hearings or verifications required or authorized by this ordinance shall be confidential, except for official purposes, or except in accordance with proper judicial order. Any person divulging such information in violation of this ordinance shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be subject to a fine or penalty of not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both. Each disclosure shall constitute a separate offense.

In addition to the above penalty, any employee of the City of Piqua who violates the provision of this Section relative to the disclosure of confidential information shall be guilty of an offense punishable by immediate dismissal.

E. Every taxpayer shall retain all records necessary to compute his or her tax liability for a period of six (6) years from the date his or her return is filed, or the withholding taxes are paid.

#### Section 10: Interest and Penalties

A. All taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this ordinance and remaining unpaid after they become due shall bear interest at the rate of one percent (1%) per month.

B. In addition to interest as provided in paragraph A hereof, penalties based on the unpaid tax are hereby imposed as follows:

1. For failure to pay taxes due, a penalty of one percent (1%) per month with a maximum of twenty-five percent (25%) of the net tax liability and with an annual minimum \$20. The \$20 minimum is waived for first-time filers and if taxes are paid within two weeks of filing.
2. For failure to remit taxes withheld or required to be withheld from employees: Three percent (3%) per month.
3. Where the taxpayer has failed to file a return by the due date or by the date resulting from extension, a failure to file fee of twenty-five dollars (\$25.00) may be assessed.

4. Where the employer has failed to file quarterly returns by the due dates, a failure to file fee of twenty-five dollars (\$25.00) may be assessed per each return.

### C. EXCEPTIONS

1. A penalty shall not be assessed on an additional tax assessment made by the Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Administrator, or filed in accordance with Article VII, Section C of the Rules and Regulations; and provided further, that in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit, providing an amended return is filed and the additional tax is paid within three (3) months after final determination of the federal tax liability.
2. The city shall not impose any penalty, interest, or other similar assessment or charge against a taxpayer for the late payment or nonpayment of estimated tax liability in either of the following circumstances:
  - (a) The taxpayer is an individual who resides in the city but was not domiciled there on the first day of January of the current calendar year;
  - (b) The taxpayer has timely remitted an amount at least equal to one hundred percent (100%) of the taxpayer's tax liability for the preceding year as shown on the return filed by the taxpayer for the preceding year, provided that the return for the preceding year reflected a twelve-month period and taxpayer filed a return for the preceding year.

D. A return check fee will be assessed in an amount set periodically in the Rules and Regulations promulgated by the Tax Administrator.

E. Upon recommendation of the Administrator, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Administrator to recommend abatement of penalty and interest, the Board may nevertheless abate penalty or interest, or both.

### Section 11: Collection of Unpaid Taxes and Refunds of Overpayment

- A. All taxes imposed by this ordinance shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amounts are recoverable. Except in the case of fraud, omission of twenty-five percent (25%) or more of income subject to this tax, or failure to file a return, an additional assessment shall not be made after three (3) years from the time the return was due or filed, whichever is later. In the case of fraud, omission of 25% or more of income subject to this tax, or failure to file

a return, all additional assessments shall be made and all prosecutions to recover Piqua's income taxes and penalties and interest thereon shall be brought within six (6) years after the tax was due or the return was filed, whichever is later. In those cases in which the Commissioner of Internal Revenue and the taxpayer have executed a waiver of the federal statute of limitation, the period within which an additional assessment may be made by the Administrator shall be one (1) year from the time of the final determination of the federal tax liability.

- B. Those officers or employees having control or supervision of, or charged with, the responsibility of filing the return and making payments for a corporation or association shall be personally liable for failure to file the return or pay the taxes and penalties and interest due as required. The dissolution, bankruptcy, or reorganization of any employer does not discharge the officers' or employees' liability for a prior failure of such business to file a return or pay the taxes due.
- C. Taxes erroneously paid shall not be refunded unless a claim for refund is made within three (3) years from the date which such payment was made or the return was due, or within three (3) months after final determination of the federal tax liability, whichever is later.
- D. Amounts of less than ~~one dollar (\$1.00)~~ five dollars (\$5.00) shall not be collected or refunded.

#### Section 12: Violations – Penalties

A. Any person who shall:

1. Fail, neglect or refuse to make any return or declaration required by this ordinance; or
2. Make any incomplete, false or fraudulent return; or
3. Fail, neglect or refuse to pay the tax, penalties or interest imposed by this ordinance; or
4. Fail, neglect or refuse to withhold the tax from his employees or remit such withholding to the Administrator; or
5. Refuse to permit the Administrator or any duly authorized agent or employee to examine his or her books, records, papers and Federal Income Tax returns relating to the income or net profits of a taxpayer; or
6. Fail to appear before the Administrator and to produce his or her books, records, papers or Federal Income Tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Administrator; or

7. Refuse to disclose to the Administrator any information with respect to the income or net profits of a taxpayer; or
8. Fail to comply with the provisions of this ordinance, the Rules and Regulations or any order or subpoena of the Administrator authorized hereby; or
9. Give to an employer false information as to his or her true name, correct Social Security number and residence address, or fail to promptly notify an employer of any change in residence address and date thereof; or
10. Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and City of Piqua tax withheld, or to knowingly give the Administrator false information; or
11. Attempt to do anything whatever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this ordinance.

Shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months or both, for each offense.

- B. All prosecutions under this Section must be commenced within three (3) ~~five (5)~~ years from the time to the offense complained of except in the case of failure to file a return or in the case of filing a false or fraudulent return, in which event the limitation of time within which prosecution must be commenced shall be six (6) ~~ten (10)~~ years from the date the return was due or the date the false or fraudulent return was filed.
- C. The failure of any employer or person to receive or procure a return declaration or other required form shall not excuse him or her from making any information return, return or declaration, from filing such form, or from paying the tax.

### Section 13: Board of Review

- A. A Board of Review, consisting of the City Manager, who shall act as chairman, and two other individuals, each to be appointed by the Mayor of the City of Piqua, is hereby created. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board may be conducted privately and the provisions of Section 9 hereof, with reference to the confidential character of information required to be disclosed by this ordinance, shall apply to such matters as may be heard before the Board of Review.
- B. All Rules and Regulations and amendments or changes thereto, which are adopted by the Administrator under the authority conferred by this ordinance, must be approved by the Board of Review before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Administrator, and, at the request

of the taxpayer or Administrator, is empowered to substitute alternate methods of allocation.

- C. Any person dissatisfied with any ruling or decision of the Administrator, which is made under the authority conferred by this ordinance, may appeal therefrom to the Board of Review within thirty (30) days from the announcement of such ruling or decision by the Administrator provided the taxpayer making the appeal has filed with the City of Piqua the required return or other documents concerning the obligation at issue. The appeal shall be in writing and shall state why the decision should be deemed incorrect or unlawful. The Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof.

#### Section 14: Use of Funds

The total income tax funds collected under the provisions of this ordinance shall be held by the Director of Finance in a separate fund known as the "INCOME TAX FUND" and shall be deposited in a separate account, or accounts, in such bank or banks, as the Director in his or her sole discretion may decide.

Relating to the first one percent (1%), not less than twenty-eight percent (28%) shall be used for the construction, operation and maintenance of streets, including the draining thereof. Not less than twenty-one percent (21%) shall be used for permanent improvements and operation of the Safety Department. Not less than seven percent (7%) shall be used for permanent improvements and operation of City parks. Not more than forty-four percent (44%) shall be used for General Fund purposes, other than those listed above, and for the purpose of paying the cost of collecting the tax levied by this ordinance and the cost of administering and enforcing the provisions thereof.

The funds collected under the provisions of this ordinance relating to the next one-half percent (.5%) levy in excess of one percent (1%) shall be used entirely for capital and operating needs of police, fire and public safety-related services.

The funds collected under the provisions of this ordinance relating to the remaining one-fourth percent (.25%) levy shall be used entirely for the construction, reconstruction and resurfacing of streets and alleys, including the installation, maintenance and reconstruction of storm drainage lines, manholes and catch basins.

#### Section 15: Relief and Reciprocity Provisions

It is the intent of this section that a taxpayer, subject to tax in more than one municipality on the same income, who has complied with the provisions hereof, shall not be required by this ordinance to pay a total municipal income tax on such income greater than the tax imposed at the higher rate.

Accordingly, notwithstanding any other provisions of this ordinance,

~~A. Residents of Piqua~~

~~A. When a resident of Piqua is subject to and has paid, or has acknowledged liability for, a municipal income tax in another municipality on the same income taxable under this ordinance, and such other municipality does not allow a credit to its non-residents, such Piqua resident may claim a credit of the amount of such tax paid to such other municipality, but not in excess of the tax assessed by this ordinance.~~

~~b. When a resident of Piqua incurs losses in another municipality, which cannot provide a credit because of insufficient earnings in the other municipality then the credit is available, but not to exceed the tax assessed by this ordinance, to offset other resident income.~~

~~1. a. When a resident of Piqua is subject to and has paid, or has acknowledged liability for, a municipal income tax in another municipality on the same income taxable under this ordinance, and such other municipality allows a credit to its non-residents on the same basis as provided in paragraph B-1 of this section, a credit shall be allowed against Piqua income tax of fifty percent (50%) of the tax due hereunder or fifty percent (50%) of the tax due under the ordinance of such other municipality, whichever is the lesser;~~

~~b. If the tax due such other municipality has been paid to or withheld in such other municipality, a resident of Piqua may claim credit for and assign to the City of Piqua any claim or refund to which he or she may be entitled from such other municipality. In the event an amount is not received by the City of Piqua equal to such credit claimed by reason of tax payments made to, or withheld in, such other municipality, then the taxpayer shall be liable to the City of Piqua for an amount by which the claimed credit exceeds the amount recovered on such assignment by the City of Piqua, together with penalty and interest. If satisfactory evidence is offered, however, that the taxpayer is entitled to the claim covered by the assignment, such taxpayer shall not be deprived of credit therefore because of fault or neglect on the part of either municipality.~~

~~c. Assignment of any claim for refund to which a Piqua resident may be entitled from another municipality shall be tentatively accepted as payment of that portion of Piqua income tax represented by such assignment; provided, however, should an overpayment result from the credit allowed by reason of such assignment, no refund thereof shall be made until such assignment has been accepted for payment by such other municipality.~~

~~B. Non Residents of Piqua~~

~~1. When a non-resident of Piqua is subject to the tax imposed by this ordinance and is also subject to tax on the same income in the municipality of his or her~~

~~residence, a credit of fifty percent (50%) of the tax due under this ordinance or fifty percent (50%) of the tax due under the ordinance of such other municipality, whichever is the lesser, shall be allowed against the tax due under this ordinance, provided:~~

- ~~a. Such other municipality imposes on its residents a tax same income and reciprocal provision is made in the ordinance of such other municipality granting to non-residents thereof a credit on the same basis as provided in paragraph B-1 of this section against the tax levied thereby;~~
  - ~~b. Such non resident is subject to and has acknowledged liability in the municipality of his or her residence for any tax due after such reciprocal credit is allowed; and~~
  - ~~c. The municipality of his or her residence furnishes evidence of payment of tax therein or evidence of assignment by the taxpayer of his or her claim for reciprocal credit to such other municipality.~~
- ~~2. Any amount due a non resident as a result of having overpaid the tax due the City of Piqua, or arising from allowance of the credit provided for herein may, under Rules and Regulations, be assigned to and paid to such other municipality.~~

#### ~~C. Non Resident City Employee~~

~~All employees of the City of Piqua, Ohio who are not otherwise subject to this ordinance shall have deducted from their salaries, wages, commissions or other personal service compensation, the applicable Piqua city income tax. The non-resident employee shall be subject to or beneficiary of the same provisions allowed non residents working within the City of Piqua.~~

~~D. The credits provided for in paragraphs A, B and C of this section will not be allowed unless the same are claimed in a timely return or form acceptable to, and filed with the Administrator. In the event the taxpayer fails, neglects, or refuses to file such timely return or form, he or she shall not be entitled to such credit and shall be liable for the full amount of tax assessed by this ordinance, together with such interest and penalties, both civil and criminal, as are prescribed by this ordinance.~~

~~E. Any claim for credit for income taxes paid another municipality on the same income taxable hereunder, or claim for an assignment of any refund due to the credit provided for herein, must be filed with the Administrator of the City of Piqua on or before December 31<sup>st</sup> of the year following that for which such credit is claimed.~~

~~Provided, however, in the event such claim for reciprocity refund shall have been assigned to the municipality of residence, such municipality of residence must file a claim for refund with the Administrator of the City of Piqua on or before January 31<sup>st</sup> next, following such December 31<sup>st</sup>. Failure to file such claim for reciprocity credit~~

~~or refund, or assignment thereof, within the times prescribed herein, shall render such credit claim for refund, or assignment, null and void.~~

B. The City of Piqua shall grant a credit against the tax imposed by this ordinance to every taxpayer who works in a joint economic development zone created under section 715.691 or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Ohio Revised Code. The credit shall not exceed the tax assessed by this ordinance on such income earned in such joint economic development zone or joint economic development district where such tax is paid.

#### Section 16: Saving Clause

If any sentence, clause, section or part of this ordinance, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this ordinance. It is hereby declared to be the intention of the Commission of the City of Piqua that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

#### Section 17: Exclusions From Taxation

The provisions of this Ordinance shall not be construed as levying a tax upon the following:

- A. Military pay or allowances of members of the Armed Forces of the United States and of members of their reserve components, including the National Guard.
- B. Poor relief, pensions, including Social Security benefits, unemployment compensation or similar payments, including disability benefits received from private industry or local, state or federal governments, or from charitable, religious or educational organizations.
- C. Alimony received
- D. Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.
- E. Any charitable, educational, fraternal or other type of non-profit association or organization enumerated in Section 718.01 of the Revised Code of Ohio, which is exempt from payment of real estate taxes, is exempt from payment of the tax imposed by this ordinance.

- a. Any association or organization falling in the category listed in the preceding paragraph not exempt from the payment of real estate taxes is required to file declarations and final returns and remit the taxes levied under this ordinance on all business activities of a type ordinarily conducted for profit by taxpayers operating for profit.
  - b. Where such non-profit association or organization conducts income-producing business, both within and without the corporate limits, it shall calculate its profits allocable to the City of Piqua under the method or methods provided above.
- F. Any association, organization, corporation, club or trust, which is exempt from federal taxes on income by reason of its charitable, religious, educational, literary, scientific, etc. purposes.
  - G. Gains from involuntary conversion and capital gains, cancellation of indebtedness, interest on federal obligations, items of income already taxed by the State of Ohio, as of the date of enactment of Ordinance 33-66 (being 7/5/66), and income of a decedent's estate during the period of administration (except such income from the operation of a business).
  - H. Earnings and income of all persons 15 +8 years of age and under. Earnings and income will be taxable for the portion of the year after which they become 16 +9.
  - I. Parsonage allowance, to the extent of the rental allowance or rental value of a house provided as a part of an ordained minister's compensation. The minister must be duly ordained, commissioned or licensed by a religious body constituting a church or church denomination.
  - J. Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars (\$1,000) annually.
  - K. Intangible income.
  - L. The income of a public utility, when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the Ohio Revised Code, except a municipal corporation may tax the following, subject to Chapter 5745 of the Ohio Revised Code:
    - a. The income of an electric company or combined company;
    - b. The income of a telephone company.

As used in Section 17 (L) of this ordinance, "combined company", "electric company", and "telephone company" have the same meanings as in Section 5727.01 of the Ohio Revised Code.

M. The City of Piqua shall not tax the compensation paid to a nonresident individual for personal services performed by the individual in the City of Piqua on twelve (12) or fewer days in a calendar year unless one of the following applies:

- a. The individual is an employee of another person, the principal place of business of the individual's employer is located in another municipality in Ohio that imposes a tax applying to compensation paid to the individual for services paid on those days; and the individual is not liable to that other municipality for tax on the compensation paid for such services.
- b. The individual is a professional entertainer or professional athlete, the promoter of a professional entertainment or sports event, or an employee of such promoter, all as may be reasonably defined by the City of Piqua.

Section 18: Collection of Tax After Termination of Ordinance

- A. This ordinance shall continue effective insofar as the levy of taxes is concerned until repealed by the electorate, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this ordinance are concerned, it shall continue effective until all of said taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this ordinance shall have been fully terminated, subject to the limitations contained in Sections 11 and 12 hereof.
- B. Annual returns due for all or any part of the last effective year of this ordinance shall be due on the date provided in Sections 5 and 6 of this ordinance as though the same were continuing.

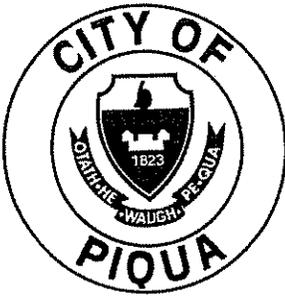
SECTION 2: Ordinances 33-66, 18-67, 26-71, 28-71, 10-76, 67-78, 76-79, 24-83, 36-84, 29-88, 20-89, 84-89, 18-90, 7-97, 34-00, 39-00, 27-02, and 20-03, and 22-04 as previously enacted, are hereby repealed;

SECTION 3: This Ordinance shall take effect and be in force beginning January 1, 2009.

PASSED:  
2<sup>nd</sup> Reading

\_\_\_\_\_  
THOMAS D. HUDSON, MAYOR

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



## INCOME TAX DEPARTMENT

Cynthia A. Holtzapple – Administrator, Department of Taxation  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2009 • FAX (937) 778-1130  
E-Mail: [choltzapple@piquaoh.org](mailto:choltzapple@piquaoh.org)

### MEMORANDUM

TO: Frederick E. Enderle, City Manager  
FROM: Cindy Holtzapple, Tax Administrator  
RE: Tax Ordinance 25-08  
DATE: October 2, 2008

+++++

This revised City of Piqua income tax ordinance is being updated to allow for the mandatory filing of all City of Piqua residents. Retired citizens will only be required to file in the first year provided that no reportable or taxable income exists besides the income that is exempt from taxation such as Social Security and pensions.

Other minor changes and clarifications within the ordinance are being updated to be consistent with federal and state definitions and tax practices of other surrounding cities in our region. Prior ordinance language is lined out with new language underlined. Please let me know if I can provide any additional information pertaining to this matter.

Respectfully submitted,

Cynthia A. Holtzapple  
Administrator, Department of Taxation

ORDINANCE NO. 26-08

AN ORDINANCE AMENDING SECTION 93.04 OF  
THE PIQUA CODE RELATING TO FIRE PREVENTION

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 93.04 (Bureau of Fire Prevention; Duties) of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined):

- (A) The Fire Prevention Codes shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and shall be operated under the supervision of the Chief of the Fire Department.
- (B) ~~The Assistant Chief in charge of the fire prevention bureau shall be chosen as per the civil service rules for promotions.~~ The Fire Chief of the Piqua Fire Department may delegate any of his powers or duties under this chapter to the ~~Assistant chief of the fire prevention~~ officer. ~~bureau.~~
- (C) The Chief of the Fire Department, from time to time, may designate as many members to be inspectors as he may deem necessary. They shall have such powers and perform such duties as are set forth in other sections of this chapter, and as may be conferred and imposed from time to time by law.
- (D) A report of the bureau of fire prevention shall be made annually to the chief of the fire department. Such report shall contain all proceedings under this chapter.
- (E) It shall be the duty of the fire prevention bureau to enforce all state and local fire codes in the City of Piqua, Ohio
- (F) It shall be the duty of the ~~assistant chief of the fire prevention~~ officer ~~bureau~~ to investigate and recommend to the City of Piqua, Ohio such additional ordinances, or amendments to existing ordinances, as he may deem necessary for the safeguarding of life an property against fire and explosion.

SEC. 2: This Ordinance 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

**ORDINANCE NO. 27-08**

**AN ORDINANCE VACATING A PORTION OF  
CAMPBELL STREET PUBLIC RIGHT-OF-WAY**

WHEREAS, by Resolution No. R-94-08, passed September 2, 2008, Piqua City Commission expressed its intention to vacate a portion of Campbell Street (north of Water Street) public right-of-way; and

WHEREAS, Piqua Charter Section 98 has been complied with in all respects;  
and

WHEREAS, the City Planning Commission adopted Resolution No. PC 40-08 recommending approval of said vacation;

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:

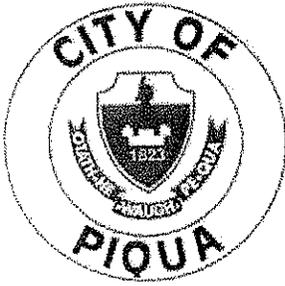
SEC. 1: A portion of Campbell Street (north of Water Street) public right-of-way as described in (Exhibit "A") attached hereto is hereby vacated for all public purposes except for public utility purposes.

SEC. 2: This Ordinance 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



**PLANNING AND ZONING**

Christopher W. Schmiesing – City Planner  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2049 • FAX (937) 778-5165  
E-Mail: cschmiesing@piquaoh.org

October 8, 2008

**MEMORANDUM**

TO: Frederick E. Enderle

RE: **Request for Commission Legislation to Vacate the Platted Campbell Street  
Public Right-of-Way**

At the October 7, 2008 meeting of the Planning Commission, with four of the five members present, the Planning Commission recommended approval of the above referenced public right-of-way vacation request. Therefore, I am forwarding this request for legislative action by the City Commission on this matter.

In accordance with the city code, all adjacent property owners were notified of the public hearing date and given an opportunity to speak on this matter. Also, all city departments, as well as all utility companies known to maintain facilities within the city of Piqua, were notified of this request and asked to respond with any concerns. No conflicts were identified by the utility companies notified. However, it was requested that a utility easement be maintained over the existing right-of-way area. The only concern presented from city department representatives related to ensuring connectivity between the east-west alley segments on either side of the existing Campbell Street right-of-way is maintained. Specifically, this concern was raised with reference to the need for refuse trucks to be able to travel through the alley way from one end to the other without having to turn around - a maneuver that would be all but impossible. Likewise, staff pointed out that any alteration to the alley through-way that interrupts the connectivity that the alley provides to and from Water Street and Roosevelt Avenue would adversely affect the accessibility of the properties contiguous to the alley improvements. To address this concern, staff recommended that the applicant be required to provide an alley easement across the north end of what is currently the Campbell Street right-of-way to maintain the connectivity of the east-west alley segments on either side of the existing right-of-way. The applicant commented on the proposed improvements for the area proposed for vacation noting that the area will be improved with a paved parking surface to be flanked by a planting area located at either end of the existing right-of-way. It was explained to the Planning Commission that the planting areas will not eliminate the Water Street access to the parking area or the alley, nor will they obstruct the movement of traffic traveling the east-west alley alignment. Rather, the planting areas are intended to enhance the appearance of the site while also acting as a deterrent to *Campbell Street* cut-through traffic. The applicant acknowledged that the installation of the improvements over the proposed vacation area has commenced prematurely, noting that time is of the essence with regards to completing the work necessary to finish the project before the close of this construction season. Also present to speak against this request was Mr. Jerry Hunolt of 216 N. Downing Street. Mr. Hunolt expressed concern with vacating of the Campbell Street right-of-way citing a hypothetical future closure of the east-west alley as reason for concern. Staff responded to this concern, citing the issues that would arise and make it unlikely the alley would ever be permitted to be closed should such a scenario ever be presented.

October 8, 2008

Page 2

**RE: Request for Commission Legislation to Vacate a Portion of the Platted Campbell Street Public Right of Way**

After considering the information provided, the Planning Commission found that the portion of public right-of-way proposed to be vacated is not essential to any transportation or utility infrastructure interest of the community. In taking action on the request, the Planning Commission recommended the approval of the proposed vacation provided a utility easement is maintained over the existing alley right-of-way limits, and provided that a alley easement is maintained across the northernmost end of the existing Campbell Street right-of-way.

Included with this memo for the City Commissions' reference in considering this request, please find a copy of the supporting documents pertaining to this matter.

Sincerely,

*Chris Schmiesing*

Christopher W. Schmiesing  
City Planner

Enclosures

RESOLUTION No. PC 40-08

WHEREAS, pursuant to article 92.07 of the City of Piqua Code of Ordinances, Michael P. Yannucci, the adjacent property owner, has filed with the Clerk of the Commission a petition requesting that an improved portion of the Campbell Street Right of Way from Water Street to the north end be vacated; and,

WHEREAS, pursuant to Section 98 of the City of Piqua Charter the City Commission has adopted Resolution R-94-08 declaring their intention to vacate the subject right of way; and,

WHEREAS, pursuant to Section 98 of the City of Piqua Charter notice of the intent has been served on the abutting property owners and the Planning Commission has conducted a public hearing to consider the request to vacate the subject portion of right of way, and the commission has determined the vacation of the right of way will not impair the maintenance or improvement of existing or proposed infrastructure;

NOW THEREFORE BE IT RESOLVED, board member Oda hereby moves to APPROVE WITH  
\*CONDITIONS the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member BURP, and the voting record on this motion is hereby recorded as follows.

\* UTILITY EASEMENT AND ALLEY EASEMENT TO BE PROVIDED AS DESCRIBED IN TESTIMONY

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Bubp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Mark Spoltman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CITY OF PIQUA, OHIO

APPLICATION FOR VACATION OF PUBLIC RIGHT-OF-WAY

- 1. Applicant's Name Michael P. Yannucci Phone # 773-3161  
Applicant's Address 333 W. High Street Piqua, OH 45356
- 2. Owner's Name Michael P. Yannucci Phone # 773-3161
- 3. Type of legal interest held by applicant Owner of Property
- 4. Location of Public Right-Of-Way Vacation request Campbell Street (South Half)

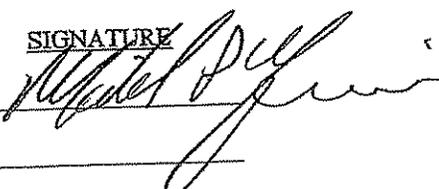
See Exhibit A

City owned Alley will be maintained.

- 5. Describe the reason for the requested Vacation of Public Right-Of-Way

Parking, and management of ingress and egress.

- 6. Property owners adjacent to Right-Of-Way to be vacated.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
<u>Michael P. Yannucci</u>	<u>320/322 W. Water St. 400 W. Water St.</u>	
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Applicant  Date \_\_\_\_\_

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

\$100.00 Fee Paid \$ 100.00

Date Fee Paid 8/7/08

Receipt No. 180372

Res. No. \_\_\_\_\_

RESOLUTION NO. R-94-08

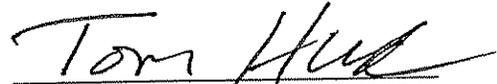
A RESOLUTION OF INTENT TO VACATE  
PUBLIC RIGHT-OF-WAY

WHEREAS, pursuant to Piqua Charter Section 98, this Commission must adopt a resolution expressing its intention to vacate a portion of platted Campbell Street (north of Water Street) right-of-way.

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:

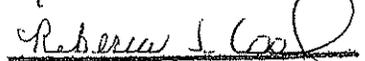
SEC. 1: This Commission hereby intends to vacate a portion of platted Campbell Street (north of Water Street) right-of-way as described in Exhibit "A" attached hereto. The City Manager or his duly authorized representative is hereby directed to cause notice of this Resolution to be served by certified mail upon all persons whose property abuts said tract. Said notice shall state the time and place at which objections can be heard by the Planning Commission.

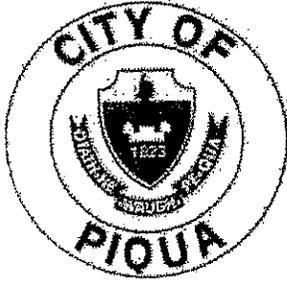
SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

  
THOMAS D. HUDSON, MAYOR

PASSED: September 2, 2008  
ATTEST: Rebecca J. Cool  
REBECCA J. COOL  
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-94-08 is a true, accurate and correct copy of Resolution R-94-08 passed by the Commission of the City of Piqua, Ohio, on the 2 day of September, 20 08

  
CLERK OF COMMISSION




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**PLANNING AND ZONING**


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Christopher W. Schmiesing -- Planning and Zoning Supervisor  
 201 West Water Street • Piqua, Ohio 45356  
 (937) 778-2049 • FAX (937) 778-5165  
 E-Mail: cschmiesing@piquaoh.org

August 18, 2008

**MEMORANDUM**

TO: Frederick E. Enderle

RE: **Request for Commission Legislation to Declare Intent to Vacate a Portion of the Platted Campbell Street Public Right of Way**

A request to vacate the remaining portion of the platted Campbell Street public right of way north of Water Street has been received by this office. As you will recall the northernmost portion of Campbell Street right of way was previously vacated earlier this year. The portion of right of way affected by this request begins at Water Street and ends approximately 180 feet to the north. The property found on either side of the right of way is owned by the proprietor of the Jamieson & Yannucci Funeral Home. The impetus for the vacation request is the property owner's recent acquisition of these properties and the desire to rework this area to better compliment the use of the surrounding properties. Currently, the only traffic volume of any significance that this section of Campbell Street experiences, is generated by adjacent funeral home, dwelling unit, and professional office space uses. The petitioner indicates that it is his intent to continue to allow the adjacent property owners use of the vacated portion of Campbell Street as needed to access/exit their property.

To consider a request to vacate public right of way, section 98 of the City Charter requires the commission to first pass a resolution declaring its intention to do so. Therefore, I am forwarding this request for the City Commissions' adoption of said resolution. In doing so, the City Commission will be authorizing this request to be advanced to the Planning Commission to conduct a public hearing and further study this request. After such time the Planning Commission has held a public hearing to consider all of the facts pertaining to this matter, the item will be returned to the City Commission with the Planning Commissions' recommendation for approval or denial of this request. A recommendation for approval will result in the City Commission being asked to consider the adoption of an ordinance to approve the vacation of the subject right of way.

Staff's initial observations concerning this request finds that the subject right of way does not appear to be essential to the surrounding neighborhood or to the maintenance of city services provided to this area. Enclosed for the City Commissions' reference in considering this request, please find a copy of the application submitted to this office.

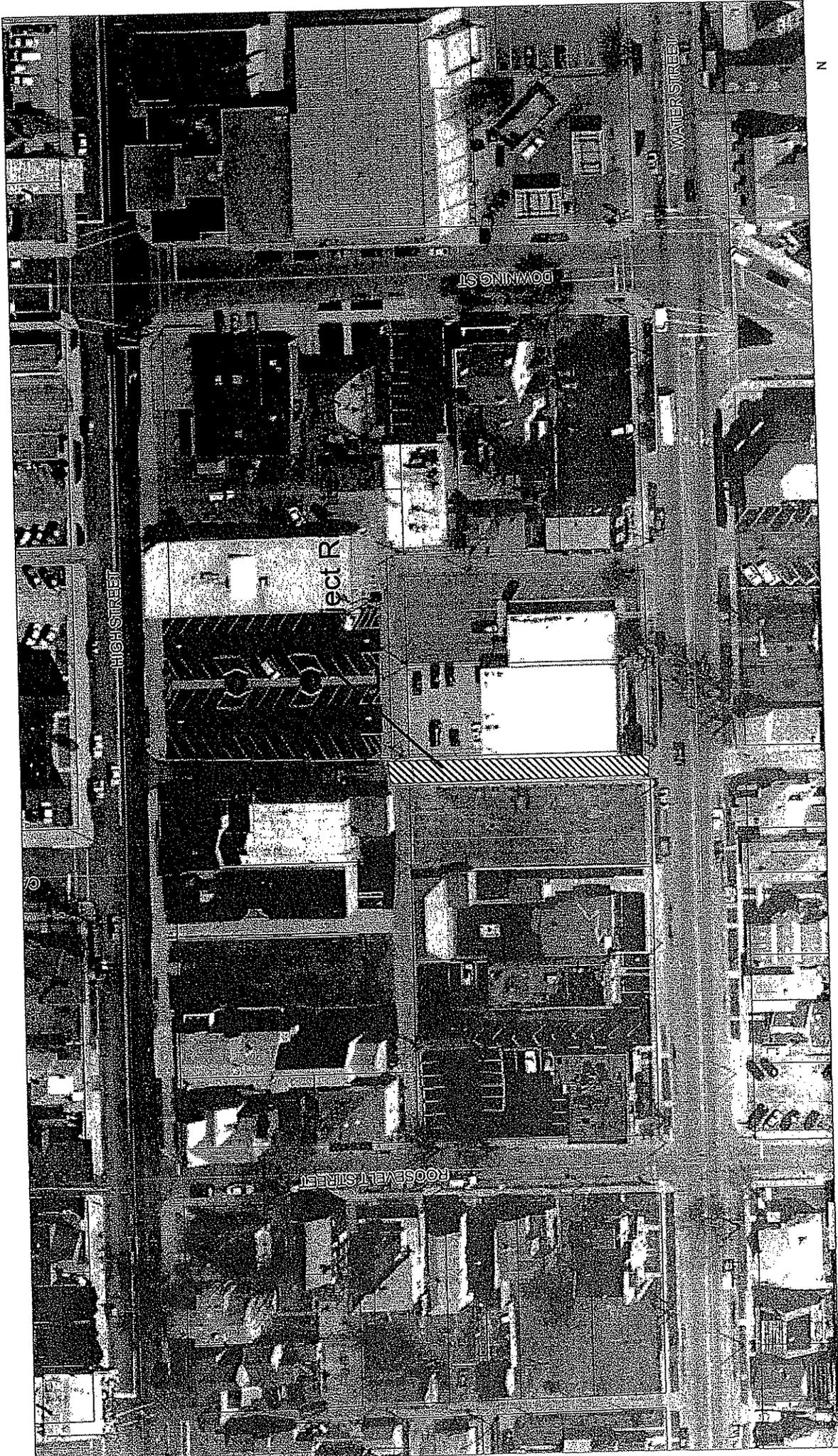
Sincerely,

*Chris Schmiesing*

Christopher W. Schmiesing  
 City Planner

Enclosures

# EXHIBIT A





## **PLANNING AND ZONING**

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Christopher W. Schmiesing – City Planner  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2049 • FAX (937) 778-5165  
E-Mail: cschmiesing@piquaoh.org

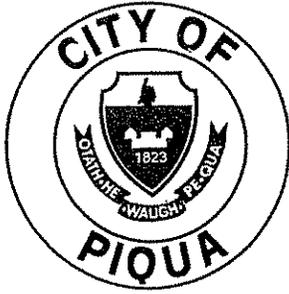
September 9, 2008

### **LEGAL NOTICE**

Pursuant to Section 98 of the City of Piqua Charter, notice of the City of Piqua City Commissions' declaration of intent to vacate a portion of Campbell Street right-of-way beginning at Water Street on the south end and extending north to the north end of the Campbell Street right-of-way, and notice of the City of Piqua Planning Commission meeting date, time, and location, at which a public hearing will be conducted concerning this matter, said meeting to be held on Tuesday, October 7, 2008 at 6:00 P.M. in the Commission Chambers located on the 2<sup>nd</sup> floor of the Municipal Government Complex, 201 West Water Street, Piqua, Ohio, is hereby provided.

Christopher W. Schmiesing  
City Planner

**PUBLISH: Saturday, September 20, 2008**



## PLANNING AND ZONING

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Christopher W. Schmiesing – City Planner  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2049 • FAX (937) 778-0809  
E-Mail: [cschmiesing@piquaoh.org](mailto:cschmiesing@piquaoh.org)  
Website: <http://www.piquaoh.org/zoning.htm>

September 9, 2008

TO: \_\_\_\_\_ AT&T  
Legal Mandate Group, Rm 225  
3233 Woodman Drive  
Kettering, Ohio 45420

\_\_\_\_\_ D.P.&L.  
2385 Campbell Road  
Sidney, Ohio 45365

\_\_\_\_\_ City of Piqua Power System  
Ed Krieger

\_\_\_\_\_ City of Piqua Water System  
Ron Klima

\_\_\_\_\_ City of Piqua Street Department  
Doug Harter

\_\_\_\_\_ City of Piqua Police Department  
Bruce Jamison

\_\_\_\_\_ Vectren Energy Delivery of Ohio  
Troy Service Center  
1300 Experiment Farm Road  
Troy, Ohio 45373

\_\_\_\_\_ Time Warner Cable  
1450 Experiment Farm Road  
Troy, Ohio 45373

\_\_\_\_\_ City of Piqua Engineering  
Amy Havenar

\_\_\_\_\_ City of Piqua Wastewater  
Dave Burtner

\_\_\_\_\_ City of Piqua Health Department  
Amy Welker

\_\_\_\_\_ City of Piqua Fire Department  
Gary Connell

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### \*\*\* REQUEST FOR COMMENTS \*\*\*

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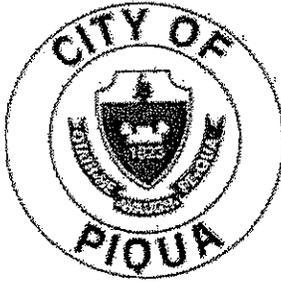
Please review the enclosed item and notify this office in writing with any concerns or comments your office may have regarding this matter.

This is your opportunity to speak in favor of, or object to, the requested item. Please email your comments to [cschmiesing@piquaoh.org](mailto:cschmiesing@piquaoh.org) or mail them to the address listed above so that they are received by this office no later than 5 p.m. on October 7, 2008.

Please contact this office if you have any questions pertaining to this matter.

Christopher W. Schmiesing  
City Planner  
City of Piqua

Enc.



## PLANNING AND ZONING

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Christopher W. Schmiesing – City Planner  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2049 • FAX (937) 778-5165  
E-Mail: [cschmiesing@piquaoh.org](mailto:cschmiesing@piquaoh.org)

September 26, 2008

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### \*\*\* MEETING NOTICE \*\*\*

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Please be advised that the City of Piqua Planning Commission will conduct a meeting at the time and location stated below.

TIME: **6:00 P.M.**

DATE: **Tuesday, October 7, 2008**

LOCATION: **Commission Chambers, Municipal Government Complex  
201 W. Water Street**

It has been determined by this office that you may have an interest in an agenda item that will be discussed at this meeting (see enclosed meeting agenda). To view the Planning Commission packet in its entirety, visit [http://www.piquaoh.org/agenda\\_plan\\_comm.htm](http://www.piquaoh.org/agenda_plan_comm.htm) or visit this office.

This is your opportunity to speak in favor of, or object to, the item requested. If you desire to state your opinion concerning this matter and will be unable to attend the meeting, please submit your statement in writing to this office prior to 5pm on the date of the meeting.

Please contact this office if you have any questions pertaining to this notice.

*Chris Schmiesing*

Christopher W. Schmiesing  
City Planner

Enc.

# OCTOBER 7, 2008 PLANNING COMMISSION MAILING LIST

REFERENCE	NAME	MAILING ADDRESS	CITY/STATE/ZIP
<b>MEETING NOTICE AND AGENDA TO:</b>			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLITEN BOARD		
PC 40-08	YANNUCCI MICHAEL P	333 W HIGH ST	PIQUA, OH 45356
PC 40-08	ROWELL DELLA M	408 W WATER ST	PIQUA, OH 45356
PC 40-08	SKINNER DORIS E	810 S ROOSEVELT AV	PIQUA, OH 45356
PC 40-08	SHIVELY WILLIAM A	116 E MAIN ST	FLETCHER OH 45326
PC 40-08	REISER W JOSEPH & LAURIE WINANS REISER	406 S RIDGE AVE	TROY, OH 45373
PC 40-08	XSSV PROPERTIES LTD	414 W WATER ST	PIQUA, OH 45356
PC 40-08	HUNOLT JERRY E	PO BOX 1660	PIQUA, OH 45356
PC 40-08	ROUTSON MICHAEL M	407 W HIGH ST	PIQUA, OH 45356
PC 40-08	TERRY L JONES D C INC	210 N DOWNING ST	PIQUA, OH 45356
PC 39-08	MILLER DEAN	419 GARNSEY ST	PIQUA, OH 45356
PC 39-08	CLINE TOM	5758 POE AVE	DAYTON, OH 45414
PC 39-08	STEWART ALLEN & PENNY R	415 GARNSEY ST	PIQUA, OH 45356
<b>ENTIRE PACKET TO:</b>			
	FRED ENDERLE	INTER-OFFICE MAIL	
	CHRIS SCHMIESING	INTER-OFFICE MAIL	
	PLANNING COMMISSION	REGULAR MAIL	
<b>E-MEETING NOTICE TO:</b>			
	AMY WELKER	EMAIL	
	CHRIS BOEKE	EMAIL	
	CITY COMISSION	EMAIL	
	DEAN BURCH	EMAIL	
	DEBBIE STEIN	EMAIL	
	FRED ENDERLE	EMAIL	
	HARRY BUMGARNER	EMAIL	
	LORNA SWISHER	EMAIL	
	MARTIN KIM	EMAIL	
	STACY WALL	EMAIL	
	AMY HAVENAR	EMAIL	
	WAYNE WILLCOX	EMAIL	
	PIQUA DAILY CALL	EMAIL	
	DAYTON DAILY NEWS	EMAIL	
	WPTW	EMAIL	
	PIQUA CHANNEL 5	EMAIL	

PROOF OF PUBLICATION  
THE STATE OF OHIO )SS:  
MI COUNTY )

PIQUA DAILY CALL

CITY OF PIQUA FINANCE DEPT  
KIM MANIACI  
201 W WATER ST  
PIQUA OH 45356

REFERENCE: 9317 A43447  
1208654 CAMPBELL ST. NOTICE

LAUREL BUTT, BEING DULY SWORN, SAYS THAT  
SHE IS THE BUSINESS OFFICE ASSISTANT OF  
THE PIQUA DAILY CALL, INC

*Laurel M. Butt*

(SIGNATURE OF THE BUSINESS OFFICE ASSISTANT)

A NEWSPAPER PRINTED, AND OF GENERAL CIRCULATION,  
IN SAID COUNTY, AND THAT A NOTICE OF WHICH THE  
ANNEXED IS A TRUE COPY, WAS PUBLISHED IN SAID  
PAPER ON Sat. OF EACH WEEK FOR 1  
WKS BEGINNING ON THE 20 DAY OF Sept 2008.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 22  
DAY OF Sept. 2008.

*Susan Brumfield*  
(NOTARY PUBLIC, MIAMI COUNTY, OH)

PUBLISHED ON: 09/20



SUSAN BRUMFIELD  
Notary Public  
In and for  
the State of Ohio  
My Commission Expires  
Feb. 21, 2012

**LEGAL NOTICE**  
Pursuant to Section 9B of the City of Piqua Charter, notice of intent to vacate a portion of Campbell Street right-of-way beginning at Water Street on the south end and extending north to the north end of the Campbell Street right-of-way, and notice of the City of Piqua Planning Commission meeting date, time, and location, at which a public hearing will be conducted concerning this matter, said meeting to be held Tuesday, October 7, 2008 at 6:00 P.M. in the Municipal Government Complex, 201 West Water Street, Piqua, Ohio, is hereby provided.  
Christopher W. Schmiesing  
City Planner  
9/20/08  
1208654

TOTAL COST: 63.25 AD SPACE: 5.000 INCH  
FILED ON: 09/20/08

# LEGAL NOTICE DIRECTORY

**LEGAL NOTICE**

Pursuant to Section 98 of the City of Piqua Charter, notice of the City of Piqua City Commissions' declaration of intent to vacate a portion of Campbell Street right-of-way beginning at Water Street on the south end and extending north to the north end of the Campbell Street right-of-way, and notice of the City of Piqua Planning Commission meeting date, time, and location, at which a public hearing will be conducted concerning this matter, said meeting to be held on Tuesday, October 7, 2008 at 6:00 P.M. in the Commission Chambers located on the 2nd floor of the Municipal Government Complex, 201 West Water Street, Piqua, Ohio, is hereby provided.

Christopher W. Schmiesing  
City Planner

9/20/08

1208654

**RESOLUTION NO. R-115-08**

**A RESOLUTION ADOPTING A LONG RANGE FINANCIAL  
PLAN FOR THE CITY OF PIQUA**

WHEREAS, Piqua City Commission initiated a review and study of the City of Piqua long range financial needs in the late fall of 2007; and

WHEREAS, the Piqua City Commission, along with the City Manager, directors, and staff representing all departments, provided the local expertise and knowledge necessary to guide a successful planning process; and

WHEREAS, public meetings and work sessions were held throughout the planning process to provide the departments, commission, and community at large with the opportunity to participate in the planning process; and

WHEREAS, a thorough planning process has generated involvement necessary to produce the information essential to completing a responsible long range financial plan.

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 Piqua City Commission hereby adopts the Long Range Financial Plan as a comprehensive plan for the City of Piqua.

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: \_\_\_\_\_  
Tabled on 10/6/08

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

# Memo

**To:** City Commission  
**From:** Fred Enderle  
**Date:** September 8, 2008  
**Re:** Long Range Financial Planning Recommendations

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The purpose of this memorandum is to transmit Long Range Financial Planning recommendations for the Commissions consideration and approval. The recommendations are attached in three documents: Core Services, Recommended Revenue Enhancements and Expenditure Reductions. Also included in your packet are three scenarios projecting General Fund Balance out to 2011. The first scenario is an existing conditions scenario, which you have seen before, and represents what is likely if we do nothing. The second scenario represents making minor modifications, while the third scenario represents the projected outcome if all the recommended actions are implemented.

The Long Range Financial Planning process was recommended at the time of adoption of the 2008 Annual Budget in November 2007. The purpose of the plan was to address all funds of the City, but with the major focus on the General Fund because it supports the general purposes of the City and is the most volatile in terms of funding sources (state and local taxes, etc.). The purpose of the plan is to:

- Align financial capacity with long-term service goals
- Combine financial forecasting with strategic thinking and planning
- Gather information, analyze challenges and opportunities, decide a plan of action, and continue to evaluate action taken

You will note from review of the differing pro formas that none completely addresses the long-term issue in the general fund of annual revenues meeting expenses. Even in implementing all my recommendations, we still face a potential \$1.6 million deficit in 2011. However, I feel with prudent budgeting between now and 2011, coupled with increased economic activity, we will be putting the City on a course that will achieve our long-term planning goals.

I remind everyone that this is a plan, and as such, it needs to be adaptable to changing conditions. This means we may have to adjust our course down the road if there are significant changes in economic conditions.

Also included in your packet are the results of a survey we did comparing our Police and Fire Departments to communities similar in size and characteristic to Piqua. I am providing this information now because a number of groups and individuals are aware that we are gathering the information and looking forward to receiving a copy of the results. However, all the information needs more analysis and in many cases additional follow up and clarification. So, we are not in a position to draw any conclusions from the information at this point.

PROJECTIONS AS PRESENTED MARCH 10, 2008

(in millions)

GENERAL FUND	Actual 2006	Actual 2007	Estimated 2008	Estimated 2009	Estimated 2010	Estimated 2011
Beginning Fund Bal.	5.0	5.8	3.1	1.8	(1.7)	(5.8)
Revenues	15.8	15.5	12.4	10.6	10.6	10.6
Expenditures	15.0	18.2	13.7	14.1	14.7	15.5
Net Income/Deficit	0.8	(2.7)	(1.3)	(3.5)	(4.1)	(4.9)
Ending Fund Bal.	5.8	3.1	1.8	(1.7)	(5.8)	(10.7)

## Recommended Revenue Enhancements

<b>Governmental Accounts</b>					
New Fee Increases	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
<b>Engineering</b>					
sidewalk permits	2,150	Y	2,150		
inspection fee for subdivision construction	30,000	Y	30,000		
inspection fee for construction work zones and street closing permits	1,250	Y	1,250		
<b>Health</b>					
civil citations / re-inspection fees	30,000	Y	30,000		
<b>Planning &amp; Zoning</b>					
implement contractor licensing requirement	11,250	Y	11,250		
<b>Streets</b>					
auto registration fees	100,000	Y		100,000	
<b>Parks</b>					
charge baseball & softball for lights	4,000	Y	4,000		
seasonal softball leagues	300	Y	300		
seasonal youth sports	300	Y	300		
<b>Other</b>					
occupancy licensing program	150,000	Y		150,000	
<b>Fire</b>					
fines for illegal burning	250	Y	250		
<b>Police</b>					
civil fines	250,000	Y	80,000	80,000	90,000
<b>Total Potential New Fees</b>	<u>579,500</u>		<u>159,500</u>	<u>330,000</u>	<u>90,000</u>

Current Fee Increases	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
<b>Health</b>					
food & vital stats. fees	15,000	Y	15,000		
public / private club pool license fees	350	Y	350		
Contractor registration fees for plumbers & electricians	1,900	Y	1,900		
plumbing permit fees	1,900	Y	1,900		
<b>Streets</b>					
compost facility prices	8,000	Y	8,000		
<b>Total Potential Current Fee Increases</b>	<u>27,150</u>		<u>27,150</u>	-	-

## Recommended Revenue Enhancements

Cost Recovery of Services	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
<b>Civil Service</b>					
applicant testing fee to cover entry level testing materials	1,500	Y	1,500		
<b>Streets</b>					
charge water dept. for patches	12,500	Y	12,500		
<b>Fire</b>					
increase charges for some of our services	25,000			25,000	
charge out admin. on contract services	1,000	Y	1,000		
<b>Police</b>					
charge out admin. on contract services	1,000	Y	1,000		
charge for junk vehicle processing	1,500	Y	1,500		
<b>Total Potential Cost Recovery of Services</b>	<u>42,500</u>		<u>17,500</u>	<u>25,000</u>	<u>-</u>

Grant & Foundation Support	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
<b>Neighborhood Improvement Team</b>					
seek grants, funding opportunities	5,000	Y	5,000		
<b>Community Development</b>					
apply for micro enterprise loan program	5,000	Y	5,000		
<b>All Departments</b>					
attract other grant, loan and foundation dollars	10,000	Y	10,000		
<b>Total Potential Grant &amp; Foundation Support</b>	<u>20,000</u>		<u>20,000</u>	<u>-</u>	<u>-</u>

Property Rental	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
<b>Parks</b>					
increase all building rental fees	12,000	Y	12,000		
increase fees at Hollow House by \$150/month	1,800	Y	1,800		
<b>Total Potential Property Rental</b>	<u>13,800</u>		<u>13,800</u>	<u>-</u>	<u>-</u>

Income Tax	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Mandatory filing with accommodations	150,000	Y	150,000		
increased collection program	100,000	Y	50,000	50,000	
income tax increase of .25% for support of General and/or Safety VOTE REQUIRED!	1,000,000				1,000,000
<b>Total Potential Income Tax</b>	<u>1,250,000</u>		<u>200,000</u>	<u>50,000</u>	<u>1,000,000</u>

Recommended Revenue Enhancements

<b>Enterprise Accounts</b>					
<b>New Fees</b>	<b>Estimated Value \$</b>	<b>Implement Y/N</b>	<b>2009 &amp; Beyond</b>	<b>2010 &amp; Beyond</b>	<b>2011 &amp; Beyond</b>
<b>Water</b>					
charge to register backflow preventers	6,000	Y	6,000		
<b>Refuse</b>					
bulk pick up fee (\$5/item) for anytime pickup	25,000	Y	25,000		
pass through additional county/state fees	varies				
<b>UBO</b>					
AT&T project to pass out brochures	1,250	Y	1,250		
<b>Total Potential New Fees</b>	<u>32,250</u>		<u>32,250</u>	-	-

<b>Current Fee Increases</b>	<b>Estimated Value \$</b>	<b>Implement Y/N</b>	<b>2009 &amp; Beyond</b>	<b>2010 &amp; Beyond</b>	<b>2011 &amp; Beyond</b>
<b>Golf</b>					
permit outings during prime time	24,000	Y	24,000		
add \$1 daily greens fees	16,000	Y	16,000		
advertise 4 for 3 players during off times	9,000	Y	9,000		
increase concessions by 10%	5,000	Y	5,000		
add 3% to memberships	2,250	Y	2,250		
add additional leagues	2,160	Y	2,160		
<b>Golf Subtotal</b>	<u>58,410</u>		<u>58,410</u>		
<b>Pool</b>					
increase all fees by 10%	5,400	Y	5,400		
expand pool rentals and increase fees	4,000	Y	4,000		
increase concessions by 15%	3,300	Y	3,300		
double lesson fees	2,000	Y	2,000		
<b>Pool Subtotal</b>	<u>14,700</u>		<u>14,700</u>		
<b>Water</b>					
raise cost for bulk water from \$4 to \$8 per 1,000 gallons	2,500	Y	2,500		
<b>Total Potential Fee Increases</b>	<u>75,610</u>		<u>75,610</u>	-	-

<b>Cost Recovery of Services</b>	<b>Estimated Value \$</b>	<b>Implement Y/N</b>	<b>2009 &amp; Beyond</b>	<b>2010 &amp; Beyond</b>	<b>2011 &amp; Beyond</b>
<b>Utility (new)</b>					
stormwater (\$3 res./equiv commercial)	400,000	Y		400,000	
<b>Total Potential Cost of Recovery Services</b>	<u>400,000</u>			<u>400,000</u>	-

## Proposed Expense Reductions

<b>Governmental Accounts</b>			
	Estimated Value \$	Implement Y/N	2009 & Beyond
<b>Administration</b>			
Memberships & Subscriptions	1,250	Y	1,250
Reduce Contractual Services	12,500	Y	12,500
Reduction of operating expenses	1,325	Y	1,325
Travel & Training reduction	3,150	Y	3,150
<b>Total Potential Expense Reductions</b>	<u>18,225</u>		<u>18,225</u>
<b>Development</b>			
Reduce and/or restructure consultant services	24,000	Y	24,000
Travel & Training	4,666	Y	4,666
Membership & Subscriptions	2,000	Y	2,000
<b>Total Potential Expense Reductions</b>	<u>30,666</u>		<u>30,666</u>
<b>General Government</b>			
Discontinue payment of street lighting	167,000	Y	167,000
Reduce Mainstreet Piqua	5,000	Y	5,000
Reduce or eliminate Focus	3,500	Y	3,500
<b>Total Potential Expense Reduction</b>	<u>175,500</u>		<u>175,500</u>
<b>Health</b>			
Eliminate Intern (NIT)	6,300	Y	6,300
Eliminate Renew Piqua Banquet	1,500	Y	1,500
Travel & Training	1,150	Y	1,150
<b>Total Potential Expense Reductions</b>	<u>8,950</u>		<u>8,950</u>
<b>Parks, Streets, Pool &amp; Golf</b>			
Civic Events	6,000	Y	6,000
Band, July 4th, etc.	9,500	Y	9,500
Reduce overtime			
Reduce mowing	5,000	Y	5,000
rough cuts once a week	5,000	Y	5,000
creeks & fences	300	Y	300
Travel & Training	2,500	Y	2,500
Close pool when less than 25 swimmers			
<b>Total Potential Expense Reductions</b>	<u>28,300</u>		<u>28,300</u>
<b>Public Safety</b>			
<b>Police/Fire</b>			
Eliminate Halloween Candy	1,000	Y	1,000
Eliminate National Night Out	1,250	Y	1,250
Reduce Fire Prevention Handouts	1,000	Y	1,000
Remove annual report from budget	500	Y	500
Travel & Training	5,100	Y	5,100

## Proposed Expense Reductions

Replace duty ammo every two years	500	Y	500
Mileage limitations on patrols & 3,000 mile oil changes	1,700	Y	1,700
<b>Total Potential Expense Reductions</b>	<u>11,050</u>		<u>11,050</u>

Personnel	Estimated Value \$	Implement Y/N	2009 & Beyond
Restructuring	312,756	Y	312,756
Overtime Reductions	109,500	Y	109,500
Benefit Changes	51,000	Y	51,000
Cost of Living Adjustments	67,360	Y	67,360
	<u>540,616</u>		<u>540,616</u>

Core Services

**Low Priority Services**

<b>Administration</b>	<b>Provide Revenue</b>	<b>Estimated Value \$</b>	<b>Recommendations</b>
Periodically issue permits for the placement of dumpsters	No		
Participate in surveys	No		
Notary services to public	No		
Assist with contract agreements and see that terms are followed	No		
List and sell various items on govdeals.com	No		

<b>Development</b>	<b>Provide Revenue</b>	<b>Estimated Value \$</b>
Microenterprise program	No	

<b>Streets</b>	<b>Provide Revenue</b>	<b>Estimated Value \$</b>
Periodically support special events within the City	No	

No overtime - without reimbursement except for City sponsored or co-sponsored events

<b>Parks</b>	<b>Provide Revenue</b>	<b>Estimated Value \$</b>
Annual Heritage Festival Tennis Tournament	Yes	700
Annual Car Show	Yes	1,800
Periodic Ballet Lessons	Yes	400
Annual Tennis Lessons	Yes	575
Several Dayton Dragons Trips	Yes	175
Seasonal Adult Softball Leagues	Yes	300
Seasonal Youth Sports Organizations Support Provided	Yes	300
Daily Golf Pro Shop	Yes	63,819
Annual Business Appreciation Golf Outing	No	
Weekly Golf Club Rentals	Yes	200
Seasonal swimming lessons	Yes	1,500
Wading Pool	No	

Charge admin. fee to recoup cost

Charge admin. fee to recoup cost

Core Services

Public Safety	Provide Revenue	Estimated Value \$
Periodical blood pressure checks at the Fire dept.	No	
Mercury recovery program at Fire	No	
Daily vacation house check by Police	No	
Daily property incidents investigated by Police	No	
Monthly background checks for other City Depts. by Police	No	
<b>Total Revenue from Low Priority Services</b>		<b>67,969</b>

**Medium Priority Services**

Inspect monthly the construction work zones for street closings and permits	Yes	1,250	Charge permit fee to recoup costs
Special projects for City Manager as needed	No		
Daily tax return preparation for citizens	No		
Minimal small claims cases	No		
Sitting on various boards as needed	No		
Various property purchases	No		
Periodically provide Speaker's Bureau	No		
Serve as Safety Coordinator and attend Safety Council mtgs. Monthly	Yes	6,000	W/C Reimbursement
Partner with Consultant to establish succession and leadership development plan	No		
Establish wellness program	No		
Annual employee picnic	No		
Job posting, descriptions and advertisements as needed	No		

Streets	Provide Revenue	Estimated Value \$
Daily street sweeping	No	

Parks	Provide Revenue	Estimated Value \$
Daily Facility Reservations	Yes	17,000
Daily Driving Range	Yes	16,150
Annual Junior Golf Program	Yes	3,000
Seasonal pool rentals	Yes	4,700

Core Services

Health	Provide Revenue	Estimated Value \$
Provide immunizations weekly	No	
Provide pre-natal care to pregnant women on a weekly basis	No	
Provide health care for newborn babies and children weekly	No	

Public Safety	Provide Revenue	Estimated Value \$
Periodic Sporting & Public Events coverage by Fire Dept.	No	Only if reimbursed for overtime & vehicle
Periodic attendance at parades by Fire	No	Only City co-sponsored/supported events
Dare school program by Police	No	
Periodic attendance at parades and special events by Police	No	Only City co-sponsored/supported events
Loud noise complaints investigated by Police	No	
Parking complaints investigated by Police	No	
Police Dept. assisting other governmental agencies	No	
Community contacts and meeting with Police	No	
Civil Service agility testing by Fire	No	

**Total Revenue from Medium Priority Services**

48,100

PROJECTIONS WITH ALL REVENUE & EXPENSE ALTERNATIVES

(in millions)

GENERAL FUND	Actual 2006	Actual 2007	Estimated 2008	Estimated 2009	Estimated 2010	Estimated 2011
Beginning Fund Bal.	5.0	5.8	3.1	1.8	0.9	(0.1)
Revenues	15.8	15.5	12.4	11.2	11.4	11.4
Expenditures	15.0	18.2	13.7	12.1	12.4	12.9
Net Income/Deficit	0.8	(2.7)	(1.3)	(0.9)	(1.0)	(1.5)
Ending Fund Bal.	5.8	3.1	1.8	0.9	(0.1)	(1.6)

**RESOLUTION NO. R-116-08**

**A RESOLUTION AMENDING THE TOTAL PAYMENT  
TO ZACHRICH LEASING, INC. FOR THE SHAWNEE  
STORM WATER PUMPING STATION IMPROVEMENTS  
PROJECT**

WHEREAS, by Resolution No. R-52-08 passed on April 7, 2008, this Commission awarded the original contract to Zachrich Leasing, Inc. for the Shawnee Storm Water Pumping Station improvements project; and

WHEREAS, it is necessary to approve Change Order No. 1 (attached hereto as Exhibit "A") to increase the payment to Zachrich Leasing, Inc. for the Shawnee Storm Water Pumping Station improvements project.

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: Change Order No. 1, which increases the total payment to Zachrich Leasing Inc. to a total of \$585,000 an increase of \$65,000, is hereby approved.

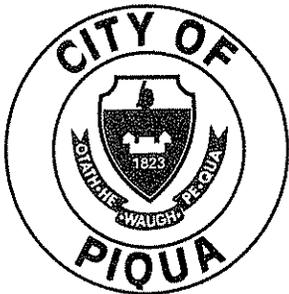
SEC. 2: The Finance Director is hereby authorized to draw her warrant on the appropriate account of the city treasury in payment according to this resolution.

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



## ENGINEERING DEPARTMENT

Amy L. Havenar, P.E. – City Engineer  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2044 • FAX (937) 778-5165  
E-Mail: ahavenar@piquaoh.org

October 14, 2008

### MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR COMMISSION AUTHORIZATION  
TO INCREASE THE PURCHASE ORDER FOR THE SHAWNEE PUMP STATION  
RECONSTRUCTION PROJECT  
TOTAL INCREASE \$65,000 PER THIS REQUEST  
REVISED TOTAL PROJECT COST NOT TO EXCEED \$585,000**

We request authorization to modify the initial legislation, which authorized \$520,000 for the above referenced project. Resolution number R-52-08 passed in January 2008 authorizing the City to award a contract to Zachrich Leasing, Inc., for the reconstruction of the Shawnee Storm Water Pumping Station Improvements Project. The project engineering firm, DLZ Ohio, Inc., hired by the City has recommended this change requested for the following reason, which will increase the project costs:

The gate structure at the pump station was found to be in bad shape. The existing concrete is not in good enough condition to hold the anchors for the new gate. The floor of the structure and the pipe are eroded away, which will not guarantee that the gate will seal properly, or stay fastened to the wall when exposed to the head pressure of the water when closed. This is a critical connection for the City to prevent a flood disaster. The ladder, which allows access to the gate, is hanging by two bolts.

When the new gate is installed, there will only be a 9" space between the gate and the structure. With the new gate in place, there will be no way to access the gate from the top of the structure; employees servicing the gate would have to crawl up the 36" pipe from the river.

The new structure would be 6'x 6'; it would have a flat top with a manhole lid. There will be enough room to remove the gate if needed, and there would be manhole steps with an aluminum handrail for safe and easy access to the station.

We recommend the contract with Zachrich Leasing, Inc. be increased by \$65,000 to allow spending up to \$585,000. The approved 2008 Street Department budget includes \$585,000 for this project.

Please let me know if I can provide additional information pertaining to this matter.

Respectfully submitted,

Handwritten signature of Amy L. Havenar in black ink.

Amy L. Havenar, P.E.  
Interim Public Works Director

ALH/jc

Attachment

c: Doug Harter, Street Department Superintendent

# Zachrich Leasing, Inc.

*General Contractors*

September 23, 2008

DLZ Ohio, Inc.  
Arivazhagan Pandian  
6121 Huntley Rd.  
Columbus, Oh 43229

RE: Piqua Shawnee Pump Station- Gate structure

Ari,

I have been into the gate structure at the pump station and found it to be in bad shape. The existing concrete is not in good enough condition to hold the anchors for the new gate, in our opinion. The floor of the structure and pipe are eroded away. There is a seam about 4' above the invert where the hand packed concrete meets the formed concrete. At this seam I stuck my tape measure in 10". Based on these facts and the pictures provided, Zachrich Leasing feels that we can not guarantee that the gate will seal properly, or even stay fastened to the wall when exposed to the head pressure of the water when closed. This is a critical connection for the city, to prevent a flood disaster, and we do not believe that this would give you the assurance of a quality installation.

The existing structure is only 19" X 48". The ladder is hanging by two bolts. The new frame is 9" with a 1" grout seal and 47' wide. This would only leave a 9" space between the gate and the structure. With the new gate in place, there is no way to access the gate from the top of the structure. The only way to access the gate would be to crawl down the 36" pipe from the river. For the safety of our employees and city employees who may have to service the gate, we do not see how it is possible to install the gate in the existing structure safely.

We propose for your consideration a new structure. The new structure would be 6' X 6' inside with 8" side walls. It would have a flat top and manhole lid. There would also be a 1' thick base for the structure. We would leave a strip big enough for the gate open so it may be removed if needed. We would also have manhole steps mounted on the outside with aluminum hand rail around the top to provide safe and easy access to the station.

The old structure will be removed, as well as 5' of pipe. We will then install the new structure and reconnect the 36" pipe. We will pour control density fill around the bottom of the structure and pipe. This will insure that the pipe and structure are sealed and free

- An Equal Opportunity Employer -

10105 HALLER ST - DEFIANCE, OHIO 43512  
PHONE (419) 782-1607 - FAX (419) 782-1433  
Email: [George@zachrichconstruction.com](mailto:George@zachrichconstruction.com)

from leaks. A wall thimble will be cast into the structure, so the new gate will simply bolt on.

I would appreciate hearing from you as soon as possible. Time is critical if we need to order the structure. At the very least we need to resolve this matter in some way as soon as possible. We feel that a new structure would be the best way to go. It would provide an area big enough to work in safely. It would also be a better gate installation. If for some reason the gate would need replaced, it could simply be unbolted from the frame. A new gate could then be bolted on.

The Price for this new structure would be:

Labor	\$11,499.00
Materials	\$22,510.00
Equipment & Shoring	<u>\$22,452.00</u>
SUBTOTAL	\$56,461.00
15%	<u>\$ 8,469.15</u>
TOTAL	\$64,930.15

If you have any questions feel free to call me.

Thanks

Doug Schwab  
Zachrich Leasing

- An Equal Opportunity Employer -

10105 HALLER ST - DEFIANCE, OHIO 43512  
PHONE (419) 782-1607 - FAX (419) 782-1433  
Email: [George@zachrichconstruction.com](mailto:George@zachrichconstruction.com)

RESOLUTION NO. R-52-08

**A RESOLUTION AWARDING A CONTRACT TO  
ZACHRICH LEASING, INC. FOR THE SHAWNEE  
STORM WATER PUMPING STATION IMPROVEMENTS  
PROJECT**

WHEREAS, on January 7, 2008 this Commission passed Resolution No. R-6-08 authorizing the City Purchasing Agent to advertise for bids, according to law, for the Shawnee Storm Water Pumping Station improvements project; 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 contract is hereby approved with Zachrich Leasing, Inc.; as the lowest, responsible bidder for the Storm Water Pumping Station Improvements and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

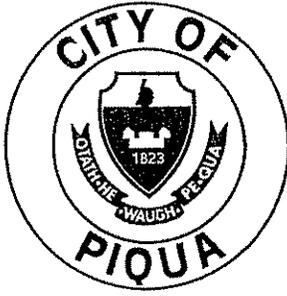
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$520,000.

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: April 7, 2008

ATTEST: Rebecca J. Cool  
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

April 1, 2008

### MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO AWARD A CONTRACT TO ZACHRICH LEASING, INC. FOR THE SHAWNEE STORM WATER PUMPING STATION IMPROVEMENTS PROJECT**  
**TOTAL COST NOT TO EXCEED \$520,000**

On Tuesday, March 18, 2008, five bids were received for the above referenced project. A tabulation of bids received are as shown below:

CONTRACTOR	BASE BID	ALTERNATE	BASE BID + ALTERNATE TOTAL
Zachrich Leasing, Inc. Defiance, Ohio	\$436,869	\$55,061	\$491,930
Ameritcon, Inc. Dayton, Ohio	\$475,000	\$68,000	\$543,000
Fryman-Kuch General Contractors, Inc. Dayton, Ohio	\$543,000	\$56,000	\$599,000
Kinnison Excavating, Inc. Piqua, Ohio	\$735,000	\$70,000	\$805,000
Hume Supply Inc. Dayton, Ohio	\$777,172	\$52,351	\$829,523

A pre-bid meeting was held on Thursday, March 5<sup>th</sup> to allow the contractors a chance to view the existing pump station and to ask questions to our consultant about the project. The project is scheduled to be completed this fall.

One short-coming of the system has always been back-up power generation. We currently have no capacity to pump if there is a power outage. Therefore back-up power was included as an integral part of the design. However, it was bid as an alternate to be phased in at a later date if high costs dictated. Fortunately, the bids were extremely competitive and the generator will be installed as a part of the initial construction.

Frederick E. Enderle  
Page Two  
April 1, 2008

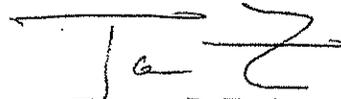
The work includes selective demolition of the existing facilities in the storm water pumping station and new pumping equipment and associated structural, mechanical and electrical improvements. The pump station will be fully automated.

The 2008 budget includes \$585,000 for the storm water pumping station project. This request for legislation includes approximately 5% contingency for items of work that may be required, but are not included in the specifications.

Although Zachrich Leasing has never performed work for the City of Piqua, our office, along with our consultant, performed an extensive check on their references and is confident that they are capable of handling a project of this scope and size.

As with all Public Works projects, a detailed bid tabulation is available on the City's web site.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zechman', with a horizontal line extending from the end of the signature.

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

TRZ/jc

c: Amy Havenar, City Engineer  
Doug Harter, Street Superintendent

RESOLUTION NO. R-117-08

**A RESOLUTION AMENDING RESOLUTION NO. R-28-08  
(SECTION 2) BY EXPANDING THE DIVERSITY COMMITTEE  
BY TWO ADDITIONAL MEMBERS**

WHEREAS, the Piqua City Commission passed Resolution No. R-28-08 which established a Committee on Community Diversity and adopting the Committee's mission and responsibilities; and

WHEREAS, by recommendation of the Community Diversity Committee, it has been decided to expand the Community Diversity Committee by two additional members.

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: Resolution No. R-28-08 (Section 2) is hereby amended to read as follows (with deletions lined out and additions underlined):

That membership of the committee shall be as follows: One City Commission representative; the City Manager or his designee; and ~~five (5)~~ seven (7) 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~~ 4 members at large serving a two-year term expiring on March 1, 2010
- 2 members at large serving a three-year term expiring March 1, 2011

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-118-08**

**A RESOLUTION APPOINTING TWO MEMBERS  
TO THE COMMUNITY DIVERSITY COMMITTEE**

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: Leah Freed and Mansur Zarraby are hereby appointed as members of the Community Diversity Committee for a two-year term to expire on March 1, 2010 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