



8.     **RES. NO. R-70-09**                     A Resolution establishing a Community Advisory Committee (CAC) as recommended in the Raw Water Engineering Study
  
9.     **RES. NO. R-71-09**                     A Resolution requesting preliminary authorization for the replacement and widening of Interstate Route 75 Roadway and Bridges within the City of Piqua
  
10.    **RES. NO. R-72-09**                     A Resolution requesting preliminary authorization for the resurfacing (Mill and Fill) of Interstate Route 75 within the City of Piqua
  
11.    **RES. NO. R-73-09**                     A Resolution appointing one member to the Energy Board
  
12.    **RES. NO. R-74-09**                     A Resolution appointing one member to the Energy Board

**OTHER:**

- Monthly Reports – June 2009

**ADJOURN**

**MINUTES  
PIQUA CITY COMMISSION  
JULY 20, 2009  
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, Fess, Vogt, and Terry. Absent: None.

**REGULAR CITY COMMISSION MEETING**

**Residence Pride Awards – July 2009**

Ralph & Terry Quinter	900 Grant Street
Jamieson & Yannucci Funeral Home	333 W. High Street
Tami & Gary L. Bell	625 Broadway
Kathy Henne (ReMax Real Estate Office)	1200 Park Avenue
Brenda & Wendell Davis	641 W. North Street

Mayor Hudson announced the July Residence Pride Award winners.

Mike Yannucci read a letter he had written to the Mayor, and the Commissioners thanking them for the Residence Pride Award.

Kathy Henne, thanked the City and the Commissioners for the Residence Pride Award for her business.

**APPROVAL OF MINUTES**

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the Regular City Commission Meeting of July 6, 2009 be approved. Voice vote, Aye: Hudson, Terry, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously.

Mayor Hudson asked that Resolutions No. R-66-09 and R-67-09 be moved up at this time.

**RES. NO. R-66-09**

A Resolution of Appreciation for the public service of Mr. Andy Burner, serving as Co-Chair for the William M. McCulloch public square dedication ceremony

Mayor Hudson read the Resolution of Appreciation and presented it to Mr. Burner.

Mr. Burner thanked the City and the Commission for their support on the William M. McCulloch Square dedication.

**Public Comment**

No one came forward to speak for or against Resolution No. R-66-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-66-09 be adopted. Voice vote, Aye: Hudson, Martin, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-66-09 adopted.

**RES. NO. R-67-09**

A Resolution of Appreciation for the public service of Mr. Michael Gutmann, serving as Co-Chair for the William M. McCulloch public square dedication ceremony

Mayor Hudson read the Resolution of Appreciation and presented it to Mr. & Mrs. Paul Gutmann, parents of Mike Gutmann who was out of town and unable to attend. Mr. Gutmann read a brief statement from Mr. Gutmann, and thanked the City Manager and the city staff for their hard work and help on the dedication of the Public Square.

**Public Comment**

No one came forward to speak for or against Resolution No. R-67-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-67-09 be adopted. Voice vote, Aye: Martin, Vogt, Fess, Hudson, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-67-09 adopted.

**ORD. NO. 8-09 (2<sup>nd</sup> Reading)**

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

City Manager Enderle stated this is the second reading for Ordinance No. 8-09 that would amend the pay classification schedules for non-bargaining unit professional and administrative employees. City Manager Enderle further stated these are not characterized as raises for the employees; these are realignment/reassignments of job responsibilities. In a couple of the cases, it will mean the employee will be compensated a bit more by bringing them as close to the salary level they currently have without cutting them, said City Manager Enderle. This is the same pay category that is not receiving the cost of living increases for two years. The total cost of implementing this plan will be about \$5000, and by eliminating several other positions, the savings to the budget would be about \$377,000, said City Manager Enderle.

There was discussion of Chapter 37 of the Piqua Charter concerning succession, and the possibility of a conflict of interest with the Finance Director taking on new responsibilities, acting as City Manager at times, and expanding the administrative offices. City Manager Enderle further explained, and stated they are not expanding any of the departments, just reassigning responsibilities at this time.

Mayor Hudson stated when he came on to the Commission, he was told several times that the department heads were aging, and retirements were coming up in the future. Mayor Hudson stated he appreciates the City Manager having to maintain the city on a lesser budget and thanked him for being able to do so.

**Public Comment**

No one came forward to speak for or against Ordinance No. 8-09.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 8-09 be given a second reading. Voice vote, Aye: Martin, Terry, Hudson, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 8-09 be given a second reading.

**ORD. NO. 9-09 (2<sup>nd</sup> Reading)**

An Ordinance amending Chapter 93 Fire Prevention of the Piqua Municipal Code

City Manager Enderle stated this is the second reading of Ordinance No. 9-09, and explained the City of Piqua is now adopting the Ohio Fire Code as the City Code. The Ohio Fire Code has replaced the BOCA Basic/National Fire Prevention Code for fire prevention stated City Manager Enderle.

There was discussion of calls being received on open burning complaints, and the need to be able to issue citations, the enforcement of the State Fire Code. Commissioner Vogt stated he feels the appeal process should be directed to the Fire Prevention Officer.

Commissioner Martin read Chapter 93.03 Other Authority, and asked if it would be possible to add the wording "just fire related items" on page 3, first paragraph, and on page 6, under Section 93.03 Other Authority. Law Director Wall stated she would make the appropriate language changes to Ordinance No. 9-09.

**Public Comment**

Luke Bolin, Ann Street, inquired if a violation is found would a ticket be automatically issued, or would the resident have time to fix the problem first in a reasonable time limit? City Manager Enderle explained the process.

Roy Howard, Spiker Road, asked what the proposed estimated fines are anticipated to be for the civil citations. Law Director Wall stated she has spoken to the Fire Prevention Officer and he stated he has not issued any citations in the last year and that he always gave them time to correct the violation and it was never an issue. Ms. Wall further stated that Section 109 of the Ohio Fire Code allows the state to come in and write civil citations at this time. If the state would issue the citation the fine would go to the state, but if the city issued the citation the fine would come to the city.

Bradley Boehringer, Mound Street, voiced his opinion on the Ohio Fire Code and stated he would like the code to read specifically "for open burning".

There was discussion on the various types of citations that would be issued, and it was stated the city is not going to go out and look for violations, they would only go out if a complaint is received.

City Manager Enderle stated most of the complaints are usually minor such as occupancy violations, open burning, exit lighting, etc.

Moved by Commissioner Terry, seconded by Commissioner Fess, to give Ordinance No. 7-09 a second reading. Voice vote, Aye: Martin, Hudson, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 9-09 be given a second reading.

**RES. NO. R-61-09**

A Resolution appointing a member to the Community Diversity Committee

**Public Comment**

No one came forward to speak for or against Resolution No. 61-09.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-61-09 be adopted. Voice vote, Aye: Fess, Vogt, Martin, Hudson, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-61-09 adopted.

**RES. NO. 62-09**

A Resolution appointing a member to the Community Diversity Committee

**Public Comment**

No one came forward to speak for or against Resolution No. R-62-09.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-62-09 be adopted. Voice vote, Aye: Hudson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-62-09 adopted.

**RES. No. R-63-09**

A Resolution appointing a member to the Community Diversity Committee

**Public Comment**

No one came forward to speak for or against Resolution No. R-63-09.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-63-09 be adopted. Voice vote, Aye: Vogt, Martin, Fess, and Terry. Nay. None. Motion carried unanimously. Mayor Hudson declared Resolution No. R-63-09 adopted.

Commissioner Terry thanked all of the committee volunteers for their service to the community,

**RES. NO. R-64-09**

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

There was discussion over the current price of road salt versus the cost per ton last year, the number of tons purchased, and the amount of road salt the city still has available from last year.

**Public Comment**

No one came forward to speak for or against Resolution No. R-64-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-64-09 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay, None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-64-09 adopted.

**RES. NO. R-65-09**

A Resolution adopting a Piqua City Policy for the naming of City Streets and Facilities

City Manager Enderle explained the resolution would set the guidelines for naming city, street, and facilities in the City of Piqua.

There was discussion on the process that is required to name or rename a public street or facility.

**Public Comment**

No one came forward to speak for or against Resolution No. R-65-09.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. 65-09 be adopted. Voice vote, Aye: Terry, Fess, Martin, Hudson, and Vogt, Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-65-09 adopted.

**RES. NO. R-68-09**

A Resolution awarding a contract to Enviorscience, Inc. in the amount not to exceed \$15,300 for the implementation of the middfoil process of Eurasian Water Milfoil Control in Franz Pond and Echo Lake

Finance Director Cynthia Holtzapple gave a brief explanation of the process for introducing the Eurasian watermilfoil weevil to Franz Pond and Echo Lake. Ms. Holtzapple further stated this will need to be reviewed on an annual basis, and an annual survey would be done. There was discussion of the effect of the weevils, how quickly they would be able to eat the vegetation, and if the weevils would remain in the water or become airborne. Ms. Holtzapple stated they hope to be able to introduce

the weevils within the next two-three weeks. A Citizens Action Committee is in the process of being set up to help monitor the progress.

### **Public Comment**

Dick Brandewie, Ron Aire Drive, asked if there were any plans in the future for deepening Franz Pond? Mayor Hudson explained the steps that were to be taken before the pond can be dredged.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-68-09 be adopted. Roll call, Aye: Fess, Vogt, Martin, Terry, and Hudson. Nay, None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-68-09 adopted.

### **Other**

Communication from the City of Troy

Mayor Hudson stated the City of Piqua has received a communication from the City of Troy on the water proposals, and a copy is available for public viewing in the Municipal Government Complex.

### **Public Comment**

Alan Miller, Park Avenue, member of the North Parks Neighborhood Association invited citizens and Commissioners to attend the Neighborhood Meeting to be held on Tuesday, July 21, at 7:00 P.M. in Kiwanis Park. The purpose of the meeting is to discuss parks and playground safety equipment.

Commissioner Vogt congratulated the Residence Pride winners on the wonderful job they are doing to enhance the neighborhoods, stating he has driven around and seen a lot of improvements. Citizens are doing a good job making improvement to their homes. Commissioner Vogt also congratulated Andy Burner and Mike Gutmann for their work on the Public Square Dedication. Commissioner Vogt announced the Annual Car Show is scheduled for August 1st at the Roadside Park on St. Rt. 66.

Commissioner Martin asked several questions concerning the possible water purchase from Troy, and how that would affect the City of Piqua. Finance Director Holtzaple explained there are two components to the purchase. There was discussion over the cost of purchasing water versus building our own plant, the possibility of buying into the Troy Water Plant, ownership of the plant jointly with Troy, the rate structure, and the possibility of building a regional water plant in the future.

Commissioner Martin congratulated the Residence Pride winners, and congratulated Andy Burner and Mike Gutmann on their work on the dedication of McCulloch Square.

Commissioner Fess congratulated the Residence Pride winners, also Mike Gutmann and Andy Burner on their work on the dedication of the McCulloch Square.

Commissioner Terry voiced her concern about a light pole at the west end of square by the new McCulloch Square sign that needs a coat of paint.

City Manager Enderle stated he wanted to thank Jeff Lange and the POW volunteer group for their work on the clean up of the river waterways with over 147 people working. City Manager Enderle passed out a Weekly Street Update to the Commissioners.

Mayor Hudson stated this is the sixth year that Jeff Lange and POW volunteers have completed the clean up of the waterways, and thanked them for doing another outstanding job.

Mayor Hudson inquired as to the status of the Raw Water Study Citizens Action Committee, and the possibility of a dog park somewhere in the city. Mayor Hudson also asked about the date for the opening of Toone P. Wiggins in the Piqua Plaza. City Manager Enderle explained they are on schedule on the construction, but two significant pieces of equipment have not come in, but hope to

have construction completed by the end of August. Toone P Wiggins plans to open in early September, said City Manager Enderle.

Mayor Hudson inquired as to the status of the communications with the City of Sidney.

City Manager Enderle explained what the City of Sidney has completed so far, and further stated the City of Piqua will keep in touch, but there are no plans at this time to work with them.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission at 9:00 P.M. Voice vote, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously.

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

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

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

**ORDINANCE NO. 08-09**

**AN ORDINANCE REPEALING SCHEDULE A OF  
CHAPTER 33 OF THE PIQUA CODE AND ADOPTING  
A NEW SCHEDULE A OF CHAPTER 33 OF THE PIQUA  
CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL  
EMPLOYEES**

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: Schedule A of Chapter 33 of the Piqua Code, as adopted by Ordinance No. 9(A)-08, is hereby repealed; and

SEC. 2: Schedule A of Chapter 33 of the Piqua Code (appended hereto as Exhibit "D") is hereby adopted;

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

**1<sup>st</sup> Reading - July 6, 2009**  
**2<sup>nd</sup> Reading - July 20, 2009**

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

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

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

# Memo

**To:** City Commission  
**From:** Fred Enderle  
**Date:** 7/1/2009  
**Re:** Reorganization of Administration & Utility Functions

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## Background

Over the past year the organization has experienced significant personnel changes while at the same time entered into a period of unparalleled economic downturn. In this time period, among other personnel changes, we have had six department heads retire with all but Asst. City Manager/Economic Development Director Harry Bumgarner taking with them over 30 years of experience with the City. Because of budget considerations, we have chosen to replace only three of those individuals and have reassigned the duties of the others to existing staff within the organization. In addition, we have eliminated the Administrative Secretary position from Administration budget. These actions have had a reduction effect to the 2009 Budget of \$377,966 (Table 1). However, not filling the positions of Deputy Asst. City Manager, Public Works Director and Power Systems Asst. Director has resulted in a flattening of the organizational structure of the City and increased the number of director reports to the City Manager from ten to sixteen. At the same time, because of associated health reasons, the Asst. City Manager/Economic Development Director position has been vacant since September. In this time, the administration and the City's management team have recognized that the City Manager's Office cannot adequately provide the level of management oversight and direction necessary to insure goals and work objectives are satisfactorily met. Plainly stated, I do not have the time to adequately address day-to-day issues that arise and/or adequately plan and monitor progress on department goals and work plans with the number of direct reports in the present organizational configuration. In addition, I am not always available to Department Heads and Managers when they need me.

Given current budgetary constraints, there is in my opinion few options to address this issue but to realign some current management position responsibilities and delegate some responsibilities for programs and/or functions of the City operations, such as administrative oversight of the raw water study, the management and financial information system acquisition, economic development, health insurance renewal, etc.

Exhibit A illustrates my proposed realignment of the management structure of the organization. In this realignment the functions of the water, wastewater, and storm sewer, previously managed by the Public Works Director, will be reorganized into a new Utility Department. The Streets, Parks and Transportation maintenance function will be moved under the direction of the City Engineer; and the Finance Director position will be reclassified as Asst. City Manager: Administration.

The ACM-Administration will continue to serve as the City's finance director, managing the finance, tax and utility billing functions of the City and will have the additional responsibility of recreation and golf oversight. Along with the Asst. City Manager: Development, this position will also assist the City Manager with the day-to-day management and oversight of all the City's operations. This configuration

will allow me to delegate responsibility for certain functions within the organization to one of the Asst. City Managers. In other words; in certain areas where City Manager approval would be required that authority could be delegated to one of the assistants to better facilitate goal achievement. In these situations, it would be the Assistant's responsibility to keep the City Manager apprised of developments and seek general guidance, but the decision making responsibility and accountability would be the assistants'.

Exhibit B illustrated the new Utility Department configuration. This department will be headed by a Utility Director, a new administrative and exempt position, classified in Range 58 on Schedule A. Three division managers will report to the Director: the Water Plant Superintendent, the Wastewater Plant Superintendent, and the Underground Utility Superintendent. Also, if a storm water utility is created in the future, this function would also be added to this department. In the current proposed reorganization two Assistant Superintendent positions in Water and Wastewater will be eliminated. This configuration has the benefit of consolidating management of all the EPA environmentally regulated utilities under one unified direction. In addition, by combining the current, but separate water distribution section and wastewater collection section and storm water collection activities into one work group there will be flexibility in assigning work tasks and will provide expertise not now found in one division or another because of their limited scope of responsibility.

To accomplish this reorganization structure the following position and/or compensation changes would be required:

1. Create a *Utility Director* at pay range 58.
2. Adjust the *City Engineers* pay range from Range 54 to 58, in recognition of new department status.
3. Create an *Underground Utility Superintendent* at Range 51 (same range as Water and Wastewater Superintendents).
4. Create an *Assistant City Manager: Administration*, adjusting the Finance Director pay range from Range 67 to 70.
5. Eliminate the *Asst. Superintendent* positions for Water and Wastewater.

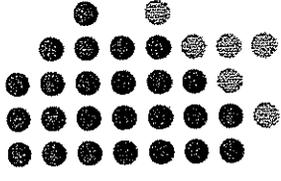
In recommending the changes to implement this reorganization plan, I have established the new department heads range for the two new positions (Utility Director & City Engineer) at Range 58. With the exception of the Health Director's pay range which is currently in Range 54, the Human Resources Director in Range 58 and the IT Director in Range 62, all other department heads are in Range 67. Therefore, I am recommending that the lowest department head range be established at Range 58. Given where these positions fit in with other professional/managerial positions this I believe is the most equitable level. Therefore, I would also recommend that the Health Directors position be adjusted from Range 54 to 58.

In all the proposed realignment moves (creation of new or adjusted salary ranges) we will be assigning the individuals being reassigned to the closest step (pay grade) to their current compensation level without lowering their salary. For example the Assistant Water Superintendent will go from Range 46 Step E (\$1108.65/week) to Underground Utility Superintendent Range 51 Step C (\$1136.02/week). Following this formula Table 2 illustrates the overall 2009 effect of the reorganization to the General Fund will be \$1,142. Table 3 illustrates the overall effects to the utility funds as a result of the change as \$3,871, with the largest change coming to the Wastewater fund where two positions are affected.

**Recommendation:**

Approval of Ordinance 08-09 Section 33.01 by amending Schedule A.

Class Code	CLASSIFICATION/TITLE	PAY SCHEDULE A				Exhibit D		
		RANGE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F
	Non-exempt positions: (hourly rate)							
105	Custodian	21	13.2103	13.871	14.5639	15.2927	16.0572	16.8603
107	Secretary	25	14.7184	15.4544	16.2271	17.0377	17.8901	18.7846
108	Administrative Secretary	29	15.982	16.781	17.62	18.5009	19.4258	20.3973
109	Human Resources Assistant	29	15.982	16.781	17.62	18.5009	19.4258	20.3973
110	Executive Secretary	36	17.8659	18.7586	19.6972	20.6814	21.716	22.8016
112	Administrative Coordinator	36	17.8659	18.7586	19.6972	20.6814	21.716	22.8016
120	Police Records Clerk	18	11.5999	12.1798	12.789	13.4281	14.0994	14.805
121	Senior Police Records Clerk	26	15.3635	16.1316	16.9384	17.7853	18.6739	19.6076
122	Police Service Aide	29	15.982	16.781	17.62	18.5009	19.4258	20.3973
	Exempt positions: (weekly salary)							
150	Acct. & Income Tax Mgr.	52	1056.32	1109.11	1164.59	1222.82	1283.98	1348.16
153	Utility Billing Office Manager	50	1005.57	1055.85	1108.64	1164.09	1222.27	1283.38
155	Dir.of Finance & Inc. Tax. Admin.	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
157	Purchasing Analyst II	46	912.09	957.69	1005.57	1055.85	1108.65	1164.09
158	Purchasing Analyst I	43	784.39	823.61	864.79	908.03	953.43	1001.11
160	Law Director	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
165	Human Resources Director	58	1201.17	1261.24	1324.28	1390.49	1460.03	1533.01
171	Community Development Director	52	1056.32	1109.11	1164.59	1222.82	1283.98	1348.16
170	Development Program Manager	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
180	Economic Development Director	58	1201.17	1261.24	1324.28	1390.49	1460.03	1533.01
206	Engineering Technician IV	45	890.11	934.61	981.33	1030.39	1081.91	1136.01
207	<b>City Engineer</b>	58	<b>1201.17</b>	<b>1261.24</b>	<b>1324.28</b>	<b>1390.49</b>	<b>1460.03</b>	<b>1533.01</b>
208	City Planner	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
209	Public Works Director	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
307	Director of Information Tech.	62	1308.32	1373.75	1442.45	1514.58	1590.27	1669.78
403	Golf Professional *	36	714.63	750.34	787.89	827.25	868.64	912.07
402	Recreation Coordinator	43	784.39	823.61	864.79	908.03	953.43	1001.11
404	Park/Recreation Manager	45	890.11	934.61	981.33	1030.39	1081.91	1136.01
405	Park/Recreation Superintendent	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
501	<b>Health &amp; Sanitation Director</b>	58	<b>1201.17</b>	<b>1261.24</b>	<b>1324.28</b>	<b>1390.49</b>	<b>1460.03</b>	<b>1533.01</b>
504	Sanitarian II	44	868.67	912.11	957.71	1005.59	1055.87	1108.67
507	Sanitarian	43	784.39	823.61	864.79	908.03	953.43	1001.11
510	Code Enforcement Officer	43	784.39	823.61	864.79	908.03	953.43	1001.11
605	Police Deputy Chief	63	1707.02	1724.11	1741.32	1758.75	1776.33	1794.1
610	Police Chief	67	1769.56	1787.27	1805.14	1823.19	1841.41	1859.85
660	Fire Chief	67	1769.56	1787.27	1805.14	1823.19	1841.41	1859.85
705	Assistant Street Superintendent	46	912.09	957.69	1005.57	1055.85	1108.65	1164.09
706	Street Superintendent	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
810	Water Distribution Supervisor	44	868.67	912.11	957.71	1005.59	1055.87	1108.67
820	Water System Superintendent	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
845	Wastewater System Supt.	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
846	<b>Underground Utilities Supt.</b>	51	<b>1030.4</b>	<b>1081.92</b>	<b>1136.02</b>	<b>1192.82</b>	<b>1252.48</b>	<b>1315.08</b>
848	<b>Utilities Director</b>	58	<b>1201.17</b>	<b>1261.24</b>	<b>1324.28</b>	<b>1390.49</b>	<b>1460.03</b>	<b>1533.01</b>
874	Power Plant Assistant Manager	52	1056.32	1109.11	1164.59	1222.82	1283.98	1348.16
875	Power Plant Manager	57	1192.81	1252.47	1315.07	1380.84	1449.89	1522.38
881	Associate Engineer	52	1056.32	1109.11	1164.59	1222.82	1283.98	1348.16
890	Power Distribution Manager	57	1192.81	1252.47	1315.07	1380.84	1449.89	1522.38
892	Electrical Engineer	62	1347.57	1414.96	1485.72	1560.02	1637.98	1719.87
893	Asst. Power System Director	65	1449.89	1522.38	1598.48	1678.41	1762.32	1850.45
894	Power System Director	70	1590.24	1669.75	1753.25	1840.92	1932.95	2029.62
895	Assistant City Manager	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
896	Asst. City Manager/Development	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
897	<b>Asst. City Manager/Administration</b>	70	<b>1590.24</b>	<b>1669.75</b>	<b>1753.25</b>	<b>1840.92</b>	<b>1932.95</b>	<b>2029.62</b>
*	Plus 50% of net margin on all sales of golf accessories & mdse.							

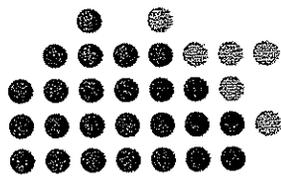


# Eliminate Positions Reduction Effect to 2009 Budgets

Table 1

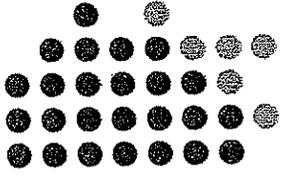
Public Works Director	\$127,205
Deputy City Manager	86,588
Economic Development Admin. Secretary	47,136
Asst. Power Director	117,037
Total	\$377,966

# Administrative Restructuring 2009 Change Compensation with Benefits



**Table 2**

	<b>General Fund Effect</b>
<b>Engineering</b>	<b>\$ 218</b>
<b>Health</b>	<b>345</b>
<b>Administrative</b>	<b>579</b>
<b>Total</b>	<b>\$1,142</b>

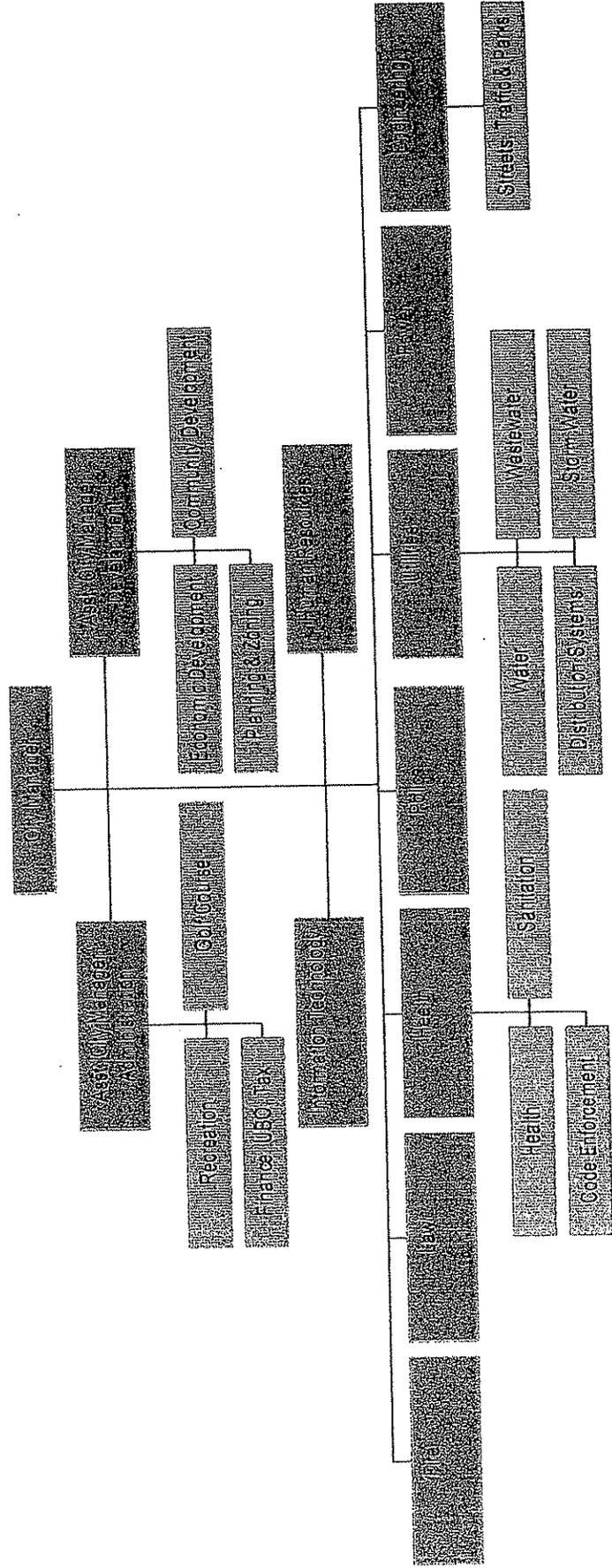


# Utility Restructuring 2009 Change Compensation with Benefits

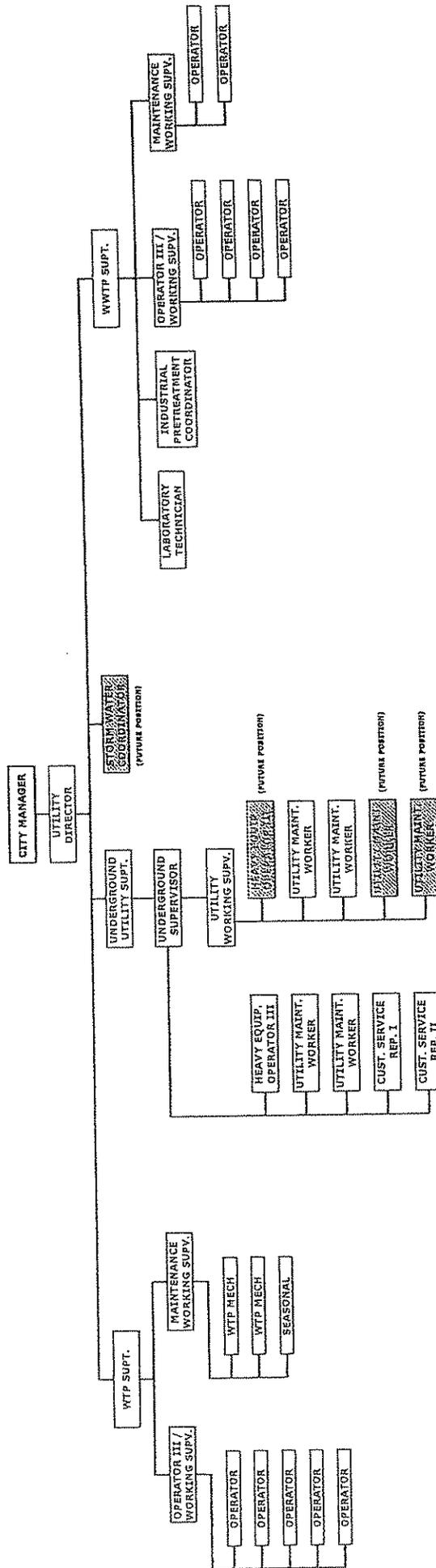
Table 3

<b>Water</b>	<b>\$ 713</b>
<b>Wastewater</b>	<b>3,071</b>
<b>Refuse</b>	<b>87</b>
<b>Total</b>	<b>\$3,871</b>

City of Piqua Proposed Reorganization



# UTILITIES DEPARTMENT TABLE OF ORGANIZATION



100% WATER  
 100% WASTEWATER  
 100% STORM WATER  
 WASTEWATER / STORM WATER SHARE  
 WASTEWATER / STORM WATER / WATER SHARE

## ORDINANCE NO. 9-09

### AN ORDINANCE AMENDING CHAPTER 93 FIRE PREVENTION OF THE PIQUA MUNICIPAL CODE

WHEREAS, Chapter 93 of the Piqua Municipal Code adopted the BOCA Basic/National Fire Prevention Code to enforce as its code of fire prevention; and

WHEREAS, the Ohio Fire Code has replaced the BOCA Basic/National Fire Prevention Code for fire prevention; and

WHEREAS, the Fire Department is under a plan of restructuring and therefore no longer has an assistant chief designated to fire prevention and therefore is solely under the authority of the Fire Chief or his designee.

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

SECTION 1. That the City of Piqua hereby amends Chapter 93 of the Piqua Municipal Code as set forth below (new language is underlined and deleted language is indicated by strikethrough):

## CHAPTER **93**: FIRE PREVENTION

### § 93.01 FIRE CODE ADOPTED BY REFERENCE.

(A) Pursuant to the provisions of the R.C. § 731.231, the ~~1993, Ninth Edition of the BOCA Basic/National Fire Prevention Code, promulgated by the Building Officials Code Administrators~~ latest edition of the Ohio Fire Code and the latest edition of the *National Fire Codes* (NFPA), promulgated by the National Fire Protection Association, except as amended by § 93.02, is adopted by the city and incorporated by reference as if fully set out herein. The purpose of the ~~BOCA Basic/National Fire Prevention Code~~ latest edition of the Ohio Fire Code and the *National Fire Codes*, as adopted herein, is to prescribe regulations consistent with nationally recognized good practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosions arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises. Compliance with these standards or other approved nationally recognized standards shall be deemed to be prima facie evidence of compliance with this intent.

(B) A complete copy of the ~~BOCA Basic/National Fire Prevention Code~~ latest edition of the Ohio Fire Code and the *National Fire Code* (NFPA), as adopted herein, is on file with the Fire Chief for inspection. Copies shall be made

available for inspection only to the public at no cost. Copies of the entire National Fire Code (NFPA) manual may be purchased from the licensing company.for sale are available from the above companies.

## **§ 93.02 CHANGES IN CODE.**

The Ohio Fire Code as adopted in §93.01 is hereby revised by amendment, addition or repeal of the following sections of the adopted code as are respectively indicated:

~~(A) Section F-107.7.1: Suspension of Permit of the BOCA Basic/National Fire Prevention Code is hereby deleted and the following substituted therefor:~~

~~Any permit issued shall become invalid if activity is suspended or abandoned for a period of six months or if the site becomes a safety hazard to the public.~~

~~(B) Section F-107.8: Payment of Fees of the BOCA Basic/National Fire Prevention Code is hereby amended by the addition of the following:~~

~~Section F-107.8: Inspections shall be made prior to concealing any work requiring a permit. The Code Official shall, upon 24-hours advance notice and in the presence of the owner or his or her duly authorized representative, inspect, including but not limited to, all installations, use, materials and manufactured products pertaining to the approved plans or relative to a required permit. Such inspections will be made to assure compliance with all laws, regulations and ordinances applicable to the same.~~

~~(C) Section F-107.9: Plan Examinations and Permit Fees is hereby added to the BOCA Basic/National Fire Prevention Code:~~

~~The fire permit fees to be paid for all work regulated by this code shall be calculated by adding the permit fee and plan examination fee for each item as shown on Table F-107.9 (a) of this chapter. All fees, including double fees imposed according to Section F-107.10, shall be paid to the city for deposit to the General Fund upon the filing of the application for permit as required. On-site inspection work shall be invoiced to the permit holder at the completion of all work. The hourly rate for on-site inspection work shall be \$50.00. Times will be figured to the nearest one-half hour. On-site inspection costs will be levied only when updating, remodeling, removal or additional items or processes are to take place. All existing places of business or operations requiring a permit shall be exempt from paying fees to obtain the first permit while maintaining continuous operation of that same type. Permits for operations are valid for the life of the business as per above.~~

All building permits are regulated by Miami County Building Department and the City of Piqua Planning and Zoning Department. All fees are collected by the applicable department. Any work done without a proper permit is subject to a stop work order and/or a civil citation by the Fire Official of the City of Piqua when it results in a violation of the Fire Code.

— **Table F-107.9 (a)**

	<b>Permit Fees</b>	Plan Exam
-		
New aboveground tanks (where specifically provided for in this code)	\$20	\$50
New underground tanks	\$20	\$50
Tank lining	\$20	\$50
Repairs or alterations to existing installation (excluding tanks)	\$20	\$25
Removal of tanks (aboveground or underground)	\$20	\$25
Place temporary out of service tanks back in service	\$20	\$25
Liquefied petroleum gas (recreation & motor vehicles exempt)	\$20	\$25
Assemblies	\$20	
Bowling establishments	\$20	
Cellulose nitrate picture film	\$20	
Cellulose nitrate plastic film	\$20	
Combustible fibers	\$20	
Crop ripening	\$20	
Cryogenic liquids	\$20	
Flammable finishes	\$20	
Demolition	\$20	
Dry cleaning	\$20	
Dust explosion hazard	\$20	
Explosives and ammunition	\$20	
Fireworks	\$20	
Fumigation and insecticides	\$20	

Hazardous materials and chemicals	\$20
Hazardous production materials	\$20
Flammable and combustible liquid	\$20
Liquefied petroleum gases	\$20
Lumber yard	\$20
Magnesium storage	\$20
Matches	\$20
Materials storage	\$20
Oil and gas production	\$20
Organic coatings	\$20
Pesticides	\$20
Service stations and garages	\$20
Wrecking yards, junkyards and waste —material handling	\$20
Welding and cutting	\$20

(D) ~~Section F-107.10: Work Started Without Permit~~ is hereby added to the ~~BOCA Basic/National Fire Prevention Code~~.

~~An additional fee equal to one hundred percent of the fee assessed, according to the Table 107.9 (a) of this chapter shall be paid when work is started before a permit for the work is secured unless the work is done as an emergency measure. The payment of an additional fee shall not relieve any person from fully complying with the requirements of the code nor from the inspections required to determine compliance therewith. Use of occupancy cannot begin without a permit.~~

(A) (E) ~~Section F-112.3: Penalty for Violation of the BOCA Basic/National Fire Prevention Code~~ Ohio Fire Code is hereby deleted and § 93.06(B) and §93.08 shall apply.

(F) ~~Section F-113.0: Means of Appeals of the BOCA Basic/National Fire Prevention Code~~ is hereby deleted and the following substituted therefore:

~~(1) Whenever the Code Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply, or that the intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal to the Fire Chief. The applicant~~

may appeal from the decision of the Chief of the Fire Department to the City Manager.

~~(2) All appeals shall be submitted in writing within five working days of the disapproval or violation notice.~~

~~(B) (G) Section F-500.1: Scope of the BOCA Basic/National Fire Prevention Code~~ Ohio Fire Code is hereby deleted and the following substituted therefore:

The provisions of this chapter shall govern the operation, maintenance, and testing of all new and existing fire protection systems, devices, units and fire safety equipment in all occupancies as herein provided. Such systems shall comply with maintenance provisions of all applicable NFPA codes and standards listed in ~~Chapter 44 of the BOCA Fire Prevention Code~~ the Ohio Fire Code, where provisions of this article do not specifically cover conditions and operations.

~~(C) (H) Section F-513.0: Automatic Fire Detection Systems of the BOCA Basic/National Fire Prevention Code~~ Ohio fire Code is hereby amended as follows: by the addition of subsections ~~513.11, 513.12, 513.13, 513.14 and 513.15 thereto:~~

(1) ~~Section F-513.11: Residential Smoke Detectors; General.~~ All existing residential uses, as defined by the building code listed in ~~Chapter 44 of the BOCA Fire Prevention Code,~~ the Ohio Fire Code, and that are not owner-occupied if single-family, shall be retrofitted with a minimum of one approved smoke detector in the sleeping area, guest room or suite of a hotel, motel, lodging house or boarding house. Each detector shall be installed in accordance with ~~NFPA 72E or NFPA 74 standards listed in Chapter 44 of the BOCA Fire Prevention Code,~~ the Ohio Fire Code. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual's room or unit.

(2) ~~Section F-513.12: Responsibility.~~ The owner of all such properties shall be responsible for providing smoke detectors.

(3) ~~Section F-513.13: Installation.~~ Installment of automatic fire alarm system shall conform to requirements of NFPA 742.

(4) ~~Section F-513.14: Tampering.~~ Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

(5) ~~Section F-513.15: Enforcement.~~ Fire, housing and building inspectors are authorized to enforce the applicable sections of this chapter to existing buildings used wholly or in part for residential purposes, where such inspectors inspect such buildings in the ordinary course of their duties.

(D) (I) ~~Section F-601-8: Overcrowding of the BOCA Basic/National Fire Prevention Code~~ Ohio Fire Code is hereby amended and the following added thereto:

A Piqua police officer, upon finding overcrowded conditions, shall enforce the occupancy limit required to be posted on the premises in ~~Section F-601-7 of the BOCA Basic/National Fire Prevention Code~~ the Ohio Fire Code. That officer shall also make a complaint to the fire code official for processing with the City Prosecutor.

~~(J) Section F-3207.0: Aboveground Tank Storage of the BOCA Basic/National Fire Prevention Code~~ is hereby deleted and the following substituted therefor:

~~F-3207.1: All aboveground storage tanks must meet the requirements set forth under the most current Ohio Fire Code.~~

~~(E) (K) Section F-3208.0: Underground Storage Tank Installation of the BOCA Basic/National Fire Prevention Code~~ is hereby deleted and the following substituted therefor:

~~F-3208.1: All underground storage tank installations must meet the requirements set forth under the most current Ohio Fire Code.~~ shall be regulated by the Ohio Bureau of Underground Storage Tanks.

~~(L) Chapter 44 of the BOCA Basic/National Fire Prevention Code Referenced Standards, Section "NFIPA" National Fire Prevention Association adopted by the city is hereby amended thereto:~~

~~Reference all current NFIPA standards and codes.~~

### **§ 93.03 OTHER AUTHORITY.**

In addition to the Ohio Fire Code, the property owner shall comply with all local, county and state laws regarding permits. All building permits are regulated by Miami County Building Department and the City of Piqua Planning and Zoning Department. All fees are collected by the applicable department. Any work done without a proper permit is subject to a stop work order and/or a civil citation by the Fire Official of the City of Piqua when it results in a violation of the Fire Code.

### **§ 93.034 DEFINITIONS.**

Wherever used in the Ohio Fire Code ~~BOCA Basic/National Fire Prevention Code~~ or the *National Fire Codes*, the following terms shall have the meanings respectively ascribed to them:

**CODE OFFICIAL.** The Fire Chief, Chief of the Fire Prevention Bureau, or other designated employees of the Piqua Fire Department.

**CORPORATION COUNSEL.** The Law Director or Assistant Law Director.

**MUNICIPALITY.** The City of Piqua, Ohio.

### **§ 93.045 BUREAU OF FIRE PREVENTION; DUTIES.**

(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 Fire Chief of the Piqua Fire Department may delegate any of his or her powers or duties under this chapter to the Fire Prevention Officer.

(C) The Chief of the Fire Department, from time to time, may designate as many members to be inspectors as he or she 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 Fire Prevention Bureau shall be made annually to the Chief of the Fire Department. The 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.

(F) It shall be the duty of the Fire Prevention Officer to investigate and recommend to the city such additional ordinances, or amendments to existing ordinances, as he or she may deem necessary for the safeguarding of life and property against fire and explosion.

### **§ 93.056 ENFORCEMENT; RIGHT OF ENTRY.**

The Fire Chief, or his or her authorized representatives, shall enforce the Fire Prevention Code, as adopted herein and, in the performance of their official duties, shall have authority, upon proper identification, to enter any building, structure or premises at any reasonable hour to make inspections and ascertain compliance with the code.

### **§ 93.067 INVESTIGATORS**

(A) (1) The Chief of the Fire Department shall have the authority to designate one or more members of the Fire and/or (with approval of the Chief of

Police) Police Department to perform the functions of fire and arson investigators.

(2) Fire investigators shall have the power and duty to investigate the causes of all fires and explosions, examine witnesses and compel the attendance of witnesses and the production of books and papers, and to do and perform all other acts necessary to the effective discharge of such duties.

(3) Fire Investigators may administer oaths, make arrests, bear firearms and enter for the purpose of examination any building for which there is probable cause to believe the building is in danger of fire or explosion.

(B) (1) No witness shall refuse to be sworn or refuse to testify or disobey an order of the fire investigators, or fail to produce a book, paper or document concerning a matter or subject under investigation.

(2) No witness shall fail to appear before the fire investigators after being duly and properly summoned by the investigators to appear before them to give testimony in relation to a matter or subject under investigation.

(3) Whoever violates any of the provisions of this chapter and the codes adopted herein shall be guilty of a misdemeanor of the fourth degree for a first offense; for each subsequent offense of the same provision, that person shall be guilty of a misdemeanor of the first degree.

(4) Each day that a violation continues shall be deemed a separate offense.

(5) Nothing in this section shall be construed as to grant Fire Investigators the right to abridge the civil rights of a witness.

Penalty, see § 10.99

### **§ 93.078 INSURANCE CLAIMS.**

Ohio R.C. § 3929.86, divisions (C) and (D) are hereby adopted. These provisions read as follows:

(A) *Section (C)*. When the loss agreed to between the named insured or insureds and the company or companies equals or exceeds sixty per cent of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies, in accordance with division (F) of Section 715.26 or division (D) of section 505.86 of the Revised Code, shall transfer from the insurance proceeds to the designated officer of the municipal corporation or township in the aggregate two thousand dollars for each fifteen thousand dollars, and each fraction of that amount, of a claim, or, if, at the time of a proof of loss

agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the cost of removing, repairing, or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

The transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the municipal corporation or township shall be disbursed in accordance with the policy terms.

The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the municipal corporation or township has not commenced to remove, repair, or secure the building or other structure.

This division only applies to municipal corporations or townships that have adopted a resolution, ordinance, or regulation authorizing the procedure described in divisions (C) and (D) of this section and have filed a certified copy of the resolution, ordinance, or regulation for public record with the superintendent of insurance, and applies only to fire losses that occur after the filing of the certified copy. The resolution, ordinance, or regulation shall designate the officer authorized to carry out the duties of this section.

(B) *Section (D)*. Upon receipt of proceeds by the municipal corporation or township as authorized by this section, the designated officer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing incurred by the municipal corporation or township pursuant to section 715.261 or 505.86 of the Revised Code.

When transferring the funds as required in division (C) of this section, an insurance company shall provide the municipal corporation or township with the name and address of the named insured or insureds, whereupon the municipal corporation or township shall contact the named insured or insureds, certify that the proceeds have been received by the municipal corporation or township, and notify them that the following procedures will be followed:

The fund shall be returned to the named insured or insureds when repairs, removal, or securing of the building or other structure have been completed and the required proof has been received by the designated officer, if the municipal corporation or township has not incurred any cost for such repairs, removal, or securing. However, the fund shall be returned to the named insured or insureds no later than sixty days after the designated officer receives the required proof. If the municipal corporation or township has incurred any cost for repairs, removal,

or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the municipal corporation or township shall transfer, no later than sixty days after all such costs have been paid, the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of a municipal corporation or township to recover any deficiency under section 715.261 or 505.86 of the Revised Code.

Nothing in this division shall be construed to prohibit the municipal corporation or township and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

(C) As provided for in this section, the designated officer for the city shall be the Finance Director.

### **§ 93.09 CIVIL CITATION.**

(A) In addition to the authority of Section 109 of the Ohio Fire Code, any Piqua firefighter or officer who is licensed by the State of Ohio in fire prevention may issue a civil citation for a violation of Chapter 93 of the Piqua Municipal Code or of the Ohio Fire Code for non life-threatening violations. All other violations are a first degree misdemeanor as specified by Piqua Municipal Code Section 10.99.

(1) The citation shall provide notice of the section of the code violation and a description of the violation. The citation shall be issued to the property owner or if obtainable, to the person responsible for the violation, with a fine of \$150.00. All fines shall be applied in remedying the violation if not resolved by the property owner or used for fire prevention education.

(2) When the violation is not an immediate life safety issue, a notice may be issued with a time for compliance. If the violation is not corrected within the allotted timeframe then a citation may be issued, assessing the \$150.00 fine.

(3) Each day that a violation exists after the notice period has expired is a separate violation and a separate notice may be issued for each day the violation is not corrected.

(B) Any person receiving a notice of violation or a civil citation may appeal administratively to the City Manager or his designee. Said notice of appeal shall be in writing and received by the Fire Chief within five (5) days of receipt of the

notice or citation. Said appeal hearing shall be heard within ten (10) days of receipt of the appeal and a decision issued ten (10) days after the hearing.

SECTION 2. All other sections of Chapter 93 of the Piqua Municipal Code not amended herein shall remain in effect as is.

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

**1<sup>st</sup> Reading – July 6, 2009**

**2<sup>nd</sup> Reading – July 20, 2009 as amended**

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

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

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK

## ORDINANCE NO. 10-09

### AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 121 - 122 and 127 THE RECALL

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended the Charter sections concerning the recall process be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2009 General Election the question whether the electorate is for or against amending Charter Sections 121 - 122 and 127 as follows:

#### **SECTION 121 FILING RECALL PETITION.**

A petition demanding the removal of a member of the commission shall be known as a recall petition. A recall petition to be effective must be returned and filed with the city clerk within thirty days after the filing of the affidavit as provided in the next preceding section, and to be sufficient must bear the signatures of 1,000 registered voters of the City of Piqua ~~electors of the ward equal in number to at least fifteen percentum (15%) of those who voted at the last preceding regular municipal election in the ward.~~ A recall petition if insufficient as originally filed, may be amended as provided in this charter.

#### **SECTION 122 RECALL ELECTION ORDERED.**

If a recall petition, or amended petition, shall be certified by the city clerk to be sufficient, which shall include that the Board of Elections has certified all signatures, he shall at once submit it to the commission with his certificate to that effect and shall notify the member of whose removal is sought of such action. If the member of the commission whose removal is sought does not resign within five days after such notice the commission shall thereupon order and fix a day for holding a recall election in the city. Any such election shall be held not less than forty nor more than sixty days after the petition has been presented to the commission, and at the same time as any other general or special election is to be held within such period, the commission shall call a special recall election to be held within the time aforesaid.

## **SECTION 127 LIMITATIONS ON RECALL PETITIONS.**

No recall petition shall be filed against a member of the commission until one year ~~within three months~~ after he takes office nor in case of a member subjected to a recall election and not removed thereby, until at least one year ~~six months~~ after that election.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on November 3, 2009, in the general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 121 Filing Recall Petition", and the question to be submitted shall be as follows:

Shall Charter Section 121 be amended to require a recall petition to include 1,000 signatures from registered voters rather than 15% of the electors who voted in the last municipal election?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 122 Recall Election Ordered", and the question to be submitted shall be as follows:

Shall Charter Section 122 be amended to require that the Clerk's certification of a recall petition require that the Board of Elections has certified the signatures?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 127 Limitations on Recall Petitions", and the question to be submitted shall be as follows:

Shall Charter Section 127 be amended to restrict a recall petition being filed against a commissioner until one year after he takes office or one year after a recall where the commissioner was not removed after the election?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 6. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 7. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 8. 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  
CITY COMMISSION CLERK

**ORDINANCE NO. 11-09**

**AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED  
AMENDMENT TO PIQUA CHARTER SECTIONS 14, 16, 21, 25, 27 - 29 INITIATIVE  
AND REFERNDUM PROCESS**

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended the Charter sections concerning the initiative and referendum process be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2009 General Election the question whether the electorate is for or against amending Charter Sections 14, 16, 21, 25, 27 - 29 as follows:

**SECTION 14 POWER TO INITIATE ORDINANCES.**

The electors shall have power to propose any ordinance except an appropriation ordinance, and to adopt or reject the same at the polls, such power being known as the initiative. Any proposed ordinance may be submitted to the commission by petition which, to be sufficient, shall be signed by 500 registered voters from the City of Piqua ~~electors of the city equal in number to at least five per centum (5%) of those who voted at the last regular municipal election.~~ All petition papers circulated with respect to a proposed ordinance shall be uniform in character and shall contain the proposed ordinance in full. The form of the petition shall be as follows:

PETITION TO INITIATE AN ORDINANCE TO [purpose of proposed ordinance]

This Ordinance reads as follows: [exact language of ordinance in its entirety].

This petition is being circulated by [name] as a committee member for the petitioners. Your signature indicates that you desire to have the above initiated ordinance submitted and voted upon by the City Commission or adopted or rejected at the polls by a vote of the electors.

To sign this petition, you must be a registered voter of the City of Piqua with the Miami County Board of Elections. A false signature may result in prosecution under the law.

Printed Name          Signature          Address          Registered Voter

1. \_\_\_\_\_ Y/N \_\_\_\_\_

The following are the names and addresses of the full Committee:

The petition shall also contain the affidavit as required in Section 27 of this Charter.

**SECTION 16 SUBMISSION OF INITIATED ORDINANCE TO ELECTORS.**

If the commission fails to pass an ordinance proposed by initiative petition or passes it in a form different from that set forth in the petition therefore, the committee of the petitioners hereinafter provided for may require that it be submitted to a vote of the electors either in its original form or with any change or amendment presented in writing either at a public hearing before the committee to which the proposed ordinance was referred or during the consideration thereof by the commission. If the committee of petitioners require the submission of a proposed ordinance to a vote of the electors they shall certify that fact to the city clerk, and file in his office a certified copy of the proposed ordinance in the form in which it is to be submitted, within ten business days after final action on such proposed ordinance by commission.

**SECTION 21 REFERENDUM PETITION.**

Within thirty days after the final passage by the commission of an ordinance which is subject to referendum, a petition signed by 750 registered voters from the City of Piqua ~~the electors of the city equal in number to at least ten per centum (10%) of those who voted at the last preceding regular municipal election~~ may be filed with the city clerk, requesting that such ordinance, or any specified part thereof, be either repealed or submitted to a vote of the electors. Referendum petition papers circulated with respect to the same ordinance, or part of an ordinance, shall be uniform in character and shall clearly specify the ordinance, or part thereof, repeal of which is sought but need not contain the text thereof. The form of the petition shall be as follows:

PETITION TO REPEAL ORDINANCE NO. X AS ADOPTED BY THE CITY COMMISSION ON [DATE], WHICH IS [TITLE OF ORDINANCE]

This Ordinance [summary of ordinance].

This petition is being circulated by [name] as a committee member for the petitioners. Your signature indicates that you desire to have the above referenced ordinance repealed or submitted to a vote of the electors.

To sign this petition, you must be a registered voter of the City of Piqua with the Miami County Board of Elections. A false signature may result in prosecution under the law.

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Registered Voter</u>
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1.			Y/N
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The following are the names and addresses of the full Committee:

The petition shall also contain the affidavit as required in Section 27 of this Charter.

**SECTION 25 REFERENDUM ON EMERGENCY ORDINANCES.**

Any emergency ordinance or other ordinance which, in accordance with the provisions of Section 12 of this charter, shall have gone into effect prior to the filing of a referendum petition thereon shall be subject to referendum as in the case of other ordinances, and further action thereunder shall be suspended from the date of the city clerk's certification to the commission that a sufficient referendum petition has been filed. If, when submitted to a vote of the electors, any such ordinance is not approved by a majority of those voting thereon it shall be considered repealed and all rights and privileges conferred by it shall be null and void, but any such ordinance so repealed shall be deemed sufficient authority for any payments made or expense incurred in accordance therewith prior to the date of the clerk's certification to the commission that a sufficient referendum petition has been filed. Such certification includes the Board of Elections having verified the signatures.

**SECTION 27 SIGNATURE TO INITIATIVE, REFERENDUM AND RECALL PETITIONS.**

The signature to initiative, referendum or recall petitions need not all be appended to one paper, but to each separate petition paper there shall be attached an affidavit of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place

of residence by street and number, or other description sufficient to identify the place. Failure to list the address shall disqualify the signature. The Board of Elections shall verify the signatures. There shall appear on each petition paper the names and addresses of the same ~~five electors~~ registered voters of the City of Piqua, who, as a committee of the petitioners, shall be ~~regarded as responsible for the circulation and filing of~~ circulate and file the petition. The committee shall consist of no less than five nor no greater than ten registered voters of the City of Piqua. The affidavit attached to each petition paper shall be as follows:

State of Ohio,        )    ss

County of Miami, )

I \_\_\_\_\_, being duly sworn, depose and say that I, and I only, personally circulated the foregoing petition paper, and that all the signatures appended thereto were made in my presence and are the genuine signatures of the persons whose names they purport to be.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

The foregoing affidavit shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof shall be guilty of perjury.

**SECTION 28 FILING, EXAMINATION AND CERTIFICATION OF INITIATIVE, REFERENDUM AND RECALL PETITIONS.**

All petition papers comprising an initiative, referendum or recall petition shall be assembled and filed with the city clerk as one instrument. Within ten business days after such a petition is filed the city clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of electors. The City Clerk shall submit the petition papers to the Board of Elections for verification of the signatures. The city clerk shall declare any petition paper entirely invalid which is not attested by the circulator thereof as required by Section 27 of this charter or upon which the affidavit of the circulator can be shown to be false in any particular. Upon completing his examination of the petition ~~of the city clerk shall attach~~ thereto a certificate showing the result of the examination, including the results of the Board of Elections verification of the signatures. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

## **SECTION 29 AMENDMENT OF INITIATIVE, REFERENDUM AND RECALL PETITIONS.**

An initiative, referendum or recall petition may be amended at any time within ten business days after the making of a certificate of insufficiency by the city clerk, by filing a supplementary petition upon additional papers signed, attested and filed as provided in case of an original petition. The city clerk shall, within five days after such an amendment is filed, make examination of the amended petition and, if his certificate shall show the petition still to be insufficient, he shall file it in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on November 3, 2009, in the general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 14 Power to Initiate Ordinances", and the question to be submitted shall be as follows:

Shall Charter Section 14 be amended to eliminate the requirement that 10% of the electorate sign an initiative petition and instead require 500 signatures before a petition can be submitted to the City Clerk?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 16 Submission of Initiated Ordinance to Electors", and the question to be submitted shall be as follows:

Shall Charter Section 16 be amended to clarify that an initiative petition may be submitted within ten business days of final action taken by the City Commission?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 21 Referendum Petition", and the question to be submitted shall be as follows:

Shall Charter Section 21 be amended to eliminate the requirement that 10% of the electorate sign a referendum petition and instead require 750 signatures before a petition can be submitted to the City Clerk?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 6. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 25 Referendum on Emergency Ordinances", and the question to be submitted shall be as follows:

Shall Charter Section 25 be amended to specify that the City Clerk's certification of a referendum petition include the Board of Elections having verified the signatures?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 7. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 27 Signature to Initiative, Referendum and Recall Petitions", and the question to be submitted shall be as follows:

Shall Charter Section 27 be amended to specify that a failure to list the registered voter's address will disqualify a signature on a petition, that the Board of Elections shall verify the petition signatures and that the Committee circulating the petition shall be no less than five nor no greater than ten registered voters from the City of Piqua?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 8. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 28 Filing, Examination and Certification of Initiative, Referendum and Recall Petitions", and the question to be submitted shall be as follows:

Shall Charter Section 28 be amended to require the City Clerk to submit and the Board of Elections to verify the petition signatures and to clarify that the validity of the petitions must be determined within ten business days?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 9. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 29 Amendment of Initiative, Referendum and Recall Petitions", and the question to be submitted shall be as follows:

Shall Charter Section 29 be amended to clarify that a petition may be amended within ten business days after receiving notice of its insufficiency?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 10. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 11. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 12. 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  
CITY COMMISSION CLERK

## ORDINANCE NO. 12-09

### AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTION 135 MISCELLANEOUS PROVISIONS

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended the Charter sections concerning the process for charter amendments be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2009 General Election the question whether the electorate is for or against amending Charter Section 135 as follows:

#### SECTION 135 AMENDMENTS.

Amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the city commission, and shall be submitted by the commission when a petition signed by 1,250 registered voters of the City of Piqua ~~ten per centum (10%) of the electors of the city~~, setting forth any such proposed amendment, shall have been filed with the election authorities in the manner and form prescribed herein for the submission of ordinances by initiative petition. Any such amendment shall be submitted to the electors at the next regular municipal election if one shall occur not less than sixty (60) nor more than one hundred twenty (120) days after passage of the ordinance providing for its submission, otherwise it shall be submitted to the electors at a special election to be called and held within the time aforesaid. Copies of the proposed amendments may be mailed to the electors whose names appear upon the registration books of the last regular municipal or general election, or notice of proposed amendments may be given by newspaper advertising. If such proposed amendment be approved by a majority of the electors voting thereon it shall become a part of the charter at the time fixed therein. The city commission, by resolution, shall appoint a charter review committee not less than every ten (10) years commencing in the year nineteen hundred seventy-nine (1979), for the purpose of reviewing and, or recommending amendments to this charter.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on November 3, 2009, in the general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 135 Amendments", and the question to be submitted shall be as follows:

Shall Charter Section 135 be amended to require a petition for a charter amendment to include 1,250 signatures from registered voters rather than 10% of the electors?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 5. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

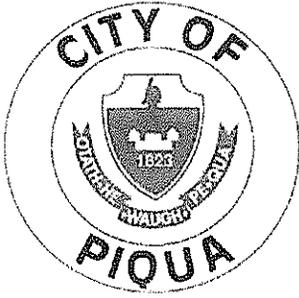
SECTION 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

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

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK



## LAW DEPARTMENT

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Stacy M. Wall – Law Director  
201 West Water Street \* Piqua, Ohio 45356  
(937) 778-2042 - FAX (937) 778-2043  
E-Mail: [swall@piquaoh.org](mailto:swall@piquaoh.org)

To: Mayor Tom Hudson  
Commissioner Lucy Fess  
Commissioner Judy Terry  
Commissioner William Vogt  
Commissioner John Martin

Copy: Fred Enderle, City Manager

*SMW* From: Stacy M. Wall, Law Director on behalf of Charter Review Committee: Frank Patrizio, Jim Garrity, Ben Hiser, Frank Barhorst and Joe Wilson

Date: July 30, 2009

Re: Charter Changes

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The Commission appointed the Charter Review Committee pursuant to Charter Section 135 and Resolution No. 33-09. The Committee was chaired by Frank Patrizio and it reviewed every section of the Charter, meeting on April 30<sup>th</sup>, May 11<sup>th</sup> and 18<sup>th</sup>, June 8<sup>th</sup> and 30<sup>th</sup> and July 20<sup>th</sup>. Every meeting was open to the public and public comment was received.

The Committee arrived at 21 recommended changes to the Charter. Because of the number of changes, the Committee prioritized the charter changes, grouping them into three groups. It is recommended that the charter changes be on the ballot as follows:

### **November 3, 2009 General Election**

- Section 14 Power to Initiate Ordinances
- Section 16 Submission of Initiated Ordinances to Electors
- Section 21 Referendum Petition
- Section 25 Referendum on Emergency Ordinance
- Section 27 Signatures to Initiative, Referendum, and Recall Petitions
- Section 28 Filing, Examination, and Certification of Initiative, Referendum, and Recall Petitions
- Section 29 Amendment of Initiative, Referendum, and Recall Petitions
- Section 121 Filing Recall Petition



Section 122 Recall Election Ordered  
Section 127 Limitations on Recall Petitions  
Section 135 Amendments

### **Spring Election 2010**

Section 3 The Commission, Powers, Election, Term, Vacancies  
Section 4 Meetings of Commission  
Section 33 Commission Not to Interfere in Appointments or Removals

### **November 2010 General Election**

Section 5 President of Commission, Mayor  
Section 6 Salary of Commission Members and Mayor  
Section 8 Rules of Commission  
Section 32 Removal of Officers and Employees  
Section 41 Qualifications and Duties of Director of Law  
Section 66 Police Force  
Section 68 Fire Force

The first group of charter changes all pertain to the referendum, initiative and recall sections. The Committee recommend that these sections be put on the ballot first due to the lack of clarity in the current language as well as the potential for challenges, given the City's experience with the referendum process in 2008. The proposed language clarifies the following:

- (1) to sign a petition, the individual must be a resident of Piqua and a registered voter with the Miami County Board of Elections;
- (2) the form of a petition for an initiative or a referendum;
- (3) the Board of Elections will verify the authenticity of the signatures while the Clerk of Commission will verify the form of the petition;
- (4) the number of signatures required; and
- (5) the size and responsibilities of the circulating committee.

The basis for the remainder of the charter changes are as follows:

Section 3 of the Charter defines that there are five wards of the City. The Committee felt very strongly that due to the growth of the City, the wards are very uneven and redistricting is necessary. To the Committee's knowledge, redistricting has never taken place. The Committee recommends that redistricting occur based on population, beginning with the 2010 census. The proposed language provides time for the census data to be collected and time for the Board of Elections then to recommend the new boundaries of the wards. Thereafter, redistricting by population will be required every ten years after the census data is collected. The Committee voted not to change the organization of the Commission and to keep the five wards.

Section 4 specifies when the Commission may hold an executive session. The current language allows for the employment of the City Manager to be discussed. Due



to necessity of legally advising the Commission, the proposed language would allow for the employment of any city employee to be discussed in executive session.

Sections 5, 66 and 68 remove the ability of the mayor to take command of the police and fire forces. Due to the city manager form of government, the position of mayor is not qualified to take command of the fire and police forces, especially during times of emergency. The city manager has the knowledge and experience through training to deal with emergency management operations. The city manager is also provided the authority to take the necessary command during emergency operations pursuant to Chapter 35 of the Piqua Municipal Code.

Section 6 eliminates the ability of the vice mayor to receive the compensation of the mayor. This is not a provision of the charter that has been enforced. Additionally, the provision is not equitable as it requires the vice mayor to get the compensation of the mayor despite only filling in for the mayor one time.

Section 8 clarifies when a commissioner may be expelled by a vote of the Commission. Section 32 eliminates the ability of verbal notice to be given for purposes of discipline and layoffs and requires written notice. Section 33 adds language to permit commissioners to speak to employees directly rather than having to go directly through the city manager.

Lastly, the Committee desires to remain as the Charter Review Committee through 2011. The City is in the initial stages of implementing a new financial system. To allow for the system to be put in place as well as have had time to have the system work out any errors or kinks, Charter Sections 49 and 50 would be reviewed in 2011. These sections deal with the appropriations and budget procedure and it is premature to recommend any changes at this time.

The Committee thoroughly reviewed the Charter and appreciates the opportunity to have done so. If there are any questions regarding the proposed changes, Frank Patrizio or Stacy Wall will be available to address those questions at the August 3, 2009 Commission meeting. Attached are the proposed ordinances that would be voted upon for the 2010 elections.





**ORDINANCE NO. -10**

**AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 41 DEPARTMENT OF LAW**

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended the Charter sections concerning the minimum qualifications for the law director be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2010 General Election the question whether the electorate is for or against amending Charter Section 41 as follows:

**SECTION 41 QUALIFICATIONS AND DUTIES OF DIRECTOR OF LAW.**

The director of law shall be an attorney at law who shall have practiced in the state of Ohio for at least ~~two~~ five years. He shall be the chief legal advisor of and attorney for the city and all departments and offices thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, with the approval of the city manager, to perform all services incident to the department of law; to attend all meetings of the commission; to give advice in writing, when so requested, by the commission, commissioners, the city manager, the director of any department or the head of any office not connected with a department; to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city and for such offenses against the laws of the state as may be required of him by law; to prepare all contracts, bonds and other instruments in writing in which the city is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the commission may by ordinance require.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on the November 2010, general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 41 Qualifications and Duties of Director of Law", and the question to be submitted shall be as follows:

Shall Charter Section 41 be amended to require the director of law to have five years of experience as a practicing attorney rather than two years?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 5. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
MAYOR

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

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK

## ORDINANCE NO. -10

### AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 32 ADMINISTRATIVE SERVICE

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended the Charter sections concerning the removal of employees be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2010 General Election the question whether the electorate is for or against amending Charter Section 32 as follows:

#### **SECTION 32 REMOVAL OF OFFICERS AND EMPLOYEES.**

Any officer or employee of the city, including assistants and employees in the office of the city clerk, may be laid off, suspended or removed from office or employment by the officer by whom appointed. ~~Verbal~~ or written notice of layoff, suspension or removal given directly to an officer or employee, or written notice left at or mailed to his usual place of residence shall be sufficient to put any such layoff, suspension or removal into effect unless the person so notified shall, within five working days after such notice, demand a written statement of the reasons therefore and the right to be heard publicly before the city manager and the officer by whom such notice was given. Upon such demand, the officer making the layoff, suspension or removal shall supply the person notified thereof with a written statement of the reasons therefore and the city manager shall fix a time and place for the public hearing. Following the public hearing the city manager shall, by a decision in writing, make such disposition of the case as, in his opinion, the good of the service may require, and such decision shall be final. A copy of the statement of reasons for any layoff, suspension or removal, a copy of any written reply thereto by the officer or employee involved, and a copy of the final decision of the officer by whom the layoff, suspension or removal was made, shall be filed as public records in the office of the civil service commission or other appropriate personnel office of the city.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on the November 2010, general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 32 Removal of Officers and Employees", and the question to be submitted shall be as follows:

Shall Charter Section 32 be amended to allow an employee who has received a notice of layoff, suspension or removal to request a hearing with an independent hearing officer?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 5. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
MAYOR

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

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK

## ORDINANCE NO. -10

### **AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 3 and 4 THE COMMISSION**

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended the Charter sections concerning the establishment of wards and when Commission may enter into executive session be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the spring 2010 election the question whether the electorate is for or against amending Charter Sections 3 and 4 as follows:

### **SECTION 3 THE COMMISSION, POWERS, ELECTION, TERM, VACANCIES.**

Except as otherwise provided in this charter all legislative and executive powers of the city shall be vested in a commission of not less than five members, either elected or appointed. One member shall be elected from each ward in the manner hereinafter provided. Commissioners from wards shall have resided in their respective wards for at least one year preceding their election or appointment. All Commissioners shall be elected from the city at large, and the person from each ward receiving the highest number of votes from the city at large shall be the commissioner from his ward. The terms of members of the commission shall begin on the first Monday in January next following their election, and they shall serve for a term of four years or until their successors are chosen and qualified, except that the three members elected at the first election by the lowest number of votes shall serve for two years only. Members of the commission shall be qualified electors of the city and shall not hold any other elective office or municipal position or employment for the City of Piqua, Ohio with the exception of the office of mayor. If a vacancy occurs in the commission except as the result of a recall election, the commission shall forthwith fill the place vacated for the unexpired term, within the sixty days, by the appointment of an elector from the ward in which the vacancy occurs. If such vacancy has not been filled by appointment within sixty days, then said vacancy shall be filled by a special election. Such special election shall be called by the commission to be held not less than forty nor more than sixty days after the failure of the commission to appoint an elector to fill the vacancy. The special election shall be held at the same time as any other general or special election held within such period; but if none such election is to be held within such period the commission shall call a special election to be held within the time aforesaid. A member

ceasing to possess any of the qualifications specified in this section or convicted of a felony, adjudicated mentally incompetent, or removing from his ward, or from the city, shall forfeit his office.

Redistricting of the wards shall occur every ten years using the census. The redistricting shall be based on an equitable balance of population and shall commence with the 2010 census figures, having the new boundaries of the wards in effect for January 1, 2012. After January 1, 2012, said boundaries of the wards if redrawn shall go into effect at the earliest possible time that the census information can be verified and the boundaries redrawn.

#### **SECTION 4 MEETINGS OF THE COMMISSION.**

At seven-thirty o'clock P.M. on the first Monday in January following a regular municipal election the commission shall meet at the usual place for holding commission meetings and the newly elected members shall assume the duties of office. Thereafter the commission shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings may be held upon vote of the commission taken in any regular or special meeting and, also, shall be called by the clerk upon the written request of the mayor, the city manager or two members of the commission. Any such vote or request shall state the subject to be considered at the special meeting and no other subject shall be there considered. Except for executive sessions not open to the public, all meetings of the commission and of the committees thereof shall be open to the public, and the rules of the commission shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

The members of the commission may hold an executive session only after a majority of its quorum determines by a roll call vote to hold such a session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

- A. To consider the appointment, employment, dismissal, discipline or compensation of the City Manager, ~~or City Clerk~~ or of an employee;
- B. To consider pending or imminent litigation;
- C. To prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel;
- D. To consider matters regarded as confidential by federal law or rules or state statutes;
- E. To consider specialized details of security arrangements;
- F. To consider the purchase or sale of property for public purposes.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on the spring 2010 election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 3 The Commission, Powers, Election, Term, Vacancies", and the question to be submitted shall be as follows:

Shall Charter Section 3 be amended to redistrict based on population beginning with the 2010 census and every ten years thereafter?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 4 Meetings of Commission", and the question to be submitted shall be as follows:

Shall Charter Section 4 be amended to clarify that the Commission may meet in executive session to discuss the employment of any City employee?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 6. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 7. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
MAYOR

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

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK

**ORDINANCE NO. -10**

**AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED  
AMENDMENT TO PIQUA CHARTER SECTIONS 66 AND 68 POLICE AND FIRE  
SERVICES**

WHEREAS, the Charter Review Committee met pursuant to Charter Section and has recommended the Charter sections concerning the authority of the mayor regarding the police and fire forces be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2010 General Election the question whether the electorate is for or against amending Charter Sections 66 and 68 as follows:

**SECTION 66 POLICE FORCE.**

The city shall maintain a police force consisting of an officer directly in charge thereof and of such number of other officers, patrolmen and employees as may be fixed in accordance with the provisions of Section 38 of this Charter. In case of riot or like emergency, the city manager ~~or the mayor, if he shall have been authorized by the commission to take charge of the police force,~~ may appoint additional patrolmen and officers for temporary service who need not be in the classified service of the city. The officer directly in charge of the police force shall have control of the stationing, and other disposition, of all members of the force under such rules and regulations as he may establish with the approval of the city manager.

**SECTION 68 FIRE FORCE.**

The city shall maintain a fire force consisting of an officer in charge thereof and of such number of other officers, firemen and employees as may be fixed in accordance with the provisions of Section 38 of this Charter. In case of riot, conflagration, or like emergency, the city manager, ~~or the mayor, if he shall have been authorized by the commission to take charge of the fire force,~~ may appoint additional officers and firemen for temporary service who need not be in the classified service of the city. The officer directly in charge of the fire force shall have control of the stationing, and other disposition, of the force under such rules and regulations as he may establish with the approval of the city manager.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on the November 2010 general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 66 Police Force", and the question to be submitted shall be as follows:

Shall Charter Section 66 be amended to eliminate the mayor's responsibility in an emergency with regards to the command of the police department?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 68 Fire Force", and the question to be submitted shall be as follows:

Shall Charter Section 68 be amended to eliminate the mayor's responsibility in an emergency with regards to the command of the fire department?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 6. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 7. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
MAYOR

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

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK

## ORDINANCE NO. -10

### AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 5, 6 and 8 THE COMMISSION

WHEREAS, the Charter Review Committee met pursuant to Charter Section and has recommended the Charter sections concerning the authority of the mayor and the rules of commission be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2010 General Election the question whether the electorate is for or against amending Charter Sections 5, 6 and 8 as follows:

#### SECTION 5 PRESIDENT OF COMMISSION, MAYOR.

The president of the commission, who shall have the title of mayor, shall preside at meetings of the commission and perform such other duties consistent with his office as may be imposed by the commission. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. ~~In time of public danger or emergency he may, with the consent of the commission, take command of the police, maintain order and enforce the law.~~ The president of the commission shall be chosen by direct election of the voters for a term of two years to commence on the first Monday of January following the regular municipal election. At every municipal election when commissioners are to be elected, commencing November 1977, there shall be submitted to the voters a separate ballot for the office of mayor on which shall be listed the names of the candidates for that office. Voters shall not vote for more than one such candidate. Candidates for the office of mayor shall be limited to those persons who are also candidates for the office of city commissioner at that election or who already hold the office of city commissioner and whose term will continue during the next ensuing two calendar years. Candidates for the office of mayor shall file a declaration of candidacy with the board of elections on or before sixty days prior to the municipal election at which the mayor is to be elected. The candidate for mayor receiving the greatest number of votes who is also elected as city commissioner at that election or who is a city commissioner whose term will continue during the ensuing two calendar years will be elected vice mayor. If a vacancy occurs in the office of mayor, the vice mayor shall succeed to the office of mayor for the unexpired term, and the commission shall choose another of its members to act as vice mayor. The vice mayor shall also perform all the duties of the office of mayor during the mayor's absence or

disability. If no candidate for mayor is elected, or if there are no candidates for mayor, the city commission at its first meeting in January following that regular municipal election shall choose one of its members as president of the commission and another of its members as vice mayor.

## **SECTION 6 SALARY OF COMMISSION MEMBERS AND MAYOR.**

The salary of a member of the commission shall be ~~twenty~~ twenty dollars (\$20.00) per month, and the salary of the mayor shall be ~~forty~~ forty dollars (\$40.00) per month unless modified by an ordinance adopting the recommendations of a citizens review committee. Said committee shall consist of at least five and not more than nine members who shall be electors of the City of Piqua appointed by the commission, at least one member being a resident of each ward. No officer or employee of the City of Piqua or member of the immediate family of such officer or employee shall be eligible to be a member of said committee. Said committee shall be appointed and convene every four years beginning in 1998 and issue a recommendation on salaries of commission members and the mayor. The commission may, by ordinance only, accept or reject said recommendation. ~~The vice mayor shall receive the salary of the mayor for each month in which the vice mayor has performed any of the duties of the mayor.~~

## **SECTION 8 RULES OF COMMISSION.**

The commission shall be the judge of the continuing qualifications of its members and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the commission in any such case shall be subject to review by the courts. The commission shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may censure its members for disorderly behavior and, by an affirmative vote of not less than seventy-five percent of the members, may expel a member for violation of its rules, a violation of the Charter, any criminal act involving dishonesty to which there was a criminal conviction or for some other reason for cause such as an ethical violation; but no member shall be expelled unless notified of the charge against him and given an opportunity to be heard in his own defense. Absence from three consecutive regular meetings shall operate to vacate the seat of a member unless such absence be authorized or excused by the commission.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on November 3, 2010, in the general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 5 President of Commission, Mayor", and the question to be submitted shall be as follows:

Shall Charter Section 5 be amended to eliminate the authority of the mayor to take command of the police department in time of emergency?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 6 Salary of Commission Members and Mayor", and the question to be submitted shall be as follows:

Shall Charter Section 6 be amended to eliminate the vice mayor being paid the mayor's salary during absences of the mayor?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 8 Rules of Commission", and the question to be submitted shall be as follows:

Shall Charter Section 8 be amended to specify reasons when a commission member may be expelled from City Commission?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 6. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 7. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 8. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
MAYOR

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

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK

**ORDINANCE NO. -10**

**AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTION 33 UNDER ADMINISTRATIVE SERVICE**

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended that Charter section 33 concerning the communication Commissioners have with employees be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the spring 2010 election the question whether the electorate is for or against amending Charter Section 33 as follows:

**SECTION 33 COMMISSION NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS.**

Neither the commission nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. However, nothing in this section shall prohibit City Commissioners from communicating with employees regarding city matters. Except for the purpose of inquiry, the commission and its members shall deal with that of the service of the city for which the manager is responsible solely through the manager, and neither the commission nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on for the spring 2010 election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 33 Commission Not to Interfere in Appointments and Removals", and the question to be submitted shall be as follows:

Shall Charter Section 33 be amended to clarify that Commissioners may communicate with employees although they cannot direct their activity?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 6. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 7. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
MAYOR

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

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CITY COMMISSION CLERK



**RESOLUTION NO. R-69-09**

**A RESOLUTION AWARDED A CONTRACT TO HULL & ASSOCIATES, INC. FOR THE FACILITATION ACTIVITIES ASSOCIATED WITH FORMING A COMMUNITY ADVISORY COMMITTEE (CAC) AS RECOMMENDED IN THE RAW WATER ENGINEERING STUDY**

WHEREAS, the City has established the necessity to secure professional services to organize and facilitate a Community Advisory Committee; and

WHEREAS, Hull & Associates, Inc. was hired in 2008 to complete a study to evaluate vegetation and excessive siltation in Franz Pond, Echo Lake and the entire canal system leading out to Swift Run Lake; and

WHEREAS, the City Commission at the June 11, 2009 Public Meeting declared their intent to move forward with a recommendation in the study to form a Community Advisory Committee (CAC); and

WHEREAS, Hull & Associates, Inc. has the necessary background as it pertains to this project in addition to prior experience in working with Community Advisory Committees.

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: A contract is hereby approved with Hull & Associates, Inc. for professional services to organize and facilitate a Community Advisory Committee (CAC) in association with the recommendations provided as part of the City of Piqua's recently completed Raw Water Engineering Study 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 \$6,000.00.

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



# City of Piqua, Ohio

## Engineering Department

Phone 937-778-2044 ♦ Fax 937-778-5165

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July 27, 2009

### MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH HULL & ASSOCIATES, INC. TO FACILITATE ACTIVITIES ASSOCIATED WITH FORMING A COMMUNITY ADVISORY COMMITTEE TOTAL NOT TO EXCEED \$6,000**

We request authorization to enter into an agreement with Hull & Associates, Inc as shown above.

The scope of work will include the development of the Community Advisory Committee (CAC) in which Hull will facilitate quarterly CAC meetings throughout the first year. Hull will also serve as an advisor conducting meetings with the City to discuss plans to apply for grant funding. The agreement is attached for your review.

The formation of a Community Advisory Committee (CAC) is in association with the recommendations provided as part of the City of Piqua's Raw Water Engineering Study implementation concerning Echo Lake, Franz Pond and the Hydraulic Canal. The study specifically addresses the 2008 goal to improve the overall community esthetics, as it relates to the "Plan It Piqua" Comprehensive plan.

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

Respectfully submitted,

Amy L. Havenar, P.E.  
City Engineer

ALH/jc

Attachment

c: Cynthia A. Holtzapple, Finance Director  
Don Freisthler, Water System Superintendent  
Todd Brandenburg, Assistant Water System Superintendent



June 22, 2009

Ms. Amy Havenar  
Interim Public Works Director  
City of Piqua  
201 West Water Street  
Piqua, Ohio 45356

RE: Proposal for Facilitation Activities Associated with Forming a Community Advisory Committee as Recommended in the City's Raw Water Engineering Study, Piqua, Ohio; PIQ002.300.0001.

Dear Ms. Havenar:

Hull & Associates, Inc. (Hull) is pleased to provide this Scope of Work and Cost Estimate to organize and facilitate a Community Advisory Committee (CAC) in association with the recommendations provided as part of the City of Piqua's (City) recently completed Raw Water Engineering Study of Echo Lake, Franz Pond and the Hydraulic Canal. As part of this study, Hull recommended the City consider forming a CAC specific to Echo Lake, Franz Pond, Swift Run Lake and the Hydraulic Canal. This group and its representatives will serve as a conduit for providing information and outreach opportunities to the neighborhoods surrounding these water resources, as well as the local watershed residents. This proposal includes the costs associated with helping the City form and facilitate the CAC, based on input received from the community and volunteer committee members.

## **SCOPE OF WORK**

We understand that the City of Piqua will serve as the lead in the formation of this community-based advisory committee and will be our Client for this project. We will work directly with the City to make final strategic decisions on the scope of work to include in the overall project implementation.

This Scope of Work includes the following services:

### **Task 1: CAC Development**

Hull will work with the City and interested parties to organize a group comprised of local residents and neighbors, business leaders, City officials, a representative of the local soil and water conservation district, a representative of Ohio EPA, and a representative of Hull. An initial organizational meeting with just the City will be scheduled as soon as the attached task order is signed, and will involve reviewing the volunteer sign-up sheet from the June 11, 2009 public meeting and coordinating group invitations. At this meeting we will also discuss our plans to apply for grant funds, describe the ideal grant-funded activities, and share details on future plans for and the overall goals for the CAC.

### **Task 2: Facilitate Quarterly CAC Meetings**

The CAC should meet quarterly during the first year, with a mission to serve as both a sounding board and a vehicle to provide community insight and feedback to the City as recommendations and solutions for the water resources are considered. Hull will lead four (4) pre-scheduled meetings of the CAC during the first year of organization, including the initial CAC meeting where group roles

Ms. Amy Havenar  
PIQ002.300.0001  
June 22, 2009  
Page 2

and organizational structure will be determined. This task also includes preparing materials in advance (announcements, meeting agendas, minutes, maps, etc.) and moderating the work group meetings, as well as monitoring, sharing and responding to group requests for information between meetings. This task also includes working with the interested stakeholders to discuss developing a formal watershed action plan for the community, but does not include the costs for developing such a plan. This task could also include support for materials the group may wish to post on the City's webpage, but does not include time or labor for website design or posting. Should the City wish to continue using Hull's services for moderating the CAC after the initial year, this specific task can be renewed under a new task order associated with this project.

## **SCHEDULE**

A final schedule can be determined upon execution of the attached task order. However, we suggest the following schedule: Hold the CAC development meeting with the City of Piqua in mid-July or early-August 2009. Organize and conduct the first CAC meeting in September 2009 and host three additional quarterly meeting through the coming year (December 2009; March 2010; June 2010).

## **COMPENSATION**

The estimated cost to implement and facilitate the CAC for one year is \$6,000. We will bill the Client on a time and materials, not to exceed basis for the amount shown unless additional work is required as discussed below. The rates used to calculate compensation for each labor category are within the ranges presented in Table 1. Actual rates and hours expended for each category may vary based on project personnel used. Hull will invoice the Client on a monthly basis. Payment is due to Hull within 30 days after receipt of an invoice.

## **ADDITIONAL WORK**

Additional work beyond the Scope of Work defined in this proposal shall not be performed until such time as an amendment to this proposal, including the scope of the additional work and associated costs, has been prepared in writing to address the additional work and said amendment has been approved by the Client in writing. No amendment to this proposal shall be required in situations where additional work may be necessary. Hull shall be compensated for the actual time spent performing this additional work and other direct expenses and subcontractor fees at the billing rates outlined in the attached rate schedule.

## **STANDARD OF CARE AND LIMITATIONS**

Hull shall perform its services using that degree of care and skill ordinarily exercised under similar conditions by reputable members of its profession practicing in the same or similar locality at the time of service. No other warranty, expressed or implied, is made or intended by our proposal or by our oral or written reports. The work will not attempt to evaluate past or present compliance with federal, state, or local environmental or land use laws or regulations. Conclusions presented by

Ms. Amy Havenar  
PIQ002.300.0001  
June 22, 2009  
Page 3

Hull regarding the site to be investigated shall be consistent with the scope of work, level of effort specified, and investigative techniques employed. Hull makes no guarantees regarding the completeness or accuracy of any information obtained from public or private files or information provided by subcontractors.

Thank you for the opportunity to submit this Scope of Work and cost estimate. It has been a pleasure to work with the City of Piqua on this project to date, and I look forward to continuing to work with you and the local residents who have shown an active interest in this issue and their community. I can be reached at 614-793-8777 if you have any additional questions regarding this scope of work. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink that reads "Kara Allison". The signature is written in a cursive, flowing style.

Kara A. Allison, APR  
Director of Government & Community Relations

ct: Hugh F. Crowell, PWS, Hull & Associates, Inc.

**TABLE 1**

Management Staff	
Principal	\$150.00 - \$200.00
Senior Project Manager	\$120.00 - \$175.00
Project Manager	\$100.00 - \$140.00
Government & Community Relations	\$ 80.00 - \$150.00
Civil/Environmental Engineering	
Senior Engineer	\$100.00 - \$140.00
Project Engineer	\$ 90.00 - \$120.00
Engineer 2	\$ 70.00 - \$100.00
Engineer 1	\$ 65.00 - \$ 85.00
Electrical Engineering	
Senior Engineer	\$100.00 - \$140.00
Project Engineer	\$ 90.00 - \$120.00
Electrical Engineer 2	\$ 80.00 - \$110.00
Electrical Engineer 1	\$ 70.00 - \$ 90.00
Senior Electrical Designer	\$ 85.00 - \$115.00
Electrical Designer	\$ 70.00 - \$ 90.00

Hydrogeological / Science	
Senior Hydrogeologist	\$100.00 - \$140.00
Project Hydrogeologist	\$ 85.00 - \$115.00
Hydrogeologist 2	\$ 70.00 - \$100.00
Hydrogeologist 1	\$ 60.00 - \$ 80.00
Senior Scientist	\$100.00 - \$140.00
Project Scientist	\$ 85.00 - \$115.00
Scientist 2	\$ 70.00 - \$100.00
Scientist 1	\$ 60.00 - \$ 80.00
Support Staff	
GIS Manager	\$ 80.00 - \$120.00
GIS Specialist	\$ 50.00 - \$ 80.00
Senior Designer	\$ 80.00 - \$110.00
Designer	\$ 70.00 - \$ 90.00
CAD 2	\$ 60.00 - \$ 80.00
CAD 1	\$ 50.00 - \$ 70.00
Senior Technician	\$ 50.00 - \$ 80.00
Technician 2	\$ 40.00 - \$ 65.00
Technician 1	\$ 30.00 - \$ 55.00
Clerical	\$ 30.00 - \$ 50.00

**NOTES:**

- Hourly billing rates for personnel apply to actual time spent in meetings concerning the project, preparing for such meetings, project coordination time, design activities, field and office investigations, and travel time when job-related.
- Hourly billing rates reflect the range of salaries for each job classification. Rates are typically reviewed and adjusted periodically to account for salary increases and other changes.
- If personal vehicles are utilized, travel mileage is billed at the federal mileage reimbursement rate. If company-owned vehicles are utilized, rental rates of \$75/day, \$300/week, or \$1,000/month are used in lieu of travel mileage. If rental vehicles are utilized, the actual cost of the rental and gasoline will be billed directly with no mark-up.
- Air transportation fees are billed directly with no mark-up. Travel time is typically billed only for that time actually spent flying to/from the project location and does not include layovers, delays, etc.
- Project reimbursable expenses such as reproduction by vendors, overnight shipping, meals, and lodging associated with travel or extended field activities, etc. are billed directly with no mark-up. Certain project reimbursable expenses such as sampling kits, health and safety equipment, etc. are billed at flat rates based on the cost of the materials.
- Field equipment rented from outside vendors is billed directly with no mark-up. If field equipment owned by Hull is utilized on the client's project, competitive market-equivalent rates are billed for daily or weekly rental.
- A charge of \$5.00 per labor hour worked is billed to cover internal Hull direct costs such as telephone, long distance, copies, postage for regular mail, and computer resources. Can be billed separately or added onto the rate.
- Subcontractors' fees are billed to the Client at a rate equal to the subcontractor fee multiplied by 1.1 to recover Hull's contractual liability risk and associated operational expense.

**ATTACHMENT A  
TASK ORDER FOR  
MASTER SERVICES AGREEMENT FOR PROFESSIONAL SERVICES**

**HULL & ASSOCIATES, INC.**

**TASK ORDER NO:** 001  
**HULL PROJECT CODE:** PIQ002  
**CONTRACT NUMBER:** CNTRCT.300.1987

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Subject to the terms and conditions of the above referenced Contract, the Consultant agrees to perform the following Scope of Work on a Time & Materials basis as requested by The City of Piqua. Hull will not do work beyond the Not-to-Exceed estimate below without obtaining separate approval.

Organize and facilitate a Community Advisory Committee (CAC) in association with the recommendations provided as part of the City of Piqua's (City) recently completed Raw Water Engineering Study of Echo Lake, Franz Pond and the Hydraulic Canal, pursuant to the Scope of Work and Terms and Conditions outlined in Hull's proposal (Hull Document PIQ002.300.0001) dated June 22, 2009.

NUMBER OF COPIES OF DELIVERABLE: N/A

ESTIMATED TOTAL COST: \$6,000

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HULL & ASSOCIATES, INC. PROJECT CONTACT: Kara A. Allison, APR

CLIENT PROJECT CONTACT: Amy Havenar, Interim Public Works Director

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CLIENT AUTHORIZATION: \_\_\_\_\_ DATE: \_\_\_\_\_

(Please return one signed original to Hull & Associates, Inc.'s Project Contact  
and retain one signed original for Client's records)

**RESOLUTION NO. R-70-09**

**A RESOLUTION ESTABLISHING A COMMUNITY ADVISORY COMMITTEE (CAC) AS RECOMMENDED IN THE RAW WATER ENGINEERING STUDY**

WHEREAS, the residents of Piqua have expressed concerns about the condition of the raw water supply system in the City of Piqua; and

WHEREAS, Hull & Associates, Inc. was hired in 2008 to complete a study to specifically address the goal in the "Plan It Piqua" Comprehensive Plan to improve the overall community esthetics as it relates to water quality; and

WHEREAS, the City Commission at the June 11, 2009 Public Meeting declared their intent to move forward with a recommendation in the study to form a Community Advisory Committee (CAC); and

WHEREAS, the City Commission desires to establish Community Advisory Committee to assist in the review, formation and/or development of recommended strategies or programs to enhance the aesthetic quality of the City of Piqua's raw water supply; and

WHEREAS, the purpose of the Community Advisory Committee is to make recommendations to the City Commission which could involve the appropriation of City funds.

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

SEC. 1: That the Community Advisory Committee shall be established to identify, review, and analyze alternatives for addressing issues as identified in the Raw Water Engineering Study.

SEC. 2: That membership of the committee shall consist of volunteers that are residents of the City of Piqua and that are not appointed by the City Commission.

SEC. 3: The size of the committee shall be at the recommendation of the Consultant but shall not exceed 25 people.

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

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THOMAS D. HUDSON, MAYOR

PASSED \_\_\_\_\_

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



# City of Piqua, Ohio

## Engineering Department

Phone 937-778-2044 ♦ Fax 937-778-5165

---

July 27, 2009

### MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO FORM A  
COMMUNITY ADVISORY COMMITTEE AS PART OF THE RAW WATER  
ENGINEERING STUDY**

We request authorization to proceed with the recommendations provided as a part of the City of Piqua Raw Water Engineering Study by forming a Community Advisory Committee (CAC).

Hull & Associates, Inc. will organize and facilitate the CAC which will be comprised of local residents and neighbors, business leaders, City officials, a representative of the local soil and water conservation district, a representative of Ohio EPA, and a representative of Hull & Associates, Inc. The size of the CAC shall be at the recommendation of the consultant but shall not exceed 25 members. The City has a list of citizens who will be contacted based upon their interest expressed at the June 11<sup>th</sup> public meeting.

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

Respectfully submitted,

Amy L. Havenar, P.E.  
City Engineer

ALH/jc

c: Cynthia A. Holtzapple, Finance Director  
Don Freisthler, Water System Superintendent  
Todd Brandenburg, Assistant Water System Superintendent

**RESOLUTION NO. R-71-09**

**A RESOLUTION REQUESTING PRELIMINARY  
AUTHORIZATION FOR THE REPLACEMENT AND  
WIDENING OF INTERSTATE ROUTE 75 ROADWAY  
AND BRIDGES WITHIN THE CITY OF PIQUA**

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to approve the replacement and widening of Interstate Route 75 roadway and bridge decks in Miami County, City of Piqua

**SEC. 1: Project Description**

WHEREAS, the State has identified the need for the described project:

This project proposes the pavement planing and resurfacing of the existing roadway and full-depth removal and replacement at Overhead Structures along with bridge deck replacement and widening on Interstate 75 in Miami County, City of Piqua (straight line miles 18.90 to straight line miles 19.55) into Shelby County on Interstate 75, City of Sidney (0.00 straight line miles to 8.88 straight line miles), plus or minus. in the City of Piqua, Miami County, Ohio. Said project improvement further identified as **MIA/SHE-IR75-18.90/0.00.**

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.2: Consent Statement**

Being in the public interest, the LPA (City of Piqua) gives consent to the Director of Transportation in the above-described project as follows:

**SEC. 3: Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The LPA (City of Piqua) has no obligation for costs for the project as described in Section I. ODOT will provide all Federal-aid and State funds as set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the LPA also agrees to pay One-Hundred (100%) of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the City.

The City shall adjust any existing castings, as require, with City forces.

SEC. 4: Utilities and Right-Of-Way Statement

The LPA agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SEC. 5: Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for such maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SEC. 6: Authority to Sign

The City Manager of the City of Piqua is hereby empowered on behalf of the City of Piqua to enter into agreements with the Director of Transportation necessary to complete the above-described project.

SEC. 7: 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



# *City of Piqua, Ohio*

## Engineering Department

Phone 937-778-2044 ♦ Fax 937-778-5165

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July 28, 2009

### MEMORANDUM

TO: Frederick E. Enderle

RE: **Request For Consent Legislation**  
**ODOT Resurfacing and bridge deck replacement on Interstate Route 75**  
**from approximately 18.90 to 19.55 straight line mileage in the City of Piqua.**  
**No financial participation requested by the City of Piqua**

Enclosed please find a letter from Bradley Lightle, Transportation Planning and Programs Administrator for ODOT District 7, making request for the above referenced consent legislation.

The City of Piqua will not have any financial involvement in this project. However, ODOT requires the permission of the local entity prior to commencement of work within that entity. The project is scheduled for State Fiscal Year 2014.

The Engineering Department will work with ODOT and keep the Commission apprised of any changes as the project approaches construction.

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

Respectfully submitted,

Amy L. Havenar, P.E.

ALH/jc

Enclosure



OHIO DEPARTMENT OF TRANSPORTATION

1001 St. Marys Ave., Sidney, OH 45365 - (937) 492-1141 - Fax (937) 497-9734

Governor Ted Strickland Director Jolene M. Molitoris

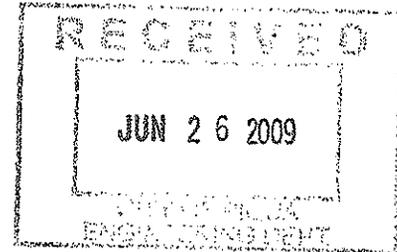
District Deputy Director Rex Dickey, P. E., P. S.

<http://www.dot.state.oh.us/dist7>

June 24, 2009

Amy L. Havenar, P.E.  
City Engineer  
201 West Water Street  
Piqua, Ohio 45356

RE: **MIA/SHE-IR75-18.90/0.00, PID #78425**  
**Preliminary Legislation - Consent**  
**Resurfacing - Bridge Replacement Project**



Dear Ms Havenar:

The Ohio Department of Transportation is proposing a four-lane resurfacing (mill and fill) project with minimal shoulder work and bridge deck replacement on Interstate Route 75 from approximately 18.90 to 19.55 straight line mileage in City of Piqua, in Miami County, Ohio and from 0.00 to 8.88 straight line mileage in the City of Sidney, in Shelby County, Ohio. This project is scheduled for Bid Letting in State Fiscal Year 2014.

Since a portion of this project is within the corporation limits of the City of Piqua, it will be necessary that we obtain CONSENT legislation from the City. We are enclosing three (3) copies of an Ordinance/Resolution which shall require action by the City Council.

In completing the forms, please be sure to indicate the Ordinance/Resolution Number in the upper right-hand corner of Page 1. You will note in Section VI, the designated Contractual Officer's signature must appear on Page 3 in the space provided for Contractual Officer, as well as in the space on Page 2 for Officer of City. A Councilman or the Clerk should attest to both. If the City has no President of Council, please write the word "SAME" in quotes in that space indicating the Mayor acts as President of Council. Also, on Page 3 in the "Certificate of Copy", please be sure to fill in Ordinance/Resolution Record Number and Page Number. If the Clerk has a seal, it should be affixed to the "Certificate of Copy". **If there is no seal**, a letter stating that the City does not have a seal should accompany the executed legislation.

Please note we are asking for no financial participation from the City. In addition, for clarification of "Section V - Maintenance, item (2)", ODOT will retain the maintenance responsibility of Interstate Route 75 within the City of Piqua.

When the legislation has been properly executed and all **inked original** signatures affixed, please return all three (3) originals to the District Seven address shown above, Attention: Iva Lenhart, **no later than November 20 2009**. After the Director of the Ohio Department of Transportation has signed all copies, one original will be returned to the City.

The executed legislation must be in our office as soon as possible so it can be forwarded to Columbus and we can continue to complete project programming. Our Columbus office will not schedule a sale date for the project until completed legislation is received.

If you have any questions, please feel free to contact this office. Your cooperation in this matter is greatly appreciated.

Respectfully,

Bradley A. Lightle, P.E.  
Transportation Planning and Programs Administrator

BAL:ill  
Enclosures (3)

c: file w/att.

**RESOLUTION NO. R-72-09**

**A RESOLUTION REQUESTING PRELIMINARY  
AUTHORIZATION FOR THE RESURFACING (MILL  
AND FILL) OF INTERSTATE ROUTE 75 WITHIN THE  
CITY OF PIQUA**

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to approve the resurfacing (mill and fill) of Interstate Route 75 within the City of Piqua.

**SEC. 1: Project Description**

WHEREAS, the State has identified the need for the described project:

This project proposes the four-lane resurfacing (mill and fill) with minimal shoulder work and guardrail upgrade on Interstate Route 75 from 0.42 mile north of the junction of County Road 15 (straight line mileage 14.15), plus or minus, to 0.95 miles north of the Piqua North Corporation Limit (straight line mileage 18.90), plus or minus, in the City of Piqua, Miami County, Ohio. Said project improvement further identified as **MIA-IR75-14.15**.

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.2: Consent Statement**

Being in the public interest, the LPA (City of Piqua) gives consent to the Director of Transportation in the above-described project as follows:

**SEC. 3: Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The LPA has no obligation for costs for the project as described in Section I. ODOT will provide all Federal-aid and State funds as set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the LPA also agrees to pay One-Hundred (100%) of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the City.

The City shall adjust any existing castings, as require, with City forces.

SEC. 4: Utilities and Right-Of-Way Statement

The LPA agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SEC. 5: Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for such maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SEC. 6: Authority to Sign

The City Manager of the City of Piqua is hereby empowered on behalf of the City of Piqua to enter into agreements with the Director of Transportation necessary to complete the above-described project.

SEC. 7: 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



# City of Piqua, Ohio

## Engineering Department

Phone 937-778-2044 ♦ Fax 937-778-5165

---

July 28, 2009

### MEMORANDUM

TO: Frederick E. Enderle

**RE: Request For Consent Legislation  
ODOT Resurfacing Of Interstate Route 75 through Piqua beginning  
approximately 0.42 miles north of the junction of County Road 15 to  
approximately 0.95 miles north of the Piqua North Corporation Limit.  
No financial participation requested by the City Of Piqua**

Enclosed please find a letter from Bradley Lightle, Transportation Planning and Programs Administrator for ODOT District 7, making request for the above referenced consent legislation.

The City of Piqua will not have any financial involvement in this project. However, ODOT requires the permission of the local entity prior to commencement of work within that entity. The project is scheduled for State Fiscal Year 2015.

The Engineering Department will work with ODOT and keep the Commission apprised of any changes as the project approaches construction.

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

Respectfully submitted,

Amy L. Havenar, P.E.

ALH/jc

Enclosure



OHIO DEPARTMENT OF TRANSPORTATION  
1001 St. Marys Ave., Sidney, OH 45365 ~ (937) 492-1141 ~ Fax (937) 497-9734  
Governor Ted Strickland Director Jolene M. Molitoris  
District Deputy Director Rex Dickey, P. E., P. S.  
<http://www.dot.state.oh.us/dist7>

March 25, 2009

Amy L. Havenar, P.E.  
City Engineer  
201 West Water Street  
Piqua, Ohio 45356

RE: **MIA-IR75-14.15, PID #24998**  
**Preliminary Legislation – Consent**  
**Resurfacing Project**



Dear Ms. Havenar:

The Ohio Department of Transportation is proposing a four-lane resurfacing (mill and fill) project with minimal shoulder work and guardrail upgrade on Interstate Route 75 from approximately 0.42 mile north of the junction of County Road 15 to approximately 0.95 mile north of Piqua North Corporation Limit, in Miami County, Ohio. This project is scheduled for Bid Letting in State Fiscal Year 2015.

Since a portion of this project is within the corporation limits of the City of Piqua, it will be necessary that we obtain CONSENT legislation from the City. We are enclosing three (3) copies of an Ordinance/Resolution which shall require action by the City Council.

In completing the forms, please be sure to indicate the Ordinance/Resolution Number in the upper right-hand corner of Page 1. You will note in Section VI, the designated Contractual Officer's signature must appear on Page 3 in the space provided for Contractual Officer, as well as in the space on Page 2 for Officer of City. A Councilman or the Clerk should attest to both. If the City has no President of Council, please write the word "SAME" in quotes in that space indicating the Mayor acts as President of Council. Also, on Page 3 in the "Certificate of Copy", please be sure to fill in Ordinance/Resolution Record Number and Page Number. If the Clerk has a seal, it should be affixed to the "Certificate of Copy". **If there is no seal**, a letter stating that the City does not have a seal should accompany the executed legislation.

Please note we are asking for no financial participation from the City. In addition, for clarification of "Section V – Maintenance, item (2)", ODOT will retain the maintenance responsibility of Interstate Route 75 within the City.

When the legislation has been properly executed and all **inked original** signatures affixed, please return all three (3) originals to the District Seven address shown above, Attention: Marlene Tekamp, **no later than September 30, 2009**. After the Director of the Ohio Department of Transportation has signed all copies, one original will be returned to the City.

The executed legislation must be in our office as soon as possible so it can be forwarded to Columbus and we can continue to complete project programming. Our Columbus office will not schedule a sale date for the project until completed legislation is received.

If you have any questions, please feel free to contact this office. Your cooperation in this matter is greatly appreciated.

Respectfully,

Bradley A. Lightle, P.E.  
Transportation Planning and Programs Administrator

BAL:mht  
Enclosures (3)

c: file w/att.

**RESOLUTION NO. R-73-09**

**A RESOLUTION APPOINTING ONE MEMBER TO  
THE ENERGY BOARD**

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: Rodney Young is hereby appointed as a member of the Energy Board to fill the unexpired term of George T. Ashton for a five-year term to expire on February 28, 2014 or until his successor is confirmed and qualified;

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

THOMAS D. HUDSON, MAYOR

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

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

**RESOLUTION NO. R-74-09**

**A RESOLUTION APPOINTING ONE MEMBER TO  
THE ENERGY BOARD**

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: Jim Froning is hereby appointed as a member of the Energy Board for a five-year term to expire on February 28, 2014 or until his successor is 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