

7. **ORD. NO. 15-09**
(1st Reading) An Ordinance to levy special assessments to pay for the cost of nuisance abatement assessments
8. **RES. NO. R-75-09** A Resolution relating to the application for annexation of certain real property to the City
9. **RES. NO. R-76-09** A Resolution authorizing the Law Director to petition the Board of County Commissioners of Miami County, Ohio for a change in the boundary lines of Washington Township

ADJOURN

**MINUTES
PIQUA CITY COMMISSION
AUGUST 3, 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.

**OATH OF OFFICE PIQUA FIRE DEPARTMENT
CAPTAIN KEVIN GANGER**

Law Director Stacy Wall administered the Oath of Office for Fire Captain in the Piqua City Fire Department to Kevin Ganger

REGULAR CITY COMMISSION MEETING

APPROVAL OF MINUTES

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the Regular City Commission Meeting of July 20, 2009 be approved. Voice vote, Aye: Hudson, Terry, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously.

ORD. NO. 8-09 (3rd 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 third reading for Ordinance No. 8-09 that would amend the pay classification schedules for non-bargaining unit professional and administrative employees.

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 adopted. Voice vote, Aye: Martin, Terry, Hudson, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 8-09 adopted.

ORD. NO. 9-09 (3rd Reading)

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

City Manager Enderle stated this is the third 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.

Public Comment

No one came forward to speak for or against Ordinance No. 9-09.

Law Director Stacy Wall explained where the amendments were made in the Ordinance.

Moved by Commissioner Vogt, seconded by Commissioner Terry, to adopt Ordinance No. 9-09. Voice vote, Aye: Martin, Hudson, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 9-09 adopted.

ORD. NO. 10-09

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter sections 121-122 and 127 the Recall

Law Director Stacy Wall recognized the Charter Review Committee members, and outlined the recommendations that were made by the Committee. There are twenty-one changes recommended by the Charter Review Committee, and because of the number of changes, the Committee prioritized the charter changes, grouping them into three groups. The recommended changes will go to the voters in three separate elections, said Ms. Wall. The amendments to be placed on the ballot in the November 2009 election are as follows: 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; and in Section 135 Amendments.

Amendments to be placed on the Ballot on the 2010 Spring Election are as follows: Section 3 The Commission, Powers, Election, Term, Vacancies; Section 4 Meetings of Commission; Section 33 Commission Not to Interfere in Appointments or Removals.

Amendments to go on the Ballot on the November 2010 General Election are as follows: 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 Qualification and Duties of Director of Law; Section 66 Police Force; and Section 68 Fire Force.

Frank Patrizio, N. Sunset Drive, Chairman of the Charter Review Committee, gave a brief explanation on the Charter Review Committee findings, the proposed amendments, and explained the reason for not putting all of the amendments on the ballot at one time. Mr. Patrizio further stated he felt everything went very well in the various meetings, and stated he enjoyed working with all involved.

Commissioner Fess thanked the Charter Review Committee members for doing an outstanding job and stated the recommended changes take away a lot of the gray area in the Charter.

Commissioner Terry stated the Charter Review Committee cleaned up the language in the Charter that was needed, and now it is much easier to understand.

Commissioner Martin commended the Charter Review Committee on a job well done.

Commissioner Vogt stated he knew the Charter Review Committee would do a good job by being open to suggestions from the public, and working from their suggestions to make the amendments.

There was discussion on the time frame the Commission has to pass the ordinances in order to have enough time to get them adopted, and to the Board of Elections by the deadline for the November 2009 election.

Public Comment

Chuck Starrett, Demming Road, commended the City Commission on the selection of the Charter Review Committee, and thanked the Committee for clearing up the language.

Joe Francis, W. Parkway Drive, inquired about the litigation portion of the amendments. Law Director Wall explained the changes.

Moved by Commissioner Vogt, seconded by Commissioner Terry, to give Ordinance No. 10-09 a first reading.

ORD. NO. 11-09

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter sections 14, 16, 21, 25, 27-29 Initiative and Referendum Process

Public Comment

No one came forward to speak for or against Ordinance No. 11-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to give Ordinance No. 11-09 a first reading.

ORD. NO. 12-09

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter section 135 Miscellaneous Provisions

Public Comment

No one came forward to speak for or against Ordinance No. 12-09.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Ordinance No. 12-09 be given a first reading.

RES. NO. R-69-09

A Resolution awarding a contract to Hull & Associates, Inc. for the facilitation activities associates with forming a Community Advisory Committee (CAC) as recommended in the Raw Water Engineering Study

City Engineer Amy Havenar explained the scope of the work will include the development of the Community Advisory Committee (CAC) in which Hull and Associates will facilitate quarterly CAC meetings throughout the first year. Hull and Associates will also serve as an advisor conducting meetings with the City to discuss plans to apply for grant funding.

Commissioner Fess inquired as to the number of citizens that signed up to be on the Committee, and the focus of the Committee. Ms. Havenar stated they had about 30 names on the list, and explained how the committee would work based on the study of the Water System.

Commissioner Martin asked if after the first year working with Hull and Associates would the City be self-sustaining. Ms Havenar stated yes, the City would take over the project after the first year.

Public Comment

No one came forward to speak for or against Resolution No. 69-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-69-09 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-69-09 adopted.

RES. NO. 70-09

A Resolution establishing a Community Advisory Committee (CAC) as recommended in the Raw Water Engineering Study

City Engineer Amy Havenar explained this resolution will authorize Hull and Associates to 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 the Ohio EPA and a representative of Hull and Associates. The CAC shall not exceed twenty-five members, and the City has a list of the citizens who will be contacted based upon their interest expressed at the June 11, 2009 public meeting, said Ms. Havenar.

Commissioner Terry stated the citizens that signed the list at the Jun 11, 2009 public meeting are residents of the area, and should be included on the Committee.

Commissioner Fess stated the neighbors and residents along the waterways have been waiting a long time for this work to be done, and have a general interest in what the plans are.

Public Comment

No one came forward to speak for or against Resolution No. R-70-09.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-70-09 be adopted. Voice vote, Aye: Hudson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-70-09 adopted.

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

Public Comment

No one came forward to speak for or against Resolution No. R-71-09.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-71-09 be adopted. Voice vote, Aye: Vogt, Martin, Fess, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson declared Resolution No. R-71-09 adopted.

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

Public Comment

No one came forward to speak for or against Resolution No. R-72-09.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-72-09 be adopted. Voice vote, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay, None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-72-09 adopted.

RES. NO. R-73-09

A Resolution appointing one member to the Energy Board

Public Comment

No one came forward to speak for or against Resolution No. R-73-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. 73-09 be adopted. Voice vote, Aye: Terry, Fess, Martin, Hudson, and Vogt, Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-73-09 adopted.

RES. NO. R-74-09

A Resolution appointing one member to the Energy Board

Public Comment

No one came forward to speak for or against Resolution No. R-74-09.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-74-09 be adopted. Voice vote, Aye: Fess, Vogt, Martin, Terry, and Hudson. Nay, None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-74-09 adopted.

Other

Monthly Reports – June 2009

Monthly Reports for the month of June 2009 were accepted.

Public Comment

Kevin Pryfogle, N. Downing Street, voiced his concern about a broken storm drain at the corner of Ash and Downing Streets, and inquired as to the status of the Intersection Improvement Study.

City Manager Enderle stated he would have someone check on the broken storm drain. City Engineer Amy Havenar gave a brief update on the status of the Intersection Improvement Study, stating it should be ready to come before the Commission at the next meeting.

Commissioner Vogt stated the 5th Annual Car Show was held on Saturday, August 2, and was a huge success with over 150 cars participating. Commissioner Vogt thanked all who donated items and services, and the many visitors who attended. Comments were made from visitors who have been to the previous car shows stating the town has really made some nice improvements over the last five years.

Commissioner Vogt thanked Parks and Recreation Director Rob Stanford for his help and support of the car show. Next year the car show will be held at Fountain Park due to the second phase of the reconstruction project on State Route 66, stated Commissioner Vogt.

Commissioner Martin reminded citizens to check the curb area in front of their homes for weeds and to keep the area clean. Commissioner Martin asked if it would be possible for the city to patch & fill some of the really bad streets in the city. Commissioner Martin stated he attended the car show on Saturday, and enjoyed talking with people and looking at the cars.

Commissioner Fess stated she received an email on Cultural Happenings, and on Ohio Traveler.com, a web-based tourism site that features happenings in Ohio they have put together a video on Piqua which is very nice, and encouraged citizens to go on line to view it. Commissioner Fess thanked Diana Thompson of the Miami County Visitors Bureau for helping to showcase the City of Piqua. It was stated that a link would be added to the Piqua website for citizens to go online to view the video.

Commissioner Terry inquired about several traffic lights in the 4th Ward, and the use of the street sweeper in the 900 block of Caldwell Street. Commissioner Terry stated she was at the site when the "weevils" were introduced in the waterways and hopes they are hungry. Commissioner Terry commented on the much-improved appearance of the old Piqua Memorial Hospital demolition site, and inquired about farm tractors towing trailers through the city streets.

Commissioner Terry also commended Commissioner Vogt and Rob Stanford, Parks & Recreation Supervisor on the great job they did with the Annual Car Show again this year, and thanked all who volunteered and supported them. Commissioner Terry stated she wanted to thank everyone who took the time to help out with the traffic study on the Bike Path. Last, but not least, Commissioner Terry thanked the Distribution Department for painting the power pole on McCulloch Square that she mentioned at the July 20, 2009 Piqua City Commission Meeting.

Jeff Lange, President of POWW, gave a brief overview of the cleanup of the waterways. Mr. Lange stated 141 volunteers removed 12,780 lbs, and 149 tires this time. In the last six years a total of over 93,000 lbs, of trash & debris has been removed from the local waterways, and Mr. Lange thanked all the participants for their hard work and donations over the years.

Mr. Lange voiced his concern over the Raw Water Study, and the water quality of Swift Run at times, and feels Atrazine running off of the farmer's fields is a problem. Mr. Lange further stated he is concerned about the water samplings, and the number of times they are taken.

Mr. Lange also voiced his concern about the bike path, and asked if Police Patrol could be stepped up along the bike path, and if it would be possible to put more trash containers along the path to help with the litter.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission at 8:35 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. 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

1st Reading-August 3, 2009

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.

<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 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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<u>1.</u>			<u>Y/N</u>
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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

1st Reading - August 3, 2009

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.

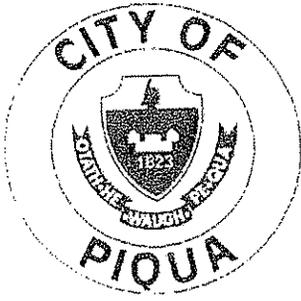
THOMAS D. HUDSON, MAYOR

1st Reading – August 3, 2009

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK



LAW DEPARTMENT

Stacy M. Wall – Law Director
201 West Water Street * Piqua, Ohio 45356
(937) 778-2042 - FAX (937) 778-2043
E-Mail: 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

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 30th, May 11th and 18th, June 8th and 30th and July 20th. 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

ORDINANCE NO. 13-09
AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2009

Whereas, Section 5705.38 empowers the municipal legislative authority to pass supplemental appropriations measures as it finds necessary; and therefore:

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

<u>ACCOUNT</u>	<u>2009 APPROPRIATIONS</u>	<u>2009 SUPPLEMENT</u>	<u>2009 REVISED APPROPRIATIONS</u>
Fund 001 General Fund			
<u>City Commission</u>			
Operation and Maintenance	\$42,238	\$850	\$43,088
<u>Civil Service</u>			
Operation and Maintenance	\$31,300	\$12,700	\$44,000
<u>Planning & Zoning</u>			
Non Government/Transfers/Refunds	\$0	\$100	\$100
<u>General Government</u>			
Operation and Maintenance	\$1,412,990	\$1,099,875	\$2,512,865
Non Government/Transfers/Refunds	\$0	\$65	\$65
TOTAL	\$1,412,990	\$1,099,940	\$2,512,930
<u>Income Tax</u>			
Personal Services/Administrative Support	\$210,849	(\$10,000)	\$200,849
Operation and Maintenance	\$188,299	\$10,000	\$198,299
TOTAL	\$399,148	\$0	\$399,148
<u>Transfers</u>			
Transfer to NIT Fund 104	\$144,700		\$144,700
Transfer to Parks Fund 105	\$332,000		\$332,000
Transfer to Safety Fund 106	\$3,931,000		\$3,931,000
Transfer to Forest Hill Mausoleum Fund 110	\$65,240		\$65,240
Transfer to Pro Piqua Fund 128	\$41,648		\$41,648
Transfer to Building Facility Bonds Fund 248	\$535,270		\$535,270
Transfer to Hotel Debt Service Fund 252	\$355,040		\$355,040
Transfer to Great Miami Trails Fund 303	\$0	\$28,000	\$28,000
Transfer to Golf 409	\$100,665		\$100,665
Transfer to Ft. Piqua Plaza 410	\$110,400		\$110,400
Transfer to Swimming Pool Fund 415	\$82,963		\$82,963
TOTAL	\$5,698,926	\$28,000	\$5,726,926
Fund 101 Street Maintenance Fund			
Operation and Maintenance	\$1,049,447	\$150,000	\$1,199,447
Capital	\$0	\$106,511	\$106,511
TOTAL	\$1,049,447	\$256,511	\$1,305,958
Fund 103 Street Income Tax Fund			
Capital Outlay (including labor)	\$1,898,058	\$100,000	\$1,998,058
Fund 105 Parks and Recreation Fund			
Operation and Maintenance	\$270,217	(\$32,000)	\$238,217
Capital Outlay no labor	\$0	\$32,000	\$32,000
Non Government/Transfers/Refunds	\$0	\$205	\$205
TOTAL	\$270,217	\$205	\$270,422
Fund 106 Public Safety Fund			
<u>009 Fire Department</u>			
Operation and Maintenance	\$385,106	\$6,268	\$391,374
<u>014 Police Department</u>			

Operation and Maintenance	\$594,190	\$53,408	\$647,598
Capital Outlay (including labor)	\$145,000	\$32,000	\$177,000
Non-Government/Transfers/Refunds	\$16,904	\$67	\$16,971
TOTAL	\$756,094	\$85,475	\$841,569
TOTAL PUBLIC SAFETY	\$1,141,200	\$91,743	\$1,232,943
Fund 114 Renew Piqua Fund			
Operation and Maintenance	\$6,000	\$3,000	\$9,000
Fund 118 NSP Fund			
Operation and Maintenance	\$0	\$373,000	\$373,000
Fund 122 Community Development Block Grant Fund			
Operation and Maintenance	\$88,400	(\$16,582)	\$71,818
Capital Outlay (including labor)	\$64,800	\$16,582	\$81,382
TOTAL	\$153,200	\$0	\$153,200
Fund 130 Revolving Loan Fund			
Operation and Maintenance	\$10,250	\$19,750	\$30,000
Fund 139 FEMA Fund			
Personal Services/Administrative Support	\$95,000	\$24,293	\$119,293
Fund 142 Agricultural Revolving Loan Fund			
Operation and Maintenance	\$0	\$90,000	\$90,000
Fund 301 Hotel Rehabilitation Fund			
Personal Services/Administrative Support	\$6,201	\$27,505	\$33,706
Operation and Maintenance	\$53,350	\$8,900	\$62,250
Non Government/Transfer/Refunds	\$175,000	\$225,000	\$400,000
TOTAL	\$234,551	\$261,405	\$495,956
Fund 302 North Co 25A Reconstruction Fund			
Operation and Maintenance	\$0	\$195,000	\$195,000
Capital outlay (includes labor)	\$0	\$120,000	\$120,000
TOTAL	\$0	\$315,000	\$315,000
Fund 303 Great Miami Recreational Trail Fund			
Operation and Maintenance	\$180,000	(\$82,268)	\$97,732
Capital outlay (includes labor)	\$120,000	\$28,580	\$148,580
TOTAL	\$300,000	(\$53,688)	\$246,312
Fund 323 Swimming Pool Construction Fund			
Non Government/Transfers/Refunds	\$25	\$15	\$40
Fund 403 Water System Fund			
Personal Services/Administrative Support	\$1,205,783	\$25,000	\$1,230,783
Operation and Maintenance	\$1,704,632	\$75,500	\$1,780,132
Capital Outlay (including labor)	\$270,300	\$4,012	\$274,312
Overhead Transfers	(\$10,912)	\$0	(\$10,912)
Non Government/Transfers/Refunds	\$142,529	\$1,219	\$143,748
TOTAL	\$3,312,332	\$105,731	\$3,418,063
Fund 409 Golf Course Fund			
Personal Services/Administrative Support	\$284,618	\$4,000	\$288,618
Fund 410 Fort Piqua Plaza Fund			
Non Government/Transfers/Refunds	\$0	\$1,500	\$1,500
Fund 413 Utilities Business Office Fund			
Personal Services/Administrative Support	\$463,840	(\$12,000)	\$451,840
Operation and Maintenance	\$348,766	\$12,000	\$360,266
TOTAL	\$812,606	\$0	\$812,106

SEC. 64: That the sums appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2009. Future commitments representing encumbrances of fund balance

or future receipts will be appropriated in the future year when those services or goods are rendered to the city.

SEC. 65: That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.

SEC. 66: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2009 when passed and legally contracted for in conformity by law.

SEC. 67: That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed \$650,000 in the aggregate nor extend past December 31, 2009; except those that are to be reimbursed by federal or state grant programs that were previously approved by this Commission.

SEC. 68: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

SEC. 69: That this ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and shall take effect and be in force from and after passage.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION
AMENDED

Ordinance 13-09 Revised Appropriation Comparison to Original

General Fund (001)

City Commission			
Operation and Maintenance	\$	850	Greater Dayton Mayor Association
Civil Service			
Operation and Maintenance	\$	12,700	Additional Civil Service Exams
Planning & Zoning			
Non Government/Transfers/Refunds	\$	100	Refund
General Government			
Operation and Maintenance	\$	1,099,875	Project Completion to 2009
Non Government/Transfers/Refunds	\$	65	Unclaimed trust writeoff
Income Tax			
Personal Services/Administrative Support	\$	(10,000)	Temp Services
Operation and Maintenance	\$	10,000	Temp Services
Transfers from General Fund to other funds			
Transfer to Great Miami Trails Fund 303	\$	28,000	Bridge Cost
Net Increase to General Fund			
	<u>\$</u>	<u>1,141,590</u>	

Streets (101)

Operation and Maintenance	\$	150,000	Resurfacing
Capital	\$	106,511	Shawnee Pump Station, GIS
Total Streets (101)	<u>\$</u>	<u>256,511</u>	

Street Income Tax Fund (103)

Capital	\$	100,000	Resurfacing
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Parks & Recreation (105)

Operations & Maintenance	\$	(32,000)	Change in use from repairs to capital based on Grant received funds
Capital	\$	32,000	
Non-Government Transfers	\$	205	Tennis Refunds due to class being cancelled
Total Parks (105)	<u>\$</u>	<u>205</u>	

Safety (106)

Fire Department			
Operation and Maintenance	\$	6,268	Bond Issuance Costs
Police Department			
Operation and Maintenance	\$	53,408	Lundgard Grant, Tactical Team & ARRA Grant
Capital	\$	32,000	Fire Arms Simulation Grant
Non-Government/Transfer/Refunds	\$	67	Refunds
Total Safety (106)	<u>\$</u>	<u>91,743</u>	

Renew Piqua Fund (114)

Operation and Maintenance	\$	3,000	New donations ability to spend
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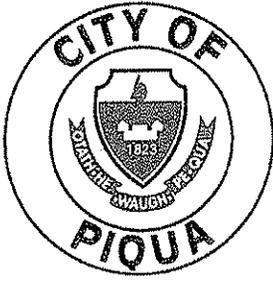
NSP Fund (118)

Operation and Maintenance	\$	373,000	Federal Grant thru County
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Community Development Block Grant Fund (122)

Operation and Maintenance	\$	(16,582)	Reclassification of tear down to capital
Capital	\$	16,582	
Total CDBG (122)	<u>\$</u>	<u>-</u>	

Revolving Loan Fund (130) Operation and Maintenance	\$	19,750	Additional funds to use for Loans
FEMA Fund (139) Personal Services/Administrative Support	\$	24,293	like storm damage transfer for last year
Agricultural Revolving Loan Fund (142) Operation and Maintenance	\$	90,000	New Grant Awarded
Hotel Rehabilitation Fund (301) Personal Services	\$	27,505	Project Expense thru Sept.
Operation and Maintenance	\$	8,900	Audit and Tax
Non Government/Transfers/Refunds	\$	225,000	Timing of Reimbursements
Total Hotel Rehabilitation Fund (301)	\$	261,405	
North Co 25A Reconstruction Fund (302) Operation and Maintenance	\$	195,000	
Capital	\$	120,000	Carryover of project from 2008
Total N Co 25A Reconstruct. Fund (302)	\$	315,000	
Great Miami Recreational Trail (303) Operations and Maintenance	\$	(82,268)	Project Revisions
Capital	\$	28,580	
Total Great Miami Rec. Trail (303)	\$	(53,688)	
Swimming Pool Construction Fund (323) Non Government/Transfer/Refunds	\$	15	Use of funds
Water System Fund (403) Personal Services/Administrative Support	\$	25,000	Unanticipated Retirement
Operation and Maintenance	\$	75,500	Professional Services, Weevils, Unanticipated Repairs
Capital	\$	4,012	Riverside Dr.
Non Government/Transfers/Refunds	\$	1,219	refund-duplicate Tap Fee
Total Water System Fund (403)	\$	105,731	
Golf Course Fund (409) Personal Services/Administrative Support	\$	4,000	Healthcare
Fort Piqua Plaza (410) Non Government/Transfers/Refunds	\$	1,500	Refunds
Utilities Business Office Fund (413) Personal Services/Administrative Support	\$	(12,000)	Use of Account Temps
Operation and Maintenance	\$	12,000	
Total Utilities Business Office Fund (413)	\$	-	
Overall Total	\$	2,734,055	
Break Down of Total			
Grants & Reimbursements	\$	820,451	
Project Carryovers to 2009		1,538,371	
Unanticipated Expenses/Refunds		375,233	
Total	\$	2,734,055	



FINANCE DEPARTMENT

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

MEMORANDUM

TO: Frederick E. Enderle, City Manager
FROM: Cindy Holtzapple, Finance Director *CH*
RE: Ordinance 13-09 – Revising 2009 Appropriations
DATE: August 12, 2009

+++++

Due to the success of many grants being awarded as well as unanticipated repairs, expenses and capital replacements our 2009 expenditures in some departments are anticipated to exceed previously approved appropriations in the near future. In addition, in several funds, unused balances now need to be appropriated for use in 2009. We have reviewed various areas to date and are requesting for Commission approval on the following supplemental 2009 appropriation to meet those needs. Expenditure levels will continue to be reviewed and monitored throughout the upcoming months and any additional adjustments will be requested in the final 2009 appropriation.

I have included a summary listing of the changes so that you could easily identify what is different from the original ordinance. Based on the desire and need for the departments to spend the grant money, I request that the three reading rule be waved and ordinance 13-09 be passed on an emergency basis on August 17, 2009.

Thank you for your consideration. I would be glad to answer any additional questions that you may have.



ORDINANCE NO. 14-09

**AN ORDINANCE AMENDING CHAPTER 131
OFFENSES AGAINST PROPERTY**

WHEREAS, Chapter 131 of the Piqua Municipal Code establishes offenses against property including alcohol and drug offenses; and

WHEREAS, the Ohio Revised Code does not cover drug offenses where the drug is not a scheduled drug as defined by the Federal Food, Drug and Cosmetic Act or possession of dangerous drugs not in the proper prescription container; and

WHEREAS, there is a significant amount of drugs on the street that are encountered and individuals possessing dangerous drugs need to be held accountable.

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 131 of the Piqua Municipal Code as set forth below:

§ 131. __ DANGEROUS DRUGS.

(A) No person, other than a registered wholesale distributor of dangerous drugs, a licensed terminal distributor of dangerous drugs, a manufacturer of dangerous drugs, a pharmacist, a practitioner, or carriers or warehousemen but only for the purpose of carriage or storage, for any of the foregoing, shall have in such person's possession any prescription drug, except those obtained pursuant to a prescription or dispensed by a practitioner.

(B) Proof of possession of a prescription drug, other than in a container labeled to indicate the date of sale, the name and address of the person for whom the drug was prescribed, instructions for taking, and the name of the pharmacy where sold, together with the prescription number, shall constitute prima facie evidence of a violation of this section.

(C) For the purpose of this section, the term "prescription drug" shall mean:

- (1) Any drug which, under the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and

- pursuant to Chapters 3715 and 3719 of the Ohio Revised Code, may be dispensed only upon a prescription; or
- (2) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body; or
 - (3) Any drug listed within the standard pharmaceutical reference manual as defined in 2925.01(M) of the Ohio Revised Code which may be dispensed only upon a prescription; or
 - (4) Any drug or drug product the commercial package of which bears a label containing the legend, "Caution: Federal Law Prohibits Dispensing Without Prescription" or "Federal Law Restricts This Drug To Use by or on the Order of a Licensed Veterinarian" or any similar restrictive statement.

(D) For the purpose of this section, the term "prescription" shall have the meaning ascribed to it in Section 4729.01(H) of the Ohio Revised Code.

(E) For the purpose of this section, the term "person," "terminal distributor of dangerous drugs," "registered wholesale distributor of dangerous drugs," "manufacturer of dangerous drugs," "practitioner," "pharmacist," and "prescription" shall have the meanings ascribed to them in Ohio Revised Code section 4729.01.

(F) Whoever violates this section shall be guilty of possessing a prescription drug, a misdemeanor of the first degree.

SECTION 2. All other sections of Chapter 131 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.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK

ORDINANCE NO. 15-09

**AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS
TO PAY FOR THE COST OF NUISANCE ABATEMENT
ASSESSMENTS**

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: The assessment of the cost and expense of improving a certain lot, as herein set out, by nuisance abatement on said property, as reported to this Commission in Exhibit "A" attached hereto, are hereby adopted and confirmed, and that there be and is hereby levied and assessed upon the lot improved by the aforementioned nuisance abatement, the amount reported as aforesaid which assessment, together with the description of said lot is now on file in the office of the Clerk of this Commission and in the office of the Director of Finance and is not in excess of the special benefits to said property, and is not in excess of a statutory limitation.

SEC. 2: The total assessment against said lot shall be payable in cash or at the option of the owner, in two equal semiannual installments. All cash payments of assessments and installments shall be made to the Director of Finance. All assessments and installments thereof remained unpaid shall be certified by the Clerk of this Commission to the County Auditor, as provided by law, to be by him placed on the tax duplicate and collected as other taxes are collected. Said assessment shall include the cost of publishing and serving of any and all notices, ordinances and resolutions required.

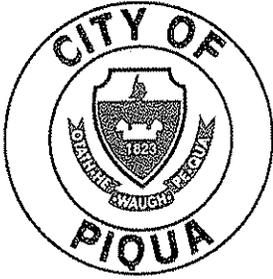
SEC. 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



FINANCE DEPARTMENT

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E-Mail: choltzapple@piquaoh.org

August 14, 2009

Mr. Fred Enderle,
City Manager

Reference: Special Assessments for Nuisance Abatement and Weed Cutting

I am requesting this ordinance be placed on the agenda for the City Commission meeting of August 17, 2009. This is for authorization to certify the unpaid billings for property maintenance, property demolition, mowing, trimming or trash removal by the City to the County Auditor's office to be placed on the property tax duplicate. The total amount of \$44,364.94 will be assessed for collection in two installments during the year of 2010.

We have sent billings to the property owners and are accepting payments in the Finance office through September 2, 2009. Assessments must be to the County Auditor's Office by September 14, 2009; therefore, we are requesting this as the first reading with passage by City Commission on September 8, 2009.

If you need additional information, please let me know.

Sincerely,

Cynthia A. Holtzapple,
Director of Finance



2009 NUISANCE ABATEMENT & CIVIL FINE ASSESSMENTS
EXHIBIT "A"

	INVOICE	LOCATION	LOT NO.	PARCEL	TYPE	AMOUNT	DUE	DUE
	NO.			NO.			DEC 2009	JUNE 2010
Absolute Construction	003-09	408 N. Wayne St.	84	N44002230	Maint.	\$81.00	\$40.50	\$40.50
Ann Wead	002-09	114 Cassell St.	1459	N44022330	Maint.	\$215.00	\$107.50	\$107.50
Ann Wead	090-09	114 Cassell St.	1459	N44022330	Grass	\$105.00	\$52.50	\$52.50
Anne Wead	153-08	114 Cassell St.	1459	N44022330	Grass	\$60.00	\$30.00	\$30.00
Atlantic Coast House	091-09	218 E. Water St.	143	N44000020	Grass	\$52.50	\$26.25	\$26.25
B First Properties	178-08	8866 N. Cty. Rd. 25A	7432	N44073890	Grass	\$130.00	\$65.00	\$65.00
Barbara Brumbaugh	071-09	N. Cty. Rd. 25A	8657	N44078446	Grass	\$87.50	\$43.75	\$43.75
Bethany Enos	079-09	810 W. Water St.	1326	N44020650	Grass	\$70.00	\$35.00	\$35.00
Brar Gursewak	085-09	1241 E. Ash St.	6908	N44072750	Grass	\$140.00	\$70.00	\$70.00
Brar Gursewak	093-09	1241 E. Ash St.	6908	N44072750	Maint.	\$305.00	\$152.50	\$152.50
Brent Hoes	126-08	1513 Forest Ave.	2002	N44027650	Trash	\$115.00	\$57.50	\$57.50
BWC Enterprises LLC	096-09	918 Washington Ave.	1778	N44026080	Trash	\$75.00	\$37.50	\$37.50
BWC Enterprises LLC	154-08	918 Washington Ave.	1778	N44026080	Grass	\$60.00	\$30.00	\$30.00
Carmen Barhorst	004-09	1530 Washington Ave.	2005	N44027680	Demo	\$2,535.00	\$1,267.50	\$1,267.50
Carnes Investments	010-09	715 S. Downing St.	753	N44013020	Grass	\$70.00	\$35.00	\$35.00
Carnes Investments	024-09	715 S. Downing St.	753	N44013020	Trash	\$55.00	\$27.50	\$27.50
Carnes Investments	005-09	530 Cottage Ave.	2122	N44028900	Trash	\$95.00	\$47.50	\$47.50
Carnes Investments	142-08	739 South St.	5278	N44058700	Trash	\$155.42	\$77.71	\$77.71
Charles Sherwood	040-09	1139 Covington Ave.	2247	N44030150	Grass	\$70.00	\$35.00	\$35.00
Church of Jesus	175-08	400 block of Wood St.	591-595	N44028481	Grass	\$77.50	\$38.75	\$38.75
Citifinancial Inc.	047-09	414 Camp St.	287	N44006195	Grass	\$70.00	\$35.00	\$35.00
Citimortgage Inc.	037-09	501 Caldwell St.	331	N44006880	Grass	\$105.00	\$52.50	\$52.50
Clyde Kiefer	011-09	618 Beverly Dr.	6125	N44066990	Grass	\$105.00	\$52.50	\$52.50
CSX Transportation	028-09	S. Roosevelt Ave.	4740	N44999101	Trash	\$140.00	\$70.00	\$70.00
Dale Tiderington	057-09	815 Vine St.	175	N44027230	Grass	\$70.00	\$35.00	\$35.00
Danielle Bianchi	001-09	317 Riverside Dr.	4426 35	N44050720	Maint.	\$162.00	\$81.00	\$81.00
Danielle Bianchi	155-08	317 Riverside Dr.	4426	N44050720	Grass	\$68.75	\$34.38	\$34.38
Darla Liette	026-09	434 E. Ash St.	466	N44009030	Trash	\$80.00	\$40.00	\$40.00
Darla Liette	048-09	434 E. Ash St.	466	N44009030	Grass	\$122.50	\$61.25	\$61.25
Dayton Power & Light Co.	138-08	Clark Ave.		N44400142	Grass	\$130.00	\$65.00	\$65.00
Dayton Power & Light Co.	149-08	Clark Ave.		N44400142	Grass	\$95.00	\$47.50	\$47.50
Debra Adams	073-09	222 E. High St.	4	N44000120	Grass	\$70.00	\$35.00	\$35.00
Delmar Crowell	032-09	707 McKinley Ave.	3103	N44038450	Grass	\$122.50	\$61.25	\$61.25
Delmar Crowell	058-09	707 McKinley Ave.	3103	N44038450	Grass	\$70.00	\$35.00	\$35.00
Delmar Crowell	083-09	707 McKinley Ave.	3103	N44038450	Maint.	\$152.50	\$76.25	\$76.25
Deutsche Bank National	097-09	222 First St.	3552	N44042750	Grass	\$87.50	\$43.75	\$43.75
Donald & Edith Lance	169-08	422 W. High St.	444-445	N44008550	Grass	\$60.00	\$30.00	\$30.00
Doug Liette	170-08	1106 S. Roosevelt Ave.	6545&4026	N44046950	Grass	\$60.00	\$30.00	\$30.00
Douglas & Edwin Liette	016-09	127 Morrow St.	2272	N44030400	Grass	\$87.50	\$43.75	\$43.75
Douglas & Edwin Liette	077-09	127 Morrow St.	2272	N44030400	Maint.	\$88.00	\$44.00	\$44.00
Dustin Huber	056-09	924 Linden Ave.	3172	N44039090	Grass	\$87.50	\$43.75	\$43.75
Dustin Shaffer	033-09	104 Second St.	3613	N44043410	Grass	\$122.50	\$61.25	\$61.25
Ed Liette	006-09	727 Young St.	2041	N44028030	Trash	\$60.00	\$30.00	\$30.00
Edward Weaver	102-09	E. Water St.	20	N44000590	Grass	\$70.00	\$35.00	\$35.00
Eric Barhorst	177-08	511 Park Ave.	268	N44005770	Grass	\$60.00	\$30.00	\$30.00
Erna Bondurant	080-09	134 S. Wayne St.	3461	N44041940	Maint.	\$70.00	\$35.00	\$35.00
Evelyn Kiefer	036-09	1714 Cambridge Ave.	6654	N44072085	Grass	\$70.00	\$35.00	\$35.00
Forest Martin	045-09	706 Leonard St.	2436	N44032030	Grass	\$70.00	\$35.00	\$35.00
Forest Martin	072-09	706 Leonard St.	2436	N44032030	Grass	\$135.00	\$67.50	\$67.50
Forest Martin	099-09	706 Leonard St.	2436	N44032030	Grass	\$535.00	\$267.50	\$267.50
Forest Martin	139-08	706 Leonard St.	2436	N44032030	Grass	\$77.50	\$38.75	\$38.75
Forest Martin	140-08	706 Leonard St.	2436	N44032030	Grass	\$235.38	\$117.69	\$117.69
Forest Martin	191-08	706 Leonard St.	2436	N44032030	Demo	\$10,955.00	\$5,477.50	\$5,477.50
Frank Pulfer	087-09	927-929 W. Greene St.	1583	N44023900	Grass	\$105.00	\$52.50	\$52.50
Fred Hall	131-08	630 Wood St.	1568	N44023710	Trash	\$65.00	\$32.50	\$32.50
Fred Hall	018-09	1312 South St.	2603	N44033500	Grass	\$152.50	\$76.25	\$76.25

**2009 NUISANCE ABATEMENT & CIVIL FINE ASSESSMENTS
EXHIBIT "A"**

	INVOICE	LOCATION	LOT NO.	PARCEL	TYPE	AMOUNT	DUE	DUE
	NO.			NO.			DEC 2009	JUNE 2010
Fred Hall	054-09	1312 South St.	2603	N44033500	Grass	\$535.00	\$267.50	\$267.50
Fred Hall	086-09	1312 South St.	2603	N44033500	Grass	\$535.00	\$267.50	\$267.50
Fred Hall	147-08	1312 South St.	2603	N44033500	Grass	\$152.50	\$76.25	\$76.25
Gary Jones	078-09	817 Elm St.	2725-26	N44034720	Maint.	\$105.00	\$52.50	\$52.50
Ginger Willcox	171-08	1624 Grant St.	5915	N44064880	Grass	\$86.25	\$43.13	\$43.13
Glen & Arlene Baker	189-08	906 Brice Ave.	2937	N44036760	Maint.	\$99.49	\$49.75	\$49.75
Glen Baker	159-08	508 Kift St.	2289	N44030570	Grass	\$60.00	\$30.00	\$30.00
Hope Chapel	012-09	624 Broadway	264	N44250450	Grass	\$140.00	\$70.00	\$70.00
Hope Chapel	063-09	624 Broadway	264	N44250450	Grass	\$152.50	\$76.25	\$76.25
HSBC Bank	009-09	611 Park Ave.	630	N44011240	Grass	\$70.00	\$35.00	\$35.00
Jan Pearce	070-09	506 Cleveland St.	3649	N44043880	Grass	\$87.50	\$43.75	\$43.75
Jeffery Simmons	041-09	418 First St.	4806	N44054750	Grass	\$140.00	\$70.00	\$70.00
Jessica Kays	136-08	410 Pinewood Ave.	5756	N44063360	Grass	\$60.00	\$30.00	\$30.00
John Probst	008-09	633 S. Downing St.	759	N44013140	Grass	\$552.50	\$276.25	\$276.25
John Probst	046-09	633 S. Downing St.	759	N44013140	Grass	\$552.50	\$276.25	\$276.25
John Probst	069-09	633 S. Downing St.	759	N44013140	Grass	\$535.00	\$267.50	\$267.50
John Probst	100-09	633 S. Downing St.	759	N44013140	Grass	\$535.00	\$267.50	\$267.50
John Probst	162-08	633 S. Downing St.	759	N44013140	Maint.	\$36.90	\$18.45	\$18.45
John Probst	164-08	633 S. Downing St.	759	N44013140	Grass	\$135.00	\$67.50	\$67.50
John Schwab	065-09	417 Broadway	450	N44008670	Trash	\$50.00	\$25.00	\$25.00
John W Spruance	157-08	1003 Covington Ave.	2229	N44029970	Grass	\$77.50	\$38.75	\$38.75
John W Spruance	181-08	1003 Covington Ave.	2229	N44029970	Grass	\$70.00	\$35.00	\$35.00
John W Spruance	180-08	1003 Covington Ave.	2229	N44029970	Trash	\$60.00	\$30.00	\$30.00
John Weigel	014-09	1804 Britton Dr.	6803	N44072621	Grass	\$70.00	\$35.00	\$35.00
John Weigel	052-09	1804 Britton Dr.	6803	N44072621	Grass	\$87.50	\$43.75	\$43.75
John Weigel	101-09	1804 Britton Dr.	6803	N44072621	Grass	\$135.00	\$67.50	\$67.50
Judith Buechter	150-08	317 Third St.	3606	N44043340	Grass	\$95.00	\$47.50	\$47.50
Julia & Douglas Melvin	050-09	123 South St.	575	N44010410	Grass	\$140.00	\$70.00	\$70.00
Julia & Douglas Melvin	137-08	123 South St.	575	N44010410	Grass	\$60.00	\$30.00	\$30.00
Kalisa Roark	094-09	337 Ellerman St.	1425	N44021970	Trash	\$50.00	\$25.00	\$25.00
Kelly Long	152-08	1215 Forest Ave.	1879	N44026810	Grass	\$165.00	\$82.50	\$82.50
Kent Lee	015-09	523 Cottage Ave.	821	N44013880	Grass	\$70.00	\$35.00	\$35.00
Kimberly Seger	039-09	601 Park Ave.	1081	N44017850	Grass	\$105.00	\$52.50	\$52.50
Lawrence Liette	034-09	1538 South St.	5860	N44064330	Grass	\$87.50	\$43.75	\$43.75
Lawrence Liette	075-09	1538 South St.	5860	N44064330	Maint.	\$88.00	\$44.00	\$44.00
Lori Hedberg	095-09	829 Camp St.	1674	N44024980	Trash	\$50.00	\$25.00	\$25.00
Louis Levan	049-09	525 Lindsey St.	4399	N44050460	Grass	\$70.00	\$35.00	\$35.00
Margo Gibson	060-09	829 W. Water St.	1345	N44020920	Grass	\$105.00	\$52.50	\$52.50
Mark Carnes	129-08	1117 Park Ave.	1693	N44025210	Trash	\$50.00	\$25.00	\$25.00
Mark Vondenberger	086-09	621 Gordon St.	7254	N44073321	Grass	\$87.50	\$43.75	\$43.75
Mary Atkins	019-09	358 Ellerman St.	2370	N44031320	Grass	\$87.50	\$43.75	\$43.75
Mary Atkins	051-09	358 Ellerman St.	2370	N44031320	Grass	\$105.00	\$52.50	\$52.50
Mary Atkins	081-09	358 Ellerman St.	2370	N44031320	Maint.	\$170.00	\$85.00	\$85.00
Mary Kindell	062-09	610 Boone St.	623	N44011110	Maint.	\$70.00	\$35.00	\$35.00
Mary Kindell	144-08	610 Boone St.	623	N44011110	Grass	\$42.50	\$21.25	\$21.25
Mary Kindell	059-09	427 McKinley Ave.	2614	N44033620	Grass	\$170.00	\$85.00	\$85.00
Mary Kindell	082-09	427 McKinley Ave.	2614	N44033620	Maint.	\$135.00	\$67.50	\$67.50
Mary Kindell	141-08	427 McKinley Ave.	2614	N44033620	Grass	\$152.50	\$76.25	\$76.25
Mary Kindell	187-08	427 McKinley Ave.	2614 50	N44033620	Demo	\$7,165.00	\$3,582.50	\$3,582.50
Mary Kindell	182-08	329 Harrison St.	4755-4756	N44054300	Trash	\$90.00	\$45.00	\$45.00
Mary Lockhart	027-09	318 Young St.	796	N44013440	Trash	\$60.00	\$30.00	\$30.00
Mary Lockhart	044-09	318 Young St.	796	N44013440	Grass	\$105.00	\$52.50	\$52.50
Michael Wilcox	023-09	1207 Chevy Ln.	8045	N44077334	Trash	\$45.00	\$22.50	\$22.50
Michael Wilcox	184-08	1170 Chevy Lane	8051	N44077346	Trash	\$300.00	\$150.00	\$150.00
Michael Wilcox	190-08	1171 Chevy Ln.	8044	N44255120	Trash	\$110.00	\$55.00	\$55.00
Mitchell Bolin	183-08	1614 W. High St.	5273	N44058630	Trash	\$45.00	\$22.50	\$22.50

**2009 NUISANCE ABATEMENT & CIVIL FINE ASSESSMENTS
EXHIBIT "A"**

	INVOICE	LOCATION	LOT NO.	PARCEL	TYPE	AMOUNT	DUE	DUE
	NO.			NO.			DEC 2009	JUNE 2010
Murray Property Investment LLC	145-08	406 W. High St.	340-341	N44007050	Grass	\$152.50	\$76.25	\$76.25
Murray Property Investment LLC	168-08	406 W. High St.	340-341	N44007050	Grass	\$170.00	\$85.00	\$85.00
Norma Budach	074-09	511 Orr St.	1376	N44021500	Maint.	\$88.00	\$44.00	\$44.00
Patricia Shroyer	092-09	424 W. High St.	444	N44008530	Grass	\$152.50	\$76.25	\$76.25
Patricia Shroyer	176-08	424 W. High St.	444-445	N44008530	Grass	\$60.00	\$30.00	\$30.00
Randall Hammons	084-09	500 Kitt St.	2287	N44030550	Grass	\$105.00	\$52.50	\$52.50
Robert Basye	042-09	823 Broadway	249	N44005420	Grass	\$105.00	\$52.50	\$52.50
Robert Basye	061-09	823 Broadway	249	N44005420	Grass	\$135.00	\$67.50	\$67.50
Roy Howard	130-08	541 W. Water St.	436	N44008440	Trash	\$40.00	\$20.00	\$20.00
S. Bryant & C. Harrison	122-08	629 Brice Ave.	2171	N44029390	Trash	\$50.00	\$25.00	\$25.00
Sawn Gambill	022-09	212 W. Ash St.	84	N44002220	Trash	\$45.00	\$22.50	\$22.50
Scott Tobe	088-09	511 Boal Ave.	2111	N44028780	Grass	\$87.50	\$43.75	\$43.75
Sec. of Housing & Urban Dev.	173-08	531 New St.	506	N44009440	Grass	\$112.50	\$56.25	\$56.25
Sec. of Housing & Urban Dev.	067-09	1426 Washington Ave.	1963	N44027490	Grass	\$87.50	\$43.75	\$43.75
Sec. of Housing & Urban Dev.	057-09 (2)	1601 Clark Ave.	3127	N44038640	Grass	\$187.50	\$93.75	\$93.75
Sec. of Housing & Urban Dev.	151-08	1601 Clark Ave.	3127	N44038640	Grass	\$95.00	\$47.50	\$47.50
Sec. of Housing & Urban Dev.	132-08	414 Cleveland St.	3644	N44043780	Grass	\$60.00	\$30.00	\$30.00
Sec. of Housing & Urban Dev.	017-09	1205 S. Roosevelt Ave.	6539	N44071010	Grass	\$210.00	\$105.00	\$105.00
Secretary of Veterans Affairs	076-09	1101 W. Water St.	1354	N44021000	Maint.	\$123.00	\$61.50	\$61.50
Sharon Arnett	121-08	536 Boone St.	1082-1083	N44017870	Trash	\$80.00	\$40.00	\$40.00
Shawn Gambill	148-08	212 W. Ash St.	84	N44002220	Grass	\$60.00	\$30.00	\$30.00
Sheryl Kern, Trustee	053-09	1000 S. Roosevelt Ave.	3405	N44041420	Grass	\$105.00	\$52.50	\$52.50
Shirley Bell LeMaster	031-09	305 McKinley Ave.	5311	N44059000	Grass	\$70.00	\$35.00	\$35.00
Shirley Bell LeMaster	163-08	305 McKinley Ave.	5311	N44059000	Maint.	\$1,775.00	\$887.50	\$887.50
Shirley Bell LeMaster	186-08	305 McKinley Ave.	5311 45	N44059000	Demo	\$3,910.00	\$1,955.00	\$1,955.00
Shirley Stonerock	025-09	715 Willard St.	2425	N44031910	Trash	\$110.00	\$55.00	\$55.00
Shirley Stonerock	167-08	715 Willard St.	2425	N44031910	Grass	\$275.00	\$137.50	\$137.50
Steve Stantz	035-09	408 Brentwood Ave.	5729	N44063090	Grass	\$70.00	\$35.00	\$35.00
Suzanne Popp	135-08	420 Glenwood Ave.	5544	N44061340	Grass	\$60.00	\$30.00	\$30.00
Sylvia Stewart	068-09	1624 Haverhill Dr.	7108	N44073155	Grass	\$105.00	\$52.50	\$52.50
Thomas Cline	038-09	438 S. Downing St.	388	N44007750	Grass	\$113.75	\$56.88	\$56.88
Thomas Wray	125-08	209 Cedarbrook Dr.	5166	N44057620	Grass	\$135.00	\$67.50	\$67.50
Tim Donut US Ltd.	179-08	607 W. Water St.	8924	N44008485	Grass	\$130.00	\$65.00	\$65.00
US Bank National	055-09	501 Broadway	452	N44008710	Grass	\$87.50	\$43.75	\$43.75
US Bank National	098-09	501 Broadway	452	N44008710	Grass	\$87.50	\$43.75	\$43.75
Walter Messer	156-08	435 Wood St.	1574	N44023810	Grass	\$60.00	\$30.00	\$30.00
Wells Fargo Bank	089-09	1206 Camp St.	1721	N44025560	Grass	\$70.00	\$35.00	\$35.00
Wells Fargo Bank	013-09	520 Kitt St.	2292	N44030600	Grass	\$135.00	\$67.50	\$67.50
Wells Fargo Bank	104-09	520 Kitt St.	2292	N44030600	Grass	\$87.50	\$43.75	\$43.75
William Lester	181-08	1107 Covington Ave.	2238	N44030060	Trash	\$65.00	\$32.50	\$32.50
William Richard	160-08	507 S. Main St.	993	N44016400	Grass	\$60.00	\$30.00	\$30.00
Winifred Maher	007-09	117 W. North St.	135	N44003320	Maint.	\$81.50	\$40.75	\$40.75
				TOTAL		<u>\$44,364.94</u>	<u>\$22,182.47</u>	<u>\$22,182.47</u>

RESOLUTION NO. R- 75-09

**A RESOLUTION RELATING TO THE APPLICATION FOR
ANNEXATION OF CERTAIN REAL PROPERTY TO THE CITY**

WHEREAS, more than sixty (60) days have expired since the Clerk of Commission accepted for filing the certified transcript, accompanying plat and petition now before this Commission; and

WHEREAS, these proceedings and submissions are all in full compliance with Chapter 709 of the Revised Code; and

WHEREAS, the legal description of the real property sought to be annexed to the City is set forth in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the above described territory is adjacent to and contiguous with the City of Piqua;

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

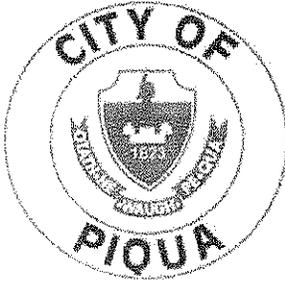
SEC. 1: The application for annexation of the above-described real property to the City of Piqua, Ohio, is hereby approved;

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



DEVELOPMENT OFFICE

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-0809
E-Mail: cschmiesing@piquaoh.org

August 10, 2009

MEMORANDUM

TO: Frederick E. Enderle

CC: William P. Murphy

RE: **Request for consideration of the annexation petition for 4243 W. US Route 36**

On June 10, 2009 the Clerk of the City Commission received notification that the above referenced annexation petition had been approved by the Miami County Board of Commissioners. As of this date the 60-day waiting period required by Ohio Revised Code before the municipality can consider the petition has passed. Therefore, this item may now be forwarded for the City Commission for their consideration.

The 8.477 acre tract of land proposed for annexation is situated west of R.M. Davis Parkway along the north side of U.S. Route 36 in Washington Township and is contiguous with the existing City of Piqua corporation limits along the north, west, and east parcel boundaries. The annexation of this property comes under the terms of an agreement that allowed the property to connect to city utilities provided the property is annexed into the City. The tract is currently occupied by PSC Crane & Rigging and has a county zoning designation of I-2 Heavy Industrial. The Planning Commission has examined the land use activity found at this location and the surrounding vicinity and has recommend that the annexation of this tract be approved with the same City zoning designation as it currently holds under the county zoning, I-2 Heavy Industrial.

Attached for the City Commissions' reference in considering this request, please find a copy of the annexation petition and supporting documents pertaining to this item.

Sincerely,

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enclosures

EXHIBIT "A"

**LEGAL DESCRIPTION
ANNEXATION OF 8.477 ACRES TO THE CITY OF PIQUA**

BEING A TRACT OF LAND SITUATED IN SECTION 23, TOWN 8 NORTH,
RANGE 5 EAST, WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO AND
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a metal fence post in concrete found at the northeast corner of Inlot 8907
per Recorder's Plat Book 21, Page 140;

thence, North 81°- 41'- 54" East, 549.15 feet, along the north line of a tract of land
owned by Sever and Sons Realty, LLC, as described in Deed Book 717, Page 533 to an
iron pin found;

thence, South 09°- 46'- 04" West, 734.51 feet, along the east line of said Sever and Sons
Realty, LLC tract to a point, passing an iron pin found at 26.52 feet, witness a PK found
extending the east line 2.09 feet being on the centerline of U.S. Route 36;

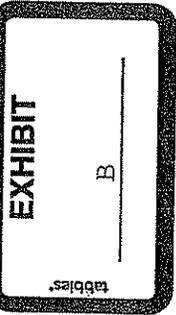
thence, South 82°- 29'- 09" West, 511.78 feet, along the south line of said Sever and
Sons Realty, LLC tract and parallel to the centerline of U.S. Route 36 to a point;

thence, North 07°- 05'- 54" East, 716.99 feet, along the west line of said Sever and Sons
Realty, LLC tract and the east line of said Inlot 8907 to the place of beginning.

Containing 8.477 acres more or less to be annexed, and 0.447 acres being within existing
right-of-way and being subject to any legal highways and easements of record.

Bearings are assumed and used to denote angles only.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional
Surveyor Number 8254, and dated December 05, 2008. The survey is based on an actual
field survey.



EXHIBIT

B

ANNEXATION OF TERRITORY TO THE CITY OF PIQUA

8.477 ACRES
 SECTION 7.3
 TOWNSHIP 5. E
 RANGE 8. N
 COUNTY WASHINGTON
 MIAMI, OHIO

TRANSFERRED THIS _____ DAY OF _____, 200__
 PLAT BOOK _____ PAGE _____
 MIAMI COUNTY RECORDER'S RECORD
 RECEIVED FOR RECORD THIS _____ DAY OF _____ AT _____ M.
 FILE NO. _____ FEE: \$ _____
 ANNEXATION PROCEEDINGS RECORDED IN DEED VOLUME _____ PG. _____

CHRIS A. REEPLES
 MIAMI COUNTY AUDITOR

BY: DEPUTY AUDITOR _____

BEARINGS ARE ASSUMED
 SCALE: 1" = 100'
 0 100 200

JOHN S. ALEXANDER, RECORDER
 BY DEPUTY _____

APPROVAL BY MIAMI COUNTY ENGINEER

THIS PLAN REVIEWED AND APPROVED THIS _____ DAY OF _____, 20__

MIAMI COUNTY ENGINEER _____

APPROVAL BY MIAMI COUNTY COMMISSIONERS

THE ANNEXATION OF THIS AREA WAS APPROVED THIS _____ DAY OF _____, 20__, BY RESOLUTION NO. _____

MIAMI COUNTY COMMISSIONER _____
 MIAMI COUNTY COMMISSIONER _____
 MIAMI COUNTY COMMISSIONER _____

THE CITY COMMISSION OF THE CITY OF PIQUA

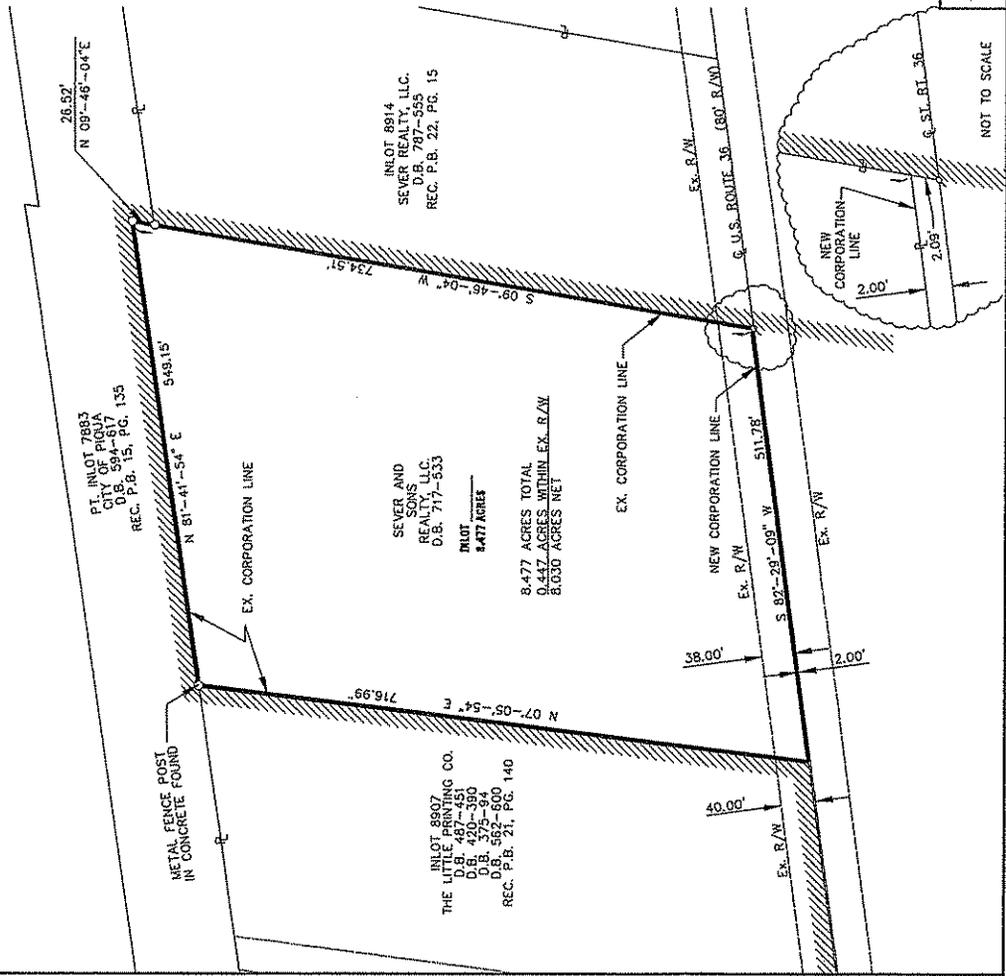
AT A MEETING OF THE CITY COMMISSION OF THE CITY OF PIQUA HELD THIS _____ DAY OF _____, 200__, THE ANNEXATION OF THE TERRITORY SHOWN HEREON TO THE CITY OF PIQUA WAS APPROVED AND ACCEPTED BY ORDINANCE NO. _____

CLERK _____
 MAYOR _____

- DEED REFERENCE**
- DEED BOOK 717, PAGE 533
 - DEED BOOK 717, PAGE 534
 - DEED BOOK 781, PAGE 559
 - DEED BOOK 594, PAGE 617
 - DEED BOOK 487, PAGE 451
 - DEED BOOK 375, PAGE 94
 - DEED BOOK 450, PAGE 60
 - DEED BOOK 564, PAGE 600
- SURVEY REFERENCE**
- PLAT 152
 - REC. PLAT 21, PAGE 140
 - REC. PLAT 15, PAGE 135
 - REC. PLAT 22, PAGE 15
 - REC. PLAT 9, PAGE 308
 - REC. PLAT 20, PAGE 128

LEGEND

- IRON PIN FOUND
- ⊕ P.K. NAIL FOUND



INLOT 8914
 SEVER REALTY, LLC
 D.B. 787-555
 REC. P.B. 22, PG. 15

SEVER AND
 SONS
 REALTY, LLC
 D.B. 717-533
 INLOT 8477 AGREES

INLOT 8907
 THE LITTLE PRINTING CO.
 D.B. 426-390
 D.B. 375-94
 D.B. 592-600
 REC. P.B. 21, PG. 140

8.477 ACRES TOTAL
 0.447 ACRES WITHIN EX. R/W
 8.030 ACRES NET

DESCRIPTION
 BEING THE ANNEXATION OF A 8.477 ACRE TRACT OF LAND TO THE CITY OF PIQUA, OHIO OWNED BY SEVER AND SONS REALTY, LLC. AS DESCRIBED IN DEED BOOK 717, PAGE 533.

REVISION DATE: 1-15-2009
 DATE: 12-5-2008
 DRAWN BY: ojb
 JOB NUMBER: MIAPI00509
 SHEET NUMBER: 1 OF 1



ONE
 CHOICE
 ENGINEERING
 440 E. HOFFMEIER ROAD, SUITE 101, PIQUA, OHIO 45345
 (937) 499-6666 • FAX (937) 499-6800
 www.goubeaux-engineering.com

I HEREBY CERTIFY THAT ALL MEASUREMENTS ARE BASED ON AN ACTUAL FIELD SURVEY AND MONUMENTATION WAS FOUND AS SHOWN.

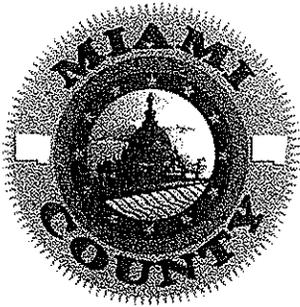
WESLEY D. GOUBEAUX, P. S. #8254 DATE _____

NOT TO SCALE

EXHIBIT C

OWNERS OF PARCELS ADJACENT TO OR DIRECTLY
ACROSS THE ROAD OF TERRITORY TO BE ANNEXED

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>PROPERTY ADDRESS</u>	<u>PARCEL NUMBER</u>
Hinsch Farms, Inc.	601 Gronlund Pl. Sidney, OH 45365	U.S. Rt. 36	M40-056100
The Little Printing Co.	4317 W. US Rt. 36 Piqua, OH 45356	4317 W. US Rt. 36 Piqua, OH 45356	N44-078778
Sever Realty, LLC	P.O. Box 1198 Piqua, OH 45356	U.S. Rt. 36 Piqua, OH 45356	N44-078784
City of Piqua	201 W. Water St Piqua, OH 45356	Linear Park	N44-0250358
JEB Ltd.	3821 Darbyshire Dr. Hilliard, OH 43026	U.S. Rt. 36	N44-078696



OFFICE OF

COMMISSIONERS OF MIAMI COUNTY

SAFETY BUILDING
201 W. MAIN ST.

TROY, OHIO 45373-2363

Leigh M. Williams
Clerk

Ph. (937) 440-5910

FAX (937) 440-5911

Email: Commissioners@co.miami.oh.us

Jack Evans
Commissioner

John W. O'Brien
Commissioner

Ron Widener
Commissioner

CERTIFICATION

ANNEXATION TO THE CITY OF PIQUA, OHIO
OF 8.477 ACRES MORE OR LESS
FROM WASHINGTON TOWNSHIP

The Board of Miami County Commissioners does hereby certify the attached petition with the accompanying plat map are true and correct copies filed in these proceedings.

PETITION

Legal Description

Map

List of Parcels of Real Estate Adjacent to or Directly Across the Road of Territory to be Annexed
Resolution Approving an Annexation Agreement between the City of Piqua and the Board of
Township Trustees of Washington Township (Commission of the City of Piqua
Resolution No. R-56-06)

Annexation Agreement between the City of Piqua, Ohio and the Board of Township Trustees of
Washington Township

ENGINEER'S LETTER

RESOLUTION APPROVING ANNEXATION AND SIGNING MYLAR
(Resolution No. 09-06-782)

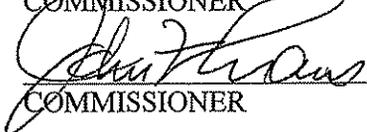
These copies are true and correct transcripts of action taken by the Board:

MIAMI COUNTY COMMISSIONERS:

DATED: June 9, 2009



COMMISSIONER


COMMISSIONER


COMMISSIONER

Leigh M. Williams, Clerk

RECEIVED

JUN 10 2009

CITY OF PIQUA
DEVELOPMENT OFFICE



**PETITION FOR ANNEXATION OF 8.477 ACRES, MORE OR LESS,
IN WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO
TO THE CITY OF PIQUA UTILIZING THE SPECIAL
PROCEDURE OF O.R.C. SECTION 709.022**

**TO: THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI COUNTY, OHIO**

Now comes the undersigned petitioner, being the one hundred percent (100%) owner of certain property as hereinafter described and requests that its property be annexed to the City of Piqua, Ohio. The territory proposed for the annexation contains 8.477 acres, more or less, in Washington Township, Miami County, and is contiguous to the boundary of the City of Piqua, Ohio, for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understands the property will be excluded from the Township.

An accurate description of the perimeter of the territory proposed for annexation is attached hereto and made a part hereof as Exhibit "A". A map or plat of the above described territory proposed for annexation is attached hereto and made a part hereof as Exhibit "B". A list of the names and addresses of the owners of all parcels located adjacent to or directly across the road from the territory to be annexed as prescribed in §709.02(B) O.R.C. is attached as Exhibit "C".

The annexation will not create an unincorporated area of Township that is completely surrounded by the territory proposed for annexation.

There is an annexation agreement between the municipality and the township pursuant to R.C. §709.192 applicable to this annexation which is dated May 2, 2006 a certified copy is submitted herewith as Exhibit "D".

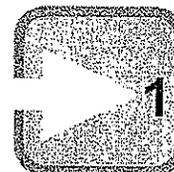
The number of owners in the territory proposed for annexation is one (1) and the number of owners who signed the petition is one (1).

The owner who signed this petition by its signature expressly waives its right to appeal in law or equity from the Board of County Commissioners' entry of any resolution passed under R.C. §709.022.

**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO
APPEAL ANY ACTION UPON THE PETITION TAKEN BY THE BOARD OF
COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S
DECISION IN THIS MATTER IN LAW OR IN EQUITY.**

RECEIVED
09 JUN - 3 PM : 49
MIAMI COUNTY
BOARD OF COMMISSIONERS
TOWNSHIP, OHIO

Application for
**Annexation
 Petition**
 Expedited Type 1
 Consent of all parties



Property Information	
Site Address 4243 West U.S. Route 36, Piqua, Ohio 45356	
Parcel ID(s) M40-056700	Total Acreage 8.477 acres
From Township Washington	To Municipality Piqua

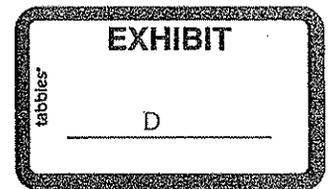
Property Owner Information	
Name Sever and Sons Realty, LLC	
Address 4243 West U.S. Route 36 P.O. Box 1198 Piqua, OH 45356	
Phone # 937-773-3632	Fax # 937-778-8136
Email jim@pscind.com	

Attorney/Agent Information	
Name Timothy J. McGrath, Esq.	
Address Strip, Hoppers, Leithart, McGrath & Terlecky Co. 575 S. Third St. Columbus, OH 43215	
Phone # 614-875-2473	Fax # 614-228-6369
Email tjm@columbuslawyer.net	

Staff Use Only
Case #
Journal date (next regular session):
Date filed:
Fee paid
Receipt #
<ul style="list-style-type: none"> * Notifications not required * Service Ord. not required * Public hearing not required

Document Submission
The following documents must accompany this application on letter-sized 8 1/2" x 11" paper:
<input type="checkbox"/> Legal description of property
<input type="checkbox"/> Map/plat of property
<input type="checkbox"/> List of adjacent properties
<input type="checkbox"/> Certified copy of CEDA or annexation agreement

Waiver of Right to Appeal	
The undersigned hereby request/s the Board of County Commissioners follow O.R.C. §709.022 in consideration of this petition.	
WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE IS ALSO NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.	
Sever and Sons Realty, LLC	
Property Owner	Date
By: <u>Carl F. Sever</u> Property Owner	May 29 th 2009 Date



RESOLUTION NO. R-56-06

A RESOLUTION APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF PIQUA AND THE BOARD OF TOWNSHIP TRUSTEES OF WASHINGTON TOWNSHIP

WHEREAS, the City of Piqua and the Board of Washington Township Trustees of Miami County, Ohio desire to enter into an annexation agreement to be applied to all future annexations from Washington Township to the City of Piqua; and

WHEREAS, the Ohio Revised Code provides that the City of Piqua and the Board of Washington Township Trustees may enter into annexation agreements; and

WHEREAS, it is beneficial to both the City of Piqua and the Board of Washington Township Trustees to adopt the proposed Annexation Agreement; and

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

SEC. 1: The annexation agreement appended hereto is hereby approved and the City Manager is hereby authorized to execute said agreement on behalf of the City and this Commission.

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

Tom Hudson
THOMAS D. HUDSON, MAYOR

PASSED: May 15, 2006
ATTEST: Rebecca J. Cool
REBECCA J. COOL
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-56-06 is a true, accurate and correct copy of Resolution R-56-06 passed by the Commission of the City of Piqua, Ohio, on the 15th day of May, 2006

Rebecca J. Cool
CLERK OF COMMISSION

ANNEXATION AGREEMENT

This Agreement is entered into this 2^d day of May, 2006, between the City of Piqua, hereinafter "City", and the Board of Township Trustees of Washington Township, Miami County, Ohio, hereinafter "Township", pursuant to R.C. 709.022, and 709.192:

WHEREAS, the Ohio Revised Code provides that the legislative authority of a municipal corporation and the board of township trustees may enter into annexation agreements; and

WHEREAS, the City of Piqua and the Board of Township Trustees of Washington Township, Miami County, Ohio desire to enter into an annexation agreement to be applied to all future annexations from Washington Township to the City of Piqua.

NOW, THEREFORE, in consideration of the above recitals and in consideration of the mutual benefits and promises hereinafter contained, the parties agree as follows:

1. The City consents to the annexation of Real Property to the City and agrees to provide sanitation, police, fire rescue, electric power, water and sewer services to the residents of the Property at the same cost and under the same policies and conditions that said services are provided to the other residents of the City:
2. The Township consents to the annexation of the Property to the City, subject to compliance with Ohio R.C. Chapter 709;
3. The City shall institute proceedings to detach the Property from the Township, and further agrees that the Property shall not remain part of Washington Township, Miami County, Ohio;
4. Upon annexation Piqua shall make the following payments to the township:
 - a. In the first through third years following the annexation and exclusion of the territory from the township, eighty per cent on the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation has occurred;
 - b. In the fourth and fifth years following the annexation and exclusion of the territory from the township, sixty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for industrial real, personal and public utility property taxes if no annexation had occurred;

c. In the sixth and seventh years following the annexation and exclusion of the territory from the township, sixty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal, and public utility property taxes if no annexation had occurred;

d. In the eighth and ninth years following the annexation and exclusion of the territory from the township, fifty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation had occurred;

e. In the tenth through twelfth years following the annexation and exclusion of the territory from the township, forty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation had occurred.

5. Upon annexation Piqua shall make the following payments to the township:

a. In the first through third years following the annexation and exclusion of the territory from the township, eighty per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

b. In the fourth and fifth years following the annexation and exclusion of the territory from the township, fifty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

c. In the sixth through tenth years following the annexation and exclusion of the territory from the township, forty per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

d. In the eleventh and twelfth years following the annexation and exclusion of the territory from the township, twenty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred.

6. The obligations set forth in paragraph 4 and 5 above shall be computed and effected on the basis of the then current valuation which may increase or decrease during the term of this Agreement,

and each such annual payment shall be made in a single installment as soon as may be practicable after the tax settlement of the next ensuing calendar year.

7. This Agreement shall continue in full force and effect, but it may be modified or amended by the mutual agreement of the parties hereto; and at the conclusion of each five (5) year period hereafter it shall be subject to review and negotiation, and to potential modification by said mutual agreement.

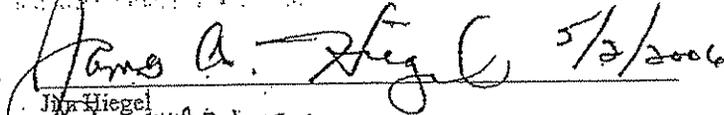
IN WITNESS WHEREOF, the City and Board of Trustees have, pursuant to resolutions duly approved, enter into this Agreement this _____ day of June, 2006.

CITY OF PIQUA
MIAMI COUNTY, OHIO

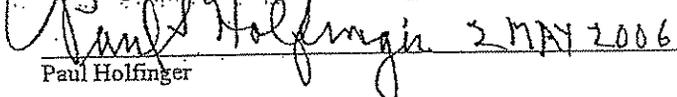


Frederick Enderle, City Manager

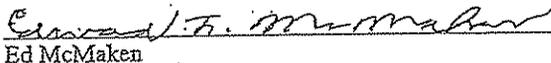
BOARD OF TOWNSHIP TRUSTEES OF
WASHINGTON TOWNSHIP, MIAMI COUNTY, OH



Jim Hiegel



Paul Holfinger

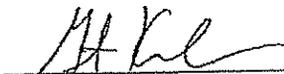


Ed McMaken

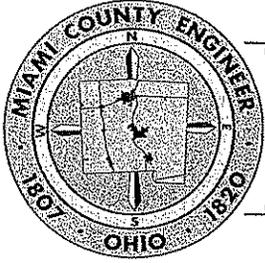
APPROVED AS TO FORM ONLY:



Mark W. Altier, #0017882
Chief Civil Assistant Prosecuting Attorney
Miami County, Ohio



Grant Kerber, #0068474
City of Piqua Law Director



MIAMI COUNTY MAP DEPARTMENT

201 West Main Street
Troy, OH 45373

937-440-6025
Fax 937-440-6026

June 5, 2009

Honorable Board of Miami County Commissioners
County Plaza
Troy, Ohio 45373

Re: Proposed annexation to the City of Piqua of 8.477 acres from
Section 23, Town 8, Range 5, Washington Township.

Dear Commissioners:

Pursuant to Ohio Revised Code Section 709.022, I have reviewed the map and legal description for the territory proposed for annexation, as noted above. The map and legal description meet our requirements, and are approved as such.

The portion of boundary adjacent to the existing corporation line represents approximately 79.63% of the total boundary of the area proposed for annexation.

Very truly yours,

Andy Smith

Deputy Miami County Engineer

RESOLUTION NO. 09-06-782

ANNEXATION
EXPEDITED TYPE 1
8.477 ACRES +/- FROM WASHINGTON TOWNSHIP
TO THE CITY OF PIQUA, OHIO

Mr. Widener introduced the following resolution and moved it be adopted:

WHEREAS, on June 3, 2009, an annexation petition was filed on behalf of Sever and Sons Realty, LLC, 4243 West U.S. Route 36, P.O. Box 1198, Piqua, OH 45356 (Timothy J. McGrath, Esq., Agent), for the annexation of 8.477 acres, more or less, in Washington Township to the City of Piqua, Ohio; and

WHEREAS, the City of Piqua and the Board of Washington Township Trustees of Miami County, Ohio entered into an annexation agreement in May of 2006 (Commission Resolution No. R-56-06) to be applied to all future annexations from Washington Township to the City of Piqua; and

WHEREAS, the County Engineer's Office reviewed the map and legal description of the territory proposed for annexation, pursuant to ORC 709.022, and has submitted a letter stating that the map and description meet their requirements.

Now, therefore be it

RESOLVED, by the Board of Miami County Commissioners, to approve the Expedited Type 1 annexation petition filed on behalf of Sever and Sons Realty, LLC for 8.477 acres, more or less, in Washington Township, Ohio to the City of Piqua, Ohio, pursuant to O.R.C. 709.022. Further sign the mylar this date.

Mr. Evans seconded the motion and the Board voted as follows upon roll call:

Mr. Widener, Yea;

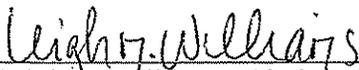
Mr. Evans, Yea;

Mr. O'Brien, Yea;

DATED: June 9, 2009

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the Board under the date of June 9, 2009.



Leigh M. Williams, Clerk

RESOLUTION NO. R-76-09

**A RESOLUTION AUTHORIZING THE LAW
DIRECTOR TO PETITION THE BOARD OF
COUNTY COMMISSIONERS OF MIAMI
COUNTY, OHIO FOR A CHANGE IN THE
BOUNDARY LINES OF WASHINGTON
TOWNSHIP**

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

SEC. 1: The Law Director is hereby authorized on behalf of this Commission to present to the Board of County Commissioners of Miami County, Ohio, a petition requesting the changes in the boundary lines of Washington Township as may be necessary so that said township does not include those portions of the City of Piqua:

*Annexed by Piqua Resolution No. R-75-09 on August 17, 2009
(8.477 acre tract of land in Washington Township description attached hereto as Exhibit "A")

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

EXHIBIT "A"

**LEGAL DESCRIPTION
ANNEXATION OF 8.477 ACRES TO THE CITY OF PIQUA**

BEING A TRACT OF LAND SITUATED IN SECTION 23, TOWN 8 NORTH,
RANGE 5 EAST, WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO AND
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a metal fence post in concrete found at the northeast corner of Inlot 8907
per Recorder's Plat Book 21, Page 140;

thence, North 81°- 41'- 54" East, 549.15 feet, along the north line of a tract of land
owned by Sever and Sons Realty, LLC, as described in Deed Book 717, Page 533 to an
iron pin found;

thence, South 09°- 46'- 04" West, 734.51 feet, along the east line of said Sever and Sons
Realty, LLC tract to a point, passing an iron pin found at 26.52 feet, witness a PK found
extending the east line 2.09 feet being on the centerline of U.S. Route 36;

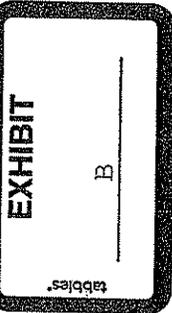
thence, South 82°- 29'- 09" West, 511.78 feet, along the south line of said Sever and
Sons Realty, LLC tract and parallel to the centerline of U.S. Route 36 to a point;

thence, North 07°- 05'- 54" East, 716.99 feet, along the west line of said Sever and Sons
Realty, LLC tract and the east line of said Inlot 8907 to the place of beginning.

Containing 8.477 acres more or less to be annexed, and 0.447 acres being within existing
right-of-way and being subject to any legal highways and easements of record.

Bearings are assumed and used to denote angles only.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional
Surveyor Number 8254, and dated December 05, 2008. The survey is based on an actual
field survey.



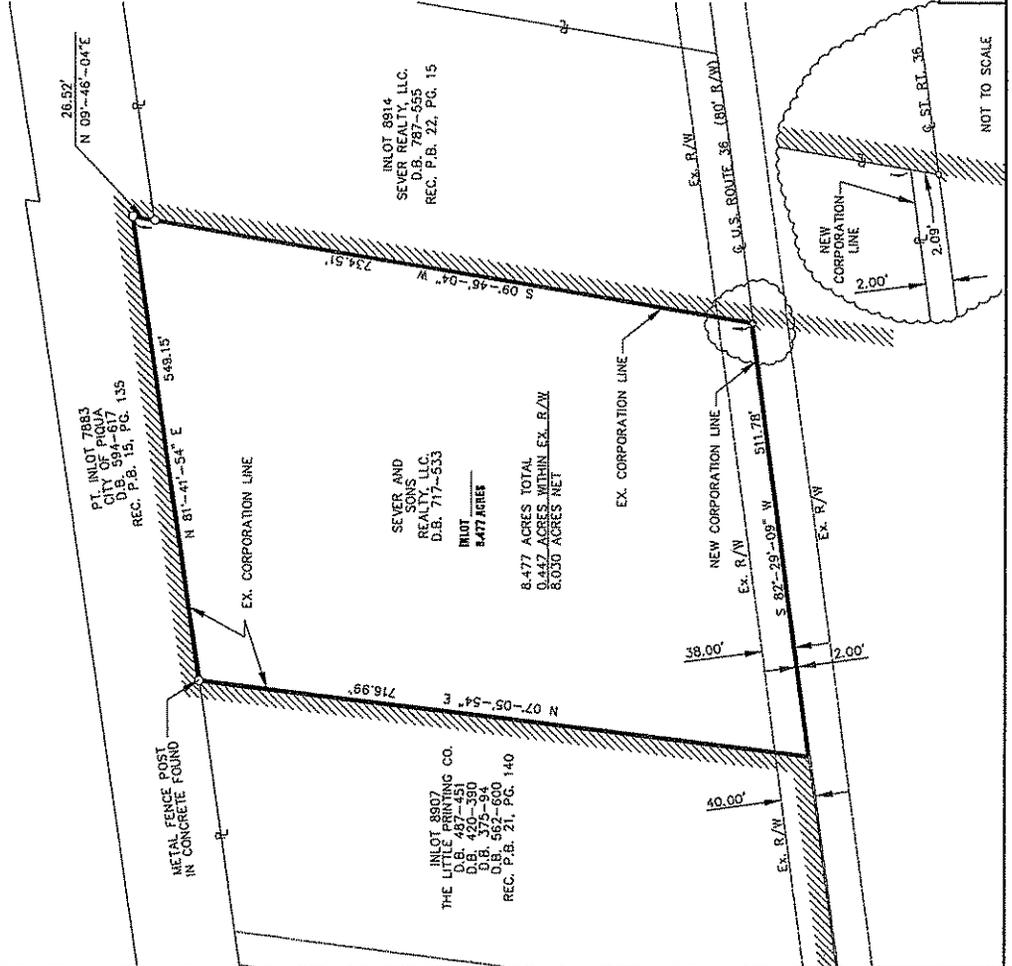
ANNEXATION OF TERRITORY TO THE CITY OF PIQUA

8.477 ACRES
 SECTION 27 TOWNSHIP 8 N RANGE 5 E
 WASHINGTON COUNTY MIAMI, OHIO

TRANSFERRED THIS _____ DAY OF _____, 200__
 PLAT BOOK _____ PAGE _____ MIAMI COUNTY RECORDER'S RECORD OF PLATS RECEIVED FOR RECORD THIS _____ DAY OF _____, 20__ AT _____
 FILE NO. _____ FEE: \$ _____
 ANNEXATION PROCEEDINGS RECORDED IN DEED VOLUME _____, PG. _____

CHRIS A. PEPPLES
 MIAMI COUNTY AUDITOR

BY: _____
 DEPUTY AUDITOR



THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 20__.

MIAMI COUNTY ENGINEER _____

APPROVAL BY MIAMI COUNTY COMMISSIONERS

THE ANNEXATION OF THIS AREA WAS APPROVED THIS _____ DAY OF _____, 20__, BY RESOLUTION NO. _____

MIAMI COUNTY COMMISSIONER _____
 MIAMI COUNTY COMMISSIONER _____
 MIAMI COUNTY COMMISSIONER _____

THE CITY COMMISSION OF THE CITY OF PIQUA

AT A MEETING OF THE CITY COMMISSION OF THE CITY OF PIQUA HELD THIS _____ DAY OF _____, 200__, THE ANNEXATION OF THE TERRITORY SHOWN HEREON TO THE CITY OF PIQUA WAS APPROVED AND ACCEPTED BY ORDINANCE NO. _____

CLERK _____
 MAYOR _____

DESCRIPTION: BEING THE ANNEXATION OF A 8.477 ACRE TRACT OF LAND TO THE CITY OF PIQUA, OHIO OWNED BY SEVER AND SONS REALTY, LLC. AS DESCRIBED IN DEED BOOK 717, PAGE 533.

REVISION DATE: 1-15-2009
 DATE: 12-5-2008
 DRAWN BY: gjb
 JOB NUMBER: MIAP100809
 SHEET NUMBER: 1 OF 1

ONE CHOICE ENGINEERING
 440 E. HICKMAN ROAD, WESLEY, OHIO 45386
 (937) 492-2008 FAX (937) 492-8306
 www.onechoiceengineering.com

STATE OF OHIO
 WESLEY D. GOUBEUX
 REGISTERED PROFESSIONAL ENGINEER
 8254

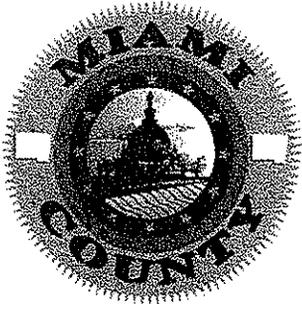
I HEREBY CERTIFY THAT ALL MEASUREMENTS ARE BASED ON A CURRENT FIELD SURVEY AND MONUMENTATION WAS FOUND AS SHOWN.

WESLEY D. GOUBEUX, P.S. #8254 DATE _____

EXHIBIT C

OWNERS OF PARCELS ADJACENT TO OR DIRECTLY
ACROSS THE ROAD OF TERRITORY TO BE ANNEXED

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>PROPERTY ADDRESS</u>	<u>PARCEL NUMBER</u>
Hinsch Farms, Inc.	601 Gronlund Pl. Sidney, OH 45365	U.S. Rt. 36	M40-056100
The Little Printing Co.	4317 W. US Rt. 36 Piqua, OH 45356	4317 W. US Rt. 36 Piqua, OH 45356	N44-078778
Sever Realty, LLC	P.O. Box 1198 Piqua, OH 45356	U.S. Rt. 36 Piqua, OH 45356	N44-078784
City of Piqua	201 W. Water St Piqua, OH 45356	Linear Park	N44-0250358
JEB Ltd.	3821 Darbyshire Dr. Hilliard, OH 43026	U.S. Rt. 36	N44-078696



OFFICE OF

COMMISSIONERS OF MIAMI COUNTY

SAFETY BUILDING
201 W. MAIN ST.

TROY, OHIO 45373-2363

Leigh M. Williams
Clerk

Ph. (937) 440-5910
FAX (937) 440-5911

Email: Commissioners@co.miami.oh.us

Jack Evans
Commissioner

John W. O'Brien
Commissioner

Ron Widener
Commissioner

CERTIFICATION

ANNEXATION TO THE CITY OF PIQUA, OHIO
OF 8.477 ACRES MORE OR LESS
FROM WASHINGTON TOWNSHIP

The Board of Miami County Commissioners does hereby certify the attached petition with the accompanying plat map are true and correct copies filed in these proceedings.

PETITION

Legal Description

Map

List of Parcels of Real Estate Adjacent to or Directly Across the Road of Territory to be Annexed
Resolution Approving an Annexation Agreement between the City of Piqua and the Board of
Township Trustees of Washington Township (Commission of the City of Piqua
Resolution No. R-56-06)

Annexation Agreement between the City of Piqua, Ohio and the Board of Township Trustees of
Washington Township

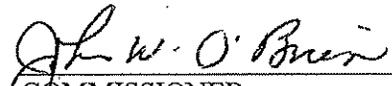
ENGINEER'S LETTER

RESOLUTION APPROVING ANNEXATION AND SIGNING MYLAR
(Resolution No. 09-06-782)

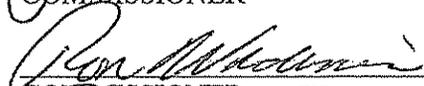
These copies are true and correct transcripts of action taken by the Board:

MIAMI COUNTY COMMISSIONERS:

DATED: June 9, 2009



COMMISSIONER



COMMISSIONER



COMMISSIONER

Leigh M. Williams, Clerk

RECEIVED

JUN 10 2009

CITY OF PIQUA
DEVELOPMENT OFFICE



**PETITION FOR ANNEXATION OF 8.477 ACRES, MORE OR LESS,
IN WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO
TO THE CITY OF PIQUA UTILIZING THE SPECIAL
PROCEDURE OF O.R.C. SECTION 709.022**

**TO: THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI COUNTY, OHIO**

Now comes the undersigned petitioner, being the one hundred percent (100%) owner of certain property as hereinafter described and requests that its property be annexed to the City of Piqua, Ohio. The territory proposed for the annexation contains 8.477 acres, more ore less, in Washington Township, Miami County, and is contiguous to the boundary of the City of Piqua, Ohio, for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understands the property will be excluded from the Township.

An accurate description of the perimeter of the territory proposed for annexation is attached hereto and made a part hereof as Exhibit "A". A map or plat of the above described territory proposed for annexation is attached hereto and made a part hereof as Exhibit "B". A list of the names and addresses of the owners of all parcels located adjacent to or directly across the road from the territory to be annexed as prescribed in §709.02(B) O.R.C. is attached as Exhibit "C".

The annexation will not create an unincorporated area of Township that is completely surrounded by the territory proposed for annexation.

There is an annexation agreement between the municipality and the township pursuant to R.C. §709.192 applicable to this annexation which is dated May 2, 2006 a certified copy is submitted herewith as Exhibit "D".

The number of owners in the territory proposed for annexation is one (1) and the number of owners who signed the petition is one (1).

The owner who signed this petition by its signature expressly waives its right to appeal in law or equity from the Board of County Commissioners' entry of any resolution passed under R.C. §709.022.

**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO
APPEAL ANY ACTION UPON THE PETITION TAKEN BY THE BOARD OF
COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S
DECISION IN THIS MATTER IN LAW OR IN EQUITY.**

RECEIVED
09 JUN - 3 PM 1:19
MIAMI COUNTY
COMMISSIONERS
TOWNSHIP, OHIO

Respectfully submitted this 1st day of June, 2009.

SEVER AND SONS REALTY, LLC

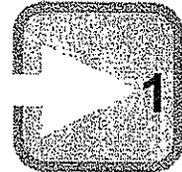
By: Earl F. Sever III
Earl F. Sever, III, Manager

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Application for
**Annexation
 Petition**

Expedited Type 1
 Consent of all parties



Property Information	
Site Address 4243 West U.S. Route 36, Piqua, Ohio 45356	
Parcel ID(s) M40-056700	Total Acreage 8.477 acres
From Township Washington	To Municipality Piqua

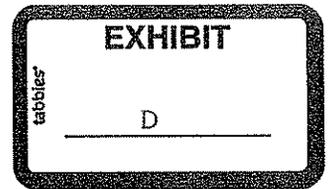
Property Owner Information	
Name Sever and Sons Realty, LLC	
Address 4243 West U.S. Route 36 P.O. Box 1198 Piqua, OH 45356	
Phone # 937-773-3632	Fax # 937-778-8136
Email jim@pscind.com	

Attorney/Agent Information	
Name Timothy J. McGrath, Esq.	
Address Strip, Hoppers, Leithart, McGrath & Terlecky Co. 575 S. Third St. Columbus, OH 43215	
Phone # 614-875-2473	Fax # 614-228-6369
Email tjm@columbuslawyer.net	

Staff Use Only
Case #
Journal date (next regular session):
Date filed:
Fee paid
Receipt #
<ul style="list-style-type: none"> ▪ Notifications not required ▪ Service Ord. not required ▪ Public hearing not required

Document Submission
The following documents must accompany this application on letter-sized 8 1/2" x 11" paper:
<input type="checkbox"/> Legal description of property
<input type="checkbox"/> Map/plot of property
<input type="checkbox"/> List of adjacent properties
<input type="checkbox"/> Certified copy of CEDA or annexation agreement

Waiver of Right to Appeal	
The undersigned hereby request/s the Board of County Commissioners follow O.R.C. §709.022 in consideration of this petition.	
WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE IS ALSO NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.	
Sever and Sons Realty, LLC	
Property Owner	Date
By: <u>Earl F. Sever</u>	May 29 th 2009
Property Owner	Date



RESOLUTION NO. R-56-06

A RESOLUTION APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF PIQUA AND THE BOARD OF TOWNSHIP TRUSTEES OF WASHINGTON TOWNSHIP

WHEREAS, the City of Piqua and the Board of Washington Township Trustees of Miami County, Ohio desire to enter into an annexation agreement to be applied to all future annexations from Washington Township to the City of Piqua; and

WHEREAS, the Ohio Revised Code provides that the City of Piqua and the Board of Washington Township Trustees may enter into annexation agreements; and

WHEREAS, it is beneficial to both the City of Piqua and the Board of Washington Township Trustees to adopt the proposed Annexation Agreement; and

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

SEC. 1: The annexation agreement appended hereto is hereby approved and the City Manager is hereby authorized to execute said agreement on behalf of the City and this Commission.

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

Thomas Hudson
THOMAS D. HUDSON, MAYOR

PASSED: May 15, 2006

ATTEST: Rebecca J. Cool
REBECCA J. COOL
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-56-06 is a true, accurate and correct copy of Resolution R-56-06 passed by the Commission of the City of Piqua, Ohio, on the 15th day of May, 2006

Rebecca J. Cool
CLERK OF COMMISSION

ANNEXATION AGREEMENT

This Agreement is entered into this 2^d day of May, 2006, between the City of Piqua, hereinafter "City", and the Board of Township Trustees of Washington Township, Miami County, Ohio, hereinafter "Township", pursuant to R.C. 709.022, and 709.192:

WHEREAS, the Ohio Revised Code provides that the legislative authority of a municipal corporation and the board of township trustees may enter into annexation agreements; and

WHEREAS, the City of Piqua and the Board of Township Trustees of Washington Township, Miami County, Ohio desire to enter into an annexation agreement to be applied to all future annexations from Washington Township to the City of Piqua.

NOW, THEREFORE, in consideration of the above recitals and in consideration of the mutual benefits and promises hereinafter contained, the parties agree as follows:

1. The City consents to the annexation of Real Property to the City and agrees to provide sanitation, police, fire rescue, electric power, water and sewer services to the residents of the Property at the same cost and under the same policies and conditions that said services are provided to the other residents of the City:
2. The Township consents to the annexation of the Property to the City, subject to compliance with Ohio R.C. Chapter 709;
3. The City shall institute proceedings to detach the Property from the Township, and further agrees that the Property shall not remain part of Washington Township, Miami County, Ohio;
4. Upon annexation Piqua shall make the following payments to the township:
 - a. In the first through third years following the annexation and exclusion of the territory from the township, eighty per cent on the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation has occurred;
 - b. In the fourth and fifth years following the annexation and exclusion of the territory from the township, sixty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for industrial real, personal and public utility property taxes if no annexation had occurred;

c. In the sixth and seventh years following the annexation and exclusion of the territory from the township, sixty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal, and public utility property taxes if no annexation had occurred;

d. In the eighth and ninth years following the annexation and exclusion of the territory from the township, fifty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation had occurred;

e. In the tenth through twelfth years following the annexation and exclusion of the territory from the township, forty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation had occurred.

5. Upon annexation Piqua shall make the following payments to the township:

a. In the first through third years following the annexation and exclusion of the territory from the township, eighty per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

b. In the fourth and fifth years following the annexation and exclusion of the territory from the township, fifty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

c. In the sixth through tenth years following the annexation and exclusion of the territory from the township, forty per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

d. In the eleventh and twelfth years following the annexation and exclusion of the territory from the township, twenty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred.

6. The obligations set forth in paragraph 4 and 5 above shall be computed and effected on the basis of the then current valuation which may increase or decrease during the term of this Agreement,

and each such annual payment shall be made in a single installment as soon as may be practicable after the tax settlement of the next ensuing calendar year.

7. This Agreement shall continue in full force and effect, but it may be modified or amended by the mutual agreement of the parties hereto; and at the conclusion of each five (5) year period hereafter it shall be subject to review and negotiation, and to potential modification by said mutual agreement.

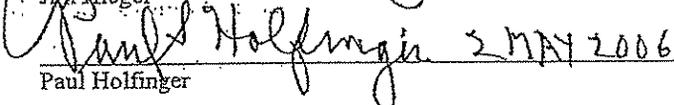
IN WITNESS WHEREOF, the City and Board of Trustees have, pursuant to resolutions duly approved, enter into this Agreement this _____ day of June, 2006.

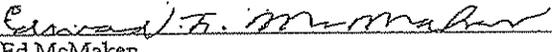
CITY OF PIQUA
MIAMI COUNTY, OHIO


Frederick Enderle, City Manager

BOARD OF TOWNSHIP TRUSTEES OF
WASHINGTON TOWNSHIP, MIAMI COUNTY, OH

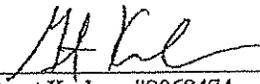
 5/2/2006
Jim Hiegel

 2 MAY 2006
Paul Holfinger


Ed McMaken

APPROVED AS TO FORM ONLY:


Mark W. Altier, #0017882
Chief Civil Assistant Prosecuting Attorney
Miami County, Ohio


Grant Kerber, #0068474
City of Piqua Law Director



MIAMI COUNTY MAP DEPARTMENT

201 West Main Street
Troy, OH 45373

937-440-6025
Fax 937-440-6026

June 5, 2009

Honorable Board of Miami County Commissioners
County Plaza
Troy, Ohio 45373

Re: Proposed annexation to the City of Piqua of 8.477 acres from
Section 23, Town 8, Range 5, Washington Township.

Dear Commissioners:

Pursuant to Ohio Revised Code Section 709.022, I have reviewed the map and legal description for the territory proposed for annexation, as noted above. The map and legal description meet our requirements, and are approved as such.

The portion of boundary adjacent to the existing corporation line represents approximately 79.63% of the total boundary of the area proposed for annexation.

Very truly yours,

Andy Smith

Deputy Miami County Engineer

RESOLUTION NO. 09-06-782

ANNEXATION
EXPEDITED TYPE 1
8.477 ACRES +/- FROM WASHINGTON TOWNSHIP
TO THE CITY OF PIQUA, OHIO

Mr. Widener introduced the following resolution and moved it be adopted:

WHEREAS, on June 3, 2009, an annexation petition was filed on behalf of Sever and Sons Realty, LLC, 4243 West U.S. Route 36, P.O. Box 1198, Piqua, OH 45356 (Timothy J. McGrath, Esq., Agent), for the annexation of 8.477 acres, more or less, in Washington Township to the City of Piqua, Ohio; and

WHEREAS, the City of Piqua and the Board of Washington Township Trustees of Miami County, Ohio entered into an annexation agreement in May of 2006 (Commission Resolution No. R-56-06) to be applied to all future annexations from Washington Township to the City of Piqua; and

WHEREAS, the County Engineer's Office reviewed the map and legal description of the territory proposed for annexation, pursuant to ORC 709.022, and has submitted a letter stating that the map and description meet their requirements.

Now, therefore be it

RESOLVED, by the Board of Miami County Commissioners, to approve the Expedited Type 1 annexation petition filed on behalf of Sever and Sons Realty, LLC for 8.477 acres, more or less, in Washington Township, Ohio to the City of Piqua, Ohio, pursuant to O.R.C. 709.022. Further sign the mylar this date.

Mr. Evans seconded the motion and the Board voted as follows upon roll call:

Mr. Widener, Yea;

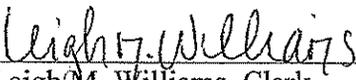
Mr. Evans, Yea;

Mr. O'Brien, Yea;

DATED: June 9, 2009

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the Board under the date of June 9, 2009.



Leigh M. Williams, Clerk