

**A G E N D A**  
**PIQUA CITY COMMISSION**  
**MONDAY OCTOBER 5, 2009**  
**7:30 P.M.**  
**201 WEST WATER STREET**  
**PIQUA, OHIO 45356**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATION – Business Appreciation Week in the City of Piqua**

*Accepting - Ms. Lisa Whitaker – President of Piqua Area Chamber of Commerce*

**PROCLAMATION – Community Planning Month in the City of Piqua**

*Accepting – Mr. Chris Schmiesing – City Planner*

**PROCLAMATION – International Walk to School Day in the City of Piqua**

*Accepting – Mr. Chris Schmiesing – City Planner*

**REGULAR CITY COMMISSION MEETING**

1.     **APPROVAL OF MINUTES**                     Approval of the minutes from the September 21, 2009 Regular City Commission meeting and the September 28, 2009 Piqua City Commission Work Session
  
2.     **ORD. NO. 16-09**                             An Ordinance levying a five-dollar municipal tax on  
       **2<sup>nd</sup> Reading**                                 motor vehicle licenses pursuant to Section 4504.06
  
3.     **ORD. NO. 17-09**                             An Ordinance levying a five-dollar municipal tax on  
       **2<sup>nd</sup> Reading**                                 motor vehicle licenses pursuant to Section 4504.17
  
4.     **ORD. NO. 18-09**                             An Ordinance enacting Chapter 55 of the Piqua  
       **1<sup>st</sup> Reading**                                 Municipal Code to establish a new Chapter  
   entitled Stormwater Management, which  
   provides for effective management and  
   financing of a Stormwater Utility System
  
5.     **RES. NO. R-94-09**                             A Resolution awarding a contract to Brian Brothers  
   Painting & Restoration LLC for the 2009 Mausoleum  
   Building repairs
  
6.     **RES. NO. R-95-09**                             A Resolution approving the 2009 School Travel Plan  
   Safe Routes to School Countermeasure Application

7. **RES. NO. R-96-09**

A Resolution of authorization to submit applications for Federal Safetea-Lu funds through the Miami Valley Regional Planning Commission

**OTHER:** Approval of Monthly Reports from August

**ADJOURN**

**MINUTES  
PIQUA CITY COMMISSION  
SEPTEMBER 21, 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 Police Department**

- Deputy Police Chief Martin S. Grove
- Deputy Police Chief Thomas M. Steiner

Law Director Stacy Wall administered the Oath of Office of Deputy Police Chief to Martin S. Grove and Thomas M. Steiner.

**Executive Session**

Move into Executive Session to review negotiations on compensation or other terms and conditions of employment for City personnel.

Moved by Commissioner Fess, seconded by Commissioner Vogt, to move into Executive Session at 7:34 P.M. to review negotiations on compensation or other terms and conditions of employment for City personnel. Roll call vote, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Fess, to adjourn from Executive Session at 7:57 P.M. Voice vote, Aye: Hudson, Martin, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

**Residence Pride Awards**

Carl & Ruth White	303 Short Drive
Bob & Nancy Brading	1105 Drexel Avenue
Erik & Debbie Sprungman	711 N. Wayne Street
Carl Cantrell	211 South Street
Rick & Janice Robinson	511 Walker Street

A slide show presentation was given while Mayor Hudson read the names and addresses of the Residence Pride Winners. Mayor Hudson congratulated all the winners.

**PIQUA HEALTH BOARD**

**Approval of Minutes**

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the September 2, 2008 Piqua Health Board Meeting be approved. Voice vote, Aye: Martin, Hudson, Vogt, Fess, and Terry. Nay: None. Motion carried unanimously.

**RES. NO. H-298**

A Resolution modifying the amounts charged for certified copies of Birth and Death certificates

There was discussion on the current fees for certified copies of Birth & Death certificates, amount of the increase, and the portion the City of Piqua receives from the fees. It was stated the State of Ohio has mandated through passage of Ohio Revised Code 3705.24 an increase of \$5.00 in vital statistic

fees for all birth and death certificates issued beginning October 16, 2009. The last increase was in 2005.

Moved by Commissioner Vogt, seconded by Commissioner Terry, to adopt Resolution No. H-298. Voice vote, Aye: Martin, Vogt, Terry, Fess, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution H-298 adopted.

Moved by Commissioner Terry, seconded by Commissioner Vogt, to adjourn from the Piqua Health Board at 8:25 P.M. Voice vote, Aye: Martin, Vogt, Terry, Fess, and Hudson. Nay: None. Motion carried unanimously.

## **REGULAR CITY COMMISSION MEETING**

### **APPROVAL OF MINUTES**

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the Regular City Commission Meeting of September 8, 2009 be approved. Voice vote, Aye: Hudson, Fess, Terry, Martin, and Vogt. Nay: None.

### **ORD. NO. 14-09 ((3rd Reading)**

An Ordinance amending Chapter 131 Offenses Against Property

#### **Public Comment**

No one came forward to speak for or against Ordinance No. 14-09

Moved by Commissioner Fess, seconded by Commissioner Terry, that Ordinance No. 14-09 be adopted. Voice vote, Aye: Fess, Terry, Hudson, Martin and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 14-09 adopted.

### **ORD. NO. 16-09** **(1<sup>st</sup> Reading)**

An Ordinance levying a five-dollar municipal tax on motor vehicle licenses pursuant to section 4504.06

It was stated this was included in the Long Range Financial Plan that was adopted by Resolution 115-08 in November 2008 and would be used strictly for street repairs. There was discussion on the reason for the five-dollar municipal tax, what the fees would be used for, and the estimated amount to be generated by the five-dollar fee. It was stated Miami County has the option to initiate a similar tax to all county residents and the money would go to Miami County. But if the City of Piqua initiates the tax first, one hundred percent of the fees collected would stay in Piqua, and Piqua residents would be exempt from paying the County fees. It was further explained the City would start collecting the fee in 2010, and add the additional fee in 2011.

#### **Public Comment**

Bradley Boehringer, Mound Street came forward to voice his opinion on the five-dollar municipal tax.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Ordinance No. 16-09 be given a first reading. Aye: Fess, Terry, Martin, Vogt, and Hudson. Nay: None.

### **ORD. NO. 17-09**

An Ordinance levying a five-dollar municipal tax on motor vehicle licenses pursuant to section 4504.17

#### **Public Comment**

Larry Starrett, Fairfax Avenue, voiced his concern over the amount of the fees to be collected by the five-dollar municipal tax fees in the next few years.

James Cruse, N. Co. Rd. 25-A asked if the five-dollar municipal tax fee could be pushed back a year to begin in 2011 instead of 2010. Finance Director Cynthia Holtzapple explained the reason for not wanting to move the collection of the fees back until 2011.

Moved by Commissioner Terry, seconded by Commissioner Fess to give Ordinance No. 17-09 a first reading. Voice vote, Aye: Hudson, Martin, Fess, Terry, and Vogt. Nay: None.

**RES. NO. R-88-09**

A Resolution of intent to vacate Public Right-Of-Way

The applicant withdrew Resolution NO. R-88-09 at this time, no further action was taken.

**RES. NO. R-89-09**

A Resolution authorizing the City Manager to sell, assign and transfer securities of the Elder Beerman Stores Corporation obtained through bankruptcy

There was discussion on the amount owed for utilities previously, the value of the stock when received, and the value of the stock at this time. It was stated the stock is to be cashed in to apply the funds toward the past due utility account balance. This Resolution would authorize the City Manager to sell, assign and transfer the securities of Elder Beerman Stores Corporation obtained through bankruptcy at this time.

**Public Comment**

No one came forward to speak for or against Resolution No. R-89-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-89-09 be adopted. Voice vote, Aye: Hudson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-89-09 adopted.

**RES. No. R-90-09**

A Resolution of authorization for an Ohio Public Works Commission (OPWC) grant application for the E. Ash Street Reconstruction Project

There was discussion on the portion of the money the City of Piqua would receive and when the project is scheduled to begin. It was stated the project is scheduled to begin in the fall of 2011 and would take about a year to complete.

**Public Comment**

No one came forward to speak for or against Resolution No. R-90-09.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Resolution No. R-90-09 be adopted. Voice vote, Aye: Vogt, Martin, Fess, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson declared Resolution No. R-90-09 adopted.

**RES. NO. 91-09**

A Resolution approving the fiscal year 2009 Community Development Block Grant Tier One Downtown Revitalization program application

**Public Comment**

No one came forward to speak for or against Resolution No. R-91-09.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-91-09 be adopted. Voice vote, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-91-09 adopted.

**RES. NO. R- 92-09**

A Resolution supporting the fiscal year 2010 United States Environmental Protection Agency Brownfield Assessment Program application

City Manager Enderle stated the City of Piqua is applying for \$400,000 in grant money to perform environmental assessments on parcels of land where contamination might exist. The City's Comprehensive Plan has identified redevelopment areas where environmental issues may exist. It was noted that the City of Piqua has applied for these funds in both 2007 and 2008, and the United States Environmental Protection Agency was generally pleased with the applications and encouraged the City of Piqua to re-apply for these funds.

**Public Comment**

No one came forward to speak for or against Resolution No. R-92-09

Moved by Commissioner Terry, seconded by Commissioner Vogt, to adopt Resolution No. R-92-09. Voice vote, Aye: Fess, Martin, Terry, Vogt, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson declared Resolution No. R-92-09 adopted.

**RES. NO. R-93-09**

A Resolution authorizing the City Manager to enter into a collective bargaining agreement with the American Federation of State, County and Municipal Workers, Inc. (AFSCME), Ohio Council 8, Local 984

City Manager Enderle stated this resolution would authorize the City Manager to enter into a three - year collective bargaining agreement effective October 1, 2009 with the AFSCME with terms as agreed upon and stated in the contract.

**Public Comment**

No one came forward to speak for or against Resolution No. R-93-09.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-93-09 be adopted. Roll call, Aye: Fess, Vogt, Martin, Terry, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-93-09 adopted.

**OTHER**

Mayor Hudson read a proclamation declaring the week of September 20-26, 2009 as National Adult Day Care Week in the City of Piqua.

**Public Comment**

Dick Hemm, N. Downing Street, voiced his concern over the traffic turning lanes at the intersection of North and Main Street. City Engineer Amy Havenar stated the intersection of Main and North is one of the intersections they are going to be looking at with in the Intersection Study.

Kevin Pryfogle, N. Downing Street, inquired as to the possibility providing an area in Piqua for a local Dog Park. Mr. Pryfogle stated he goes down to the "Bark Park" in Tipp City each week with his dog and would like to have some place in Piqua to go to.

There was discussion on the need for a dog park in Piqua, where the money would come from, who would be responsible for the maintenance of the area, and etc.

City Manager Enderle stated Mr. Pryfogle should contact the Parks & Recreation Director Rob Stanford with his ideas for the Dog Park.

Terry Wright, W. North Street, voiced his opinion of the number of vacant lots in the neighborhoods and suggested possibly turning them over to the Neighborhood Associations to be used as "Victory Gardens."

Mr. Wright also inquired as to the information on the City of Piqua website concerning Economic Development and asked if it could be updated.

William Murphy, Economic Development Director/Assistant City Manager stated currently there is a monthly program on Channel 5, APTA and he will be doing a monthly article in the Piqua Daily Call.

Jim Cruse, County Road 25-A, inquired about the time frame on the properties along E. Ash Street that are scheduled to be demolished in the future.

City Engineer Amy Havenar explained they are working on finalizing the plans and they should be taken down by the end of year.

Mr. Cruse also inquired on the plans the City of Piqua has on working with the South Koreans on business opportunities.

William Murphy stated they are still working on getting possibilities together and will continue to work with them.

Pat Forsythe, Third Street, voiced her opinion about the parking situation in Piqua for over the road truck drivers who want to come home for several hours, and have no place to park their big trucks.

Mike Perando, Third Street, voiced his concern over the cat population and the number of problems they cause in the City of Piqua.

Commissioner Vogt stated there is a Ferrell cat program in Norwalk, Ohio where they have a catch and release program where the cats are brought in for spaying and neutering which helps to control the problem.

Commissioner Vogt congratulated the two new Deputy Police Chiefs on their appointments and congratulated the Residence Pride Winners.

Commissioner Vogt stated the Commissioners were invited to attend a pre-opening dinner at Toon P's at the Plaza on Friday evening, and Mr. Black was a very gracious host and they were served a very delicious meal.

Commissioner Martin congratulated both of the Deputy Police Chiefs on their appointment, and the Resident Pride Award winners.

Commissioner Martin stated he too attended the pre-opening dinner at Toon P's and was very pleased with the food and the service he received.

Commissioner Martin stated he looked over the Wastewater contract with Burch Hydro, Inc. and voiced his concern over the bidding process.

Commissioner Fess congratulated both of the Deputy Police Chief's on their appointments, and also the Resident Pride Award winners.

Commissioner Fess stated she enjoyed Mr. Murphy's article on Economic Development that appeared in the Piqua Daily Call recently. Mr. Murphy stated he plans to have articles in the Piqua Daily Call the third Saturday of each month.

Commissioner Fess commented on the wonderful services provided by the Adult Day Care Centers.

Commissioner Fess stated it is very difficult to vote and make decisions on increases in services, but have to look at what is best for the whole community when doing so. Commissioner Fess commented she does not like to have to pay higher fees either.

Commissioner Terry congratulated both of the Deputy Chief's on their appointments, and also the Residence Pride Award winners for keeping their properties in such good condition.

Commissioner Terry voiced her opinion on the possibility of a Dog Park in the City, citing she is worried about the children not having enough parks to play in first before putting in a dog park.

City Manager Enderle stated Toon P's at the Plaza's pre-opening dinner was a chance for the cooks, waiters and staff to work out the bugs before opening. The food and service were very good, said Mr. Enderle.

City Manager Enderle stated he plans to reinstate the monthly Economic Development Updates and Quarterly Goal Updates soon.

Mayor Hudson stated Toon P's at the Plaza is planning on having a "soft opening" on Wednesday September 23, 2009.

Mayor Hudson inquired as to the status of the water fountain in front of the Municipal Government Complex, stating it has been off for quite a while.

City Manager Enderle stated the fountain has some major problems they are working on, but it should be fixed by spring.

Mayor Hudson thanked Ms. Forsythe for her information on parking semi trucks in the City, and stated it is not up to the City of Piqua to provide a place for truck drivers to park.

Mayor Hudson stated he would like to initiate a program where a citizen is nominated on a quarterly basis for their contribution to the community and city.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission at 9:15 P.M. Voice vote, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously.

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THOMAS D. HUDSON, MAYOR

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

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

**MINUTES  
PIQUA CITY COMMISSION WORK SESSION  
SEPTEMBER 28, 2009  
5:00 P.M.  
201 WEST WATER STREET  
PIQUA, OHIO 45356**

Piqua City Commission met in a Special Work Session in the Commission Chambers in the Municipal Government Complex, 201 W. Water Street for a work session. Mayor Hudson called the meeting to order at 5:00 P.M. Also present were Commissioners Martin, Terry, and Vogt. Absent: Fess. Also in attendance: City Manager Fred Enderle, City Engineer Amy Havenar, Finance Director Cynthia Holtzapple, Street Superintendent Doug Harter, Devon Alexander, and Joe Drapp. Also present were Storm Water Advisory Committee members Bruce Driver, Mark Spoltman, Jim Vetter, Peggy Henthorn, and Andy Monnin. Representatives from Stantec Consulting Services present were Jim Rozell and Alan Castaneda.

Moved by Commissioner Martin, seconded by Commissioner Terry, to excuse Commissioner Fess from the September 28, 2009 Piqua City Commission Work Session. Voice vote, Aye: Hudson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

Purpose of the Special Meeting is to discuss the Storm Water Management

City Manager Enderle gave a brief explanation on the recommendation for the Storm Water Utility Ordinance to be presented at the October 5, 2009 Piqua City Commission Meeting.

City Engineer Amy Havenar introduced Jim Rozell and Alan Castaneda from Stantec Consulting Service and read the names of the Storm Water Advisory Committee members who participated in the study. They include: Bruce Driver, Peggy Henthorn, Jim Vetter, Mark Spoltman, Mike Bardo, Jason Petty, Dave Crawford, Roger Ely, Andy Monnin, along with City representatives City Manager Fred Enderle, Street Superintendent Doug Harter, and Devon Alexander.

Mr. Rozell gave a power point presentation on the results from the seven meetings that were held to discuss the recommendations for the Storm Water Ordinance. (See enclosed)

There were several questions asked including what benefits would the average citizen receive for their money, would business owners receive more benefits than the average citizens, what is the cost to the citizens and businesses, would the storm water be processed, what can property owners do to save on impervious areas. There was also discussion on the amount of fees that were being charged by neighboring cities such as Troy and Sidney.

Education of the public is very important to the water quality, and the dumping of trash, brush and grass clippings in empty lots, along with motor oil being poured down storm water drains is a real problem. When the Ordinance is presented, it was suggested it should be noted to the public the recommendations were made by the Storm Water Advisory Committee to the City Commission. A letter of endorsement signed by all of the Storm Water Advisory Committee Members was passed out along with a copy of the proposed Ordinance.

City Manager Enderle stated the Storm Water Ordinance would be on the October 5, 2009 City Commission Agenda for a first reading.

Mayor Hudson thanked the Storm Water Advisory Committee Members, and Stantec Consulting Services.

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Piqua City Commission Work Session at 5:55 P.M. Voice vote, Aye: Martin, Terry, Hudson and Vogt. Motion carried unanimously.

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

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

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

# City of Piqua

## Stormwater Management

**Date: September 28, 2009**



One Team. Infinite Solutions.



**Stantec**

# Requirements

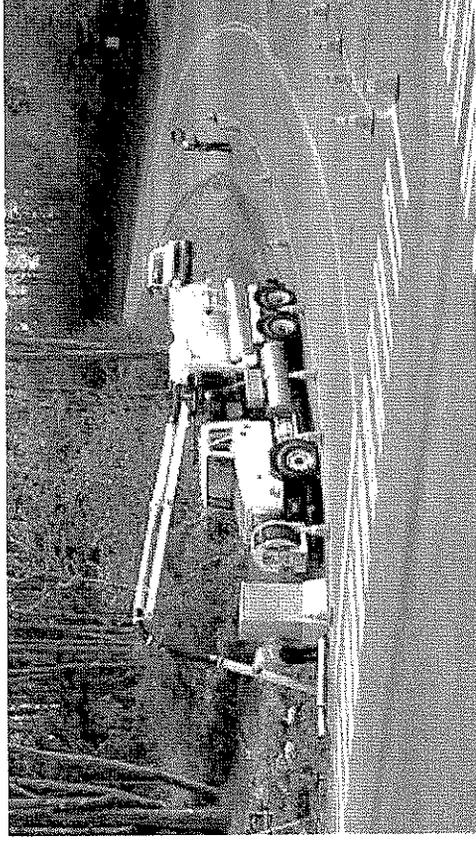
- Federal NPDES Phase II Permit
- Operation & Maintenance of existing system
- Capital Improvements

# NPDES Phase II Permit

- Public Education Program reach 50%
- Five public involvement activities / year
- Map all SW outfalls, CB's, pipes & ditches
- Inspect all outfalls annually & sample
- Enact new ordinances for Illicit Discharge, E&SC, and Post Construction
- Enforcement Action
- Train City Employees on pollution prevention
- File annual report w/ OEPA
- Projected annual cost \$ 150,000

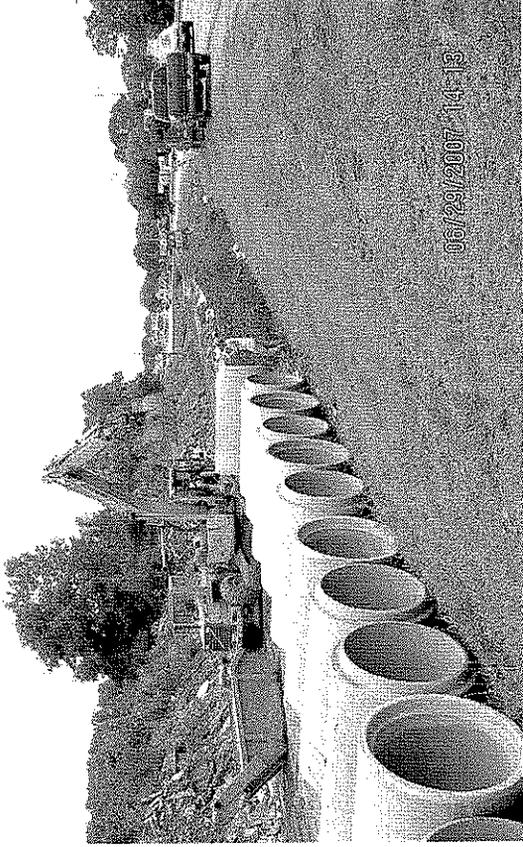
# Operation & Maintenance

- City owns 65 miles of sewer.
- Maintenance is limited to problem response.
- TV inspection, cleaning, replacement & repairs
- Street sweeper & Vactor Truck
- Annual Cost \$ 510,000



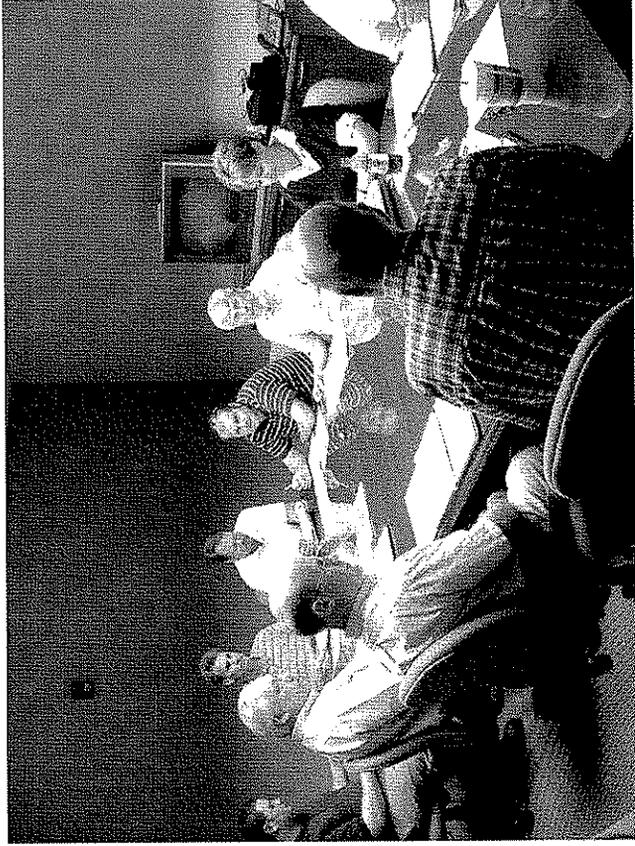
# Capital Improvements

- Rebuild storm sewers during road reconstruction
- EPA requiring SW BMP's as part of new projects.
- Cost - \$ 260,000 / year



# Advisory Committee

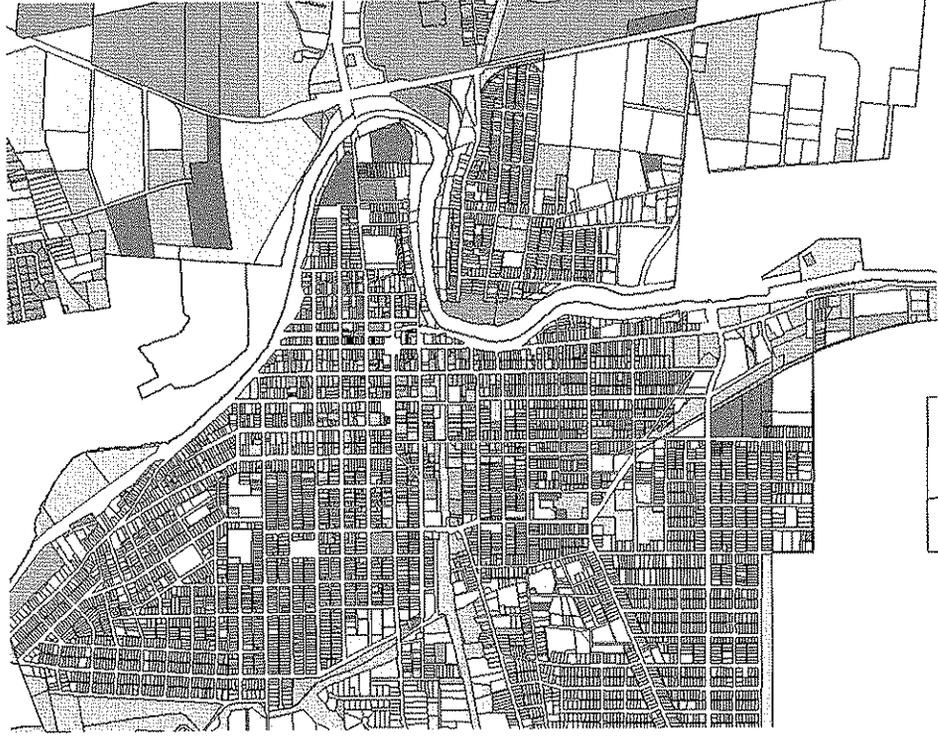
- Representatives from:
  - Commercial
  - Industrial
  - C of C
  - Churches
  - Schools
  - Residents
  - City Staff
- Monthly meetings
- Consensus, not voted



# LOS / COS – First 5 Years

Item	Avg Yearly Cost
Management	\$ 39,600
NPDES Phase II Permit	150,200
O & M	510,200
Capital Improvements	260,200
Equipment / Lab	150,000
Administration	55,000
BMP Projects & Grants	73,200
Total Expense	1,238,400
Projected Revenue	1,239,000

# Methodology



- Geographic Information System – GIS
- Impervious Area
- ERU Equivalent Residential Unit
- ERU = 2,700 sq. ft.
- Other land use classes were measured.

# Projected Cost

- Recommended Rate is \$ 4.70 per ERU
  - Multi-Family charge one-half ERU \$ 2.35
- 

## Example

- Commercial Property w/ 10,000 sq. ft impervious area
- $( 10,000 / 2,700 ) = 3.70$
- Rounded to 4 ERU
- $4 \text{ ERU} \times \$ 4.70 = \$18.80$  per month

# Credits

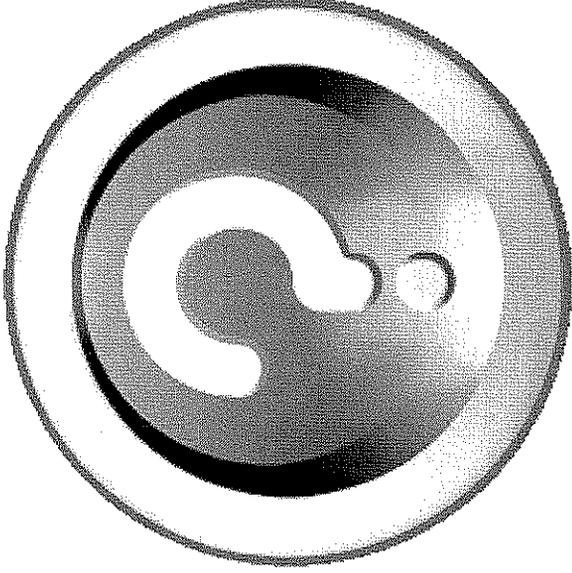
- Credits are typically provided for retention, detention, BMP's & education.
- Credits generally amount to a 5% - 10% reduction in ERU's.
- A 10% reduction would increase rates for everyone from \$4.70 to \$5.22 per ERU.
- Advisory Committee recommended that no credits be provided.

# Cost by Land Use Per Year

Land Use	No. Parcels	Total \$
Residential	9,382	\$473,100
Commercial	945	\$313,800
Industrial	212	\$294,200
Churches	51	\$24,000
Schools	28	\$51,300
Government	135	\$72,800
Other	32	\$10,000
Total	10,785	\$1,239,200

# Summary

- To meet Phase II Mandate, O & M and Capital Improvement requirements \$1,239,000 / year
- Recommended Rate \$ 4.70 per ERU
- Draft Stormwater Ordinance
- Billing begins December 30, 2009
- City will reevaluate program in 5-years.
- Stormwater program should improve drainage in the City and water quality in the streams and river.



# QUESTIONS

# Ohio SW Utilities

ADA	\$1.50	FOREST PK	\$3.00	MARION	\$4.16	REYNOLDSBURG	\$1.25
ASHLAND	\$3.50	GAHANNA	\$2.71	NARYSVILLE	\$2.75	SHEFFIELD	\$2.50
BARBERTON	\$5.00	GALION	\$3.00	MASON	\$3.00	SHEFFIELD LAKE	\$4.85
BELLFONTAINE	\$3.75	GREENVILLE	\$2.95	MEDINA	\$2.25	SIDNEY	\$0.30
BROADVIEW HTS	\$4.00	HAMILTON	\$5.50	MIDDLETOWN	\$3.25	TALLMADGE	\$2.00
BUTLER CO	\$1.08	HAMILTON CO	\$2.16	MILFORD	\$5.50	TOLEDO	\$3.16
CNL WINCHESTER	\$1.00	HUDSON	\$3.00	MONROE	\$3.00	TRENTON	\$2.60
CHILLICOTHE	\$1.00	IRONTON	\$14.55	MONTPELIER	\$3.00	TROY	\$3.50
CINCINNATI	\$2.70	KENT	\$2.30	MWCD	\$1.00	UNION	\$3.00
COLUMBUS	\$3.32	LAKE CO	\$0.80	NEWARK	\$4.50	UP. ARLINGTON	\$2.75
CUYAHOGA FALL	\$2.00	LANCASTER	\$4.64	PAINESVILLE	\$2.75	WADSWORTH	\$4.50
DAYTON	\$4.28	LEBANON	\$3.50	PICKERINGTON	\$1.50	WOOSTER	\$4.80
DELEWARE	\$2.50	LOVELAND	\$4.50	RAVENNA	\$3.00	ZANESVILLE	\$1.83

\* Rates shown are monthly per ERU

# Average Cost per Land Use Per Month

Land Use	No. Parcels	Total \$	Avg. / Parcel
Residential	9,382	\$ 39,421	\$ 4.20
Commercial	945	\$ 26,151	\$ 27.67
Industrial	212	\$ 24,520	\$ 115.66
Churches	51	\$ 2,002	\$ 39.26
Schools	28	\$ 4,272	\$ 152.58
Government	135	\$ 6,063	\$ 44.91
Other	32	\$ 832	\$ 26.00
Total	10,785	\$ 103,261	\$ 9.57

**ORDINANCE NO. 16-09**

**AN ORDINANCE LEVYING A FIVE DOLLAR MUNICIPAL  
TAX ON MOTOR VEHICLE LICENSES PURSUANT TO SECTION 4504.06**

WHEREAS, Amended Substitute House Bill No. 419, which became effective on July 1, 1987, permits municipalities and other local governments to levy a five dollar tax on motor vehicles registered by citizens of such municipalities; and

WHEREAS, said tax would be used solely for street purposes as defined in Ohio Revised Code Section 4504.06; and

WHEREAS, public comments and work sessions were held throughout the Long Range Financial planning process on such dates as September 8, 2008, October 6, 2008, October 20, 2008, October 28, 2008 and November 3, 2008; and

WHEREAS, the motor vehicle license tax was included in the Long Range Financial Plan as adopted by Resolution No. R-115-08 on November 3, 2008; and

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

SEC. 1: There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to Section 4504.06, Ohio Revised Code, for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section; and to provide additional revenue for the purposes set forth in Section 4504.06, Ohio Revised Code; and to supplement revenue already available for such purposes;

SEC. 2: Such tax shall be at the rate of Five Dollars (\$5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is in the City of Piqua, Ohio;

SEC. 3: As used in this Ordinance, the term "motor vehicle" means any and all vehicles included within the definition of motor vehicle in Section 4501.01 and 4505.01 of the Ohio Revised Code;

SEC. 4: The tax imposed by this Ordinance shall apply to and be in effect for the registration year commencing January 1, 2011, and shall continue in effect and application during each registration year thereafter;

SEC. 5: The tax imposed by this Ordinance shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in Section 4503.10 of the Ohio Revised Code;

SEC. 6: All monies derived from the tax hereinbefore levied shall be used by the City of Piqua solely for the purposes specified in this Ordinance;

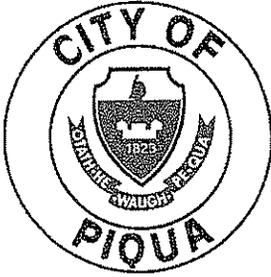
SEC. 7: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1<sup>st</sup> Reading 9-21-2009

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

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

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



## ENGINEERING DEPARTMENT

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

September 1, 2009

### MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO APPROVE THE  
LEVYING OF A SUPPLEMENTAL MUNICIPAL LICENSE TAX FEE IN THE  
AMOUNT OF FIVE DOLLARS**

In 1987, City Commission passed Ordinance 46-87 permitting the City of Piqua to levy a five dollar tax on motor vehicles registered within the City of Piqua. In June of 2009, City Commission approved a second five dollar increase by approving Ordinance 7-09. These funds have been and will continue to be used exclusively for the constructing, improving, maintaining, and repairing the public roads located within the City of Piqua.

As you are aware, the costs to maintain the roadway infrastructure have been rising uncontrollably leaving the City with fewer funds for the maintenance and up-keep on the streets. Therefore, we are requesting that pursuant to Section 4504.06 of the Ohio Revised Code, a supplemental license tax of five dollars for each motor vehicle registered in the City. This would generate an estimated \$97,000 annually.

If approved, this money will be used exclusively for the construction, maintenance and repair of city streets as defined in the Ohio Revised Code Section 4504.06 and will be for collection beginning in 2011.

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

Respectfully submitted,

Amy L. Havenar

c: Cynthia Holtzapple, Asst. City Manager/Finance Director  
William Murphy, Asst. City Manager/Development Director  
Stacy Wall, Law Director



**ORDINANCE NO. 17-09**

**AN ORDINANCE LEVYING A FIVE DOLLAR MUNICIPAL  
TAX ON MOTOR VEHICLE LICENSES PURSUANT TO SECTION 4504.17**

WHEREAS, Amended Substitute House Bill No. 419, which became effective on July 1, 1987, permits municipalities and other local governments to levy a five dollar tax on motor vehicles registered by citizens of such municipalities; and

WHEREAS, said tax would be used solely for street purposes as defined in Ohio Revised Code Section 4504.06; and

WHEREAS, public comments and work sessions were held throughout the Long Range Financial planning process on such dates as September 8, 2008, October 6, 2008, October 20, 2008, October 28, 2008 and November 3, 2008; and

WHEREAS, the motor vehicle license tax was included in the Long Range Financial Plan as adopted by Resolution No. R-115-08 on November 3, 2008; and

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

SEC. 1: There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to Section 4504.17, Ohio Revised Code, for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section; and to provide additional revenue for the purposes set forth in Section 4504.06, Ohio Revised Code; and to supplement revenue already available for such purposes;

SEC. 2: Such tax shall be at the rate of Five Dollars (\$5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is in the City of Piqua, Ohio;

SEC. 3: As used in this Ordinance, the term "motor vehicle" means any and all vehicles included within the definition of motor vehicle in Section 4501.01 and 4505.01 of the Ohio Revised Code;

SEC. 4: The tax imposed by this Ordinance shall apply to and be in effect for the registration year commencing January 1, 2011, and shall continue in effect and application during each registration year thereafter;

SEC. 5: The tax imposed by this Ordinance shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in Section 4503.10 of the Ohio Revised Code;

SEC. 6: All monies derived from the tax hereinbefore levied shall be used by the City of Piqua solely for the purposes specified in this Ordinance;

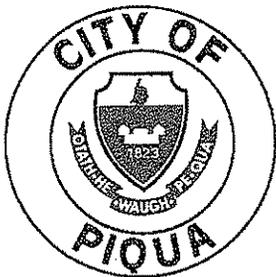
SEC. 7: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

**1<sup>st</sup> Reading 9-21-2009**

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

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

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



## ENGINEERING DEPARTMENT

Amy L. Havenar, P.E. – City Engineer  
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Please let me know if you have any questions pertaining to this matter.

Respectfully submitted,

Amy L. Havenar

c: Cynthia Holtzapple, Asst. City Manager/Finance Director  
William Murphy, Asst. City Manager/Development Director  
Stacy Wall, Law Director



**ORDINANCE NO. 18-09**

**AN ORDINANCE ENACTING CHAPTER 55 OF THE PIQUA MUNICIPAL CODE TO ESTABLISH A NEW CHAPTER ENTITLED STORMWATER MANAGEMENT, WHICH PROVIDES FOR EFFECTIVE MANAGEMENT AND FINANCING OF A STORMWATER UTILITY SYSTEM**

WHEREAS, it is in the public interest for the City of Piqua to establish feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the community; and

WHEREAS, it is necessary to implement practices to control water quantity as well as protect water quality and to address the requirements established in Ohio's Municipal Separate Storm Sewer System (MS4) National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Regulations.

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

SECTION 1. That the City of Piqua hereby adopts Chapter 55 entitled Stormwater Management and hereby reads in full as follows:

**CHAPTER 55: STORMWATER MANAGEMENT**

Section

**General Provisions**

55.01 Purpose

55.02 Definitions

**Organization and Operation**

55.05 Organization of the Utility

55.06 Stormwater Facilities

55.07 Erosion, Siltation and Sedimentation

55.08 Routine and Remedial Maintenance and Right of Entry

55.09 Property Affected

**Fees; Financial Administration**

55.30 User Fee

55.31 Fees Established

55.32 Collection

55.33 Enterprise Fund Requirements

**Legal Process**

55.50 Enforcement

55.51 Appeals

55.52 No Liability

55.99 Penalty

**§55.01 PURPOSE.**

This chapter establishes a stormwater management user fee to fund and support the City's efforts to address the issues presented in the recital provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater permit and required operation, maintenance and replacement costs. The user fees include general public (institutional, agency, federal, state and local government and the like) and/or property owner user fees.

The purpose of the Stormwater Code contained in this chapter is to provide for effective management and financing of a stormwater system utility within the City. To effectively accomplish the management of a stormwater utility, this code shall:

- (A) Provide for administration, operation, maintenance and inspection of existing and future stormwater management facilities;
- (B) Protect the public health, safety and welfare by providing a mechanism for mitigating the damaging effects of uncontrolled and unplanned stormwater runoff.
- (C) Establish and maintain fair and reasonable stormwater management service charges for each lot or parcel in the City which bear a substantial relationship to the cost of providing stormwater management services and facilities.

- (D) Ensure that similar properties pay similar stormwater management service charges which reflect each property's quantity of impervious area, because this factor bears directly on the quantity and quality of stormwater runoff generated from developed areas. Charges for single-family detached dwelling units, two-family dwelling units and each housekeeping unit within a multi-family dwelling unit shall reflect the relatively uniform effect that such development has on runoff. Charges for all other properties shall be calculated based on their equivalency of impervious surface compared to single-family detached dwelling units, two-family dwelling units and each housekeeping unit within a multi-family dwelling unit.
- (E) Provide a mechanism for consideration of specific or unusual service requirements of some non-residential properties accruing to or from properties as a result of providing their own stormwater management facilities.
- (F) Provide to non-residential property owners a service charge adjustment process to review stormwater charges when unusual circumstances exist which alter runoff characteristics, when service varies from a normal condition or is of greater significance than contribution to runoff.
- (G) Utilize stormwater management funds for the construction, operation, and maintenance of City stormwater facilities, except where activities or facilities are clearly unusual and in excess of normal level of service City-wide, and that developers are responsible for providing any stormwater facilities required for their project.
- (H) In order to maintain the effectiveness of the Stormwater Code, this Code shall:
  - (1.) Establish a mechanism for appeals and amendments to its provisions.
  - (2.) Provide for a procedure for abatement of conditions or activities that are not in the interest of public health, safety or welfare.
  - (3.) Provide for its continuous validity through severability of its various provisions.
  - (4.) Provide for penalties for violations of its provisions.

The Stormwater Utility Department (STWUD) shall establish rules and regulations consistent with this chapter to ensure the effective enforcement and maintenance of the stormwater utility.

#### **§55.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**STWUD.** The Stormwater Utility Department of the City, or any duly authorized officials acting in its behalf.

**ERU (EQUIVALENT RESIDENTIAL UNIT).** The estimated average square footage of impervious area of a single-family residential property inside the City, equal to 2,700 square feet. This is the unit to which the base rate is applied and may periodically be adjusted based on changing conditions in the City.

**ODNR.** Ohio Department of Natural Resources.

**IMPERVIOUS AREA.** Surface areas of residential and non-residential properties which water will not penetrate and from which stormwater runoff will be produced. This includes, but is not limited to, rooftops, sidewalks, parking lots, pavements, concrete, asphalt and compacted gravel.

**NON-RESIDENTIAL DEVELOPED PROPERTY.** All tracts of real property either zoned or developed for (i) residential use intended for occupancy by more than three families per residential structure (e.g., apartment houses with four or more units under a single roof), (ii) commercial uses, (iii) non-profit non-residential uses (e.g., governmental organizations, churches, and fraternal organizations), and (iv) industrial uses.

**NPDES.** National Pollutant Discharge Elimination System.

**RESIDENTIALLY DEVELOPED PROPERTY.** All tracts of real property either zoned or developed for residential use in structures designed and permitted for habitation by one or two families (i.e., single-family homes, two-family homes (duplex units) or three-family homes (triplex units)).

**SFR (SINGLE-FAMILY RESIDENTIAL).** All tracts of real property with improvements intended for occupancy by one, two, or three families for residential purposes (i.e., single-family homes or duplex units), regardless of the number of sewer taps and fees it incurs.

**STORMWATER SYSTEM.** A system of constructed and naturally occurring above ground and below ground facilities or infrastructure intended to collect, treat, convey, and otherwise manage runoff from rain, snow, and other precipitation including, but not limited to, drains, inlets, conduits, culverts, storm sewers, manholes, pump stations, channels, ditches, swales, drainage easements, retention and detention basins, infiltration facilities, constructed best management practices (BMP's), lakes, ponds, streams, creeks, rivers and other related components.

**VACANT/UNIMPROVED PROPERTY.** All tracts of real property that are wholly vacant and unimproved (no impervious area), regardless of the zoning

classification assigned to the property or the uses permitted thereon by applicable law, rules, and regulations.

#### **§55.05 ORGANIZATION OF THE UTILITY.**

The Utility shall be administered and managed by the City Manager or his designee who shall have the responsibility for planning, developing, and implementing stormwater management and sediment control plans; financing, constructing, maintaining, rehabilitating, inspecting, and managing stormwater facilities; collecting fees and charges for the Utility; implementing and enforcing the provisions of this code; promoting public awareness of the progress and activities of the Utility; making recommendations regarding proposals for amendments to this chapter, including, but not limited to, service charges, rules, and regulations; and other related duties.

#### **§55.06 STORMWATER FACILITIES.**

- (A) The Utility shall monitor the design, operation, maintenance, inspection, construction and use of all storm sewers, storm drains, and stormwater facilities in the City. The Utility shall be responsible for the design and construction of public stormwater facilities in the City and shall inspect, operate, and maintain them as prescribed in the stormwater rules and regulations.
- (B) The Utility may accept overriding responsibility for permanent maintenance of stormwater facilities designed to control erosion when the benefitting area involves two or more property owners. The Utility may require facilities to be designed to reduce maintenance cost and will require adequate easements.

#### **§55.07 EROSION, SILTATION AND SEDIMENTATION.**

The Utility shall be responsible for controlling erosion, siltation and sedimentation that will adversely affect storm sewers, drainage ditches, watercourses and other drainage facilities.

#### **§55.08 ROUTINE AND REMEDIAL MAINTENANCE AND RIGHT OF ENTRY.**

- (A) The Utility shall provide for inspection and routine maintenance of facilities that have been accepted for maintenance by the Utility. Maintenance may include catch basin cleaning, grating and casting repair, bridge surface drainage systems cleaning, channel clearing, erosion repair, and other incidentals. The Utility shall provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public. Remedial maintenance of bridge surface drainage systems shall remain the responsibility of agencies other than the Utility.

- (B) Upon notice, the City Manager or his designee, including contractors and their employees or consultants and other employees, may enter upon lands within the City to make surveys and examinations to accomplish the necessary findings for planning and engineering studies or for inspection or maintenance of stormwater facilities. The City Manager or his designee shall maintain records of all inspections made.

#### **§55.09 PROPERTY AFFECTED.**

- (A) Except as provided in this chapter, all residentially developed property and non-residential developed property located within the limits of the city shall be subject to the stormwater service charges established by this chapter regardless of whether the properties are privately or publicly owned. Vacant/unimproved property shall not be subject to the stormwater service charges.
- (B) The Utility shall be responsible for stormwater drainage facilities and watercourses on all streets, boulevards, sidewalks, curbing, street and other municipal property and public easements, and highway structures and appurtenances belonging to the City.
- (C) Where public facilities and watercourses are located in easements on private property, the owner of the property is responsible for aesthetic maintenance such as lawn mowing, litter pick-up, etc. The owner shall neither place nor allow structures or plantings that interfere with the operation and maintenance of such drainage facilities and watercourses.
- (D) The Utility may authorize the construction of curbs, pavements, channels, watercourses, conduits, culverts, or other structures necessary to properly operate and maintain new and existing stormwater facilities.

#### **§55.30 USER FEE.**

- (A) All owners of real property in the City shall be charged for the use of the stormwater system based on an estimate of the amount of stormwater and rate of flow of stormwater that is projected to discharge into the stormwater system from the property.
- (B) By this chapter, which may be amended from time to time by resolution of the Commission, the City hereby sets and establishes a system of fees that is intended to assess users their fair and equitable share of the costs for use of the stormwater system for each property within the City. These fees shall be established in an amount sufficient to defray the reasonable costs for Federal stormwater permit requirements, operation, maintenance, and construction of necessary improvements or additions to the stormwater system. The subsequent amendments or adjustments shall take into consideration the amount of funds reasonably necessary to meet the level and cost of service required to manage and operate the stormwater system, including any previously unforeseen inflationary

pressures, system expansion, increases in state and federal program mandates, or related issues that may necessitate management program expansion.

### **§55.31 FEES ESTABLISHED.**

- (A) Subject to the provisions of this chapter, each and every owner and/or operator of residentially developed property and non-residential developed property shall have imposed upon them a stormwater user fee. The stormwater user fee shall be a monthly service charge and shall be determined by the provisions of this chapter and the applicable equivalent residential unit (ERU) and ERU rate established hereunder, which provisions may be amended from time to time in accordance with the provisions of this chapter or by resolution of the Commission. The established rate shall be contained within the Stormwater Management User Fee Policy. Effective with the initiation of the Stormwater Utility, one (1) ERU is equivalent to \$4.70.
- (B) The City Manager shall make recommendations to the Commission to adjust this definition of ERU from time to time by resolution to reflect development trends within the city or further equitably divide the costs of supporting the operation and maintenance of the stormwater system. In adjusting this definition, the Commission shall take into consideration the source of the data from which the subject ERU is to be established, the general acceptance and use of the source on the part of other stormwater systems, and the reliability and general accuracy of the source. The Commission may also utilize information obtained from property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information in order to determine impervious surface areas.
- (1.) Residentially developed properties shall be billed on a per unit basis at one (1) ERU per month and duplexes, triplexes and apartments will be billed on a per unit basis of one-half (1/2) an ERU per month.
  - (2.) The fee for non-residential developed properties shall be calculated based on the total impervious area of the property divided by the then-effective average impervious area for an ERU multiplied by a rate of one (1) ERU per month at the rate established for an ERU. The impervious area estimate shall be based on ortho-rectified aerial photography and/or as-built plans as approved through the building permit process, or other sources at the discretion of the City Engineer.
  - (3.) Notwithstanding any other provision of this chapter, the STWUD shall assess the need for rate increases and report findings to the Commission.

- (C) Rates and charges incurred under this section shall be prepared and collected by the City in accordance with those provisions regulating the preparation and issuance of bills for utility service. The monies collected under this section shall be used expressly for the benefit of the stormwater system.

**§55.32 COLLECTION.**

- (A) The billing and collection of stormwater user fees shall be administered by the City Utilities Billing Office. The stormwater user fees for residentially developed properties and non-residential developed properties shall be billed as frequently as monthly with payment due as of the date stated in the billing.
- (B) For billings and collections administered directly by the City, in the event a partial payment is received, the payment shall be applied according to established procedures. All bills for stormwater user fees shall become due and payable in accordance with the rules and regulations in effect, or subsequently adopted by, the Commission.
- (C) All charges not under appeal and not paid within ten (10) days from date of billing shall be considered delinquent. All charges delinquent shall be subject to penalty and/or interest as established by Commission and could constitute a lien or an assessment upon the real property affected from the date charges are incurred as determined by the City Manager or the City Manager's designee. The City Manager may withhold other services, including water and electric, until such time as any outstanding charges are paid in full or a payment schedule acceptable to the City Manager by the delinquent party is agreed to.
- (D) The City shall have authority to annually place tax liens on properties in default of fees required by this chapter. The City shall provide notice of any intended tax liens subject to the provisions of applicable Ohio law. Removal of the property tax lien will only occur upon full payment of the stormwater user fees or other payment arrangements approved by the Commission. In the alternative, the City may take appropriate legal action to collect unpaid charges.
- (E) The threshold for retroactive billing shall be three (3) billing cycles. Omitted or previously unidentified property containing impervious surface that has not been charged stormwater user fees may be billed retroactively up to three (3) billing cycles.

**§55.33 ENTERPRISE FUND REQUIREMENTS.**

- (A) The Stormwater Utility Fund shall be used for the following purposes:
  - (1.) Acquisition of property by gift, purchase, or condemnation necessary to construct, operate, and maintain stormwater management facilities.

- (2.) Costs of administration and implementation of the stormwater management program.
- (3.) Engineering and design; debt service and related financing expenses; planning and construction costs for new stormwater facilities; and inspection, enlargement, or improvement of existing facilities.
- (4.) Operation and maintenance of the stormwater system, including the monitoring and inspection of stormwater control devices and facilities.
- (5.) Water quality monitoring and water quality programs.
- (6.) Inspection and enforcement activities.
- (7.) Elected official, appointed official, stakeholder, and general public education and outreach relating to stormwater.
- (8.) Billing, revenue collection, and associated administrative costs.
- (9.) Other activities that are reasonably required to manage and operate the stormwater system.

(B) Funding for the Utility shall include, but not be limited to:

- (1.) Stormwater user fees;
- (2.) Direct Charges. This charge will be collected from owners, developers or others for the cost of designing and constructing stormwater facilities and administrative costs and related expenses where the Utility designs and/or constructs or contracts for the construction of such facilities, including costs associated with abatement procedures undertaken by the Utility;
- (3.) Direct Assessment. This charge will be collected from owners/users in localized areas that desire stormwater drainage facilities not considered a part of the regional development or where an improvement is desired ahead of the priority status;
- (4.) Fees as set forth in this chapter; and
- (5.) Other income obtained from federal, state, local and private grants or revolving funds.

(C) All revenues generated by or on behalf of the Utility including stormwater management service charges and interest earnings on those revenues shall be deposited in the Stormwater Utility Fund and used exclusively for stormwater utility purposes.

(D) When a public improvement is funded by other funds of the City and/or by other agencies or organizations, the Utility may assume financial responsibility for any storm drainage improvement costs associated with the overall project.

### **§55.50 ENFORCEMENT.**

The City Manager or his designee is authorized to take appropriate legal action to require compliance with this chapter.

### **§55.51 APPEALS.**

(A) Any person, firm, corporation, or organization notified of non-compliance with this chapter, who, or that is required to perform monitoring, analyses, reporting and/or corrective actions that is aggrieved by a decision of a City employee or contractor issuing such decision, may appeal the decision in writing to the City Manager within ten (10) days following the effective date of the decision.

The appeal must include all necessary documents, including, but not limited to, a survey, all structures or improvements, total property area, impervious area, drainage structures, drainage patterns and any features that contain, retain, or detain storm runoff on their own property, and diminish the quantity of stormwater as handled by the City.

(B) Upon receipt of the request, the City Manager or designee shall request a report and recommendation from the subject City employee or contractor and shall set the matter for administrative hearing at the earliest practicable date.

(C) At the hearing, the City Manager or his designee may hear additional evidence, and may revoke, affirm, or modify the earlier decision. Such decision shall be final, subject to appeal to a court of competent jurisdiction.

(D) The threshold for retroactive credits and adjustments shall be three (3) billing cycles prior to appeal application and/or the date of property owner transfer, with exception to vacant/unimproved or unidentified property that has not been charged stormwater user fees.

### **§55.52 NO LIABILITY.**

Floods and stormwater runoff may occasionally occur which exceeds the capacity of the system. This ordinance does not imply nor create a duty on the City to insure that property subject to fees and charges established herein will always be free from flooding or flood damage, or that stormwater systems capable of handling all storm events can be cost effectively constructed, operated, or maintained. Nor shall this ordinance create a liability on the part of, or cause of action against, the City, or any of their elected officials, officers, or employees for any flood damage or any damage that may result from storms or runoff thereof.

**§55.99 PENALTY.**

Any person, business, or entity found in violation of any provision of this chapter shall be deemed guilty of a first degree misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

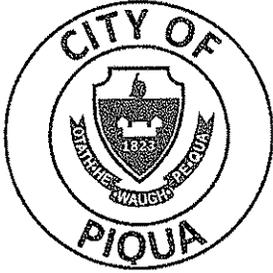
SECTION 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

REBECCA J. COOL  
CLERK OF COMMISSION



## ENGINEERING DEPARTMENT

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

September 29, 2009

### MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO ESTABLISH A STORMWATER MANAGEMENT USER FEE THROUGH THE CREATION OF A STORMWATER UTILITY**

On November 1, 2006, the City of Piqua was required to submit a permit application and a Storm Water Management Plan (SWMP) to apply for coverage under the Ohio EPA NPDES General Permit for stormwater discharge. On January 30, 2009, the City of Piqua was issued coverage under the above reference permit.

We have until January 30, 2014 to implement all of the requirements set forth in the SWMP which include the following areas: Public Education/Outreach, Public Participation/Involvement, Illicit Discharge Detection/Elimination, Construction Site Runoff Control, Post Construction Runoff Control, and Pollution Prevention/Good Housekeeping.

Currently, all stormwater activities performed (street sweeping, storm sewer repairs, storm sewer replacements, etc.) are funded out of the Street Department. Needless to say, the amount of work currently being performed is far less than the amount that is now being required by our NPDES Permit.

Therefore, being faced with the unfunded federal mandate by the EPA to comply with the new permit requirements, the City of Piqua hired Stantec Consulting to assist the City in establishing a Storm Water Utility. The first step was to create a Storm Water Advisory Committee (SWAC) which consisted of representatives from Commercial, Industrial, Chamber of Commerce, Churches, Schools, City Residents and City Staff. The SWAC met monthly to identify/establish key elements of the program and through a facilitated process, were able to establish consensus on the issues (see attached letter from the SWAC members).

A work session was held on September 28, 2009 with City Commissioners, the SWAC, and Stantec Consulting to discuss the Stormwater Management Program. At that meeting, it was decided to proceed with introduction of the proposed stormwater ordinance to the City Commission for formal adoption.

In summary, the Stormwater Advisory Committee is recommending the following: the rate for one Equivalent Residential Unit (ERU) is \$4.70/month, and the first billing cycle would begin December 30, 2009. The recommended rate of \$4.70 per ERU will be consistent for the next 5 years. After that time, the program will be reevaluated to determine whether the current rate structure is sufficient to satisfy the new permit cycle that the City will be under.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Amy L. Havenar".

Amy L. Havenar, P.E.  
City Engineer

c: Cynthia Holtzapple, Finance Director  
Doug Harter, Street Department Superintendent  
Devon Alexander, Code Enforcement Officer



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

6/5/2009

CITY OF PIQUA  
FREDERICK E ENDERLE  
201 W WATER ST  
PIQUA

OH 45356

RE: Approval for coverage under Ohio EPA NPDES General Permit  
STORM WATER ASSOCIATED WITH **SMALL MS4 NOI**

**OHQ000002**

odnr number:  
if applicable

Dear Applicant:

The Ohio Environmental Protection Agency has received a Notice of Intent for coverage under the above referenced general permit for :

CITY OF PIQUA  
201 W WATER ST

County: Miami

City: PIQUA

**Ohio EPA Facility Permit Number: 1GQ00061\*AG** Estimated Disturbed Acreage

This site/facility is approved for coverage under the above referenced Ohio EPA general permit. Please use your Ohio EPA facility permit number in all future correspondences.

Please familiarize yourself with your general permit. The permit contains requirements and prohibitions with which you must comply. Coverage remains in effect until a renewal general permit is issued and Ohio EPA has contacted you in writing about submitting a new NOI for continuing coverage.

**For Coal Surface Mining Permittees enclosed are Monthly Operating Report (MOR) forms for your use.**

Program contacts:

Construction : Mike Joseph at (614) 752-0782 [michael.joseph@epa.state.oh.us](mailto:michael.joseph@epa.state.oh.us)  
MS4 / Marina / Alt.Const : Jason Fyffe at (614) 728-1793 [jason.fyffe@epa.state.oh.us](mailto:jason.fyffe@epa.state.oh.us)  
MS4 / Industrial : Anthony Robinson at (614) 728-3392 [anthony.robinson@epa.state.oh.us](mailto:anthony.robinson@epa.state.oh.us)  
Industrial / Coal: John Morrison at (614) 644-2259 [john.morrison@epa.state.oh.us](mailto:john.morrison@epa.state.oh.us)

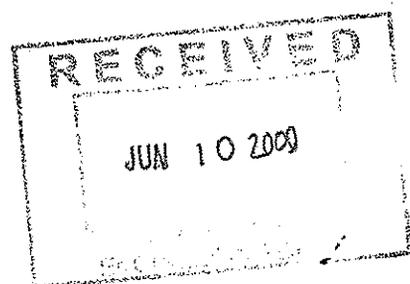
You may obtain current information and forms from our web site at:

<http://www.epa.state.oh.us/dsw/storm> Thank you for your cooperation in this matter.

Sincerely,

Chris Korleski  
Director

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director



August 27, 2009

Piqua City Commission  
201 West Water Street  
Piqua, Ohio 45356

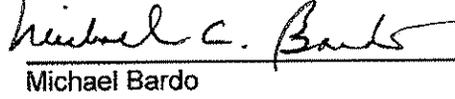
The Piqua Stormwater Advisory Committee has met monthly since March 2009. At these meetings the City staff and representatives from Stantec Consulting have presented information on the cities NPDES Phase II permit requirements, the operation, maintenance and capital improvement needs of the City related to the stormwater management system and the proposed level of service and cost of service associated with those needs. They have explained the methodology involved in determining impervious area for each parcel within the City and with that data the associated rate structure. We have discussed in detail the User Fee Policy proposed by the consultant and have suggested modifications to that policy. We have also reviewed and provided comments on the Executive Summary and proposed Ordinance.

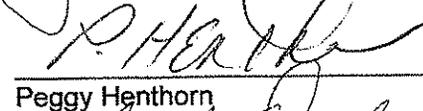
At the suggestion of the Consultant, the Advisory Committee did not vote or take formal action on any of the material presented to the group. Rather, we discussed the material, expressed our respective views on the issues and attempted to reach consensus. The materials being presented to the City Commission represents the result of this process.

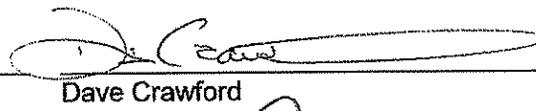
The Stormwater Advisory Committee was selected from a broad cross section of the community and includes representatives from local business, industry, schools, churches and property owners in the City. We appreciate the opportunity that the City has provided us in presenting this material to our group and allowing us to provide input on this process.

Signed: City of Piqua Stormwater Advisory Committee

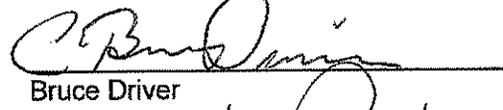
  
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Jim Vetter

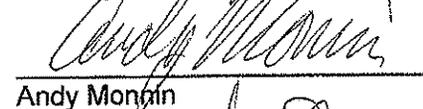
  
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Michael Bardo

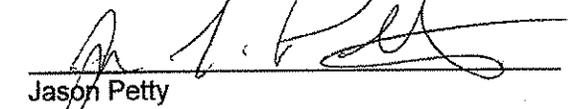
  
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Peggy Henthorn

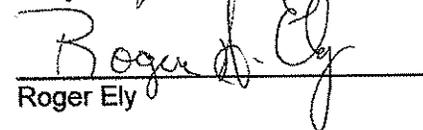
  
\_\_\_\_\_  
Dave Crawford

  
\_\_\_\_\_  
Mark Spoltman

  
\_\_\_\_\_  
Bruce Driver

  
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Andy Monnin

  
\_\_\_\_\_  
Jason Petty

  
\_\_\_\_\_  
Roger Ely

**RESOLUTION NO. R-94-09**

**A RESOLUTION AWARDDING A CONTRACT TO  
BRIAN BROTHERS PAINTING & RESTORATION LLC. FOR  
THE 2009 MAUSOLEUM BUILDING REPAIRS**

WHEREAS, on January 5, 2009, this Commission passed Resolution No. R-2-09 authorizing the City Purchasing Agent to advertise for bids, according to law, for the 2009 Mausoleum Building Repairs; and

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

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

SEC. 1: A contract is hereby approved with Brian Brothers Painting & Restoration LLC.; as the lowest, responsible bidder for the 2009 Mausoleum Building Repairs and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

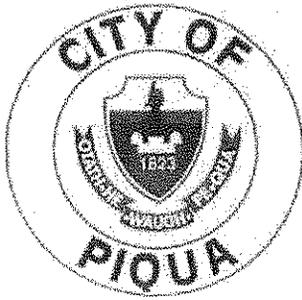
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$37,200.00.

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

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

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

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



## ENGINEERING DEPARTMENT

201 West Water Street Piqua, Ohio 45356  
(937) 778-2044 FAX (937) 778-5165  
www.piquaoh.org

September 25, 2009

### MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO AWARD A CONTRACT TO BRIAN BROTHERS PAINTING & RESTORATION FOR THE 2009 MAUSOLEUM BUILDING REPAIRS PROJECT TOTAL COST NOT TO EXCEED \$37,200**

On Thursday, September 24, 2009, two bids were received for the above referenced project. A tabulation of bids received are as shown below:

CONTRACTOR	BID TOTAL
Brian Brothers Painting & Restoration	\$33,820
Quality Masonry Co., Inc.	\$39,900

Our office performed an extensive check on their references and is confident that they are capable of handling a project of this scope and size.

The work includes minor demolition of the existing porch to repair a leak at the porch entrance of the structure. Other repairs include the elimination of the skylight at the roof level and some minor repairs to the doors. Only the minimal work is included under this agreement but additional work will be required in the near future.

The 110 fund for the Mausoleum includes \$50,000 for repairs to the structure. This request for legislation includes approximately 10% contingency for items of work that may be required, but are not included in the specifications.

As with all public improvement projects, a detailed bid tabulation is available on the City's website.

Respectfully submitted,

Robert B. Graeser  
Project Construction Manager

RBG/jc

c: Amy Havenar, P.E., City Engineer  
Cynthia Holtzapple, Finance Director

**RESOLUTION NO. R-95-09**

**A RESOLUTION APPROVING THE 2009 SCHOOL TRAVEL PLAN SAFE ROUTES TO SCHOOL COUNTERMEASURE APPLICATION**

WHEREAS, the United States Congress has set aside monies for Safe Routes to School Projects through the State of Ohio, Department of Transportation; and

WHEREAS, the City of Piqua is an eligible Local Public Agency (LPA ) and can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS, the preparation of a Safe Routes to School - School Travel Plan is a transportation activity eligible to receive federal funding; 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 City Manager of said LPA is hereby empowered on behalf of the LPA to prepare and execute an application for SRTS funds for the stated described project and to submit same to the State of Ohio, Department of Transportation.

SEC. 2: The total cost of the project is estimated to be \$4,000, of which the LPA, if awarded the funds, will receive 100% The LPA further agrees to pay One Hundred Percent (100%) of the cost over and above the maximum amount provided by the State of Ohio, Department of Transportation.

SEC. 3: If the application is approved for the funding the City Manager of said LPA is hereby empowered on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above-described project.

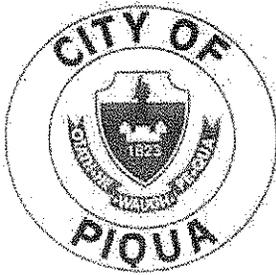
SEC. 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

REBECCA J. COOL  
CLERK OF COMMISSION



## 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

September 29, 2009

### MEMORANDUM

TO: Frederick E. Enderle

CC: William P. Murphy

**RE: Request seeking declaration of International Walk to School Day; and,  
Request for authorization to apply for Safe Routes to School-School Travel Plan  
Development assistance**

On behalf of the Safe Routes to School (SRTS) team I submit to you this request for City Commission action on two items related to the SRTS initiative.

- 1) A proclamation recognizing a local International Walk to School Day event.
- 2) Authorization to apply for funding assistance to complete the SRTS - School Travel Plan Development process for four school buildings located within the community.

Following recent discussions with ODOT officials, City of Piqua, Piqua City Schools, and Piqua Catholic Schools representatives formed a SRTS team to advance the SRTS initiative at a local level. As a result of the efforts of this group to date, the Piqua City Schools have received a grant to be used to promote the benefits of walking to school as part of a local celebration of International Walk to School Day. The SRTS team respectfully request that the local International Walk to School Day be declared by a proclamation from the Mayor recognizing the planned event. In addition, the SRTS team has begun work on a planning initiative that will position the community to be eligible for up to \$2,000,000 in SRTS infrastructure and non infrastructure funding assistance. To be eligible to apply for SRTS infrastructure or non infrastructure funding assistance the SRTS School Travel Plan Development process must first be completed. Therefore, it is the recommendation of the SRTS team that an application for assistance with completing the School Travel Plan Development process be submitted at this time.

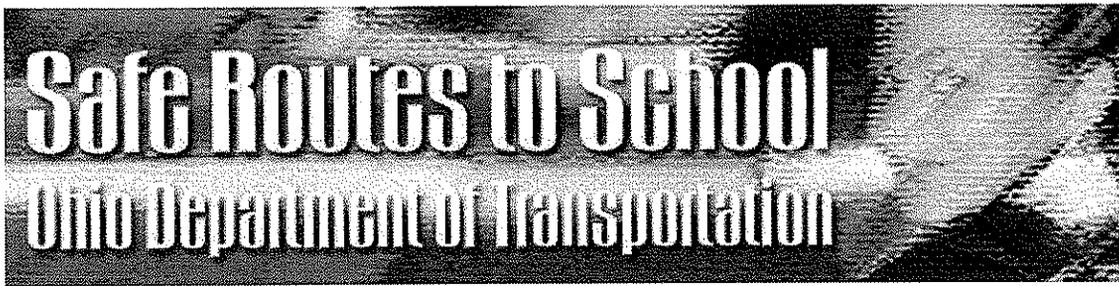
Included for the City Commissions' reference in considering these items you will find literature further describing the Safe Routes to Schools program and the International Walk to School Day event.

Sincerely,

*Chris Schmiesing*

Christopher W. Schmiesing  
City Planner

Enclosures



<p><b>Safe Routes to School Funding Available</b></p> <p><b>Ohio SRTS funding opportunity: Sept. 8 to Nov. 2, 2009</b></p> <p>There are three types of eligible projects:</p> <ol style="list-style-type: none"><li>1. Infrastructure – Up to \$500,000 per applicant;</li><li>2. Non infrastructure – Up to \$100,000 per applicant; and</li><li>3. School Travel Plan Development – Up to \$1,000 per school Max 4 schools per applicant each funding cycle considered.</li></ol> <p>ODOT will provide engineering services needed to complete plan development.</p>	<p>Take Care Be Aware</p> <p>2 Million Ohio Kids Are Counting on You!</p> <p>Safe Routes to School</p>
<p><b>Ohio SRTS Funding Available:</b></p> <p>By encouraging and enabling children to use active transportation, communities can cut costs, offer healthy options and improve the area surrounding the school.</p> <p>As part of Governor Strickland's ongoing commitment to transportation safety, the Ohio Department of Transportation (ODOT) is beginning a new application cycle for its widely-recognized Safe Routes to School (SRTS) program.</p> <p>Last year, ODOT awarded nearly \$4 million to communities across the state for school crossing signals, bike/pedestrian facilities, educational materials and School Travel Plans.</p> <p>More than a third of youths aged 9 to 15 live within a mile of school, but less than half of these students walk or bike even one day a week. This is a lost opportunity for students to get much-needed physical activity and to learn more about their neighbors and the community.</p> <p>Funds will be awarded on a competitive basis to eligible applicants who have ODOT approved School Travel Plans, have developed their SRTS program and show a demonstrated need for funding to implement portions of the plan. The program serves students in grades k-8.</p>	<p><b>Safety Tips for Students and Drivers:</b></p> <p>Now that school is in session, lets work together to to keep the 2 Million students in Ohio safe:</p> <p><a href="#">Tips for Drivers.pdf</a></p> <p><a href="#">KidsActivityBook.pdf</a></p>

Applicants may also apply for funds to develop their School Travel Plan.

There are three types of eligible projects:

1. Infrastructure – Up to \$500,000 per applicant per project;
2. Non infrastructure – Up to \$100,000 per applicant per funding round; and
3. School Travel Plan Development – Up to \$1,000 per school with a maximum of 4 schools per applicant per funding cycle considered. ODOT will provide the engineering services needed to complete the plan development.

Eligible applicants include State, local and non-profit organizations. Eligible projects include infrastructure projects, such as bicycle/pedestrian facilities, within 2 miles of K-8 schools and non-infrastructure projects, such as training, public awareness and traffic enforcement.

#### **Please Review Application Guidance:**

 [ApplicationGuidance2009.pdf](#)

#### **Applications:**

##### **Infrastructure:**

 [Infrastructure.doc](#)

 [Infrastructure.pdf](#)

##### **Non Infrastructure:**

 [NonInfrastructure.doc](#)

 [NonInfrastructure.pdf](#)

##### **School Travel Plan Development:**

 [STPDevelopment.doc](#)

 [STPDevelopment.pdf](#)

For further information, please contact Julie Walcoff at 614-466-3049, [julie.walcoff@dot.state.oh.us](mailto:julie.walcoff@dot.state.oh.us)

March 2009



#### **ODOT targets \$3.9 million for Safe Routes to Schools**

COLUMBUS (Thursday, April 16, 2009) - With the return of warmer weather, more of Ohio's elementary and middle school students may choose to walk or bike to school. To make sure those children get to class and home safely, the Ohio Department of Transportation is targeting \$3.9 million to 66 communities as part of ODOT's Safe Routes to School program.

Schools zone can be dangerous: Between 2006 and 2008, Ohio's school zones were home to more than a 1,000 crashes.

In 2008, one person was killed, and 121 people were injured.

This year, ODOT is awarding \$3.7 million in federal transportation funds to 13 local communities to build multi-use paths, bike racks, and sidewalks near schools, as well as improve lighting and signage near school zones.

Another five communities will receive \$296,000 to develop educational materials and events or increase law enforcement near schools zones to encourage more students to walk or bike to school.

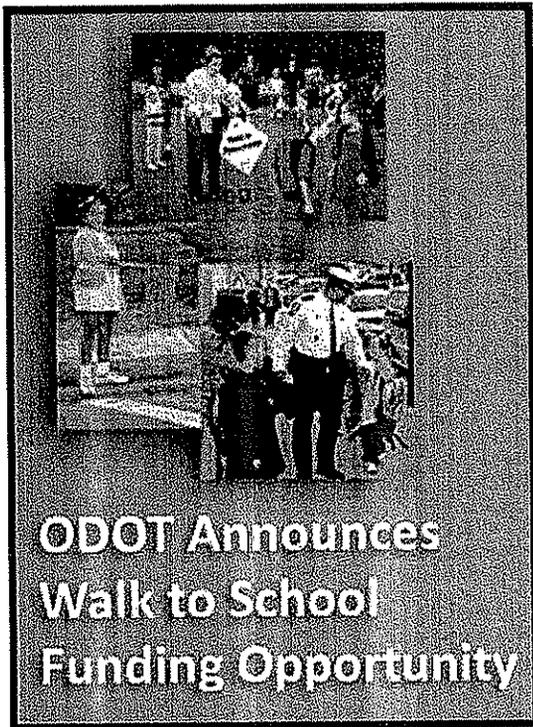
An additional \$756,000 will go to 53 communities to create School Travel Plans, a required outline of how communities will encourage parents and children to travel by means other than a motor vehicle to and from school.

 [Press Release](#)

 [Awards List](#)



**The Ohio Department of Transportation**  
1980 West Broad Street, Columbus Ohio, 43223  
[Ted Strickland, Governor](#) | [Jolene M. Molitoris, ODOT Director](#)  
[Privacy Statement](#) | [Advanced Search](#) | [Feedback](#)



**COLUMBUS** (Friday, April 3, 2009) - International Walk to School Day (WTS Day) will be celebrated in October 2009. Each October, millions of children, parents, teachers and community leaders across the globe walk, bicycle, skate, scooter or roll to school to celebrate Walk to School Day. It is an energizing event, reminding parents and children alike of the simple joy of walking to school. It also serves as an opportunity to focus on the importance of physical activity, safety, air quality and walkable communities. Walk to School activities often become a catalyst for ongoing efforts to increase safe walking and bicycling all of the time.

In order to provide communities with resources to support WTS Day events and activities, the Ohio Department of Transportation will award up to \$1,000 per school (K-8) to help with expenses related to conducting International Walk to School Day during the month of October, 2009. 200 awards are available.

To download the application:  
[www.dot.state.oh.us/Divisions/Local/Projects/SafeRoutes](http://www.dot.state.oh.us/Divisions/Local/Projects/SafeRoutes)

For ideas and information on Walk to School Day:  
[www.walktoschool.org](http://www.walktoschool.org)

**RESOLUTION NO. R-96-09**

**A RESOLUTION OF AUTHORIZATION  
TO SUBMIT APPLICATIONS FOR FEDERAL  
SAFETEA-LU FUNDS THROUGH THE MIAMI  
VALLEY REGIONAL PLANNING COMMISSION**

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the SFY2008-2011 Transportation Improvement Program (TIP); and

WHEREAS, the City of Piqua has committed to a timely project development schedule; and

WHEREAS, the City of Piqua has committed the necessary resources to support the local cost portion of the projects; and

WHEREAS, the following list of projects will be submitted to MVRPC, shown in order of the City of Piqua's priority from number 1 to 4.

1. CR 25-A Reconstruction Phase III from Looney Road to Indian Ridge Drive
2. College Street Corridor Traffic Signal/Intersection Modifications to the College St./High St., College St./Water St. and College St./Covington Ave. intersections
3. Right-of-Way fence, curbing, sidewalk, and other hardscape improvements along US Route 36 near the I-75/US 36 Interchange.
4. The redevelopment of Garnsey Street/Commercial Street corridors into a shared roadway/designated bike route connecting the surrounding neighborhood to the Great Miami River Recreational Trail, the P.A.T.H., and Mote Park.

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:

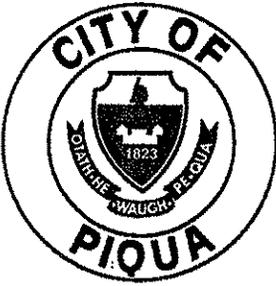
SEC. 1: Frederick E. Enderle, City Manager, is hereby authorized and directed to execute and file an application through the Miami Valley Regional Planning Commission as mentioned above and to provide all information and documentation required to become eligible for possible funding assistance;

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

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

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

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



## ENGINEERING DEPARTMENT

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

September 28, 2009

### MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **Request for Commission Authorization to make application to the Miami Valley Regional Planning Commission (MVRPC) for a funding grant through the Surface Transportation Program (STP)**

We request authorization to make application for the above referenced grant.

The Miami Valley Regional Planning Commission is in the process of soliciting for new transportation projects using MVRPC regionally controlled federal funds (STP, CMAQ or TE). Funding is anticipated for availability in SFY 2015. The City of Piqua Development Team met to develop a list of possible projects. From that list, it was narrowed down to four projects that would best meet the criteria established by the MVRPC for project selection.

The four projects identified for submission are as follows based on priority:

1. County Road 25-A Phase III – Reconstruction from Looney Road to Indian Ridge Drive
2. College Street Corridor Traffic Signal/Intersection Modifications including the College St./High St., College St./Water St. and College St./Covington Ave. intersections
3. Right-of-Way fence, curbing, sidewalk, and other hardscape improvements along US Route 36 near the I-75/US 36 Interchange
4. The redevelopment of Garnsey Street/Commercial Street corridors into a shared roadways/designated bike routes connecting the surrounding neighborhood to the Great Miami River Recreational Trail, the P.A.T.H., and Mote Park.

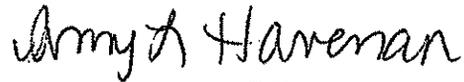
There were various other projects that were evaluated; however, the four projects listed above are projects that meet the STP project guidelines as established by MVRPC. The other projects evaluated were: Reconstruction of Washington Ave. from Park Ave.



to Broadway, enhancements to the South Main St. corridor, and the installation of gateway features and other amenities at Armory Park off of E. Ash St.

Applications are due in the office of the MVRPC on October 15, 2009. Please let me know if I can provide any additional information pertaining to this matter.

Respectfully submitted,



Amy L. Havenar, PE

c: Dave Burtner, Utilities Director  
Bill Murphy, Economic Development Director  
Bill Lutz, Development Program Manager  
Ed Krieger, Power System Director  
Chris Schmiesing, City Planner