

AGENDA
PIQUA CITY COMMISSION
TUESDAY, MARCH 2, 2010
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

REGULAR CITY COMMISSION MEETING

PROCLAMATIONS

- **Colonel William J. Baugh Day in the City of Piqua**
Accepting: Ms. Alice Fay / Mr. Tom Fay
- **Developmental Disabilities Month in the City of Piqua**
Accepting: Karen Mayer, Superintendent of Riverside of Miami County
Terry Naas, Community Relations & Staff Development Manager
- **American Red Cross Month in the City of Piqua**

A. CONSENT AGENDA

- a. **APPROVAL OF MINUTES**
Approval of the minutes from the January 27, 2010 and the January 30, 2010
Work Sessions and the February 16, 2010 Regular City Commission Meeting

B. OLD BUSINESS

- a. **ORD. NO. 3-10 (2nd Reading)**
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter
Sections 3 and 4 The Commission
- b. **ORD. NO. 4-10 (2nd Reading)**
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter
Section 33 under Administrative Service

C. NEW BUSINESS

- a. **ORD. NO. 5-10 (1st Reading)**
An Ordinance amending Chapter 55 of the Piqua Municipal Code Stormwater
Management
- b. **RES. NO. R-32-10**
A Resolution of Appreciation for the public service of Wesley Melling, Jr. as
a City Employee

c. RES. NO. R-33-10

A Resolution requesting preliminary authorization for installation of median cable barriers along IR-75 within the City of Piqua

d. RES. NO. R-34-10

A Resolution accepting the recommendations of the Tax Incentive Review Council of the City of Piqua for the purpose of the administration of the City of Piqua's Enterprise Zone Program, as required by Section 5709.85 (C) (1) of the Ohio Revised Code

D. OTHER BUSINESS

Monthly Reports – January 2010

E. ADJOURNMENT

A. CONSENT AGENDA ITEMS

March 2, 2010

- **Minutes - January 27, 2010 Worksession**
- **Minutes - January 30, 2010 Worksession**
- **Minutes - February 16, 2010 City Commission Meeting**

MINUTES
PIQUA CITY COMMISSION WORK SESSION
January 27, 2010
11:00 A.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 Fess called the meeting to order at 11:00 A.M. Also present were Commissioners Wilson, Martin, Terry, and Vogt. Absent: None. Also in attendance: City Manager Fred Enderle, Finance Director Cynthia Holtzapple, Stormwater Coordinator Devon Alexander, Law Director Stacy Wall, Power Systems Director Ed Krieger, Health & Sanitation Director Amy Welker, Utility Office Manager Robin Hungerford, and Utility Director Dave Burner.

Purpose of the Special Meeting is to discuss Stormwater Utility.

City Manager Enderle explained these are Federal Mandates the city is required to follow and there we need to find solutions to getting things accomplished.

Stormwater Coordinator Devon Alexander went over the Review Alternatives for the Stormwater Utility Fee.

(See attached Exhibit "A" Power Point Presentation from the Meeting)

There was discussion on the amount of ERU'S other cities are charging and where the city should set our fees, if credits should be given, what the alternatives are if we do not comply with the mandates, reasons we need to build a new storm sewer system at this time, why we just can't tell the EPA we can not do this at this time.

Mayor Fess stated educating the public is very important at this time; citizens need to understand where we stand on this, and why we have to impose these new fees.

Law Director Wall stated she worked in Cincinnati and they were forced to comply with EPA Mandates and they challenged them, in turn they were ordered by a Federal Judge to comply and fined a large sum of money daily until they complied.

Finance Director Cynthia Holtzapple gave a brief explanation on the General Fund Projections as shown in the presentation.

There was discussion of the need for street repairs, sanitary sewer repairs, storm water repairs, and the impact to the Street Fund.

Public Comment

Scott Phillips, Piqua Lockington Road, voiced his concern about expanding the city limits at this time.

Jon Voisnet, Garbry Road, voiced his concern over the stormwater rates and how they were going to be determined for residential and commercial users, and what happens if the fees are not paid.

Joe Drapp, Park Avenue, voiced concern on how they would be able to administer the credit program, and urged residents to write to their Congressman to voice their concerns over the mandates

Commissioner Wilson stated he was not in favor of any of the options and would like to see other options with abatements before making any decision.

Commissioner Vogt asked if it would be possible for him to get a list of the commercial accounts to see how they would be affected.

There was discussion on the type of gravel and concrete to be considered as pervious surface, and the elimination of certain types of gravel on surfaces.

Dennis Bratton, French Oil Mill Machinery Company, voiced his opinion, further stating he felt it was a very good presentation, but they need to think outside the box and come up with another plan to solve the problems.

Cy Plemm, French Oil Mill Machinery Co. also voiced his opinion on the EPA Mandates.

Deron Yingst, Adams Street, voiced his opinion on the \$4.70 per ERU fees, stating the city should pass the fees to the residential customers at this time and work on the commercial fees and try to come up with a fair rate for the commercial customers.

There was discussion of the Stormwater Utility Department and the number of employees and responsibilities they have.

Andy Monnin, W. North Street, stated he was on the Stormwater Advisory Committee and explained some the issues that were discussed concerning gravel, the possibility of phasing in 2-3 year, and the use of discounts and credits to customers.

Mayor Fess stated there was a lot of good information at the meeting and asked the Commissioner if they would like to schedule another meeting to be able to look at other options. City Manager Enderle stated they would need at least a month to put other options together.

Mayor Fess thanked the Department Heads and the Staff for their presentation.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 1:30 P.M. Voice vote, Aye: Wilson, Martin, Terry, Hudson and Vogt. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

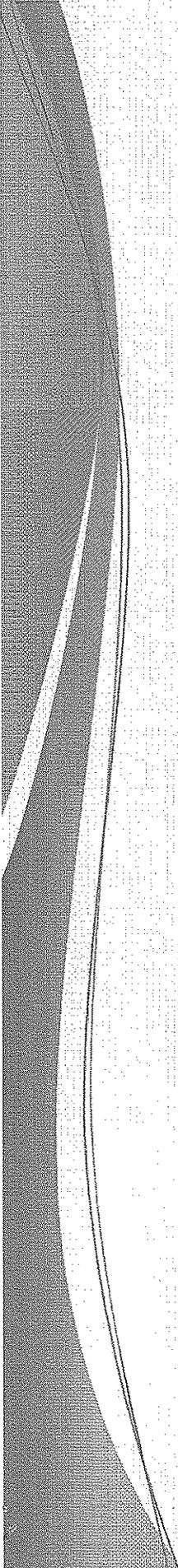
ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Exhibit "A"

Commission Study Session

Review Alternatives for The Stormwater Utility Fee

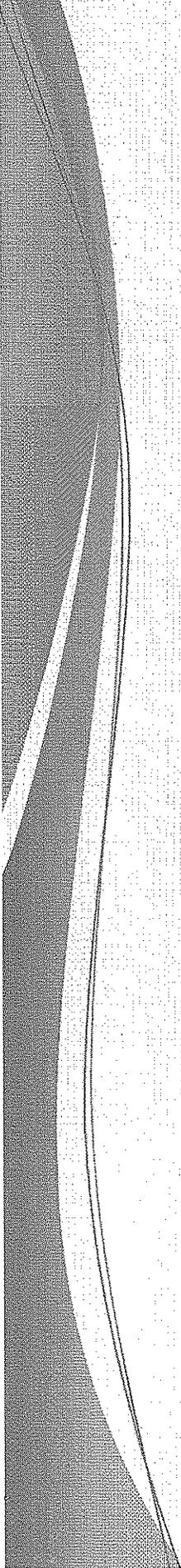
January 27, 2010



Review On Requirements

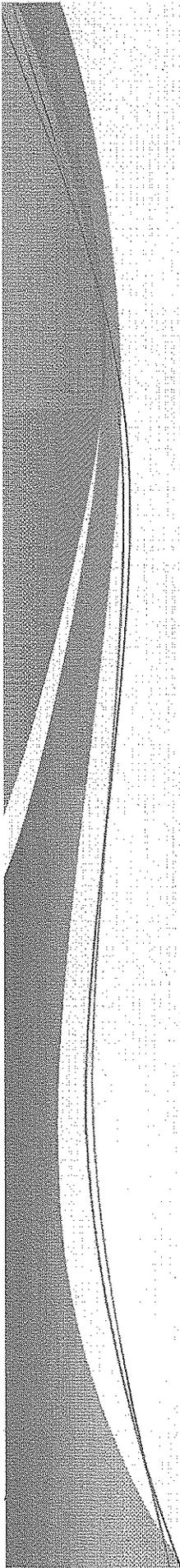
- Currently the City of Piqua must participate in the unfunded federal/state mandated National Pollutant Discharge Elimination System (NPDES) and Municipal Separate Storm Sewer (MS4) Phase II “Stormwater Quality” permit.
- The permit is a five year permit. (Jan. 30, 2009-Jan. 30, 2014)
- Funding will cover maintenance on all existing Stormwater systems, capital improvements, and will fund the public education component, which is required.

MS4- Appendix-6	County	Rate	Square Footage Per ERU	Effective Date	Additional Comments
City of Vandalia	Montgomery	\$ 2.00	4431	2004	Only partial funds program
City of Upper Arlington	Franklin	Varies		1991	Residential \$33 Flat Rate/month, everything else is \$1.22 per ERU
City of Cincinnati	Hamilton	\$ 2.70	2000	1985	Funds all requirements
City of Columbus	Franklin	\$ 2.74	2000		Funds all requirements
City Of Hamilton	Butler	\$ 3.60	3137		Funds all requirements
City of Loveland	Hamilton	\$ 4.00	2500	2002	Funds all requirements
City of Milford	Clermont	\$ 5.50	2700		Funds all requirements
City of Ravenna	Portage	\$ 3.00	2750	2008	Funds all requirements
City of Xenia	Greene	\$ 2.50		2006	Difficult to effectively provide the preventative maintenance and capital
City of Sidney	Shelby	\$ 0.83	2752	2007	Funds all requirements except Capital
City of Troy	Miami	\$ 4.25	3000	2008	Funds all requirements
City of Painesville	Lake	\$ 2.75		2002	Funds all requirements
City of Franklin	Warren	\$ 3.50		2004	Funds all requirements
City of Canal Winchester	Franklin	\$ 3.00	2800		Funds all requirements
City of Reynoldsburg	Franklin	\$ 2.00	2550		Funds all requirements
City of Trotwood	Montgomery	\$ 4.00	4040		Funds all requirements



Comparison (Sidney)

- Spoke with Chris Clark (Utility Director)
- January 1, 2007 (Start Date)
- Rate - \$0.83/ERU
- Measurement is based on same method that we are using. (2,572 sq. ft. per ERU)
- Their revenue only covers their NPDES Permit.
(\$309,255)
- The General Fund still pays for Capital Projects.



Comparison (Troy)

- Obtained Information from Troy City Website.
- February 2008 (Start Date)
- Rate - \$4.25/ERU
- Measurement is based on the same method that we are using. (3,000 sq. ft. per ERU)
- ● Their revenue does all NPDES and Capital Projects.
- Their rate does have an annual increase every year, for the next 8 years. (2017-\$5.25)

NPDES Phase II Program - Minimum Control Measures (MCM) Attachment #1

MCM	Minimum Control	
1	Public Education	<p>\$2,800 Average cost per year for 5-year permit cycle</p> <ul style="list-style-type: none"> * Link website to Miami Co * Coordinate tour of stormwater BMP's * Power Point Presentations to City Residents/Local Groups
2	Public Involvement	<p>\$4,200 Average cost per year for 5-year permit cycle</p> <ul style="list-style-type: none"> * Public Input on Violations * Provide assistance to POWW during river cleanup * Present/facilitate sessions with the Great Miami River Watershed Network
3	Illicit Discharge	<p>\$36,900 Average cost per year for 5-year permit cycle</p> <ul style="list-style-type: none"> * Create System Map <ul style="list-style-type: none"> > Identify 100% of Outfalls > Create an electronic system base map of the entire stormsewer system > Locate all on-site home sewage septic systems * Create Illicit Discharge Ordinance * Dry weather sampling of outfalls * Spill reporting thru E-Gov site * Educate public to promote the Miami Co. Household Hazardous Waste Program
4	Construction Site RO	<p>\$21,400 Average cost per year for 5-year permit cycle</p> <ul style="list-style-type: none"> * Erosion & Sediment Ordinance * Standardize plan review process * Construction site waste review * Construction site plan review * Public input on developer violations * Spill reporting by public * Create Storm Water Ordinance
5	Post Construction	<p>\$11,200 Average cost per year for 5-year permit cycle</p> <ul style="list-style-type: none"> * Modify SW Ordinance to 1-acre * Standardize BMP maintenance * Create Post Construction Ordinance * Educate & Inspect BMP maintenance
6	Pollution Prevention	<p>\$10,000 Average cost per year for 5-year permit cycle</p> <ul style="list-style-type: none"> * Training of City Employees * Document Street miles swept * Creation of Stormwater Pollution Prevention Plans (SWPPP) for all applicable sites
TOTAL ESTIMATED ANNUAL COST		\$86,500

CITY OF PIQUA NPDES PERMIT REQUIREMENTS Attachment #1

ITEM	DESCRIPTION	AVERAGE COST PER YEAR FOR 5-YEAR PERMIT CYCLE
NPDES Phase II - MCM	(See Attachment #1, Sheet 2 for detailed breakdown)	\$86,500
Storm System Repair & Replacement	Approx. 800 feet per year	\$176,800
Other Operating Expenses	Shawnee Pump Station Electric & Bldg. Insurance, Leonard Ditch Assessment, Utility Dept. Building Rental	\$67,200
Street Sweeping	Street sweeping operations	\$55,000
Catch Basin Cleaning	Cleaning of catch basins in conjunction with storm sewer cleaning	\$105,900
Sewer Inspection & Cleaning	Inspect all sections of sewers every 10 years	\$70,600
Contract Bucket Cleaning	For all sewers > 36" diameter	\$33,200
BMP Projects (1 per year)	Best Management Practice Projects (i.e., the storm water separators installed on the CR 25-A Reconstruction Project)	\$53,100
Software & Sample Costs	GIS Software for storm sewer system mapping,	\$47,000
Administration (IT, UBO)		\$63,125.00
TOTAL ESTIMATED ANNUAL COST		\$758,425

Reduced Rate Amount Attachment #2

Impervious Surface (Sq. Ft.)	Number of ERUs	\$4.70/ERU		\$3.70/ERU		\$3.25/ERU		\$2.00/ERU	
		Annual	Annual	Annual	Annual	Annual	Annual	Annual	Annual
2,700	1	\$4.70	\$56.40	\$3.70	\$44.40	\$3.25	\$39.00	\$2.00	\$24.00
5,000	2	\$9.40	\$112.80	\$7.40	\$88.80	\$6.50	\$78.00	\$4.00	\$48.00
10,000	4	\$18.80	\$225.60	\$14.80	\$117.60	\$13.00	\$156.00	\$8.00	\$96.00
25,000	9	\$42.30	\$507.60	\$33.30	\$399.60	\$29.25	\$351.00	\$18.00	\$216.00
50,000	19	\$89.30	\$1,071.60	\$70.30	\$843.60	\$61.75	\$741.00	\$48.00	\$456.00
100,000	37	\$173.90	\$2,086.80	\$136.90	\$1,642.80	\$120.25	\$1,443.00	\$73.00	\$888.00
125,000	46	\$216.20	\$2,594.40	\$170.20	\$2,042.40	\$149.50	\$1,794.00	\$92.00	\$1,104.00
200,000	74	\$347.80	\$4,173.60	\$273.80	\$3,285.60	\$240.50	\$2,886.00	\$148.00	\$1,776.00
250,000	93	\$437.10	\$5,245.20	\$344.10	\$4,129.20	\$302.25	\$3,627.00	\$186.00	\$2,232.00
375,000	139	\$653.30	\$7,839.60	\$514.30	\$6,171.60	\$451.75	\$5,421.00	\$278.00	\$3,336.00
425,000	157	\$737.90	\$8,854.80	\$580.90	\$6,970.80	\$510.25	\$6,123.00	\$314.00	\$3,768.00
500,000	185	\$869.50	\$10,434.00	\$684.50	\$8,214.00	\$601.25	\$7,215.00	\$370.00	\$4,440.00
750,000	278	\$1,306.60	\$15,679.20	\$1,028.60	\$12,343.20	\$903.50	\$10,842.00	\$556.00	\$6,672.00
1,000,000	370	\$1,739.00	\$20,868.00	\$1,369.00	\$16,428.00	\$1,202.50	\$14,430.00	\$740.00	\$8,880.00
1,600,000	593	\$2,787.10	\$33,445.20	\$2,194.10	\$26,329.20	\$1,927.25	\$23,127.00	\$1,186.00	\$14,323.00

Annual Revenue w/ Flat Rate

Includes 10% Non-Pay Reduction

Monthly Flat Rate	\$4.70	\$3.70	\$3.25	\$2.00
Residential	\$507,600.00	\$399,600.00	\$351,000.00	\$216,000.00
Non-Residential	\$651,025.00	\$512,505.50	\$450,173.75	\$277,030.00
Total	\$1,158,625.00	\$912,105.50	\$801,173.75	\$493,030.00
	\$781,957.00	\$684,078.00	\$600,879.00	\$369,772.00

Revenue if Started on April 1st

	5 year Budget				
	2010	2011	2012	2013	2014
NPDES Minimum Cost	\$725,730.00	\$756,971.00	\$813,588.00	\$847,849.00	\$883,630.00
Capital Improvement Cost	\$359,000.00	\$280,000.00	\$120,000.00	\$400,000.00	\$376,000.00
Total	\$1,084,730.00	\$1,036,971.00	\$933,588.00	\$1,247,849.00	\$1,259,630.00

Tier Rate Charge Attachment #3

1-25/ERU 26-50/ERU 51 > ERU
 Monthly Total

\$4.70/ERU \$3.70/ERU \$2.70/ERU
 Annual Total

Impervious Surface (Sq. Ft.)	Number of ERUs	\$4.70/ERU	\$3.70/ERU	\$2.70/ERU	Monthly Total	Annual Total
2,700	1	\$4.70			\$4.70	\$56.40
5,000	2	\$9.40			\$9.40	\$112.80
10,000	4	\$18.80			\$18.80	\$225.60
25,000	9	\$42.30			\$42.30	\$507.60
50,000	19	\$89.30			\$89.30	\$1,071.60
100,000	37	\$117.50	\$44.40		\$161.90	\$1,942.80
125,000	46	\$117.50	\$77.70		\$195.20	\$2,342.40
200,000	74	\$117.50	\$92.50	\$62.10	\$272.10	\$3,265.20
250,000	93	\$117.50	\$92.50	\$113.40	\$323.40	\$3,880.80
375,000	139	\$117.50	\$92.50	\$237.60	\$447.60	\$5,371.20
425,000	157	\$117.50	\$92.50	\$286.20	\$496.20	\$5,954.40
500,000	185	\$117.50	\$92.50	\$361.80	\$571.80	\$6,861.60
750,000	278	\$117.50	\$92.50	\$612.90	\$822.90	\$9,874.80
1,000,000	370	\$117.50	\$92.50	\$861.30	\$1,071.30	\$12,855.60
1,600,000	593	\$117.50	\$92.50	\$1,463.40	\$1,673.40	\$20,080.80

Annual Revenue Rate
 Includes 10% Non-Payment Reduction

Residential	\$507,600.00
Non-Residential	\$526,508.00
Total	\$1,034,108.00
Revenue if started April 1	\$775,581.00

5 Year Budget

	2010	2011	2012	2013	2014
NPDES Minimum Cost	\$725,730.00	\$756,971.00	\$813,588.00	\$847,849.00	\$883,630.00
Capital Improvement Cost	\$359,000.00	\$280,000.00	\$120,000.00	\$400,000.00	\$376,000.00
Total	\$1,084,730.00	\$1,036,971.00	\$933,588.00	\$1,247,849.00	\$1,259,630.00

Abatement Rate Amount Attachment #4

Impervious Surface (Sq. Ft.)	Number of ERUs	2010		2011		2012		2013		Annual	
		75% Abatement	50% Abatement	2012	2013						
2,708	1	\$1.17	\$56.40	\$2.35	\$56.40	\$3.53	\$56.40	\$4.70	\$56.40	\$56.40	\$56.40
5,000	2	\$2.35	\$56.40	\$4.70	\$56.40	\$7.05	\$84.60	\$9.40	\$112.80	\$84.60	\$112.80
10,000	4	\$4.70	\$56.40	\$9.40	\$112.80	\$14.10	\$169.20	\$18.80	\$225.60	\$169.20	\$225.60
25,000	9	\$10.57	\$126.84	\$21.15	\$253.80	\$31.73	\$380.76	\$42.30	\$507.60	\$380.76	\$507.60
50,000	19	\$22.32	\$267.84	\$44.65	\$535.80	\$66.98	\$803.76	\$89.30	\$1,071.60	\$803.76	\$1,071.60
100,000	37	\$43.48	\$521.76	\$86.95	\$1,043.40	\$130.42	\$1,565.04	\$173.90	\$2,086.80	\$1,565.04	\$2,086.80
125,000	46	\$54.05	\$648.60	\$108.10	\$1,297.20	\$162.15	\$1,945.80	\$216.20	\$2,594.40	\$1,945.80	\$2,594.40
200,000	74	\$86.95	\$1,043.40	\$173.90	\$2,086.80	\$260.86	\$3,130.32	\$347.80	\$4,173.60	\$3,130.32	\$4,173.60
250,000	93	\$109.27	\$1,311.24	\$218.55	\$2,622.60	\$327.83	\$3,933.96	\$437.10	\$5,245.20	\$3,933.96	\$5,245.20
375,000	139	\$163.32	\$1,959.84	\$326.65	\$3,919.80	\$489.98	\$5,879.76	\$653.30	\$7,839.60	\$5,879.76	\$7,839.60
425,000	157	\$184.47	\$2,213.64	\$368.95	\$4,427.40	\$553.43	\$6,641.16	\$737.90	\$8,854.80	\$6,641.16	\$8,854.80
500,000	185	\$217.37	\$2,608.44	\$434.75	\$5,217.00	\$652.13	\$7,825.56	\$869.50	\$10,434.00	\$7,825.56	\$10,434.00
750,000	278	\$326.65	\$3,919.80	\$653.30	\$7,839.60	\$980.05	\$11,760.60	\$1,306.60	\$15,679.20	\$11,760.60	\$15,679.20
1,000,000	370	\$434.75	\$5,217.00	\$869.50	\$10,434.00	\$1,304.25	\$15,651.00	\$1,739.00	\$20,868.00	\$15,651.00	\$20,868.00
1,600,000	593	\$696.77	\$8,361.24	\$1,393.55	\$16,722.60	\$2,090.33	\$25,083.96	\$2,787.10	\$33,445.20	\$25,083.96	\$33,445.20

Indicates Minimum \$4.70 Charge

Annual Revenue w/ Abatement
Includes 10% Non-Pay Reduction

	75% Abatement 2010	50% Abatement 2011	25% Abatement 2012	0% Abatement 2013
Residential	\$ 507,600.00	\$ 507,600.00	\$ 507,600.00	\$ 507,600.00
Non-Residential	\$ 162,714.00	\$ 325,484.00	\$ 488,254.00	\$ 651,025.00
Total	\$ 670,314.00	\$ 833,084.00	\$ 995,854.00	\$ 1,158,625.00

Revenue if Started on April 1st

	5-year Budget			
	2010	2011	2012	2013
NPDES Minimum Cost	\$725,730.00	\$756,971.00	\$813,588.00	\$847,849.00
Capital Improvement Cost	\$359,000.00	\$280,000.00	\$120,000.00	\$400,000.00
Total	\$1,084,730.00	\$1,036,971.00	\$933,588.00	\$1,247,849.00

Abatement Rate Amount Attachment #4

Impervious Surface (Sq. Ft.) - Number of ERLS	2010		2011		2012		2013		Annual	
	60% Abatement	Annual	40% Abatement	Annual	20% Abatement	Annual	0% Abatement	Annual	2012	2013
2,700	\$1.98	\$56.40	\$2.82	\$56.40	\$3.76	\$56.40	\$4.70	\$56.40	\$4.70	\$56.40
5,000	\$3.79	\$56.40	\$5.64	\$67.68	\$7.52	\$90.24	\$9.40	\$112.80	\$9.40	\$112.80
10,000	\$7.52	\$90.24	\$11.28	\$135.36	\$15.04	\$180.48	\$18.80	\$225.60	\$18.80	\$225.60
25,000	\$16.92	\$203.04	\$25.38	\$304.56	\$33.84	\$406.08	\$42.30	\$507.60	\$42.30	\$507.60
50,000	\$35.72	\$428.64	\$53.58	\$642.96	\$71.44	\$857.28	\$89.30	\$1,071.60	\$89.30	\$1,071.60
100,000	\$69.56	\$834.72	\$104.34	\$1,252.08	\$139.12	\$1,669.44	\$173.90	\$2,086.80	\$173.90	\$2,086.80
125,000	\$86.48	\$1,037.76	\$129.72	\$1,556.64	\$172.96	\$2,075.52	\$216.20	\$2,594.40	\$216.20	\$2,594.40
200,000	\$139.12	\$1,669.44	\$208.68	\$2,504.16	\$278.24	\$3,338.88	\$347.80	\$4,173.60	\$347.80	\$4,173.60
250,000	\$174.84	\$2,098.08	\$262.26	\$3,147.12	\$349.68	\$4,196.16	\$437.10	\$5,245.20	\$437.10	\$5,245.20
375,000	\$261.32	\$3,135.84	\$391.98	\$4,703.76	\$522.64	\$6,271.68	\$653.30	\$7,839.60	\$653.30	\$7,839.60
425,000	\$295.16	\$3,541.92	\$442.74	\$5,312.88	\$590.32	\$7,083.84	\$737.90	\$8,854.80	\$737.90	\$8,854.80
500,000	\$347.80	\$4,173.60	\$521.70	\$6,260.40	\$695.60	\$8,347.20	\$869.50	\$10,434.00	\$869.50	\$10,434.00
750,000	\$522.64	\$6,271.68	\$783.96	\$9,407.52	\$1,045.28	\$12,543.36	\$1,306.60	\$15,679.20	\$1,306.60	\$15,679.20
1,000,000	\$695.60	\$8,347.20	\$1,043.40	\$12,520.80	\$1,391.20	\$16,694.40	\$1,739.00	\$20,868.00	\$1,739.00	\$20,868.00
1,600,000	\$1,114.84	\$13,378.08	\$1,672.26	\$20,067.12	\$2,229.68	\$26,756.16	\$2,787.10	\$33,445.20	\$2,787.10	\$33,445.20

Indicates Minimum \$4.70 Charge

Annual Revenue w/ Abatement

	60% Abatement		40% Abatement		20% Abatement		0% Abatement	
	2010	2011	2011	2012	2012	2013	2013	2013
Residential	\$507,600.00	\$507,600.00	\$507,600.00	\$507,600.00	\$507,600.00	\$507,600.00	\$507,600.00	\$507,600.00
Non-Residential	\$260,398.00	\$390,570.00	\$390,570.00	\$520,797.00	\$520,797.00	\$651,025.00	\$651,025.00	\$651,025.00
Total	\$767,998.00	\$898,170.00	\$898,170.00	\$1,028,397.00	\$1,028,397.00	\$1,158,625.00	\$1,158,625.00	\$1,158,625.00
	\$575,998.00	\$673,627.00	\$673,627.00	\$771,297.00	\$771,297.00	\$868,968.00	\$868,968.00	\$868,968.00

Revenue if Started on April 1st

5 Year Budget

	2010	2011	2012	2013	2014
NPDES Minimum Cost	\$725,730.00	\$756,971.00	\$813,588.00	\$847,849.00	\$883,630.00
Capital Improvement Cost	\$359,000.00	\$280,000.00	\$400,000.00	\$376,000.00	\$376,000.00
Total	\$1,084,730.00	\$1,036,971.00	\$933,588.00	\$1,247,849.00	\$1,259,630.00

Abatement Rate Amount Attachment #4											
Impervious Surface (sq. Ft.)	Number of ERUs	50% Abatement 2010		Annual 2010		25% Abatement 2011		Annual 2011		0% Abatement 2012	
2,700	1	\$2.35	\$56.40	\$3.58	\$56.40	\$4.70	\$56.40	\$4.70	\$56.40	\$4.70	\$56.40
5,000	2	\$4.70	\$56.40	\$7.05	\$56.40	\$9.40	\$84.60	\$9.40	\$84.60	\$9.40	\$112.80
10,000	4	\$9.40	\$112.80	\$14.10	\$169.20	\$18.80	\$169.20	\$18.80	\$169.20	\$18.80	\$225.60
25,000	9	\$21.15	\$253.80	\$31.73	\$380.70	\$42.30	\$380.70	\$42.30	\$380.70	\$42.30	\$507.60
50,000	19	\$44.65	\$535.80	\$66.98	\$803.70	\$89.30	\$803.70	\$89.30	\$803.70	\$89.30	\$1,071.60
100,000	37	\$86.95	\$1,043.40	\$130.43	\$1,565.10	\$173.90	\$1,565.10	\$173.90	\$1,565.10	\$173.90	\$2,086.80
125,000	46	\$108.10	\$1,297.20	\$162.15	\$1,945.80	\$216.20	\$1,945.80	\$216.20	\$1,945.80	\$216.20	\$2,594.40
200,000	74	\$173.90	\$2,086.80	\$260.85	\$3,130.20	\$347.80	\$3,130.20	\$347.80	\$3,130.20	\$347.80	\$4,173.60
250,000	93	\$218.55	\$2,622.60	\$327.83	\$3,933.90	\$437.10	\$3,933.90	\$437.10	\$3,933.90	\$437.10	\$5,245.20
375,000	139	\$326.65	\$3,919.80	\$489.98	\$5,879.70	\$653.30	\$5,879.70	\$653.30	\$5,879.70	\$653.30	\$7,839.60
425,000	157	\$368.95	\$4,427.40	\$553.43	\$6,641.10	\$737.90	\$6,641.10	\$737.90	\$6,641.10	\$737.90	\$8,854.80
500,000	185	\$434.75	\$5,217.00	\$652.13	\$7,825.50	\$869.50	\$7,825.50	\$869.50	\$7,825.50	\$869.50	\$10,434.00
750,000	278	\$653.30	\$7,839.60	\$979.95	\$11,759.40	\$1,306.60	\$11,759.40	\$1,306.60	\$11,759.40	\$1,306.60	\$15,679.20
1,000,000	370	\$869.50	\$10,434.00	\$1,304.25	\$15,651.00	\$1,739.00	\$15,651.00	\$1,739.00	\$15,651.00	\$1,739.00	\$20,868.00
1,600,000	593	\$1,393.55	\$16,722.60	\$2,090.33	\$25,083.90	\$2,787.10	\$25,083.90	\$2,787.10	\$25,083.90	\$2,787.10	\$33,445.20

Indicates Minimum \$4.70 Charge

Annual Revenue w/ Abatement

	Includes 10% Non-Pay Reduction	
	25% Abatement 2011	0% Abatement 2012
50% Abatement 2010	\$507,600.00	\$507,600.00
Residential	\$325,484.00	\$488,254.00
Non-Residential	\$833,084.00	\$995,854.00
Total	\$624,813.00	\$746,890.00
		\$1,158,625.00
		\$868,968.00

Revenue if Started on April 1st

	5 Year Budget			
	2010	2011	2012	2013
NPDES Minimum Cost	\$725,730.00	\$756,971.00	\$813,588.00	\$847,849.00
Capital Improvement Cost	\$359,000.00	\$280,000.00	\$400,000.00	\$400,000.00
Total	\$1,084,730.00	\$1,036,971.00	\$993,588.00	\$1,247,849.00
				\$1,259,630.00

General Fund Projections as of Dec 2009

Revenue and Expense (in millions)

GENERAL FUND	Actual		Estimates			
	2007	2008	2009	2010	2011	2012
Beginning Fund Bal.	5.8	3.1	3.2	3.1	1.1	(1.4)
Revenues	15.5	13.8	14.9	10.6	10.6	10.6
Expenditures	18.2	13.7	15.0	12.6	13.1	13.6
Net Income/Deficit	(2.7)	.1	(0.1)	(2.0)	(2.5)	(3.0)
Ending Fund Bal.	3.1	3.2	3.1	1.1	(1.4)	(4.4)
Target Fund Balance	3.6	2.7	3.0	2.5	2.6	2.7

5 Year Budget

	2010	2011	2012	2013	2014
NPDES Permit Budget	\$725,730.00	\$756,971.00	\$813,588.00	\$847,849.00	\$883,630.00
Normal Capital Expenses	\$187,000.00				\$160,000.00
Road Related Capital Expenses	<u>\$172,000.00</u>	<u>\$280,000.00</u>	<u>\$120,000.00</u>	<u>\$400,000.00</u>	<u>\$276,000.00</u>
Total	\$1,084,730.00	\$1,036,971.00	\$933,588.00	\$1,247,849.00	\$1,319,630.00

Normal Capital Expenses

- 2010 - Software & Equipment, (2) Trucks, Dewatering basin, Vac Con Upgrade, Back Hoe (\$187,000)
- 2014 - Street Sweeper (\$160,000)

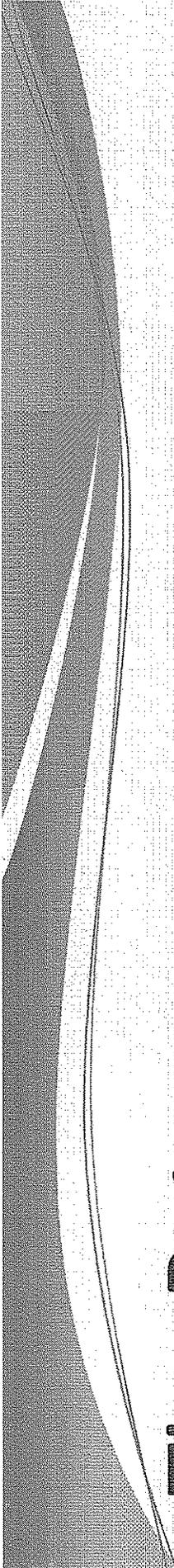
Road Related Capital Expenses

- 2010 - Broadway Phase II (\$172,000)
- 2011 - East Ash (\$280,000)
- 2012 - Mainer (\$120,000)
- 2013 - 25A North Phase II(\$400,000)
- 2014 - 25A North Phase III (\$276,000)

Reduce Current ERU Rate

Expense Impact over 5 years to Streets

At 4.70	\$206,311
At 3.70	\$1,358,763
At 3.25	\$1,877,359
At 2.00	\$3,317,902



Tier Rate

Expense Impact over 5 years to Streets

\$710,755

Abatement Rates

Expense Impact over 5 years to Streets

75%, 50%, 25%, 0%

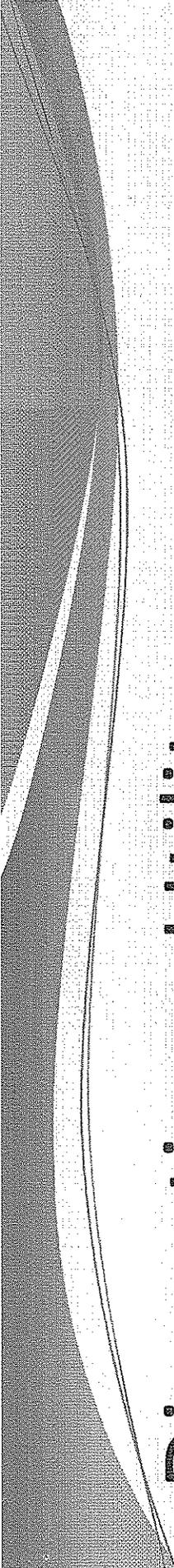
\$973,845

60%, 40%, 20%, 0%

\$802,953

50%, 25%, 0%

\$526,226



Discontinue Utility

Expense Impact over 5 years to Streets

\$5,307,768

Summary of Alternatives

Expense Impact over 5 Yr to

	Alternative	Streets
Current Rate	4.70	\$206,311*
Reduce Current ERU Rate	3.70	\$1,358,763
	3.25	\$1,877,359
	2.00	\$3,317,902
Tier Rate		\$710,755
Abatement Rates	75%, 50%, 25%, 0%	\$973,845
	60%, 40%, 25%, 0%	\$802,953
	50%, 25%, 0%	\$526,226 **
Discontinue Utility		\$5,307,768
Current *		Recommendation **

MINUTES
PIQUA CITY COMMISSION WORK SESSION
January 30, 2010
10:00 A.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. Mayor Fess called the meeting to order at 10:00 A.M. Also present were Commissioners Wilson, Martin, Terry, and Vogt. Absent: None. Also in attendance: City Manager Fred Enderle, Assistant City Manager/Economic Development Director Bill Murphy, Finance Director Cynthia Holtzapple, Law Director Stacy Wall, Power Systems Director Ed Krieger, City Engineer Amy Havenar, Fire Chief Mike Rindler, Police Chief Bruce Jamison, Health & Sanitation Director Amy Welker, and Utility Director Dave Burtner.

Purpose of the Special Meeting is to discuss Piqua City Commission-Roles and Responsibilities.

Jane Dockery of Wright State University facilitated the meeting.

There was discussion on the role of the City Commissioners and what they feel is their responsibility to the citizens of Piqua. One of the major points all Commissioners agreed on is their role is to represent the citizens and to provide answers to their questions. City Manager Enderle stated the Commissioner's should be an ombudsman for the citizens, but it is not their responsibility to solve the citizen's problems. Citizen problems should be forwarded to the City Manager and he will make sure the proper authority receives the questions. After the information is received it will be reviewed and answers will be given to the citizen and a copy forwarded to the Commissioners.

The Commissioners related some of the problems they have on getting the correct information from the citizens, and all agreed to forward any citizen emails to the City Manger for review. Mr. Enderle encouraged Commissioners to talk to Department Heads on matters, but to also keep him in the loop when doing so. When this procedure is followed it makes for a uniform process in getting the correct information to citizens questions.

The Commissioner's discussed the role of the City Manager with regards to the City Commissioners position, and the policy and procedures they feel he is following. Mr. Enderle stated he would provide responses to all City Commissioners when a question comes to him, thus keeping all of them in the loop on the information given.

Mayor Fess stated the Commissioners should work together as a team and come off as a united front to the citizens. Mr. Enderle stated after the discussion of a subject at a Commission Meeting the Commissioners should back each other up. Negativity in the City of Piqua was discussed with the Commissioners listing the top 5-10 negative problems they feel the city has, and how they plan to address the issues.

Mayor Fess asked if there was something she could do as Mayor to improve some of the negative issues.

Commissioner Martin stated he felt the Commission Meetings were being conducted very professionally.

Ms. Dockery stated she would like to put a "parking lot" list together to better organize the issues at hand. A list of the issues was established for consideration. Some of the ideas included: Image, Economic Development, Strategic Capital Investment, Marketing and fiscal soundness and responsibility.

Another work session will be scheduled in the future to further discuss the goals identified and the ways to implement them.

City Manager Enderle stated he would like to change the format of the Commission Meeting Agenda, and explained the reason for the change and how it would be set up starting with a Consent Agenda, Old Business, and New Business. All Commissioners were in agreement to the new agenda idea.

Department Heads/Commission-2010 Goals & Objectives

There was discussion of the need for and the cost of Economic Development in the City. The biggest obstacle in economic development is the economy, said Assistant City Manager/Economic Development Director Bill Murphy. Other issues involve not having available land that is ready for development or is "shovel ready", the cost of doing business, and the quality of life issues that differ from company to company looking to locate in Piqua are important.

Mayor Fess stated funding for economic development is expensive but important. Advertising and trips to domestic shows are where companies go to look for business opportunities. Overseas trips to meet potential employers are very important to the effort. Sometime those efforts are seen as frivolous to the public, but truly are important to our economic development.

Commissioner Wilson stated the general public thinks we are not doing our job when it comes to economic development in the City of Piqua.

More communication with the public is needed to help increase a better understanding of the need, and the benefits of the economic development program.

Commissioner Martin stated the public probably does not understand the full view of economic development, and suggested sharing information with the public when a prospect has contacted the city by noting it on the city's website.

Mr. Murphy stated the city and its development partner, Grow Piqua Now (GPN) are planning a State of Economic Development program in April to give businesses and the community a look at what is being done.

Commissioner Fess stated Piqua has always been a traditional industrial/manufacturing community but now has to position itself to attract other types of businesses.

Building of staff morale was discussed, with possible ways to recognize excellent and outstanding performances. Being a team member and working together is important to all employees, and being recognized for not only the major accomplishments, but also the little everyday things employees do to make the city a better place to work and live in.

There was discussion on ways the City Commission can work more efficiently and communicate better with the City Manager and the community. City Manager Enderle stated he would like to receive more direction from the City Commission on what they feel is important and would like to see done.

The new water plant, and the storm water utility issues were a top priority with the Commissioners. It was stated they would like to pursue the appropriations, and only address the EPA compliance issues at this time.

Mayor Fess stated she felt it was a very good meeting and thanked Ms. Dockery. Mayor Fess also stated she appreciates the work the department heads have done, and wants to keep an open dialog, and if anyone has any ideas to please share them with the City Manager or the Commissioners.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 1:40 P.M. Voice vote, Aye: Wilson, Martin, Terry, Hudson and Vogt. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
Tuesday February 16, 2010
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 Fess called the meeting to order. Also present were Commissioners Martin, Vogt, Terry, and Wilson. Absent: None.

Assistant City Manager/Economic Development Director William Murphy conducted the meeting in the absence of City Manager Fred Enderle who was ill.

REGULAR CITY COMMISSION MEETING

Oath of Office

Police Lieutenant Joseph M. Preston

Law Director Wall administered the Oath of Office to Police Lieutenant Joseph M. Preston.

Law Director Stacy Wall gave a brief overview of the new look of the Piqua City Commission Agenda and explained how the Ordinances and Resolutions would be approved. The Consent Agenda is for non-substance/non decision-making items. Old Business contains items discussed previously or tabled, and New Business will contain new business items to be discussed.

Consent Agenda

Moved by Commissioner Martin, seconded by Commissioner Wilson, that the minutes of the January 15, 2010 Piqua City Commission Work Session, and the Regular City Commission Meeting of February 2, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

Old Business

ORD. 2-10 (2nd Reading)

An Ordinance amending Sections 154.005 and 154.129 of the City of Piqua Code of Ordinances to establish definitions and standards applicable to swimming pools, spas, and hot tubs.

Public Comment

No one came forward to speak for or against Ordinance No. 2-10 at this time.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 2-10 be read fully and distinctly on three separate days be suspended. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None.

Moved by Commissioner Vogt, seconded by Commissioner Martin that Ordinance No. 2-10 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 2-10 adopted.

New Business

ORD. NO. 3-10 (1st Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 3 and 4 The Commission

Law Director Wall stated Ordinance No. 3-10 and 4-10 were both related to changes in the Piqua Charter, and gave a brief overview of the proposed Charter Amendments that have been proposed for the Spring 2010 ballot. These changes will occur in Ordinance No. 3-10 under Charter Sections 3 and 4, The Commission, and in Ordinance No. 4-10 under Charter Section 33, Administrative Service.

Ms. Wall stated these amendments are the result of the Charter Review Committee's recommendations, and by the request of the City Commission.

Section 3: 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 ward 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: In the first line: At seven-thirty o'clock P.M. on the first ~~Monday~~-Tuesday 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.

Section 4: Add under G: To consider the compensation or discipline of a City employee.

Public Comment

Joe Goetz, Wilshire Drive, stated the Wards have been previously redistricted. Mr. Goetz feels using the census will not give an accurate count because children are counted and they do not vote. Mr. Goetz stated he feels the redistricting should be based on the number of registered voters at the last general election instead. Mr. Goetz also voiced his opinion on the Commission going into Executive Session for discussion of compensation matters, and asked why some of the Charter Amendments were going on the ballot in the Spring instead of waiting until fall, citing it would save money to put them all at one time in the fall.

Law Director Wall explained the compensation, and the different reasons they may go into Executive Session. Also Ms. Wall explained the reason for putting the Charter Amendments on at two different ballot times.

Commissioner Wilson stated he was on the Charter Review Committee and explained the reason the census was chosen over the registered voters.

Ordinance No. 3-10 was given a first reading.

ORD. NO. 4-10 (1st Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 33 under Administrative Service

As previously explained by Law Director Wall.

Section 33 Commission Not To Interfere in Appointments or Removals

Add a line stating: However, nothing in this section shall prohibit City Commissioners from communicating with employees regarding city matters.

Commissioner Terry stated the City Manager should be involved and in the loop at all times. There needs to be good communication between the City Manager and the Commission.

Mayor Fess stated all communities have the same situation. Mayor Fess feels there should be a policy in place for the commissioners to know what is acceptable and what is not acceptable when speaking with a city employee regarding a situation.

Commissioner Vogt stated he felt this amendment was an attack on his integrity. Commissioner Vogt commented that he would not be a buffer between an employee with a problem and the City Manager.

Commissioner Martin stated the Charter Review Committee went over this and made the recommendation. They must have seen some value to have this in the Charter language or they would not have proposed it, said Mr. Martin.

Commissioner Wilson stated he was on the Charter Review Committee and explained the reason behind the language being added to the Charter. This language clearly states what the Commissioners can and cannot say to employees.

Law Director Wall explained the language that is being proposed is very generic. It would allow a Commissioner to have communication with an employee, and does not require the Commissioner to notify the City Manager, and does not restrict communication with an employee, said Ms. Wall. By putting generic language in the City Charter it really gives the potential for violating the

Commissioner Wilson asked if it would be possible to add language to permit inquiry to make it more comfortable, a better link to ask for information.

Mayor Fess stated she feels it comes down to a legal opinion.

Ms. Wall stated public input was received at the Charter Amendment meetings, but feels it could be a violation of the City Manager form of government. could be accomplishing the same thing by creating a policy with the City Manager.

Mayor Fess asked if it would be possible to add language to the policy to make it clear. Ms. Wall stated she would look at it and see what can be done.

PUBLIC COMMENT

Joe Goetz, Wilshire Drive, stated when he served as a Commissioner it was very adamant by the Law Director that Commissioners were not allowed to go into any particular unit under the direction of the City Manager and order them to do something. If there was a problem with a particular unit by Charter you could order an investigation as a whole Commission, said Mr. Goetz.

Mayor Fess stated she felt it was a good idea to review the Charter and feels they did a very good job. There was a lot of experience on the committee, and she appreciates Mr. Goetz comments.

Ordinance No. 4-10 was given a first reading.

RES. NO. R-24-10

A Resolution reappointing a member to the Civil Service Commission

This resolution reappoints David Vollette as a member of the Civil Service Commission for a three-year term to expire on March 1, 2013.

Public Comment

No one came forward to speak for or against Resolution No. R-24-10.

Moved by Commissioner Vote, seconded by Commissioner Martin, to adopt Resolution No. R-24-10. Voice vote, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-24-10 adopted.

RES. No. R-25-10

A Resolution reappointing a member to the Community Diversity Committee

This resolution reappoints Helen Cuff to the Community Diversity Committee for a one-year term to expire on March 1, 2011.

Public Comment

No one came forward to speak for or against Resolution No. R-25-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-25-10 be adopted. Voice vote, Aye: Fess, Terry, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-25-10 adopted.

RES. NO. R-26-10

A Resolution reappointing a member to the Community Diversity Committee

This resolution reappoints Terry Wright to the Community Diversity Committee for a two-year term to expire on March 1, 2012

Public Comment

No one came forward to speak for or against Resolution No. R-26-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-26-10 be adopted. Voice vote, Aye: Terry, Wilson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-26-10 adopted.

RES. No. R-27-10

A Resolution reappointing a member to the Downtown District Design Review Board
This resolution reappoints Bradley Bulp to the Downtown District Design Review Board for a three-year term to expire on March 1, 2013.

Public Comment

No one came forward to speak for or against Resolution No. R-27-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-27-10 be adopted. Voice vote, Aye: Wilson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-27-10 adopted.

RES. NO. R-28-10

A Resolution reappointing a member to the Planning Commission

This resolution reappoints Jim Oda to the Planning Commission for a five-year term to expire on March 1, 2015.

Public Comment

No one came forward to speak for or against Resolution No. R-28-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to adopt Resolution No. R-28-10. Voice vote, Aye: Fess, Terry, Vogt, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-28-10 adopted.

RES. NO. R-29-10

A Resolution reappointing a member to the Planning Commission

This resolution reappoints Michael Taylor to the Planning Commission for a five-year term to expire on March 1, 2015.

Public Comment

No one came forward to speak for or against Resolution No. R-29-10.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-29-10 be adopted. Voice vote, Aye: Fess, Vogt, Martin, Terry and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-29-10 adopted.

RES. NO. R-30-10

A Resolution reappointing an alternate member to the Miami Valley Regional Planning Commission

This resolution reappoints William P. Murphy as an alternate member of the Miami Valley Regional Planning Commission for a term of one-year to expire on March 1, 2011.

Public Comment

No one came forward to speak for or against Resolution No. R-30-10

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-30-10 be adopted. Voice vote, Aye: Martin, Vogt, Wilson, Fess, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-30-10 adopted.

RES. NO. R-31-10

A Resolution reappointing an alternate member to the Miami Valley Regional Planning Commission

This resolution reappoints Chris Schmiesing to the Miami Valley Regional Planning Commission for a one-year term to expire on March 1, 2011.

Public Comment

No one came forward to speak for or against Resolution No. R-31-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-31-10 be adopted. Voice vote, Aye: Fess, Terry, Martin, Wilson, and Vogt. Nay: None: Motion carried unanimously. Mayor Fess then declared Resolution No. R-31-10 adopted.

Mayor Fess stated there are still several board openings available and for more information contact the City Managers Office.

OTHER BUSINESS

Economic Development Update

Presented by – Mr. Bill Murphy, Assistant City Manager/Director of Economic Development

Mr. Murphy gave a brief presentation on the Economic Development.

Mayor Fess asked Mr. Murphy to explain how the Small Business Grants are applied for and the types of businesses that would be eligible for the grants.

Mr. Murphy gave a brief overview of the Small Business Grant program, further stating that Hartzell Fan utilized the Grant Funds with their recent expansion.

Mayor Fess stated she would like to get more information out to the public on the use of the Small Business Grant Program. Mayor Fess stated Hartzell Fan Company was recently highlighted on hiVelocity a multi-media news source with a video on the company's success. The video can be viewed on the Grow Piqua Now website.

PUBLIC COMMENT

Harold Martin, Brook Street, came forward to voice his opinion on the recycling and refuse pick-up, stating citizens do not know where to get recycling bins. Mr. Martin also voiced concern about city employees driving through his alley taking pictures. Citizens are afraid to come to the City Commission meetings to voice their concerns, said Mr. Martin

Health & Sanitation Director Amy Welker explained where citizens can pick-up the recycling bins, and why the city employees were driving through the alley taking pictures.

Mayor Fess stated she appreciated Mr. Martins help on getting the recycling information out to citizens, and stated they can contact the Mayor, City Commissioners, and the Health Department at any time to get help or for answers to questions they may have.

Mike Perando, Third Street, came forward and stated he would help Mr. Martin get in touch with his Neighborhood Association, stating the City Commission works well with the Associations.

Larry Hamilton, Maplewood Drive, came forward and gave a brief presentation on the nomination of William M. McCulloch as one of Ohio's two representatives in the Statuary Hall in the U.S. Capital. This would be a great honor for Mr. McCulloch, and the City of Piqua, said Mr. Hamilton.

Mr. Hamilton stated citizens could write letters to their Congressman in support of the Wm. M. McCulloch statue.

Joe Goetz, Wilshire Drive, voiced his concerns about the negative attitude in the City of Piqua, citing the Covington Avenue entrance into the city is an eyesore.

Mayor Fess stated she has spoken to the City Manager about the problem and they are working on it at this time.

Mayor Fess welcomed a young Boy Scout Jerry Curtis who is working on his Citizenship Badge.

Commissioner Comments

Commissioner Terry inquired whom citizens should contact to let them know a street or an area has been overlooked for snow removal.

City Engineer Amy Havenar stated citizens should contact the Street Department from 7:0 A.M.- 3:00 P.M. and then they may contact the Engineering Office after 3:00 to 5:00 P.M. Ms. Havenar reminded citizens to leave complete information on where the streets are and a telephone number to get in touch with them if necessary when calling in and leaving messages.

Commissioner Martin reminded citizens to not snow blow or shovel their snow out into the streets, place it in the tree lawns or up into their yards.

Commissioner Wilson stated there are about one hundred fifty citizens setting on various city boards and committees, and encouraged residents to apply for the current board openings.

Mayor Fess thanked William Murphy for sitting in for City Manager Enderle.

Law Director Stacy Wall stated the State of Ohio is holding Momentum 2010 on March 5 & 6, in Columbus, Ohio for women and young women, and encouraged them to attend. Ms. Wall stated for more information they can contact her at 937-778-2042.

Mayor Fess stated Momentum 2010 is a great event and encouraged young women to attend.

Mayor Fess also congratulated Director Tom Westfall and the Piqua High School Show Choir on receiving their third Grand Champion Award this year.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 9:05 P.M. Voice vote, Aye: Vogt, Martin, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

B. OLD BUSINESS
MARCH 2, 2010

- **Ord. No. 3-10 (2nd Reading)**
- **Ord. No. 4-10 (2nd Reading)**

ORDINANCE NO. 3-10

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, the Piqua City Commission adopted Resolution R-14-10 on January 19, 2010, adopting the meeting night for 2010 to be on Tuesday and thus requested a change to Section 4 of the Charter to remain consistent with a Tuesday meeting night; 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~~ Tuesday 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;
- 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;

G. To consider the compensation or discipline of a City employee.

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 change the meeting night for the first meeting to be held in January from Monday to Tuesday?

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 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.

1st Reading 2-16-2010

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

***For Regular Meeting of City Commission
February 16, 2010***

To: Fred Enderle, City Manager

From: Stacy M. Wall, Law Director

Date: February 10, 2010

Re: Charter Amendments to Sections 3 and 4

PURPOSE:

To adopt the recommendations of the Charter Review Committee and place on the Spring 2010 ballot, Charter Amendments for Sections 3 and 4.

RECOMMENDATION:

To adopt the Resolution for Charter Sections 3 and 4 as they are the result of the Charter Review Committee's recommendations and at the request of the Commission. Furthermore, Section 3 is in need of amendment to reflect the growth of the City.

BACKGROUND:

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, 2009. 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, which were to be placed on the ballot in November 2009, Spring 2010 and November 2010. The Commission approved the Committee's recommendations in 2009 and placed 11 Charter Amendments on the ballot in November 2009. The second group of changes for the Spring 2010 ballot 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

Charter Section 3. **The Commission, Powers, Election, Term Vacancies**, determines how many wards the City is divided into and how the commissioners are elected. The Charter Review Committee strongly believes that the boundaries of the wards need to be redrawn due to the disproportionate population amongst the wards. No one could recall the boundaries ever being redrawn and when they were originally created, developments such as Eagle's Nest and Indian Ridge were not yet in existence. Therefore, due to development within the City, the population has changed and the wards need to be reconfigured. The Committee believed, and after consultation with the Board of Elections, the fairest way to redraw boundary lines is based on an "equitable balance of population" and the 2010 Census data provides the timely opportunity to redraw the boundaries since there will be accurate and current data. The Board of Elections will be responsible for redrawing the boundaries with the assistance of the City. The redistricting of the wards would occur every ten years in accordance with the census with the proposed charter change.

Charter Section 4. **Meetings of the Commission**, as proposed would permit the Commission to go into executive session to discuss the appointment, employment, dismissal, discipline or compensation of an employee. Currently, the Commission is permitted to adjourn into executive session to discuss these issues for the City Manger. The proposed change was at the request of the Law Director and agreed to by the Committee as there are many instances where the terms of employment for an employee may need to be discussed outside of the public context prior to a decision being made.

Section 4 is also being placed on the ballot at the Commission's request to change the first meeting night from Monday to Tuesday. The charter only addresses the first meeting of the year and then permits the Commission to set its calendar.

ALTERNATIVES:

The Commission could not adopt the recommendations of the Committee and not place the ordinances on the ballot.

DISCUSSION:

The proposed ordinances are before the Commission for the first time; however, the Commission has already been introduced to these proposals in 2009 when I presented all of the Charter Review Committee's recommendations. These changes are the result of many public meetings and much input and research. The Committee really focused on Section 3 of the Charter because everyone was in agreement that the wards no longer have a proportionate share of the population. There was a lot of discussion with the Committee and the Board of

Elections on how and when to redistrict. The fairest way to redistrict appears to be based on an “equitable balance of the population.” The perfect time for this charter change is now because of the 2010 census which will provide an accurate count to achieve that equitable balance.

The proposed change to Section 4 for executive session was at my request. There are several matters that may not rise to the level of pending or imminent litigation and yet may need to be discussed in executive session due to the sensitivity or confidentiality of the matter. Therefore, the Committee was in agreement and recommended the change.

Section 4 is also being changed to reflect the first meeting to be held on a Tuesday. This change is at the request of the Commission.

FINANCIAL IMPACT:

None

CONFORMITY TO CITY PLANS & POLICIES:

The proposed changes are consistent with the Commission’s recent calendar changes. The proposed changes reflecting redistricting are consistent and in-line with the growth of the City.

ORDINANCE NO. 4-10

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.

1st Reading 2-16-2010

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

C. NEW BUSINESS
MARCH 2, 2010

- **Ord. No. 5-10 (1st Reading)**
- **Res. No. R-32-10**
- **Res. No. R-33-10**
- **Res. No. R-34-10**

ORDINANCE NO. 5-10

AN ORDINANCE AMENDING CHAPTER 55 OF THE PIQUA MUNICIPAL CODE STORMWATER MANAGEMENT

WHEREAS, on November 2, 2009, the City Commission adopted Ordinance No. 18-09 after three readings, public comment and work sessions; and

WHEREAS, Ordinance No. 18-09 set the rate at \$4.70/ERU, which is based on 2700 square feet; and

WHEREAS, on December 21, 2009, the City Commission suspended enforcement of Sections 55.31 and 55.32 of Chapter 55, which prevented billing and collecting the stormwater fee; and

WHEREAS, after reconsideration, several work sessions and a further analysis of the NPDES stormwater permit requirements, it is the City Commission's desire to amend the ERU rate.

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 amends Chapter 55 Stormwater Management as set forth below: (new language is underlined and deleted language is indicated by strikethrough):

CHAPTER 55: STORMWATER MANAGEMENT

§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.~~ An ERU shall be equivalent to 5,400 square feet of impervious area. 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 or up to 5,400 square feet.
- (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.
- (D) The Commission shall yearly review the ERU and the fee assessed to determine whether the rate and fee are sufficiently permitting the City to meet the requirements of the NPDES permit issued by the EPA.
- (E) A credit program shall be available to non-residential customers only as established by the STWUD.

§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. All other sections of Chapter 55 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. The Commission’s suspension of enforcement of Sections 55.31 and 55.32 is hereby terminated effective upon the effective date of this ordinance and enforcement of Sections 55.31 and 55.32 shall commence in accordance with the terms of this ordinance.

SECTION 3. This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and so that the City of Piqua may comply with the requirements of its NPDES permit.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-32-10

**A RESOLUTION OF APPRECIATION FOR THE
PUBLIC SERVICE OF WESLEY MELLING, JR. AS
A CITY EMPLOYEE**

WHEREAS, Wesley Melling, Jr. has retired as a Firefighter/Paramedic with the Piqua Fire Department; and

WHEREAS, his retirement follows 25 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of Wesley Melling, Jr. as Firefighter/Paramedic this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-33-10

A RESOLUTION REQUESTING PRELIMINARY AUTHORIZATION FOR INSTALLATION OF MEDIAN CABLE BARRIERS ALONG IR-75 WITHIN THE CITY OF PIQUA

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to approve the installation of median cable barriers from SR 41 in Troy to Patrizio Place and from US 36 to the Miami/Shelby County Line along IR-75 within the City of Piqua.

SEC. 1: Project Description

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

This project consists of the installation of median cable barriers for Miami County IR 75 straight line mileage 10.84 (SR 41) to straight line mileage 16.20 (Patrizio Place), Miami County IR 75 straight line mileage 16.75 (US 36 interchange) to straight line mileage 19.96 (Shelby County Line), Montgomery County from IR 70 straight line mileage 7.36 (SR 49) to straight line mileage 15.00 (Airport Access Road), and Montgomery County on IR 675 from straight line mileage 2.10 (SR 725) to straight line mileage 7.44 (Greene County Line). Said project is further identified as **MIA-IR 75 10.84.**

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

SEC.2: Consent Statement

Being in the public interest, the LPA (City of Piqua) gives consent to the Director of Transportation to complete the above described project.

SEC. 3: Cooperation Statement

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

The City has no obligation for costs for the project as described in Section 1. ODOT will provide all Federal-aid and State funds as set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the City also agrees to assume and bear One-Hundred Percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

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

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

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

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

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

SEC. 5: Maintenance

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

SEC. 6: Authority to Sign

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of March 2, 2010

TO: Fred Enderle, City Manager

FROM: Amy Havenar, City Engineer

SUBJECT: Preliminary Consent Legislation with the Ohio Department of Transportation (ODOT) for the installation of median cable barriers along IR-75.

PURPOSE:

Approve the resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation (ODOT) for the installation of median cable barriers from SR 41 in Troy to Patrizio Place and from US 36 to the Miami/Shelby County Line along IR-75.

RECOMMENDATION:

Approval of the Resolution to allow for ODOT to meet their submission deadline for potential stimulus funding.

BACKGROUND:

ODOT has applied for stimulus funding for the installation of median cable barriers along IR-75 throughout Miami County. As with any ODOT project, ODOT is required to receive Consent Legislation from a local entity prior to commencement of work within that entity. While a portion of this project falls within the City of Piqua corporation limits, the City of Piqua will not have any financial involvement in this project. Attached please find a letter from Bradley A. Lightle, P.E., Transportation Planning and Programs Administrator for ODOT District 7 supporting this request.

ALTERNATIVES:

- 1) Approve Resolution to allow the City Manager to enter into an agreement with ODOT.*
- 2) Do not approve the Resolution and have ODOT abandon the portion of the improvement project that falls within the City of Piqua corporation limits.*

DISCUSSION:

Median crossover crashes often result in fatalities or severe injuries to occupants of the errant vehicle and the motorists in the opposing traffic lanes. One way to reduce median crossover

crashes is through the use of median barriers. The concrete and metal beam (guardrail) barriers traditionally used to prevent these crashes, however, are expensive to install. Another option is the installation of cable median barriers. A cable barrier uses steel cable tightly strung between posts to prevent vehicles leaving the roadway from crossing the median.

Cable median barriers are designed not only to reduce the number of cross median crashes, but also crash severity. Recent research shows that cable median barriers are more forgiving than traditional concrete and metal beam barriers thereby reducing the forces transmitted to vehicle occupants showing a substantial reduction in fatal and injury crashes when compared to concrete and metal beam barriers.

Ohio currently has about 160 miles of cable median barriers in place. ODOT is working to install cable barriers in medians originally built without barriers as an effective mechanism for preventing fatal and disabling crashes.

FINANCIAL IMPACT:

There is no financial participation required of the City for the completion of this project.

COMMUNITY IMPACT:

The installation of cable median barriers has been shown to reduce the risk of injuries and fatalities and to also reduce the severity of injuries when vehicles travel into the median. The fact that this section of roadway does not currently have any type of median barrier in place, these improvements will provide an added safety benefit to those motorists who utilize this section of IR-75.

CONFORMITY TO CITY PLANS & POLICIES:

While these improvements will all be located within ODOT's Limited Access Right-of-Way, the design guidelines will be consistent with those set forth in the AASHTO's Roadside Design Guide and ODOT's Location & Design Manual. It is the City of Piqua's overall goal to provide safe, effective means of transportation and this is just one more way to assist us in achieving that goal.



OHIO DEPARTMENT OF TRANSPORTATION

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

Governor Ted Strickland Director Jolene M. Molitoris

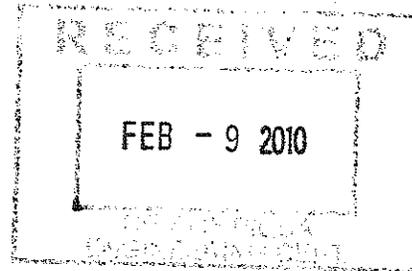
District Deputy Director Rex Dickey, P. E., P. S.

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

February 05, 2010

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

RE: MIA IR 75 10.84, PID #87868
Preliminary Legislation – Consent
Potential Stimulus Project



Dear Havenar:

The Ohio Department of Transportation is proposing to provide median cable barriers for Miami County on IR 75 SLM 10.84 (SR 41) to SML 16.20 (Patrizo Place), Miami County IR 75 SLM 16.75 (US 36 interchange) to SLM 19.96 (Shelby Co. Line), Montgomery County from IR 70 SLM 7.36 (SR 49) to SLM 15.00 (Airport Access Road), and Montgomery County on IR 675 from SLM 2.10 (SR 725) to SLM 7.44 (Greene County Line) in the City of Piqua, in Miami County, Ohio. This project is scheduled for Bid Letting in State Fiscal Year 2010.

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

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

Please note we are asking for no financial participation from the City.

When the legislation has been properly executed and all **inked original** signatures affixed, please return all three (3) originals to the District Seven address shown above, Attention: Iva Lenhart, **no later than February 22, 2010**. After the Director of the Ohio Department of Transportation has signed all copies, one original will be returned to the City.

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

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

Respectfully,

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

BAL:ill
Enclosures (3)

c: file w/att.

RESOLUTION NO. R-34-10

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL OF THE CITY OF PIQUA FOR THE PURPOSE OF THE ADMINISTRATION OF THE CITY OF PIQUA'S ENTERPRISE ZONE PROGRAM, AS REQUIRED BY SECTION 5709.85(C)(1) OF THE OHIO REVISED CODE

WHEREAS, the Tax Incentive Review Council of the City of Piqua met on Thursday, February 18, 2010 for the purpose of reviewing and making recommendations to the City Commission of the City of Piqua in the administration of the City of Piqua's Enterprise Zone Program; and,

WHEREAS, the Tax Incentive Review Council has recommended the continuation of the tax incentives provided to the following companies in the City of Piqua: B & L Labels, Inc., Crane Pumps and Systems, Inc. and Miami Valley Steel Service; and,

WHEREAS, the Tax Incentive Review Council has recommended the expiration of tax incentives for Harmony Systems due to expiration of their Enterprise Zone agreement, therefore,

NOW THEREFORE BE IT RESOLVED, by the Commission of the City of Piqua, a majority of members agreeing hereto that:

SEC. 1. The tax incentives provided to B & L Labels, Inc., Crane Pumps and Systems, Inc., and Miami Valley Steel Service through the City of Piqua's Enterprise Zone Program be continued.

SEC. 2. The tax incentives provided to Harmony Systems through the City of Piqua's enterprise zone program be allowed to expire.

SEC. 3. This Resolution shall be in effect from the earliest time allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



DEVELOPMENT OFFICE

William Lutz – Development Program Manager
201 West Water Street • Piqua, Ohio 45356
(937) 778-2062 • FAX (937) 778-0809
E-Mail: blutz@piquaoh.org
Web: <http://www.piquaoh.org>

To: Fred Enderle, City Manager

CC: William Murphy, Ass't. City Manager/Development Director

From: William Lutz, Development Program Manager

Date: February 22, 2010

Subj.: Resolution for Consideration by Commission: Adoption of Recommendations of the Piqua Tax Incentive Review Council

Fred:

Please present the attached resolution for discussion by the City Commission in regards to the recommendations of the City's Tax Incentive Review Council.

Purpose of the Legislation

Adopt a resolution approving the recommendations of the Tax Incentive Review Council for the continuation and expiration of certain Enterprise Zone agreements and allowing the annual report to be filed with the Ohio Department of Development, in accordance with Section 5709.68 of the Ohio Revised Code.

Recommendation

The City of Piqua's Tax Incentive Review Council recommends the approval of the resolution approving the recommendations of the Tax Incentive Review Council and the filing of the annual Enterprise Zone report with the Ohio Department of Development.

Background

Since 1996, the City of Piqua has worked with industrial and commercial concerns to enter into ten separate Enterprise Zone agreements with these businesses. The agreements provide real and personal property exemptions for these businesses with the postulate that such realized tax savings would increase employment and real and personal property investment within the community.

Each Enterprise Zone agreement is reviewed on an annual basis by the City's Tax Incentive Review Council. The council is made up of members of appointed by the County Commission, City Commission, the Upper Valley Joint Vocational School District, the Piqua City School District and the County Auditor.

The City of Piqua's Tax Incentive Review Council met on February 18, 2010 for the purpose of reviewing current agreements and providing a recommendation to the City

Commission. The Council reviewed four agreements, all of which were active for Calendar Year 2009.

Alternatives

The City Commission may take the following actions:

1. Approve the resolution and accept the recommendations of the Tax Incentive Review Council and authorize the filing of the annual Enterprise Zone report to the Ohio Department of Development.
2. Reject the resolution and deny the recommendations of the Tax Incentive Review Council and decline the filing of the annual Enterprise Zone report to the Ohio Department of Development.

Discussion

The details of the four Enterprise Agreements deliberated by the Tax Incentive Review Council are outlined below.

Harmony Systems

This business received their Enterprise Zone agreement in 1999 for exemption from personal property taxes. The agreement ended December 31, 2009 and is no longer in effect. However, program rules state that the Tax Incentive Review Council must recommend to the City Commission that the Harmony Systems Enterprise Zone agreement be allowed to expire.

B & L Labels

This business received their Enterprise Zone agreement in 2003 and it slated to expire in 2013. The agreement outlined that the business would make a capital investment of \$241,850 over the ten year period along with retaining and creating a combination of nine jobs. The business has reported that they have met all job and capital investment pledges on their annual report. The company has reported that the business has saved \$7,389 in a combination of real and personal property tax payments since 2003 due to the agreement. The Tax Incentive Review Council recommended to the City Commission that the B & L Labels Enterprise Zone agreement continue.

Miami Valley Steel Service

This business received their Enterprise Zone agreement in 2003 and it slated to expire in 2013. The agreements outlined that the business would make a capital investment of \$15.2 million and create and retain a combination of 153 jobs at their Piqua location. The business reported on their annual report that they have actually made investments of over \$16 million and their current employment level is 132. The Tax Incentive Review Council noted that while the business is not at their level of employment, the business did make more capital investments than pledged. The council noted that when the agreement was made in 2003, the economic environment was more favorable than it is today and that Miami Valley Steel Service should not be penalized for not having the employment levels where they were originally pledged. The company has reported that it has saved \$363,203 in personal property tax payments since 2003 due to the agreement. The Tax Incentive Review Council recommended to the City Commission that the Miami Valley Steel Service Enterprise Zone agreement continue.

Crane Pumps and Systems

This business received their Enterprise Zone agreement in 2002 and it slated to expire in 2012. The agreements outlined that they would make a capital investment of \$3.85 million and create and retain a combination of 302 jobs at their locations in Piqua. The business reported that it has made capital investments of \$427,000 and has created or retained a combination of 278 jobs. The Tax Incentive Review Council noted that while the business is not at their level of employment nor did the business did make more capital investments than pledged; there is still time for the business to make the necessary capital investment pledge, before their agreement expires in 2012. The council noted that when the agreement was made in 2002, the economic environment was more favorable than it is today and that Crane Pumps and Systems should not be penalized for not having the employment levels or investment levels where they were originally pledged; especially considering that there is time for such investments to be made. The company has reported that it has saved \$141,181 in personal property tax payments since 2002 due to the agreement. The Tax Incentive Review Council recommended to the City Commission that the Crane Pumps and Systems Enterprise Zone agreement continue.

Financial Impact

Failure of the City to submit their annual Enterprise Zone agreement to the Ohio Department of Development by March 31st will require the Ohio Department of Development to levy a \$1,000 fine for each month (or part thereof) in which the report is not filed. Additionally, the city receives a \$150 fee from each business participating in the program which allows the city to recover costs in the administration of the program. In 2009, the City received \$600 for the administration of the Enterprise Zone program.

Community Impact

The impact of this resolution on the community is potentially far reaching. Approval of the resolution will allow the businesses participating in the Enterprise Zone program to continue to receive the benefits of participating in the program. Failure to approve the resolution may cause some of the participating businesses in the program to endure some financial hardship which puts future capital investment and job creation and retention in jeopardy. Additionally, given the City School District's and the City's reliance on earned income taxes, rather than property taxes, the amount of tax revenues not realized by both the City School District and the City are less intensive now, than when the agreements were originally made.

Conformity to City Plans and Policies

For a number of years, the City Commission has made promoting economic development the ultimate strategic goal for the community. It is a widely held belief that any successful economic development program must provide for necessary incentives for industrial and commercial concerns to take advantage of in order to promote for the attraction, retention and expansion of the community's economic base. The Enterprise Zone program is a vial part of the incentive portfolio used by the community in order to promote economic development within the City of Piqua.