

**AGENDA**  
**PIQUA CITY COMMISSION**  
**TUESDAY, MARCH 16, 2010**  
**7:30 P.M.**  
**201 WEST WATER STREET**  
**PIQUA, OHIO 45356**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**REGULAR CITY COMMISSION MEETING**

**A. CONSENT AGENDA**

- a. APPROVAL OF MINUTES  
Approval of the minutes from the March 2, 2010 Regular City Commission Meeting

**B. OLD BUSINESS**

- a. ORD. NO. 3-10 (3<sup>rd</sup> Reading)  
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 3 and 4 The Commission
- b. ORD. NO. 4-10 (3<sup>rd</sup> Reading)  
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 33 under Administrative Service
- c. ORD. NO. 5-10 (2<sup>nd</sup> Reading)  
An Ordinance amending Chapter 55 of the Piqua Municipal Code Stormwater Management

**C. NEW BUSINESS**

- a. RES. NO. R-35-10  
A Resolution authorizing the City of Piqua to file an application to the State of Ohio, Department of Development and to support an application for assistance under the Ohio Job Ready Sites Program
- b. RES. NO. R-36-10  
A Resolution approving the fiscal year 2010 Community Housing Improvement program application
- c. RES. NO. R-37-10  
A Resolution repealing Resolution No. R-106-07 regarding acceptance of the Fairview-Snodgrass Road Bridge No. 0.92 from the Miami County Engineer

- d. RES. NO. R-38-10  
A Resolution relating to the application for annexation of certain real property to the City
- e. RES. NO. R-39-10  
A Resolution authorizing the Law Director to petition the Board of County Commissioners of Miami County, Ohio for a change in the boundary lines of Springcreek Township
- f. RES. NO. R-40-10  
A Resolution authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to designate the zoning of parcel J27-032000 as R-3 (Multi-Family Residential), contingent upon annexation of the subject parcel to the City
- g. RES. NO. R-41-10  
A Resolution approving the Community Diversity Committee priorities and authorizing the Committee to undertake a Work Program to implement projects consistent with those priorities
- h. ORD. NO. 6-10  
An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to change the zoning designation of parcel N44-077996 from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential)

**D. OTHER BUSINESS**

- a. Economic Development Update:  
Presented by – Mr. Bill Murphy, Assistant City Manager/Director of Economic Development  
Mr. Chris Schmiesing, City Planner
- b. Executive Session:  
Pursuant to Charter Sections 4 (b) and (c) for purposes to consider pending or imminent litigation and to prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel.

**E. ADJOURNMENT**

**A. CONSENT AGENDA ITEMS**

**March 16, 2010**

➤ **Minutes – March 2, 2010 City Commission Meeting**

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday March 2, 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.

**REGULAR CITY COMMISSION MEETING**

**Proclamations**

Moved by Commissioner Martin, seconded by Commissioner Vogt, to move Resolution No. R-32-10 to the front of the agenda, after the Proclamation presentations. Voice vote, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously to move Resolution No. R-32-10 up to the front of the agenda after the Proclamation presentations.

**Colonel William J. Baugh Day in the City of Piqua**

Accepting: Ms. Alice Fay/ Mr. Tom Fay

Mayor Fess read the Proclamation and presented it to Ms. Alice Fay and Mr. Tom Fay.

Ms. Fay thanked the City of Piqua for the Proclamation, stating it is quite an honor to receive this on behalf of the Baugh family. Ms. Fay gave a brief background of Mr. Baugh's life and accomplishments.

**Development Disabilities Month in the City of Piqua**

Accepting: Karen Mayer, Superintendent of Riverside of Miami County  
Terry Naas, Community Relations & Staff Development Manager

Mayor Fess read the Proclamation and presented it to Karen Mayer and Terry Naas.

Terry Naas presented the City of Piqua Police Department with a Certificate of Gratitude for all of their support.

Police Chief Bruce Jamison and Lt. Bill Collins accepted the certificate.

**American Red Cross Month in the City of Piqua**

Mayor Fess read the Proclamation and presented it Sharon Ford, a representative of the American Red Cross. Ms. Ford thanked the City of Piqua for their continued support.

**RES. NO. R-32-10**

A Resolution of Appreciation for the public service of Wesley Melling, Jr. as a City Employee

Mayor Fess read the Resolution of Appreciation and presented it to Mr. Melling.

Mr. Melling thanked the City of Piqua for his career with the Fire Department, and stated he is looking forward to moving on.

**Public Comment**

No one came forward to speak for or against Resolution No. R-32-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, to adopt Resolution No. R-32-10. Voice vote, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-32-10 adopted.

### **Consent Agenda**

### **Approval of Minutes**

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the January 27, and the January 30, 2010 Piqua City Commission Work Session, and the Regular City Commission Meeting of February 16, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

### **Old Business**

#### **ORD. NO. 3-10 (2nd Reading)**

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

Mayor Fess stated the Commissioners received an email from Law Director Stacy Wall explaining how the census relates to the registered voters.

Law Director Wall gave a brief explanation on the how the redistricting is done. The Board of Elections strongly recommends that the census be used because it gives an accurate account of the population. The second step is to take the number of registered voters and redistribute the population into the Precincts, this way everyone is accounted for, said Ms. Wall.

Commissioner Wilson inquired if he someone would move out of a Ward and into another Ward, what would the sequence be. Ms. Wall stated according the Charter Amendment proposed they redistrict every ten-years because it goes along the lines of the census. If residents move, they would not be redistricted until the next census, said Ms. Wall.

Mayor Fess stated she thought Commissioner Wilson was asking if someone was serving in a certain Ward as a Commissioner and moved to another Ward what would happen if they are not located in their Ward after the redistricting takes place. Ms. Wall stated the Commissioner is elected from the City as a whole, not just from the Ward, and further explained how it would be grandfathered in and stated she will look into how it would work.

### **Public Comment**

No one came forward to speak for or against Ordinance No. 3-10.

After discussion Ordinance No. 3-10 was given a second reading.

#### **ORD. NO. 4-10 (1<sup>st</sup> Reading)**

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

Commissioner Vogt asked if there was going to be some type of guideline or policy presented for them to see.

Ms. Wall stated she is going to get the Commissioners a drafted copy of the Policy to review; the Policy would be in place of the Charter change if that is what the Commission decides to accept. Ms. Wall further stated at the last Commission Meeting the Commissioners had asked her to think of some different words that could be used in the proposed Charter Amendments that would satisfy her question whether there is a violation of the Charter because of the proposed language in her opinion

trumps the City Manager form of Government. Ms. Wall stated she has not been able to think of any other language, and it is her advice to not specify the type of communication that would not be prohibited.

Mayor Fess asked if it would be difficult to determine when to speak with someone or not to speak with someone. Ms. Wall explained the difference between a Policy and Charter Amendment.

Mayor Fess stated she spoke to several of the Charter Review Committee members after the last Commission meeting and they feel it is important to put the amendment on the ballot.

Commissioner Terry stated the meetings that she has attended for elected city officials, the speakers highly recommended that the Commission not interfere with city employees business, and that the City Manager should be in charge of doing that.

There was discussion on whether the Charter states now that the Commission is not to interfere with the City Manager, and why is there a need for the Charter Amendment. Ms. Wall explained the reason it was in the Charter at this time and why they were asking for change. It was stated previously there was a dispute between a City Commissioner and what he was asking for from a City employee, thus the reason for the language changes. Ms. Wall stated her legal opinion is to not go forward with the Charter Amendment at this time, and to establish a Policy instead.

There was discussion by the Commissioners on their feelings toward the Charter Amendment changes versus a Policy to be put in place. Ms. Wall stated the Policy would be set up so it could be reviewed from time to time, whereas a Charter Amendment would be set in stone and have to go to the voters to make any changes.

City Manager Enderle stated asking a question or talking to a Department Head or an employee is one thing, but asking them to generate a report for a Commissioner is another. That type of communication should clearly go through the City Manager, and the reason for this is that not one Commissioner has the power or authority, the authority comes from the Commission as a whole group. So for one Commissioner to ask for information is not feasible, the information should go to the whole Commission as a group. Mr. Enderle stated he feels the wording is not going to help the situation at all.

### **PUBLIC COMMENT**

Brad Boehringer, Mound Street, voiced his opinion on the Charter Amendment.

After a lengthy discussion Ordinance No. 4-10 was given a second reading.

### **New Business**

#### **ORD. 5-10 (1<sup>st</sup> Reading)**

An Ordinance amending Chapter 55 of the Piqua Municipal Code Stormwater Management

There was discussion on the reason for changing the ERU's square footage to now include up to 5400 square foot for the \$4.70 fee, and doing a yearly review of the ERU and 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. A credit program shall be available to all non-residential customers only as established by the STWUD. There was also discussion of testing of gravel for pervious surface runoff, with the testing only having to be done one time per property, but was noted it is very costly. It was stated there would be a savings for anyone wanting to do the testing. There is a need to set a standard for periodic testing of five-ten years.

City Engineer Amy Havenar explained how the testing would be done and how it would be calculated.

Commissioner Wilson stated he felt a yearly test would be overkill. City Manager Enderle stated he felt it would be reasonable to set the standard at five-ten years.

Commissioner Vogt stated he would like to suggest the establishment of an Underground Utility Board be set up at this time. All Commissioners were in favor of the establishment of an Underground Utility Board.

Commissioner Wilson inquired if a proposed schedule for the Credit program has been set yet.

Finance Director Cynthia Holtzapple explained, and stated if the ordinance is passed by March 16<sup>th</sup>, the first billing would in April, and companies could apply for the credits at that time.

Commissioner Vogt stated he would like to have a representative of the Stormwater Committee hold several public meetings on the issuance of credits, and who would be eligible to apply for the credits.

City Manager Enderle stated there would be a number of meetings held for public education. Law Director Wall stated the Ordinance was written as an Emergency Ordinance and needs to be passed as soon as possible. Finance Director Cynthia Holtzapple stated the Ordinance must be passed no later than March 16<sup>th</sup> to begin the billing in April.

### **Public Comment**

Steve Stiefel, Brentwood, inquired about wording in Section 5509, Section A of Ordinance No. 5-10, and asked why vacant or unimproved property was excluded. City Manager Enderle explained the reason for the exclusion.

Commissioner Vogt stated the City and the Commission has nothing to do with this, this is a mandate put on the City by the EPA.

John Voisinet, Garbry Road, asked that the Commission give Ordinance No. 5-10 a first reading to allow citizens time to gather more information and to be able to understand this better. Mr. Voisinet inquired if the City was teaming up with other organizations or communities to help with the education process. City Manager Enderle explained how the City is partnering with other entities for educational purposes.

Ms. Wall stated this ordinance also addresses the previous Commissions actions that suspended the enforcement of the collection, and further stated this amendment resolves all of the previous issues.

After discussion Ordinance No. 5-10 was given a first reading.

### **RES. No. R-33-10**

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

There was discussion of the installation of the barriers along Interstate 75 and the cost, which is not being incurred by the city.

### **Public Comment**

No one came forward to speak for or against Resolution No. R-33-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-33-10 be adopted. Voice vote, Aye: Fess, Terry, Wilson, Vogt, and Martin, Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-33-10 adopted.

## **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

City Manager Enderle stated this resolution would accept the recommendations of the Tax Incentive Review Council to provide B & L Labels, Crane Pumps and Systems Inc., and Miami Valley Steel Tax Incentives through the Enterprise Zone to continue, and to allow Harmony Systems Tax Incentives to expire.

## **Public Comment**

No one came forward to speak for or against Resolution No. R-34-10.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-34-10 be adopted. Voice vote, Aye: Terry, Wilson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-34-10 adopted.

## **OTHER BUSINESS**

Monthly Reports – January 2010

Commissioner Vogt inquired about the suspended list where an address is listed as the address for a shut off, and is also listed as the address for billing purposes, and asked if there are residents living in homes without electric? Finance Director Cynthia Holtzaple explained why the addresses were sometimes the same.

Monthly Reports were accepted.

## **PUBLIC COMMENT**

Jeff Lange, N. St. Rt. 66 came forward to ask the City for their support and to announce the Great Miami River Sweep would be held on Saturday, July 17<sup>th</sup>, from 8:00 A.M. to 1:00 P.M. and invited citizens to participate. Mr. Lange thanked all the local foundations for their support, and all the volunteers.

Mr. Lange wanted to recognize Piqua and Don Freisther at the Water Plant for updating the Piqua web site under the water system for the latest on the water quality issues that had been brought to the City of Piqua's attention and the citizens. Mr. Lange also thanked City Engineer Amy Havenar and Kara Allison with Hall & Associates with the citizen's advisory council, and their support to the Piqua Watershed.

Mr. Lange further stated that the POW organization has taken an active role in the Stormwater Phase II reporting, and has provided training to some adult students at the Upper Valley JVS. A power point presentation was given to the students, and POW would be glad to share the information with the city if they would like to put it out on the web site, said Mr. Lange.

Mr. Lange stated there is River Summit scheduled for April 15, 2010 at the University of Dayton Rivers Institute, and it is free and open to the public.

Mayor Fess stated she appreciates the work that Mr. Lange, POW, and all the volunteers do, and asked Mr. Lange to share the power point presentation with the City Manager.

Mr. Lange reminded citizens of the Phase II Stormwater Reporting and the Mandates by the EPA, citing the six goals are very important and listed the six goals. Mr. Lange stated he has read some negative things in the paper recently about the EPA and asked where would citizens be without the

EPA, what would they be drinking, what would they be breathing, and what would our earth look like. They are here for a reason to take care of the earth for future generations, said Mr. Lange.

Commissioner Vogt stated the complaint is not with the EPA, it is the unfounded mandates they give us we have the problem with.

Mr. Lange thanked all the Department Heads and the City for their help.

Scott Hartzell, 201 N. Wayne Street, voiced his concern over the sign ordinance that would not allow him to place a banner in the Downtown Business District. Mayor Fess stated Mr. Hartzell should contact the Planning & Zoning Department for a sign permit. Commissioner Terry stated the Commission worked very hard on the sign ordinance for months, and stated there are reasons for the sign ordinance rules and regulations.

James Cruse, County Road 25-A, stated it has been about six months since Toone P. Wiggins opened and asked if there is any type of report at this time for the citizens on the progress of their business. Mayor Fess stated the City Commission does not control that entity; it is still in the LLC, which are the investors who are accepting the tax credits on behalf of the City. City Manager Enderle stated a report would be done in mid-year sometime in July.

Mr. Cruse commended Commissioner Vogt on his idea for the Stormwater Plan.

Steve Stiefel, Brentwood, inquired if there is a timeframe on demolition projects in the City of Piqua.

City Manager stated yes, there is a timeframe on demolition projects and asked if he was referring to the demolition on W. Water Street. Mr. Enderle stated weather, equipment problems, and health issues have played a part in the delay of that project. The City has given the contractor a new deadline for the project, and if the contractor does not meet timeframes he will not be allowed to pull permits with the city.

### **Commission Comments**

Commissioner Terry extended her condolences to the family of Terry Peake, a Power Plant employee who passed away recently.

Commissioner Terry stated "Dickens in Ohio"- Local History is to be held at the Piqua Library on March 18<sup>th</sup> and invited citizens to attend.

Commissioner Terry stated she was part of the welcome home celebration for the Piqua High School Show Choir on Sunday after receiving their 4<sup>th</sup> Grand Champion at Twinsburg. Commissioner Terry congratulated all involved.

Commissioner Terry attended the Diversity Committee meeting held before the Commission meeting. Discussions included the statutory selections in Washington DC, and the hopeful nomination of William M. McCulloch as one of the ten finalists. The presentation can be seen on the local Public Access Channel 5 if anyone is interested, said Commissioner Terry.

Commissioner Terry extended her condolences to the Bill Baugh family.

Commissioner Terry thanked the Street Department and the snow removal crew for a job well done in removing the snow, and expressed her thanks to all who helped.

Commissioner Wilson extended his condolences to the family of Terry Peake.

Commissioner Wilson also congratulated the Piqua Show Choir.

Commissioner Wilson asked for an update on the Ash Street demolitions. City Engineer Amy Havenar gave a brief overview of the progress, and stated the project should be underway by mid March.

Commissioner Martin extended his condolences to the family of Terry Peake.

Commissioner Martin inquired if the City of Piqua paid for the survey work for the proposed annexations, stating Choice One Engineering provided the survey work. City Manager Enderle stated he would look into it and get back to him.

Commissioner Vogt extended his condolences to the families of Terry Peake and Colonel Baugh. Commissioner Vogt stated Colonel Baugh previously lived in his neighborhood, and was a great man.

Commissioner Vogt also extended congratulations to Wes Melling on his retirement from the City of Piqua Fire Department.

Mayor Fess stated she attended a ribbon cutting for a new business in Piqua, Fantabulous Photography on Park Avenue and wished them well in their new venture.

Mayor Fess congratulated the Piqua Show Choir, stating they are amazing and they are ranked 6<sup>th</sup> in the United States at this time.

Mayor Fess extended her condolences to the family of Terry Peake. Mayor Fess and the City Manager attended the funeral and very impressed by the Power Plant employees who are very supportive of the Peake family. Mayor Fess stated she was glad to see the city honor him in such a wonderful way.

Mayor Fess extended her sympathy to the Baugh family.

Mayor Fess spoke of the devastation in Chile and stated native Piquads Ted & Maria Gutmann who are missionaries live there now and asked that citizens keep them in their thoughts and prayers.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 8:55 P.M. Voice vote, Aye: Vogt, Martin, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously.

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LUCINDA L. FESS, MAYOR

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

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

**B. OLD BUSINESS**  
**MARCH 16, 2010**

- **Ord. No. 3-10 (3<sup>rd</sup> Reading)**
- **Ord. No. 4-10 (3<sup>rd</sup> Reading)**
- **Ord. No. 5-10 (2<sup>nd</sup> 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.

**1<sup>st</sup> Reading 2-16-2010**

**2<sup>nd</sup> Reading 3-2-2010**

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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 30<sup>th</sup>, May 11<sup>th</sup> and 18<sup>th</sup>, June 8<sup>th</sup> and 30<sup>th</sup> and July 20<sup>th</sup>, 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.

**1<sup>st</sup> Reading 2-16-2010**

**2<sup>nd</sup> Reading 3-2-2010**

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**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 4. 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.

**1<sup>st</sup> Reading 3-2-2010**

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

**C. NEW BUSINESS**  
**MARCH 16, 2010**

- **Res. No. R-35-10**
- **Res. No. R-36-10**
- **Res. No. R-37-10**
- **Res. No. R-38-10**
- **Res. No. R-39-10**
- **Res. No. R-40-10**
- **Res. No. R-41-10**
- **Ord. No. 6-10**

**RESOLUTION NO. R-35-10**

**A RESOLUTION AUTHORIZING THE CITY OF PIQUA TO FILE AN APPLICATION TO THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT AND TO SUPPORT AN APPLICATION FOR ASSISTANCE UNDER THE OHIO JOB READY SITES PROGRAM**

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of developing speculative sites for future economic development opportunities; and

WHEREAS, the City of Piqua desires to participate by receiving financial assistance for the Piqua Job Ready Site Project, under the Ohio Job Ready Sites Program; and

WHEREAS, the City of Piqua has received authority to apply for financial assistance and to administer the amounts received from the State of Ohio, Department of Development, through its Ohio Job Ready Sites Program, and

WHEREAS, the City of Piqua must directly and authorize the Site Improvement Program Manager to act in connection with the application to provide such additional information as may be required.

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

SEC. 1. The City of Piqua authorized William P. Murphy as the official representative (the "Site Improvement Project Manager") of the Piqua Job Ready Site Project to file an application to participate in the State of Ohio, Department of Development's Job Ready Sites Program and provide all information and documentation required in the application for submission.

SEC. 2. The City of Piqua hereby approves the filing of application for financial assistance under the Ohio Job Ready Sites program.

SEC. 3: The City of Piqua understands and agrees that participation in the program will require compliance with program guidelines and assurances.

SEC. 4: The City of Piqua hereby commits itself to provide the relevant portion of the required local match investment, as indicated in the application.

SEC. 5: 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



## DEVELOPMENT OFFICE

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William Lutz – Development Program Manager  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2062 • FAX (937) 778-0809  
E-Mail: [blutz@piquaoh.org](mailto: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: March 5, 2010

Subj.: Resolution for Consideration by Commission: Authorization to Submit Application for the FY 2010 Job Ready Sites Program

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Fred:

Please present the attached resolution for discussion by the City Commission in regards to the FY 2010 Job Ready Sites Program Funding Application.

### **Purpose of the Legislation**

Adopt a resolution authorizing the community to submit an application for funding to the Ohio Department of Development for the FY 2010 Job Ready Sites Program.

### **Recommendation**

City Staff recommends that the City Commission adopts the resolution authorizing the City to apply for funding to the Ohio Department of Development for the FY 2010 Job Ready Sites Program.

### **Background**

Since 2006 the Ohio Department of Development has provided all communities throughout the State of Ohio to apply for funding through the Job Ready Sites program. The program was designed to provide local communities an opportunity to develop green field sites and existing office buildings into attractive sites for out of state commercial and industrial concerns to relocate to. Under the program, the state provides funding to local communities for property acquisition, site improvements or other activities that make sites available for industrial or commercial development. Sites that are approved for funding will be heavily marketed by the state when out of state commercial and industrial concerns are looking to locate operations in the state.

### **Alternatives**

The City Commission may take the following actions:

1. Approve the resolution and authorize the filing of the Job Ready Sites Program Funding Application to the Ohio Department of Development.

2. Reject the resolution and deny the filing of the Job Ready Sites Program Funding Application to the Ohio Department of Development. The earliest period in which the city could re-apply would be 2012.

### **Discussion**

Since 2006, the City has provided two very competitive applications to the Ohio Department of Development for funding through the Job Ready Sites program. In both instances, the applications were approved by the District XI Ohio Public Works Integrating Committee, who in turn forwards only six applications to the Ohio Department of Development.

For Fiscal Year 2010, City Staff is proposing to the Ohio Department of Development that Job Ready Sites funding be used for the purchase of the JEB Property, which is a 100 plus acre parcel located just south of the Paul Sherry Industrial Park. In 2008, Grow Piqua Now executed an option to purchase the property at a cost of \$1,515,000. The City of Piqua is requesting \$1,515,000 for the purchase of the property. Once the property is the ownership of the community, the city will be in a better position to market the property to potential commercial and industrial concerns that will bring employment to the community.

As part of the application requirements, the City must also ensure that the parcel is “job ready”, or at least developed to the point where industrial and commercial concerns can relocate to the parcel in an expedient fashion with a minimum amount of site improvement and infrastructure work required. In our application, the City has stated that if funding is provided through the Job Ready Site grant, the City will commit to build a road from Fox Drive into the 100 acre parcel. The road will be approximately 1300 feet and cost estimates from the Engineering Department put the full cost of the road at \$834,728. The City of Piqua will use this amount as the required match for the Job Ready Site program.

### **Financial Impact**

As with most grant programs, the Job Ready Site program has a matching funds requirement. For this grant, we are committing to spend \$834,728 for site improvements for the grant in which we would receive \$1,515,000. Additionally, the new employment from the industrial and commercial concerns that would come from the job ready site would have a positive impact on the income tax revenues and general economic health of the community economy. It is difficult to estimate any type of fiscal impact since number of employees and wage rates are not known.

### **Community Impact**

The impact of this Job Ready Site program can be positive for the community, if funding is received through this highly competitive program. The City could easily have dozens of new jobs once the Job Ready Site is fully developed. This would undoubtedly have a positive impact on the economic health of the community.

### **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 adequate sites 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 Job Ready Site program is a unique program provided by the Ohio Department of Development for use by the community in order to make necessary investments in potential commercial and industrial sites and to further the economic vitality of the community.

## **RESOLUTION NO. R-36-10**

### **A RESOLUTION APPROVING THE FISCAL YEAR 2010 COMMUNITY HOUSING IMPROVEMENT PROGRAM APPLICATION**

WHEREAS, the City of Piqua is a unit of local government that possesses the legal authority to apply for Small Cities Community Housing Improvement Program funds available through the State of Ohio, authorized under the Housing and Community Development Act of 1974, as amended, and the Cranston-Gonzalez National Affordable Housing Act; and

WHEREAS, the City of Piqua has housing and community development needs that can be improved and alleviated with State assistance,

WHEREAS, the City of Piqua is eligible for \$500,000 in Fiscal Year 2010 Community Housing Improvement Program funds, through a competitive program, and depending upon available funding,

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

SEC. 1. The Fiscal Year 2010 Community Housing Improvement Program is hereby approved and Frederick E. Enderle, City Manager, is hereby authorized and directed to submit the City's program application to the Ohio Department of Development, including all understandings and assurances therein on or before the due date of April 1, 2010.

SEC. 2. Frederick E. Enderle, City Manager, is to be the designated agent of the program in connection with the application and is authorized to execute all agreements in conjunction with the Fiscal Year 2010 Community Housing Improvement Program

SEC. 3. The proposed program will include the following activities:

1. Private Owner Rehabilitation Activity, 5 units, Maximum Hard Cost Assistance of \$30,000 per unit. Maximum assistance for document recording, inspections, lead testing and other soft costs of \$5,000 per unit. Total maximum assistance of \$35,000 per unit.
2. Rental Rehabilitation Activity, 2 units, Maximum Hard Cost Assistance of \$14,999 per unit. Maximum assistance for document recording, inspections, lead testing and other soft costs of \$1,126 per unit. Total maximum assistance of \$16,125 per unit.

3. Home Repair Activity, 12 units, Maximum Hard Cost Assistance of \$8,000 per unit. Maximum assistance for document recording, inspections, lead testing and other soft costs of \$2,416 per unit. Total maximum assistance of \$10,416 per unit.
4. Emergency Housing Assistance Activity, 55 units, Maximum Assistance of \$1,200 per unit. Counseling to be provided for each unit at a combined cost not to exceed \$11,000.
5. New Construction Activity, 2 units, Maximum Assistance of \$20,000 per unit.
6. Fair Housing Education and Outreach at a cost not to exceed \$2,500.
7. General Administration of the program not to exceed \$48,250.

SEC. 4: 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



## 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](mailto: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: March 5, 2010

Subj.: Resolution for Consideration by Commission: Authorization to Submit Application for the FY 2010 Community Housing Improvement Program

---

Fred:

Please present the attached resolution for discussion by the City Commission in regards to the FY 2010 Community Housing Improvement Program Funding Application.

### **Purpose of the Legislation**

Adopt a resolution authorizing the City Manager to submit an application for funding to the Ohio Department of Development for the FY 2010 Community Housing Improvement Program.

### **Recommendation**

City Staff recommends that the City Commission adopts the resolution authorizing the City Manager to apply for funding to the Ohio Department of Development for the FY 2010 Community Housing Improvement Program.

### **Background**

Since 1992 the Ohio Department of Development has provided the community over \$6 million in federal funds for the administration of the Community Housing Improvement Program. The Community Housing Improvement Program provides home repairs and full home rehabilitations for households that are moderate to low income (income must be at or below \$49,700 for a family of four). The program has expanded over the years to provide assistance with mortgage payments for low to moderate income families at risk of losing their home to foreclosure and also by providing funding for the rehabilitation of rental units which are provided to those that are low to moderate income.

### **Alternatives**

The City Commission may take the following actions:

1. Approve the resolution and authorize the filing of the Community Housing Improvement Program Funding Application to the Ohio Department of Development.

2. Reject the resolution and deny the filing of the Community Housing Improvement Program Funding Application to the Ohio Department of Development.

### **Discussion**

As previously stated, since 1992, the community has been awarded over \$6 million through the Community Housing Improvement Program to improve the housing stock for low to moderate income households. For the Fiscal Year 2010 program round, the following activities are being proposed: Private Owner Rehabilitation, Rental Rehabilitation, Home Repair, Emergency Housing Assistance and New Construction. These activities were arrived through consultation of the community's Housing Advisory Committee, which meets every two years to help determine the activities to be undertaken through the Community Housing Improvement Program. The total request to the Ohio Department of Development is \$500,000 which is the maximum amount request allowed.

#### Private Owner Rehabilitation

Through the Private Owner Rehabilitation activity, the community will propose to complete five projects at a maximum cost of \$35,000 (including costs for document recording, inspections, lead testing and other soft costs) per unit. Each project will have all structural and mechanical systems in compliance with the Ohio Department of Development's Residential Rehabilitation Standards. Assistance is provided in the form of a deferred loan, in which a portion of the assistance is forgiven for every year the household remains in the house. At the end of ten years, a balance of 30% will remain on the assistance, but it is only due until the house falls into severe disrepair or the household no longer uses the house as their primary residence.

#### Rental Rehabilitation

Through the Rental Rehabilitation activity, the community will propose to complete two projects with a maximum assistance of \$16,125 per unit. Each project will have all structural and mechanical systems in compliance with the Ohio Department of Development's Residential Rehabilitation Standards. Assistance is provided in the form of a deferred loan, in which a portion of the assistance is forgiven for every year the household remains in the house. At the end of ten years, there is no balance remaining. Participating property owners must rent the unit to low to moderate income households and can not charge than the fair market rent as determined by the United States Department of Housing and Urban Development.

#### Home Repair

Through the Home Repair activity, the community will propose to complete twelve projects with a maximum assistance of \$8,000 per unit; additional funds are provided for soft costs including document recording, inspections and lead testing. Each project will have one or two major structural or mechanical systems in compliance with the Ohio Department of Development's Residential Rehabilitation Standards. Assistance is provided as a grant with no payback provision. It should be noted that only homeowners can participate in this activity.

#### Emergency Monthly Housing Assistance and Counseling

Through this activity, a one time \$1,200 payment is provided to low to moderate income households that are behind in either mortgage or utility payments. As a condition of the assistance, applicants must attend a financial counseling session (paid for by the grant) to

provide guidance for these at-risk households. Assistance is provided in the form of a grant with no payback provision. Payments are made directly to the applicant's mortgage company or utility provider.

#### New Construction – Habitat for Humanity

Through this activity, the community proposes to provide \$40,000 to the local Habitat for Humanity chapter to provide two units of new housing for low to moderate income households in the community. Assistance is provided in the form of a deferred loan, in which a portion of the assistance is forgiven for every year the household remains in the house. At the end of ten years, there is no balance remaining.

#### **Financial Impact**

If the community can receive funds through this highly competitive program, the City has the opportunity to provide \$500,000 in funds to further housing conditions and opportunities to low to moderate income households in the community. It should also be noted that the program does provide administrative dollars which allows the city to be reimbursed for the time spent by city staff in the administration of the program.

#### **Community Impact**

The impact of this resolution, and the program, is a far reaching throughout the community. The Community Housing Improvement Program is a popular program in which it is estimated nearly 10% of all households in the community have received some type of assistance through this program over the years. Failure to adopt this resolution, will cause the city not be able to apply for funds this year and the City would need to reapply in 2011.

#### **Conformity to City Plans and Policies**

The City's recent comprehensive plan, Plan-It-Piqua has stated that the City should take advantage of such programs, like the Community Housing Improvement Program, in order to stabilize the community's housing stock, especially for those households that are low to moderate income.

**RESOLUTION NO. R-37-10**

**A RESOLUTION REPEALING RESOLUTION  
NO. R-106-07 REGARDING ACCEPTANCE OF THE  
FAIRVIEW-SNODGRASS ROAD BRIDGE NO. 0.92  
FROM THE MIAMI COUNTY ENGINEER**

WHEREAS, by Resolution No. R-106-07 passed September 17, 2007 this Commission entered into a Memorandum of Agreement with the Federal Highway Administration, the Ohio State Historic Preservation Office, the Ohio Department of Transportation and the Miami County Board of Commissioners; and

WHEREAS, said agreement was for the City to take ownership of the Fairview-Snodgrass Road Bridge to utilize the structure on a future bike path project extending north towards Johnston Farm; and

WHEREAS, due to the current economy and the lack of any planned bike path project at this time, this Commission deems it to be in the best interest of the City to repeal Resolution No. R-106-07.

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

SEC. 1: Resolution No. R-106-07 is hereby repealed and Resolution No. R-106-07 shall have no effect.

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



**CITY COMMISSION MEETING REPORT**

*For the Regular Meeting of March 16, 2010*

TO: Fred Enderle, City Manager  
FROM: Amy Havenar, City Engineer  
SUBJECT: Fairview-Snodgrass Road Bridge No. 0.92

**PURPOSE:**

*Repeal Resolution R-106-07 regarding the acceptance of the Fairview-Snodgrass Road Bridge No. 0.92 from the Miami County Engineer.*

**RECOMMENDATION:**

*Approval of this Resolution to repeal Resolution R-106-07.*

**BACKGROUND:**

*In May of 2008, the City of Piqua entered into a Memorandum of Agreement with the Federal Highway Administration, the Ohio State Historic Preservation Office, the Ohio Department of Transportation and the Miami County Board of Commissioners to take ownership of the Fairview-Snodgrass Road Bridge once the bridge is relocated from its current site.*

*The bridge was to be relocated by Miami County and transferred to the Roadside Park for storage located along SR 66 in the City of Piqua until such time a permanent location was determined.*

**ALTERNATIVES:**

- 1) Approve the Resolution to repeal Resolution R-106-07.*
- 2) Do not approve the Resolution and the City of Piqua will take over ownership of the Fairview-Snodgrass Road Bridge as identified in the current Memorandum of Agreement.*

**DISCUSSION:**

*At the time the decision was made to take over ownership of the Fairview-Snodgrass Road Bridge, the intent was to utilize this structure on a future bike path project. In particular, utilizing this structure to cross Swift Run just east of the SR 66 bridge at such time the City would extend the bike path north towards Johnston Farm.*

*Unfortunately, due to the current economic times, the City of Piqua has no immediate plans to extend the bike path north towards Johnston Farms therefore eliminating any potential use for the relocated Fairview-Snodgrass Road Bridge at this time.*

*This issue was brought up at a Bike Trails Task Force Meeting and the Miami County Park District expressed an interest in the bridge for use on one of their proposed bike paths, which is slated to begin construction last summer/early fall in 2010. The particular section of bike path is the section connecting Eldean Road to Lytle Road. The location of the proposed structure would be crossing Beedle Ditch between the Job & Family Services Building and the Miami County Engineer's Office. The structure location will be visible from CR 25-A.*

*While the inclusion of the Fairview-Snodgrass Road Bridge into the Miami County Park District's project is a change from the original design of a low flow crossing, there will be a minimal cost increase to achieve this crossing. Both the Park District and the County Engineer felt that being able to utilize this historic structure in a location highly visible to not only the path users, but also to the motorists traveling along CR 25-A will create a real showcase piece for all of those utilizing the bike path, especially given the project's vicinity to the Eldean Covered Bridge.*

**FINANCIAL IMPACT:**

*Should the City decide to continue with the original agreement to take over ownership of the bridge, the City would be required to protect the bridge during storage and will be responsible for all future maintenance on the structure.*

*Should the City repeal the original resolution and not take over ownership of the bridge, there will be no cost to the City.*

**COMMUNITY IMPACT:**

*Use of this bridge on a bike path will allow for the preservation of a historic structure while affording access to it by all who utilize the bike path. Under current conditions, should the City maintain ownership of this structure, it will be placed at the Roadside Park for storage and will not be accessible to the public. The City will be responsible for keeping the area around the bridge mowed/maintained and will also need to protect the bridge from possible vandalism due to its location being out of the public eye.*

*With the Miami County Park District taking over ownership of the historic bridge and with the proposed location being on a section of the Great Miami Recreational Trail, all bike path users on this section will be afforded immediate access to the structure.*

**CONFORMITY TO CITY PLANS & POLICIES:**

*At this time, there are no plans to extend the bike path north towards Johnston Farms. Therefore, the best use of this structure would be on a section of bike path that is currently funded and ready for construction.*

**RESOLUTION NO. R-38-10**

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

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

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

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

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

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

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

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

EXHIBIT A



OFFICE OF

COMMISSIONERS OF MIAMI COUNTY

SAFETY BUILDING  
201 W. MAIN ST.

TROY, OHIO 45373-2363

Leigh M. Williams  
Clerk

Ph. (937) 440-5910  
FAX (937) 440-5911  
Email: Commissioners@co.miami.oh.us

Jack Evans  
Commissioner

John W. O'Brien  
Commissioner

Ron Widener  
Commissioner

CERTIFICATION

ANNEXATION TO THE CITY OF PIQUA, OHIO  
OF 1.462 ACRES MORE OR LESS  
FROM SPRINGCREEK TOWNSHIP

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

PETITION

- Legal Description
- Map
- List of Parcels in Land To Be Annexed
- List of Parcels Adjacent to or Directly Across the Road from Land To Be Annexed
- Annexation Agreement between the City of Piqua, Ohio and the Board of Township Trustees of Springcreek Township

ENGINEER'S LETTER

RESOLUTION APPROVING ANNEXATION AND SIGNING MYLAR  
(Resolution No. 10-01-45)

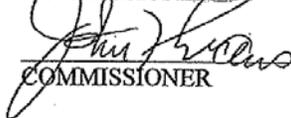
These copies are true and correct transcripts of action taken by the Board:

MIAMI COUNTY COMMISSIONERS:

DATED: January 14, 2010

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

Leigh M. Williams, Clerk

RECEIVED

CITY OF PIQUA  
DEVELOPMENT OFFICE



EXHIBIT A

**PETITION FOR ANNEXATION**  
(Sections 709.021 and 709.022, ORC)

PETITION BY OWNER FOR ANNEXATION TO THE CITY OF PIQUA, OHIO, OF REAL ESTATE CONSISTING OF 1.462 ACRES, LOCATED IN SPRINGCREEK TOWNSHIP SECTION 25, TOWN 1, RANGE 12 IN THE COUNTY OF MIAMI AND STATE OF OHIO.

To: Board of Commissioners, Miami County, State of Ohio

The undersigned, whose signature appears on the attached pages, is the sole owner of real estate situated in the Township of Springcreek, County of Miami, and adjacent to the City of Piqua, to-wit:

See "Exhibit A," attached to this Petition, for a full and accurate description of the real estate proposed for annexation.

The undersigned respectfully petitions that said territory be annexed to the City of Piqua, Ohio. The number of owners in the territory sought to be annexed is one (1). Petitioner asks the Commissioners to follow the provisions of Section 709.022 in considering and acting on this Petition.

Map: A map accurately depicting the territory proposed for annexation to the City of Piqua, Ohio is attached to this Petition as "Exhibit B."

Included Parcel: The acreage and parcel number of the sole parcel included in the Petition for Annexation and the owner's name and address are set forth on the document attached to this Petition as "Exhibit C."

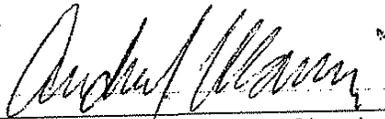
Adjacent Parcels: A list of those parcels adjacent to or directly across the road from the territory proposed for annexation and containing the owners' names, addresses, and amount of acreage or lot designations is attached to this Petition as "Exhibit D."

Petitioner's Agent: Dale G. Davis, of McCulloch, Felger, Fite & Gutmann Co., L.P.A., 123 Market Street, Piqua, Ohio 45356, telephone (937) 773-3212, is hereby authorized to act as agent of the Petitioner in securing such annexation as required by ORC Section 709.02, with full power and authority granted to said agent to amend, attest, correct, withdraw, refile, substitute or compromise the Petition, to increase or delete the area sought to be annexed, to do any and all things essential to the above and to take any action necessary for obtaining the granting of this Petition. Any such amendment, attestation, alteration, correction, withdrawal, refiling, substitution, compromise, increase or deletion, any such other things or action necessary for the granting of this Petition, may be made in the Petition, description and/or plat by said agent without further expressed consent of the Petitioner.

Annexation Agreement: An executed copy of the Annexation Agreement between the City of Piqua, Ohio, and the Board of Township Trustees of Springcreek Township, Miami County, Ohio, is submitted with, and shall be considered in conjunction with, this Petition.

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

Date: January 11, 2010



The Upper Valley Community Church of the Nazarene, Inc.

By: Andy Monnin, Executive Pastor  
1400 Siedel Parkway  
Piqua, OH 45356

RECEIVED  
10 JAN 11 AM 10:50  
MIAMI COUNTY  
COMMISSIONERS  
TROY, OHIO

RECEIVED  
10 JAN 12 AM 11:49  
MIAMI COUNTY  
COMMISSIONERS  
TROY, OHIO

EXHIBIT A

EXHIBIT A

1.462 Acres  
Springcreek Township

**Legal Description**

Situate in Springcreek Township, Miami County, Ohio and being a part of the Northeast Quarter of Section Twenty-Five (25), Town One (1), Range Twelve (12), as shown by survey filed in Volume No. \_\_\_\_\_, Page No. \_\_\_\_\_ of the Miami County Recorder's Record of Plats and being more particularly described as follows:

Commencing at an Iron Pin found in a monument box at the Northeast corner of the Northeast Quarter of Section Twenty-Five (25), said Iron Pin being on the former center line of Looney Road; thence North 84 degrees 59 minutes 00 seconds West with the north line of Section Twenty-Five (25) 1082.62 feet to an Iron Pin set at the point of beginning of the tract herein described;

thence South 04 degrees 37 minutes 30 seconds West 314.94 feet to an Iron Pin found;

thence North 84 degrees 18 minutes 30 seconds West 203.00 feet to an Iron Pin set;

thence North 04 degrees 37 minutes 10 seconds East 312.55 feet to a Railroad Spike set on the north line of Section Twenty-Five (25), witness an Pin found 1.00 feet east of a point 35.00 feet on the line last described;

thence South 84 degrees 59 minutes 00 seconds East with the north line of Section Twenty-Five (25) 203.00 feet to the Iron Pin set at the point of beginning, containing 1.462 Acres and being subject to all highways, easement, and restrictions of record.

The above description was prepared by Thomas R. Zechman, Ohio Registered Surveyor No. 7077.

VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_  
 MIAMI COUNTY RECORDER'S RECORD OF PLATS  
 RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY  
 OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ M.  
 FILE # \_\_\_\_\_ FEE \$ \_\_\_\_\_  
 MIAMI COUNTY RECORDER BY DEPUTY RECORDER

ANNEXATION PROCEEDINGS RECORDED IN VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_ MIAMI  
 COUNTY RECORDER'S OFFICIAL RECORDS.

DESCRIPTION  
 BEING A TOTAL OF 1.462 ACRE AS ACQUIRED BY UPPER VALLEY COMMUNITY  
 CHURCH OF CHRIST, INC. IN OFFICIAL RECORD VOLUME 47, PAGE 705,  
 MIAMI COUNTY RECORDER'S RECORDS, LOCATED IN SECTION 25, TOWN 1,  
 RANGE 12, IN SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO.

MIAMI COUNTY ENGINEER  
 THIS ANNEXATION PLAT REVIEWED AND APPROVED  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 DOUGLAS L. CHRISTIAN  
 MIAMI COUNTY COMMISSIONERS  
 AT A MEETING OF THE MIAMI COUNTY COMMISSIONERS THE ANNEXATION OF  
 THIS AREA WAS APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 BY RESOLUTION NO. \_\_\_\_\_

CITY OF PIQUA  
 THIS ANNEXATION ACCEPTED AND APPROVED BY THE PIQUA CITY COMMISSION  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 BY ORDINANCE # \_\_\_\_\_

MAYOR \_\_\_\_\_ CLERK \_\_\_\_\_  
 MIAMI COUNTY AUDITOR  
 TRANSFERRED AND LOT NUMBERS ASSIGNED  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 MIAMI COUNTY AUDITOR  
 BY DEPUTY AUDITOR \_\_\_\_\_



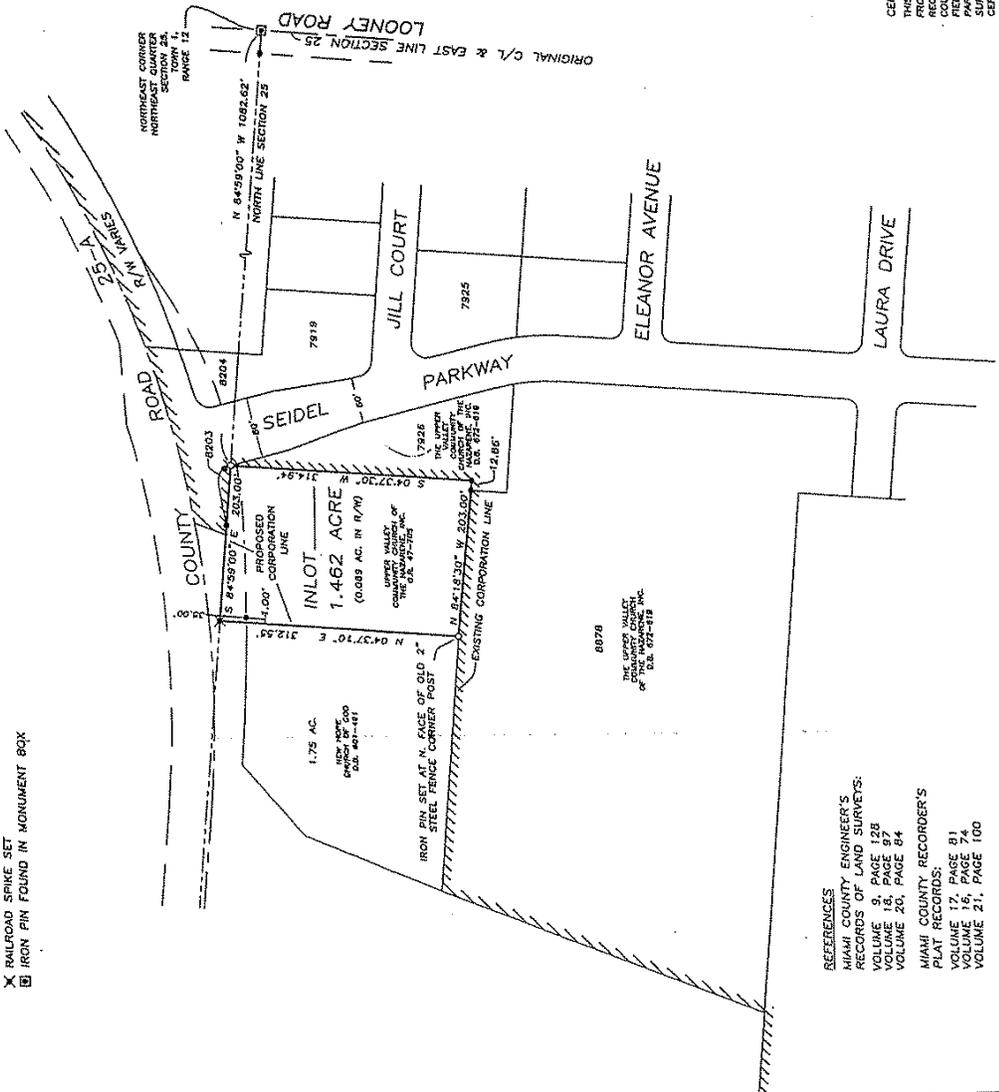
ANNEXATION PLAT FOR UPPER VALLEY COMMUNITY CHURCH  
 IN MIAMI COUNTY, OHIO - AUGUST 12, 2004

THOMAS R. ZECHMAN  
 OHIO REGISTERED  
 PROFESSIONAL SURVEYOR #10777  
 1028 LAURA DRIVE  
 PIQUA, OHIO 45358  
 (937) 774-8478

CERTIFICATION  
 THIS ANNEXATION PLAT PREPARED  
 FROM MIAMI COUNTY RECORDER'S  
 COUNTY PLAT RECORDS AND A  
 FIELD SURVEY TO RE-SURVEY THE  
 SURVEY OF SECTION 25, TOWN 1,  
 RANGE 12, IN SPRING CREEK TOWNSHIP,  
 MIAMI COUNTY, OHIO, TO BE  
 CORRECT AS SHOWN HEREON.  
 T. R. ZECHMAN  
 THOMAS R. ZECHMAN

ANNEXATION TO THE CITY OF PIQUA  
 SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO  
 SECTION 25, TOWN 1, RANGE 12

- LEGEND
- IRON PIN FOUND
  - IRON PIN SET
  - ✕ RAILROAD STRIKE SET
  - ☒ IRON PIN FOUND IN MONUMENT BOX



REFERENCES  
 MIAMI COUNTY ENGINEER'S  
 RECORDS OF LAND SURVEYS:  
 VOLUME 9, PAGE 128  
 VOLUME 16, PAGE 84  
 VOLUME 20, PAGE 84  
 MIAMI COUNTY RECORDER'S  
 PLAT RECORDS:  
 VOLUME 12, PAGE 91  
 VOLUME 17, PAGE 100  
 VOLUME 21, PAGE 100

EXHIBIT A

Attachment

Annexation Petition of Upper Valley Community Church of the Nazarene, Inc.  
1.462 Acres, Springcreek Township

EXHIBIT C

**Parcels Included in Land To Be Annexed**

<b>Owner</b>	<b>Address</b>	<b>Acreage</b>	<b>Parcel No.</b>
Upper Valley Community Church of the Nazarene, Inc.	1400 Siedel Parkway, Piqua, OH 45356	1.462 acres	J27-032000

Attachment

Annexation Petition of Upper Valley Community Church of the Nazarene, Inc.  
1.462 Acres, Springcreek Township

EXHIBIT D

**Parcels Adjacent to or Directly Across the Road from  
Land To Be Annexed**

<b>Owner</b>	<b>Owner's Mailing Address</b>	<b>Acreage or Lot Designation of Parcel</b>	<b>Parcel No.</b>
New Hope Church of God	427 New Street Piqua, Ohio 45356	1.75 acres Section 12, Town 1, Range 25, Springcreek Township	J27-250053
Kriegel Holdings, Inc.	P.O. Box 752 Van Wert, Ohio 45891	13.001 acres Section 12, Town 1, Range 26, Springcreek Township	J27-026100

EXHIBIT A

**ANNEXATION AGREEMENT**

This Agreement is entered into this 14 day of December, 2009, between the City of Piqua, hereinafter "City", and the Board of Township Trustees of Springcreek Township, Miami County, Ohio, hereinafter "Township", pursuant to R. C. 709.022, and 709.192:

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

WHEREAS, the City of Piqua and the Board of Township Trustees of Springcreek Township, Miami County, Ohio desire to enter into an annexation agreement to be applied to the proposed annexation to the City of property belonging to Upper Valley Community Church of the Nazarene, Inc. as is described in a document identified as "Exhibit A" hereto (hereafter "Real Property"); and

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

1. The City consents to the annexation of the said Real Property to the City and agrees to provide sanitation, police, fire, rescue, electric power, water, and sewer services to the residents of the Property at the same cost and under the same policies and conditions that said services are provided to the other residents of the City.

2. The Township consents to the annexation of the said Real Property to the City, subject to said annexation being in compliance with Ohio R.C. Chapter 709;

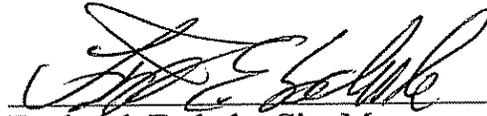
EXHIBIT A

3. The Township will receive only such revenues as may be due the Township after annexation as provided for in Ohio Revised Code section 709.19 in connection with or as a result of the annexation proceedings.

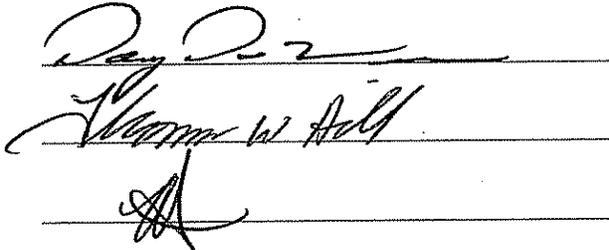
4. The City shall institute proceedings to detach the said Real Property from the Township.

IN WITNESS WHEREOF, the City and Board of Trustees, pursuant to resolutions duly approved, enter into this Agreement this 14 day of ~~November~~, 2009. *December* *L.A.S.*

CITY OF PIQUA  
MIAMI COUNTY, OHIO

  
\_\_\_\_\_  
Frederick Enderle, City Manager

BOARD OF TOWNSHIP TRUSTEES  
OF SPRINGCREEK TOWNSHIP,  
MIAMI COUNTY, OHIO

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO FORM ONLY:

Wanda L. Carter per e-mail approval  
Wanda L. Carter  
Counsel for Springcreek Township  
Board of Truseees

Stacy M. Walle  
City of Piqua Law Director

EXHIBIT A



MIAMI COUNTY MAP DEPARTMENT

201 West Main Street  
Troy, OH 45373

937-440-6025  
Fax 937-440-6026

January 12, 2010

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

Re: Proposed annexation of 1.462 acres, Section 25, Town 1, Range 12, Spring Creek Township, to the City of Piqua.

Dear Commissioners:

I have reviewed the map and legal description of the territory proposed for annexation and they meet our requirements.

Very truly yours,

Dennis Ventura, Jr.  
Deputy Miami County Engineer

~~RECEIVED  
10 JAN 11 AM 11:46  
MIAMI COUNTY  
COMMISSIONERS  
TROY, OHIO~~

RECEIVED  
10 JAN 12 AM 11:49  
MIAMI COUNTY  
COMMISSIONERS  
TROY, OHIO

EXHIBIT A

RESOLUTION NO. 10-01-45

ANNEXATION  
EXPEDITED TYPE 1 (Sections 709.021 and 709.022, O.R.C.)  
1.462 ACRES +/- FROM SPRINGCREEK TOWNSHIP  
TO THE CITY OF PIQUA, OHIO

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

WHEREAS, on the date of January 12, 2010, an annexation petition was filed on behalf of The Upper Valley Community Church of the Nazarene, Inc., by Andy Monnin, Executive Pastor, 1400 Siedel Parkway, Piqua, Ohio 45356 (Dale G. Davis of McCulloch, Felger, Fite & Gutmann Co., L.P.A., Agent), for the annexation of 1.462 acres, more or less, in Springcreek Township to the City of Piqua, Ohio; and

WHEREAS, the City of Piqua and the Board of Township Trustees of Springcreek Township, Miami County, Ohio, entered into an *Annexation Agreement* on December 14, 2009; and

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

Now, therefore be it

RESOLVED, by the Board of Miami County Commissioners, to approve the Expedited Type 1 annexation petition filed on behalf of The Upper Valley Community Church of the Nazarene, Inc. for 1.462 acres, more or less, in Springcreek Township to the City of Piqua, Ohio. Further sign the mylar this date.

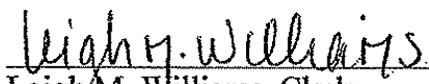
Mr. Evans seconded the motion and the Board voted as follows upon roll call:

Mr. O'Brien, Yea;                      Mr. Widener, Yea;                      Mr. Evans, Yea;

DATED: January 14, 2010

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the Board under the date of January 14, 2010.

  
\_\_\_\_\_  
Leigh M. Williams, Clerk



**CITY COMMISSION MEETING REPORT**

*For the Regular Meeting of March 16, 2010*

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Petition to annex parcel J27-032000, a +/-1.462 acre lot, into the city of Piqua corporation limits.

**PURPOSE:**

Approve a resolution to accept the annexation of a 1.462 acre tract of land currently situated in Springcreek Township.

**RECOMMENDATION:**

Approve the Resolution to complete the process required by the Ohio Revised Code and authorize the annexation of the subject parcel.

**BACKGROUND:**

The Upper valley Community Church (UVCC), 1400 Seidel Parkway, recently purchased a 1.462 acre parcel located adjacent to and immediately north of the church property. UVCC has demolished the single-family dwelling unit that formerly occupied the site and desires to annex the parcel and combine the acreage with the church property located at 1400 Seidel Parkway to accommodate a planned expansion of the UVCC facilities. Recognizing the neutral affect on tax revenue and the location of the property, City of Piqua and Springcreek Township officials both have consented to the property owner's request to enter into an annexation agreement specific to this particular property.

**ALTERNATIVES:**

- 1) Approve Resolution to accept the annexation.
- 2) Defeat the Resolution to deny the annexation request.

**DISCUSSION:**

The proposed annexation accommodates UVCC's interest in consolidating the existing parcels into one tract to allow for a building addition and parking lot expansion project. If approved, this Resolution will complete the annexation process and allow the property owner to continue with repalting the parcels into one tract. If the annexation request is denied the property owner would be limited to working within the constraints of the 1400 Seidel Parkway property boundaries with regards to the proposed building and parking lot improvements. Both the Springcreek Township Trustees and the Miami County Board of Commission have taken the necessary actions to approve this annexation petition request.

**FINANCIAL IMPACT:**

The affect the annexation will have on tax revenues is nil as the church use is not subject to property taxes. It is conceivable that a denial of the annexation would adversely affect UVCC's construction plans and lessen the potential for the project to have a positive impact on the local economy, i.e., jobs, purchases of goods and supplies for the construction and maintenance of the improvements, etc... The annexation of this property will incorporate an additional +/-200 feet of roadway into the City that will require the usual and customary roadway maintenance activities.

**COMMUNITY IMPACT:**

The demolition of the existing single-family structure and the proposed redevelopment of the site that will be facilitated by approval of the annexation both serve to reinforce the commercial/institutional development patterns found along this corridor.

**CONFORMITY TO CITY PLANS & POLICIES:**

The proposed annexation is consistent and compatible with all adopted City plans and policies, including the Conservation and Development Map and the Goal, Principles, and Objectives and Strategies outlined in the Land Use chapter of the Plan It Piqua Comprehensive Plan document.

**RESOLUTION NO. R- 39-10**

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

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

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

\*Annexed by Piqua Resolution No. R-38-10 on March 16, 2010  
(1.462 acre parcel of land in Springcreek Township description attached hereto as Exhibit "A")

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

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

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

EXHIBIT A



OFFICE OF

COMMISSIONERS OF MIAMI COUNTY

SAFETY BUILDING  
201 W. MAIN ST.

TROY, OHIO 45373-2363

Leigh M. Williams  
Clerk

Ph. (937) 440-5910  
FAX (937) 440-5911  
Email: Commissioners@co.miami.oh.us

Jack Evans  
Commissioner

John W. O'Brien  
Commissioner

Ron Widener  
Commissioner

CERTIFICATION

ANNEXATION TO THE CITY OF PIQUA, OHIO  
OF 1.462 ACRES MORE OR LESS  
FROM SPRINGCREEK TOWNSHIP

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

PETITION

- Legal Description
- Map
- List of Parcels in Land To Be Annexed
- List of Parcels Adjacent to or Directly Across the Road from Land To Be Annexed
- Annexation Agreement between the City of Piqua, Ohio and the Board of Township Trustees of Springcreek Township

ENGINEER'S LETTER

RESOLUTION APPROVING ANNEXATION AND SIGNING MYLAR  
(Resolution No. 10-01-45)

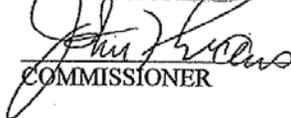
These copies are true and correct transcripts of action taken by the Board:

MIAMI COUNTY COMMISSIONERS:

DATED: January 14, 2010

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

Leigh M. Williams, Clerk

RECEIVED

CITY OF PIQUA  
DEVELOPMENT OFFICE



EXHIBIT A

**PETITION FOR ANNEXATION**  
(Sections 709.021 and 709.022, ORC)

PETITION BY OWNER FOR ANNEXATION TO THE CITY OF PIQUA, OHIO, OF REAL ESTATE CONSISTING OF 1.462 ACRES, LOCATED IN SPRINGCREEK TOWNSHIP SECTION 25, TOWN 1, RANGE 12 IN THE COUNTY OF MIAMI AND STATE OF OHIO.

To: Board of Commissioners, Miami County, State of Ohio

The undersigned, whose signature appears on the attached pages, is the sole owner of real estate situated in the Township of Springcreek, County of Miami, and adjacent to the City of Piqua, to-wit:

See "Exhibit A," attached to this Petition, for a full and accurate description of the real estate proposed for annexation.

The undersigned respectfully petitions that said territory be annexed to the City of Piqua, Ohio. The number of owners in the territory sought to be annexed is one (1). Petitioner asks the Commissioners to follow the provisions of Section 709.022 in considering and acting on this Petition.

Map: A map accurately depicting the territory proposed for annexation to the City of Piqua, Ohio is attached to this Petition as "Exhibit B."

Included Parcel: The acreage and parcel number of the sole parcel included in the Petition for Annexation and the owner's name and address are set forth on the document attached to this Petition as "Exhibit C."

Adjacent Parcels: A list of those parcels adjacent to or directly across the road from the territory proposed for annexation and containing the owners' names, addresses, and amount of acreage or lot designations is attached to this Petition as "Exhibit D."

Petitioner's Agent: Dale G. Davis, of McCulloch, Felger, Fite & Gutmann Co., L.P.A., 123 Market Street, Piqua, Ohio 45356, telephone (937) 773-3212, is hereby authorized to act as agent of the Petitioner in securing such annexation as required by ORC Section 709.02, with full power and authority granted to said agent to amend, attest, correct, withdraw, refile, substitute or compromise the Petition, to increase or delete the area sought to be annexed, to do any and all things essential to the above and to take any action necessary for obtaining the granting of this Petition. Any such amendment, attestation, alteration, correction, withdrawal, refiling, substitution, compromise, increase or deletion, any such other things or action necessary for the granting of this Petition, may be made in the Petition, description and/or plat by said agent without further expressed consent of the Petitioner.

Annexation Agreement: An executed copy of the Annexation Agreement between the City of Piqua, Ohio, and the Board of Township Trustees of Springcreek Township, Miami County, Ohio, is submitted with, and shall be considered in conjunction with, this Petition.

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

Date: January 11, 2010



The Upper Valley Community Church of the Nazarene, Inc.

By: Andy Monnin, Executive Pastor  
1400 Siedel Parkway  
Piqua, OH 45356

RECEIVED  
10 JAN 11 AM 10:50  
MIAMI COUNTY  
COMMISSIONERS  
TROY, OHIO

RECEIVED  
10 JAN 12 AM 11:49  
MIAMI COUNTY  
COMMISSIONERS  
TROY, OHIO

EXHIBIT A

EXHIBIT A

1.462 Acres  
Springcreek Township

**Legal Description**

Situate in Springcreek Township, Miami County, Ohio and being a part of the Northeast Quarter of Section Twenty-Five (25), Town One (1), Range Twelve (12), as shown by survey filed in Volume No. \_\_\_\_\_, Page No. \_\_\_\_\_ of the Miami County Recorder's Record of Plats and being more particularly described as follows:

Commencing at an Iron Pin found in a monument box at the Northeast corner of the Northeast Quarter of Section Twenty-Five (25), said Iron Pin being on the former center line of Looney Road; thence North 84 degrees 59 minutes 00 seconds West with the north line of Section Twenty-Five (25) 1082.62 feet to an Iron Pin set at the point of beginning of the tract herein described;

thence South 04 degrees 37 minutes 30 seconds West 314.94 feet to an Iron Pin found;

thence North 84 degrees 18 minutes 30 seconds West 203.00 feet to an Iron Pin set;

thence North 04 degrees 37 minutes 10 seconds East 312.55 feet to a Railroad Spike set on the north line of Section Twenty-Five (25), witness an Pin found 1.00 feet east of a point 35.00 feet on the line last described;

thence South 84 degrees 59 minutes 00 seconds East with the north line of Section Twenty-Five (25) 203.00 feet to the Iron Pin set at the point of beginning, containing 1.462 Acres and being subject to all highways, easement, and restrictions of record.

The above description was prepared by Thomas R. Zechman, Ohio Registered Surveyor No. 7077.



EXHIBIT A

Attachment

Annexation Petition of Upper Valley Community Church of the Nazarene, Inc.  
1.462 Acres, Springcreek Township

EXHIBIT C

**Parcels Included in Land To Be Annexed**

<b>Owner</b>	<b>Address</b>	<b>Acreage</b>	<b>Parcel No.</b>
Upper Valley Community Church of the Nazarene, Inc.	1400 Siedel Parkway, Piqua, OH 45356	1.462 acres	J27-032000

Attachment

Annexation Petition of Upper Valley Community Church of the Nazarene, Inc.  
1.462 Acres, Springcreek Township

EXHIBIT D

**Parcels Adjacent to or Directly Across the Road from  
Land To Be Annexed**

<b>Owner</b>	<b>Owner's Mailing Address</b>	<b>Acreage or Lot Designation of Parcel</b>	<b>Parcel No.</b>
New Hope Church of God	427 New Street Piqua, Ohio 45356	1.75 acres Section 12, Town 1, Range 25, Springcreek Township	J27-250053
Kriegel Holdings, Inc.	P.O. Box 752 Van Wert, Ohio 45891	13.001 acres Section 12, Town 1, Range 26, Springcreek Township	J27-026100

**ANNEXATION AGREEMENT**

This Agreement is entered into this 14 day of December, 2009, between the City of Piqua, hereinafter "City", and the Board of Township Trustees of Springcreek Township, Miami County, Ohio, hereinafter "Township", pursuant to R. C. 709.022, and 709.192:

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

WHEREAS, the City of Piqua and the Board of Township Trustees of Springcreek Township, Miami County, Ohio desire to enter into an annexation agreement to be applied to the proposed annexation to the City of property belonging to Upper Valley Community Church of the Nazarene, Inc. as is described in a document identified as "Exhibit A" hereto (hereafter "Real Property"); and

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

1. The City consents to the annexation of the said Real Property to the City and agrees to provide sanitation, police, fire, rescue, electric power, water, and sewer services to the residents of the Property at the same cost and under the same policies and conditions that said services are provided to the other residents of the City.

2. The Township consents to the annexation of the said Real Property to the City, subject to said annexation being in compliance with Ohio R.C. Chapter 709;

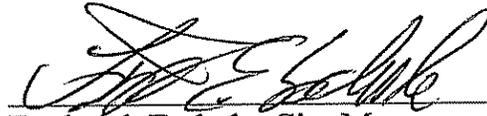
EXHIBIT A

3. The Township will receive only such revenues as may be due the Township after annexation as provided for in Ohio Revised Code section 709.19 in connection with or as a result of the annexation proceedings.

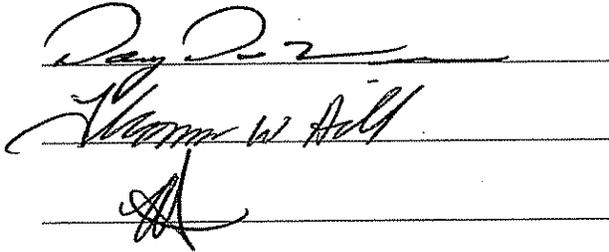
4. The City shall institute proceedings to detach the said Real Property from the Township.

IN WITNESS WHEREOF, the City and Board of Trustees, pursuant to resolutions duly approved, enter into this Agreement this 14 day of ~~November~~, 2009. *December* *L.A.S.*

CITY OF PIQUA  
MIAMI COUNTY, OHIO

  
\_\_\_\_\_  
Frederick Enderle, City Manager

BOARD OF TOWNSHIP TRUSTEES  
OF SPRINGCREEK TOWNSHIP,  
MIAMI COUNTY, OHIO

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO FORM ONLY:

Wanda L. Carter per e-mail approval  
Wanda L. Carter  
Counsel for Springcreek Township  
Board of Truseees

Stacy M. Walle  
City of Piqua Law Director

EXHIBIT A



MIAMI COUNTY MAP DEPARTMENT

201 West Main Street  
Troy, OH 45373

937-440-6025  
Fax 937-440-6026

January 12, 2010

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

Re: Proposed annexation of 1.462 acres, Section 25, Town 1, Range 12, Spring Creek Township, to the City of Piqua.

Dear Commissioners:

I have reviewed the map and legal description of the territory proposed for annexation and they meet our requirements.

Very truly yours,

Dennis Ventura, Jr.  
Deputy Miami County Engineer

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RECEIVED  
10 JAN 12 AM 11:49  
MIAMI COUNTY  
COMMISSIONERS  
TROY, OHIO

EXHIBIT A

RESOLUTION NO. 10-01-45

ANNEXATION  
EXPEDITED TYPE 1 (Sections 709.021 and 709.022, O.R.C.)  
1.462 ACRES +/- FROM SPRINGCREEK TOWNSHIP  
TO THE CITY OF PIQUA, OHIO

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

WHEREAS, on the date of January 12, 2010, an annexation petition was filed on behalf of The Upper Valley Community Church of the Nazarene, Inc., by Andy Monnin, Executive Pastor, 1400 Siedel Parkway, Piqua, Ohio 45356 (Dale G. Davis of McCulloch, Felger, Fite & Gutmann Co., L.P.A., Agent), for the annexation of 1.462 acres, more or less, in Springcreek Township to the City of Piqua, Ohio; and

WHEREAS, the City of Piqua and the Board of Township Trustees of Springcreek Township, Miami County, Ohio, entered into an *Annexation Agreement* on December 14, 2009; and

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

Now, therefore be it

RESOLVED, by the Board of Miami County Commissioners, to approve the Expedited Type 1 annexation petition filed on behalf of The Upper Valley Community Church of the Nazarene, Inc. for 1.462 acres, more or less, in Springcreek Township to the City of Piqua, Ohio. Further sign the mylar this date.

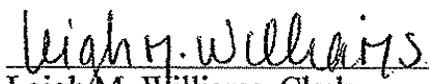
Mr. Evans seconded the motion and the Board voted as follows upon roll call:

Mr. O'Brien, Yea;                      Mr. Widener, Yea;                      Mr. Evans, Yea;

DATED: January 14, 2010

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the Board under the date of January 14, 2010.

  
\_\_\_\_\_  
Leigh M. Williams, Clerk

**RESOLUTION NO. R-40-10**

**A RESOLUTION AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO DESIGNATE THE ZONING OF PARCEL J27-032000 AS R-3 (MULTI-FAMILY RESIDENTIAL), CONTINGENT UPON ANNEXATION OF THE SUBJECT PARCEL TO THE CITY**

WHEREAS, the City Planning Commission by Resolution No. PC 6-10 (Exhibit A attached hereto) has recommend a zoning designation of R-3 (Multi-Family Residential) for parcel J27-032000, contingent upon annexation of the subject parcel; and

WHEREAS, a public hearing has been conducted to study the proposal and Section 154.141 of the Piqua Code of Ordinances has been complied with in all respects;

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

SEC. 1: The application to designate the zoning of parcel J27-032000 as R-3 (Multi-Family Residential), contingent upon annexation of the parcel, is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to designate the zoning of parcel J27-032000 as R-3 (Multi-Family Residential), contingent upon annexation of the parcel, and the City Planner is hereby authorized to make said change on the original zoning map.

SEC. 3: This Ordinance 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

EXHIBIT A

RESOLUTION No. PC 06-10

WHEREAS, Upper Valley Community Church has submitted a request to change the zoning designation of parcel J27-032000 from R-1AA to R-3; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering zoning designation change; and,

WHEREAS, the Planning Commission has studied the request, included herein as exhibit 'A', and conducted a public hearing on the matter;

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

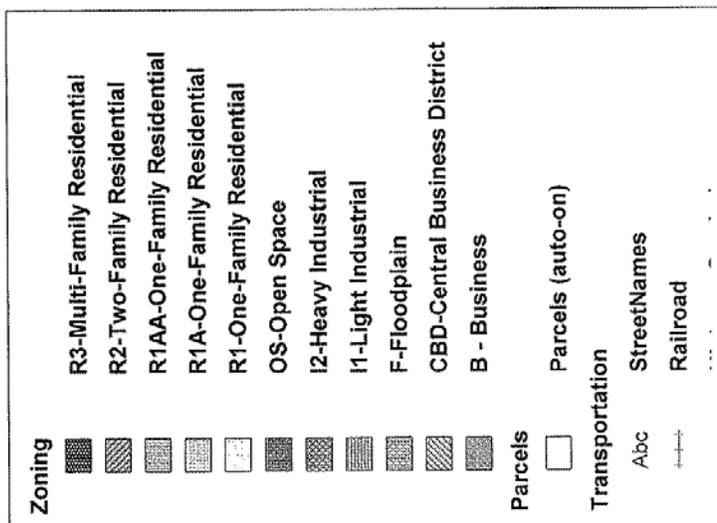
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	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Bubp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked=""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

# Rezoning of N44-077724

## EXHIBIT A

### EXHIBIT A





**CITY COMMISSION MEETING REPORT**

*For the Regular Meeting of March 16, 2010*

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Zoning of parcel J27-032000, a +/-1.462 acre lot, contingent upon annexation of the parcel into the city of Piqua corporation limits.

**PURPOSE:**

Approve a Resolution to designate the zoning of a 1.462 acre tract of land situated in Springcreek Township as R-3 (Multi-Family Residential) upon annexation of the parcel into the city of Piqua corporation limits.

**RECOMMENDATION:**

Approve the Resolution to designate the zoning of the subject parcel upon annexation of the parcel into the City of Piqua.

**BACKGROUND:**

The Upper Valley Community Church (UVCC), 1400 Seidel Parkway, recently purchased a 1.462 acre parcel located adjacent to and immediately north of the church property. UVCC has demolished the single-family dwelling unit that formerly occupied the site and desires to annex the parcel and combine the acreage with the church property located at 1400 Seidel Parkway to accommodate a planned expansion of the UVCC facilities. Currently the subject parcel has a county zoning designation of R-1AA. The primary parcel currently occupied by the church is zoned R-3 (Multi-Family Residential).

**ALTERNATIVES:**

- 1) Approve Resolution to authorize the R-3 (Multi-Family Residential) zoning of this parcel upon annexation.
- 2) Defeat the Resolution to deny the R-3 (Multi-Family Residential) zoning of this parcel and refer the request back to the Planning Commission for further study.

**DISCUSSION:**

The proposed zoning will establish a zoning designation for this parcel that is consistent and compatible with the surrounding zoning designations and land use activity. The developed properties located immediately to the east from Seidel to Looney are zoned R-3 (Multi-Family Residential); to the south and southeast the properties are zoned R-2 (Two-Family Residential) and transition to an R-1 (One-Family Residential) zoning; and to the northeast is B (General Business). All of these properties are developed with newer construction including 4-unit, 2-

unit, and 1-unit dwellings, along with medical offices and commercial retail to the northeast. All of the use activities conform to the applicable zoning standards. To the south there is vacant undeveloped land zoned Open Space and currently used for crop production; to the west is Interstate 75; and, to the north across CR 25-A is the Plastic Recycling Technology facility.

The primary lot occupied by UVCC is a +/-7 acre tract located at 1400 Seidel Parkway and is zoned R-3 (Multi-Family Residential). The subject property is contiguous to the UVCC primary lot and will be replatted along with the primary lot and two other parcels to be combined into a single parcel. Therefore, it is appropriate to establish a uniform zoning across all four of the affected parcels prior to the replatting of these properties.

**FINANCIAL IMPACT:**

It is conceivable that a denial of the zoning designation would adversely affect UVCC's construction plans and lessen the potential for the project to have a positive impact on the local economy, i.e., jobs, purchases of goods and supplies for the construction and maintenance of the improvements, etc...

**COMMUNITY IMPACT:**

The approval of the zoning designation will serve to reinforce the commercial/institutional development patterns already found along the CR25 corridor.

**CONFORMITY TO CITY PLANS & POLICIES:**

The proposed zoning is consistent and compatible with all adopted City plans and policies, including the Conservation and Development Map and the Goal, Principles, and Objectives and Strategies outlined in the Land Use chapter of the Plan It Piqua Comprehensive Plan document.

**RESOLUTION NO. R-41-10**

**A RESOLUTION APPROVING THE COMMUNITY DIVERSITY  
COMMITTEE PRIORITIES AND AUTHORIZING THE COMMITTEE  
TO UNDERTAKE A WORK PROGRAM TO IMPLEMENT  
PROJECTS CONSISTENT WITH THOSE PRIORITIES**

WHEREAS, this Commission in Resolution No. R-28-08 established the Committee on Community Diversity and adopted the Committee's Mission and Responsibilities statement; and

WHEREAS, within the mission and responsibilities of the Committee is the charge to identify and prioritize issues to be addressed and recommend to the City Commission, changes to existing policies, plans and programs or new policies; and

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

SEC. 1: The Commission hereby authorizes the Committee to work with City Staff, Community Groups and Organizations and other interested parties in the development of the ideas and priorities; and implementation of programs and projects the Committee deems appropriate provided they are within the resources of the current appropriations; or to develop programs and projects for further City Commission review and approval.

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

**ORDINANCE NO. 6-10**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO CHANGE THE ZONING DESIGNATION OF PARCEL N44-077996 FROM R-2 (TWO-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)**

WHEREAS, the Planning Commission by Resolution No. PC 05-10 (Exhibit A attached hereto) has recommended the zoning designation of parcel N44-077996 change from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential); and

WHEREAS, a public hearing has been conducted to study the proposal and Section 154.141 of the Piqua Code of Ordinances has been complied with in all respects;

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

SEC. 1: The application to change the zoning designation of parcel N44-077996 from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential) is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to change the zoning designation of parcel N44-077996 from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential) and the City Planner is hereby authorized to make said change on the original zoning map.

SEC. 3: This Ordinance 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

EXHIBIT A

RESOLUTION No. PC 05-10

WHEREAS, Upper valley Community Church has submitted a request to change the zoning designation of parcel N44-077996 from R-2 to R-3; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering zoning designation change; and,

WHEREAS, the Planning Commission has studied the request, included herein as exhibit 'A', and conducted a public hearing on the matter;

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

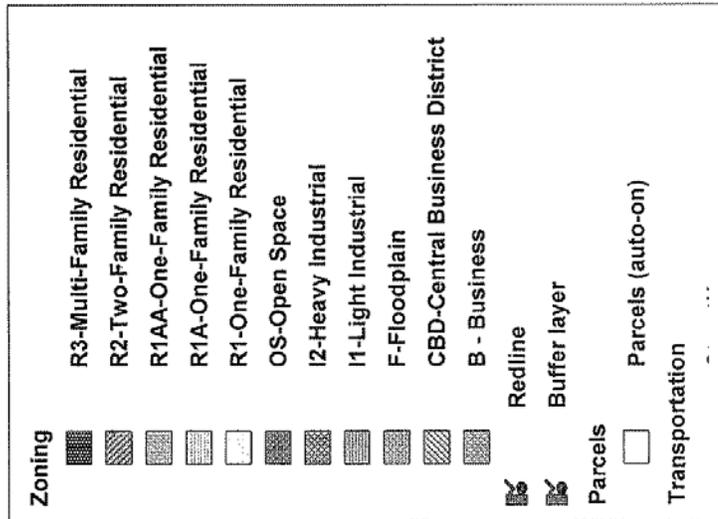
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	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Bubp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked=""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

# Rezoning of N44-077996

EXHIBIT A

EXHIBIT A





**CITY COMMISSION MEETING REPORT**

*For the Regular Meeting of March 16, 2010*

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Rezoning of parcel N44-077996, a portion of the tract of land located at 1400 Seidel Parkway.

**PURPOSE:**

Approve a Resolution to change the zoning designation of parcel N44-077996 from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential).

**RECOMMENDATION:**

Approve the Resolution to designate the zoning of the subject parcel as R-3 (Multi-Family Residential).

**BACKGROUND:**

The Upper Valley Community Church (UVCC), 1400 Seidel Parkway, desires to replat the subject lot to combine the parcel with the primary lot occupied by the church and two other lots for the purpose accommodating a planned expansion of the UVCC facilities. The lot is currently occupied by a portion of the parking lot that is accessory to the church use found on the adjacent lot. The subject parcel is zoned R-2 while the primary lot occupied by the church is zoned R-3. The current R-2 zoning designation of the subject lot was established when the subdivision was originally platted and before the church acquired the lot for its current use.

**ALTERNATIVES:**

- 1) Approve Ordinance to authorize the R-3 (Multi-Family Residential) zoning of this parcel.
- 2) Defeat the Ordinance to deny the R-3 (Multi-Family Residential) zoning of this parcel and refer the request back to the Planning Commission for further study.

**DISCUSSION:**

The proposed zoning will establish a zoning designation for this parcel that is consistent and compatible with the surrounding zoning designations and land use activity. The developed properties located immediately to the east from Seidel to Looney are zoned R-3 (Multi-Family Residential); to the south and southeast the properties are zoned R-2 (Two-Family Residential) and transition to an R-1 (One-Family Residential) zoning; and to the northeast is B (General Business). All of these properties are developed with newer construction including 4-unit, 2-unit, and 1-unit dwellings, along with medical offices and commercial retail to the northeast. All of the use activities conform to the applicable zoning standards. To the south there is

vacant undeveloped land zoned Open Space and currently used for crop production; to the west is Interstate 75; and, to the north across CR 25-A is the Plastic Recycling Technology facility.

The primary lot occupied by UVCC is a +/-7 acre tract located at 1400 Seidel Parkway and is zoned R-3 (Multi-Family Residential). The subject property is contiguous to the UVCC primary lot and will be replatted along with the primary lot and two other parcels to be combined into a single parcel. Therefore, it is appropriate to establish a uniform zoning across all four of the affected parcels prior to the replatting of these properties.

**FINANCIAL IMPACT:**

It is conceivable that a denial of the rezoning would adversely affect UVCC's construction plans and lessen the potential for the project to have a positive impact on the local economy, i.e., jobs, purchases of goods and supplies for the construction and maintenance of the improvements, etc...

**COMMUNITY IMPACT:**

The approval of the rezoning of this lot will serve to reinforce the residential/institutional development patterns already found near this location.

**CONFORMITY TO CITY PLANS & POLICIES:**

The proposed rezoning is consistent and compatible with all adopted City plans and policies, including the Conservation and Development Map and the Goal, Principles, and Objectives and Strategies outlined in the Land Use chapter of the Plan It Piqua Comprehensive Plan document.