

## AGENDA

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, MAY 4, 2010  
7:30 P.M.  
201 WEST WATER STREET  
PIQUA, OHIO 45356**

### CALL TO ORDER

### ROLL CALL

### PLEDGE OF ALLEGIANCE

### PROCLAMATION

Police Week in the City of Piqua

### RESIDENCE PRIDE AWARDS

- |                           |                     |
|---------------------------|---------------------|
| ➤ Gene Hill               | 701 S. Wayne Street |
| ➤ Rebecca & Dennis Latham | 451 Young Street    |
| ➤ Scott & Stacey Miller   | 912 Boone Street    |
| ➤ Dennis & Cindy Penrod   | 701 Boone Street    |
| ➤ Clifford & Joyce Smith  | 447 Young Street    |

### A. CONSENT AGENDA

- a. APPROVAL OF MINUTES  
Approval of the minutes from the April 20, 2010 Regular City Commission Meeting

### B. OLD BUSINESS

- a. ORD. NO. R 7-10 (3<sup>rd</sup> Reading)  
An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000
- b. ORD. NO. 8-10 (3<sup>rd</sup> Reading)  
An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-2 (Two-Family Residential) to parcel N44-004010, also known as 316 North Downing Street
- c. ORD. NO. 9-10 (3<sup>rd</sup> Reading)  
An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-2 (Two-Family Residential) to parcel N44-004000, also known as 320 North Downing Street)

- d. ORD. NO. 10-10 (3<sup>rd</sup> Reading)  
An Ordinance amending Chapter 111 of the Piqua Municipal Code Peddlers and Solicitors

**C. NEW BUSINESS**

- a. RES. NO. R-57-10  
A Resolution authorizing the use of Pitsenbarger Park by the Southwest Neighborhood Association for a yard sale
- b. RES. NO. R-58-10  
A Resolution relating to the application for annexation of certain real property to the City of Piqua
- c. RES. NO. R-59-10  
A Resolution authorizing the Law Director to petition the Board of County Commissioners of Miami County, Ohio for a change in the boundary line of Sprincreek Township
- d. ORD. NO. 12-10 (1<sup>st</sup> Reading)  
An Ordinance amending Section 50.07 of the Piqua Code, relating to refuse collection
- e. ORD. NO. 13-10 (1<sup>st</sup> Reading)  
An Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Piqua
- f. ORD. NO. 14-10 (1<sup>st</sup> Reading)  
An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of I-2 (Heavy Industry) to +/- 5.000 acre and +/- 2.932 acre parcels being annexed from Springcreek Township into the City of Piqua Corporation Limits

**D. OTHER BUSINESS**

- a. Monthly Reports – March 2010
- b. Announcement of (1) Opening on the Board of Zoning Appeals-Term to expire March 1, 2013

**E. ADJOURNMENT**

**A. CONSENT AGENDA ITEMS**  
**MAY 4, 2010**

- **Minutes – April 20, 2010 Regular City Commission Meeting**

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday April 20, 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**

**PROCLAMATION**

**Piqua Arts Council**

Mayor Fess read the proclamation and presented it to Brian Phillips, Piqua Arts Council Board President.

**Poppy Days in the City of Piqua**

Mayor Fess read the proclamation and encouraged citizens to purchase their poppy in support.

**Consent Agenda**

**Approval of Minutes**

Approval of the minutes from the April 1, 2010 Piqua City Commission Work Session, and the April 6, 2010 Regular City Commission Meeting

Moved by Commissioner Martin, seconded by Commissioner Wilson, that the minutes of the April 1, 2010 Piqua City Commission Work Session, and the Regular City Commission Meeting of April 6, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

**Old Business**

**ORD. NO. 7-10 (2nd Reading)**

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000

**Public Comment**

No one came forward to speak for or against Ordinance No. 7-10.

Ordinance No. 7-10 was given a second reading.

**ORD. NO. 8-10 (2<sup>nd</sup> Reading)**

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-2 (Two-Family Residential) to parcel N44-004010, also known as 316 North Downing Street

**Public Comment**

No one came forward to speak for or against Ordinance No. 8-10.

Ordinance No. 8-10 was given a second reading.

**ORD. 9-10 (2nd Reading)**

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-2 (Two-Family Residential) to parcel N44-004000, also known as 320 North Downing Street

**Public Comment**

No one came forward to speak for or against Ordinance NO. 9-10.

Ordinance No. 9-10 was given a second reading.

**ORD. 10-10 (2nd Reading)**

An Ordinance amending Chapter 111 of the Piqua Municipal Code Peddlers and Solicitors

Law Director Wall stated a permit is not required for any local nonprofit groups such as the Girl Scouts or Boy Scouts, but they must be local.

There was discussion of the possibility of issuing a warning before handing down a \$100 fine. Law Director Wall stated it is up to the discretion of the Police Officer whether they issue a warning or a fine.

Police Chief Jamison further explained that most of the time the officers will explain the ordinance to the subject and most of time they will leave. This will also be a useful tool in dealing with panhandling in the City, said Chief Jamison.

**Public Comment**

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

Ordinance No. 10-10 was given a second reading.

**ORD. 11-10 (2nd Reading)**

An Ordinance amending Section 94.20 (Section D) of the Piqua Code relating to (Community Swimming Pool Fees) and Section 94-24 (Sections C & F) of the Piqua Code relating to (Regulations for Public Parks and Pools)

There was discussion of the pool hours being changed in accordance with the Park Boards recommendations, the purchase of a new pump for the pool, and the date for the opening of the pool for the 2010 season.

Commissioner Martin inquired about closing the pool when attendance is low and the season pass holders being upset with the closing. Rob Stanford, Parks & Recreation Supervisor stated the season pass holders are informed when they purchase their season passes of the Policy.

**Public Comment**

No one came forward to speak for or against Ordinance No.11-10.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that the rule requiring Ordinance No. 11-10 to be read fully and distinctly on three separate days be suspended. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 11-20 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 11-10 adopted.

**New Business**

**RES. NO. R-49-10**

A Resolution authorizing payment to Miami County Commissioners under a contract for the construction of the Fletcher Sanitary Sewer Project

There was discussion concerning the size of the sanitary sewer, and the reason for the over sizing of the sewer at this time, the cost of the over sizing and how it would be paid for, and the reason for the use of a forced main versus gravity. It was stated that part of the reason for the larger sewer was for future development in the area, with the over sizing being done at this time, it would not be necessary to tear up the main again to enlarge it. It was stated the project was budgeted for in the 2010 budget and would be paid in two payments one in 2010 and one in 2011.

**Public Comment**

Paul Stiefel, Boone Street, came forward and inquired where the sewer would start and stop along Route 36. City Engineer Amy Havenar explained where the sewer would begin and end.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-49-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-49-10 adopted.

**RES. NO. R-50-10**

A Resolution awarding a contract to Pohlkat Incorporated in the amount not to exceed \$100,00 for removal and disposal of lime residual from the Lime Lagoon at the Water Plant for 2010-2012

There was discussion of the alternatives involved with not removing the lime residual at this time. It was stated by taking the bid for three years the City received a better rate.

**Public Comment**

No one came forward to speak for or against Resolution No. R-50-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-50-10 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-50-10 adopted.

**RES. NO. R-51-10**

A Resolution appointing one member to the Energy Board

**Public Comment**

No one came forward to speak for or against Resolution No. R-51-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-51-10 be adopted. Voice vote, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-51-10 adopted.

**RES. NO. R-52-10**

A Resolution retaining the services of Horan to provide Health Insurance Consulting Services for the City of Piqua

There was discussion on the purchase and cost of the insurance, why using Horan would benefit the City, reasons why the city could not maintain the insurance without a consultant, would the consultant be receiving any kickbacks from insurance agencies they represent, the relationship Horan has with other companies in the area, and various other questions pertaining to the use of Horan as the city's consultant.

Eric Freudenberg, Account Executive for Horan, and Julie Tople, Account Manager, came forward and answered the Commissioner's questions and concerns.

**Public Comment**

No one came forward to speak for or against Resolution No. R-52-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-52-10 be adopted. Voice vote, Aye: Fess, Wilson, and Terry. Nay: Vogt and Martin. Motion carried on a 3-2 vote. Mayor Fess then declared Resolution No. R-52-10 adopted on a 3-2 vote.

**RES. NO. R-53-10**

A Resolution requesting legislation to issue a purchase order in the amount not to exceed \$72,008.00 to the Ohio Department of Transportation (ODOT) for replacement of the bridge decks on U.S. Route 36 over I-75 including landscaping improvements

There was discussion of the cost of the bridge and the landscaping improvements. City Engineer Amy Havenar explained the cost of the bridge and the portion of the cost the City would be responsible for in the landscape improvements.

**Public Comment**

No one came forward to speak for or against Resolution No. R-53-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-53-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-53-10 adopted.

**RES. NO. R-54-10**

A Resolution awarding a contract to AZI Equipment for the purchase of an Asphalt Zipper for the Street Department

There was discussion of the uses for the Asphalt Zipper, and was stated this is the same piece of equipment the Street Department rented last year to do the work.

**Public Comment**

No one came forward to speak for or against Resolution No. R-54-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-54-10 be adopted. Roll call, Aye: Martin, Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-54-10 adopted.

**RES. NO. R-55-10**

A Resolution authorizing a purchase order to Camp Dresser & McKee, Inc. for Professional Services for the Wellfield Development-Phase 2

City Manager Enderle stated this resolution is just for exploration of the water, and to determine the best location of the Water Plant. Mayor Fess stated the City Commission Work Session held previously on the Water Exploration was extremely helpful in helping her understand this project.

Mayor Fess asked Underground Utility Director Dave Burtner Water to elaborate on the Seismic Exploration and how it is done. Mr. Burtner explained the process of locating the water.

**Public Comment**

No one came forward to speak for or against Resolution No.R-55-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-55-10 be adopted. Roll Call. Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-55-10 adopted.

**RES. NO. R-56-10**

A Resolution authorizing the City Manager to enter into a land use permit for the construction, use and maintenance of boat ramp on the Great Miami River

There was discussion of the location of the boat ramp, and the use of grants for the project. City Manager Enderle explained the grants were applied for with the Miami Conservancy District.

**Public Comment**

No one came forward to speak for or against Resolution No. R-56-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-56-10 be adopted. Voice vote. Aye: Terry, Fess, Martin, Vogt, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-56-10 adopted.

**Public Comments**

Alan Miller, Park Avenue, President of the North Parks Neighborhood Association came forward and stated the North Parks Neighborhood Association assembled new playground equipment at Kiwanis Park on Saturday April 24, 2010. Mr. Miller read a list of sponsors and people who helped with the project and thanked them all for their support. The Next North Parks Neighborhood Association meeting is to be held on May 13, at 7:00 P.M. at Wilder School and invited citizens to attend. Mayor Fess stated all of the Neighborhood Associations are doing a wonderful job in the City of Piqua.

Russ Fashner, Forest Avenue, voiced his opinion on a city policy on replacing fence posts, and the mowing of grass on the levy banks. Mr. Fashner asked why growth retardant was not used on the levy banks.

Keith Schaurer, Washington Road, came forward and announced Eagles Wings Stables is holding a fundraiser on May 8<sup>th</sup>, 2010 at the Piqua Plaza Ballroom and invited citizens to attend. Eagles Wings is a nonprofit organization, a member of the Piqua Area Chamber of Commerce, and have been in business for four years, said Mr. Schaurer. Mr. Schaurer further explained the services they offer and who benefits from their type of services.

**Commission Comments**

Commissioner Vogt reminded citizens it is grass mowing season, and to refrain from blowing their grass out in to the street or the curbs, and if they do please clean it up.

Commissioner Wilson stated tickets for the Eagles Wings Stables event are tax deductible and are going for a very worthy cause. Commissioner Wilson further stated he has heard a lot of good things about the work that is being done at Eagles Wings Stables.

Commissioner Wilson also stated he helped with the assembling of the new playground equipment at Kiwanis Park, and encouraged residents to get involved with their Neighborhood Associations and thanked all who helped with the project on Saturday, April 24, 2010.

Commissioner Terry stated on Thursday, April 22, at 10:00 A.M. at Kiwanis Park. The North Parks Neighborhood Association will be planting a tree with the help of the Nicklin Avenue School Students in honor of Arbor Day and invited citizens to attend.

Commissioner Martin stated the Southview and Shawnee Neighborhood Associations held a cleanup of the Lock 9 Park and about four miles of the Bike Path gathering a few bags of debris.

Commissioner Martin stated the pavement seems to be dropping where a line has been installed on Cleveland Street and asked if someone would look into it.

City Manager Enderle stated he wanted recognize the Shawnee and Southview Neighborhood Associations for their efforts on the cleanup of the Lock 9 Park and the Bike Path on Saturday, April 17<sup>th</sup>, 2010. City Manager Enderle also thanked the North Parks Neighborhood Association, stating the vast majority of the improvements that have been done to Kiwanis and Das Parks would not have been possible without their efforts, and expressed the City's appreciation to the volunteers.

Mayor Fess stated the City of Piqua Power Department received the prestigious "Diamond Award" from the American Public Power Association and asked Power System Director Ed Krieger to explain.

Mr. Krieger came forward and gave a brief overview of the award, and explained the qualifications required to be even considered for the award. Piqua Power is one only one of six electric municipalities in the country that carries the Diamond status, and the only municipality in the AMP Ohio district which includes one-hundred thirty some electric municipalities in a five state region to achieve this award.

Mayor Fess stated she felt the City of Piqua Power Crew did not get enough recognition and wanted citizens to know what a great power crew the City of Piqua has. Mayor Fess congratulated Mr. Krieger and the power crew and thanked them for all their work.

Mayor Fess reminded citizens the First Annual Spring Fling Dance will be held at the Ft. Piqua Plaza on Friday, May 7<sup>th</sup>, to benefit the YMCA Senior Citizens Center Program, and the Eagles Wings benefit will be held on Saturday May 8<sup>th</sup> at the Ft. Piqua Plaza. There are a lot of good things going on in the City of Piqua, said Mayor Fess.

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

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LUCINDA L. FESS, MAYOR

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

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

**B. OLD BUSINESS**

**May 4, 2010**

- **Ord. No. 7-10 (3rd Reading)**
- **Ord. No. 8-10 (3rd Reading)**
- **Ord. No. 9-10 (3rd Reading)**
- **Ord. No. 10-10 (3rd Reading)**

**ORDINANCE NO. 7-10**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO ASSIGN A ZONING DESIGNATION OF R-3 (MULTI-FAMILY RESIDENTIAL) TO PARCEL J27-032000**

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; and

WHEREAS, the City Commission by Resolution No. R-38-10 approved the petition to annex parcel J27-032000 into the City of Piqua corporation limits; and

WHEREAS, the City Commission by Resolution No. R-40-10 accepted the Planning Commission recommendation and declared their intent to assign a zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000 upon the annexation of the parcel into the City of Piqua corporation limits; and

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

SEC. 1: The zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000 is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to assign a zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000 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.

1<sup>st</sup> Reading 4-6-2010

2<sup>nd</sup> Reading 4-20-2010

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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: Chris Schmiesing, City Planner

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

**PURPOSE:**

Approve an Ordinance to amend the zoning map to complete the process of designating the R-3 (Multi-Family Residential) zoning for a 1.462 acre tract recently annexed into the City.

**RECOMMENDATION:**

Approve the Ordinance to amend the zoning map and designate the R-3 (Multi-Family Residential) zoning 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 has completed the process of annexing the parcel into the city of Piqua. The intent of the church is to combine the acreage with the church property located at 1400 Seidel Parkway to accommodate a planned expansion of the UVCC facilities.

Resolution R-40-10 adopted by the City Commission on March 16, 2010 accepted the Planning Commission recommendation to zone the property R-3 (Multi-Family Residential) upon the property being annexed into the City; and, declared the City Commissions' intent to proceed with assigning the R-3 (Multi-Family Residential) zoning designation upon the annexation process being completed.

**ALTERNATIVES:**

- 1) Approve Ordinance to authorize an amendment to the official zoning map to designate the zoning of the subject property R-3 (Multi-Family Residential).
- 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 Planning Commission previously studied this request and referred their recommendation to the City Commission. City Commission action on Resolution R-40-10 affirmed City Commission intent to support the Planning Commission recommendation and designate the zoning of the property as R-3 (Multi-Family Residential).

**FINANCIAL IMPACT:**

UVCC proceeded with the development construction documents and applied for permits based upon the City Commission stated intent to support the zoning request. Any change in the Commission's position concerning the zoning at this time may adversely affect the churches planned construction project.

**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.

**ORDINANCE NO. 8-10**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO ASSIGN A ZONING DESIGNATION OF R-2 (TWO-FAMILY RESIDENTIAL) TO PARCEL N44-004010, ALSO KNOWN AS 316 NORTH DOWNING STREET**

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; and

WHEREAS, the Planning Commission by Resolution No. PC 09-10 has recommended that the current B (General Business) zoning designation be repealed and a zoning designation of R-2 (Two-Family Residential) be assigned to parcel N44-004010; and

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

SEC. 1: The zoning designation of R-2 (Two-Family Residential) for parcel N44-004010 is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to assign a zoning designation of R-2 (Two-family Residential) to parcel N44-004010 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.

1<sup>st</sup> Reading 4-6-2010

2<sup>nd</sup> Reading 4-20-2010

\_\_\_\_\_  
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: Chris Schmiesing, City Planner

SUBJECT: Zoning of parcel N44-004010, also known as 316 N. Downing Street.

**PURPOSE:**

Approve an Ordinance to amend the zoning map to change the designating of 316 N. Downing Street from B (General Business) to R-2 (Two-Family Residential).

**RECOMMENDATION:**

Approve the Ordinance to repeal the existing zoning designation and amend the zoning map to assign the R-2 (Two-Family Residential) zoning designation to the subject parcel as recommended by the Planning Commission.

**BACKGROUND:**

The applicant is the owner of the subject property and initiated the request based upon his desire to have the zoning accurately reflect the current use of the premises, a two family-dwelling unit.

A review of the zoning map records indicated that the parcel was previously zoned R-2 at the time 1971 zoning map was adopted. A subsequent zoning code update in 1982 and the map amendments adopted at that time resulted in the property being included in a business zoning designation. Whether or not this change was intentional or in error is unknown. The same business zoning designation was continued when the zoning code and the accompanying map was last updated in 1996.

**ALTERNATIVES:**

- 1) Approve Ordinance to authorize an amendment to the official zoning map to designate the zoning of the subject property R-2 (Two-Family Residential).
- 2) Defeat the Ordinance to deny the R-2 (Two-Family Residential) zoning of this parcel.

**DISCUSSION:**

The proposed R-2 zoning of the subject parcel would be consistent and compatible with the surrounding land uses and zoning designations, and be appropriate for the use types found at the subject premises. The Planning Commission has conducted a public hearing concerning this request and received no comments in opposition to the proposed zoning. The Planning

Commission concluded that the proposed zoning designation is a more appropriate zoning for this parcel than the current zoning designation.

**FINANCIAL IMPACT:**

The change in the zoning of this property will result in a down-zoning of the parcel and place greater limits on how the property can be used in the future. That said, the proposed zoning accommodates the current two-family dwelling unit use of the property which is the use the structure was originally designed and constructed to facilitate.

**COMMUNITY IMPACT:**

The approval of the zoning designation will serve to reinforce the one and two family development patterns already found at this location and within the surrounding neighborhood.

**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. PC 09-10

WHEREAS, Scott Thobe has submitted a request to change the zoning designation of parcel N44-004010 change from B General Business to R-2 Two-Family Residential, said parcel also known as 316 N. Downing Street; 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, and conducted a public hearing on the matter;

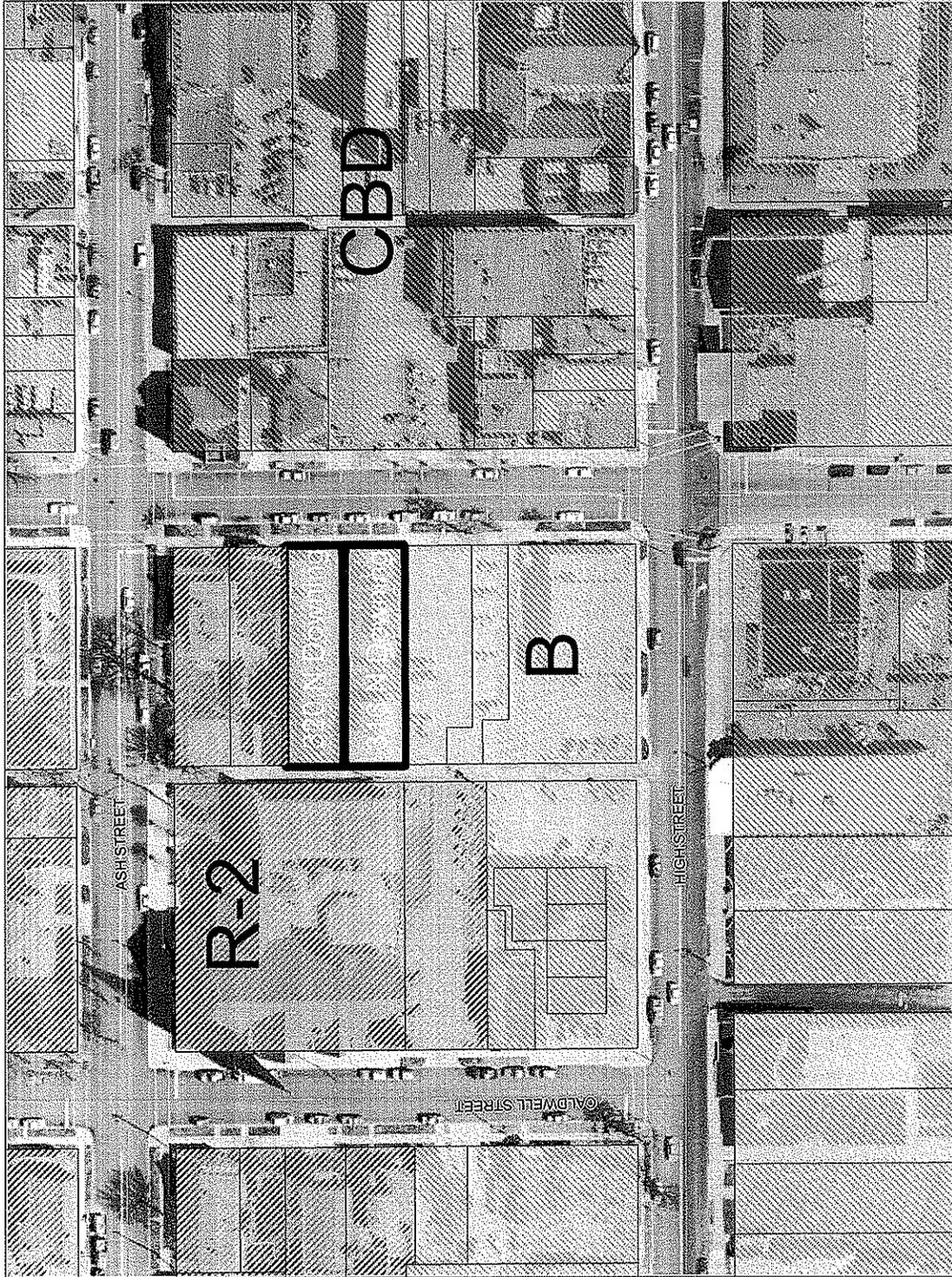
NOW THEREFORE BE IT RESOLVED, board member Taylor hereby moves to APPROVE the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member Franz, and the voting record on this motion is hereby recorded as follows.

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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"/>

# ZONING MAP

<b>Zoning</b>	 R3-Multi-Family Residential
	 R2-Two-Family Residential
	 R1AA-One-Family Residential
	 R1A-One-Family Residential
	 R1-One-Family Residential
	 OS-Open Space
	 I2-Heavy Industrial
	 I1-Light Industrial
	 F-Floodplain
	 CBD-Central Business District
	 B - Business
 Buffer layer	
<b>Parcels</b>	 Parcels (auto-on)
<b>Transportation</b>	Abc StreetNames
	 Railroad
	Street Centerlines
	Major Highways
<b>Natural Features</b>	 Water Bodies
 Redline	



**ORDINANCE NO. 9-10**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO ASSIGN A ZONING DESIGNATION OF R-2 (TWO-FAMILY RESIDENTIAL) TO PARCEL N44-004000, ALSO KNOWN AS 320 NORTH DOWNING STREET**

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; and

WHEREAS, the Planning Commission by Resolution No. PC 10-10 has recommended that the current B (General Business) zoning designation be repealed and a zoning designation of R-2 (Two-Family Residential) be assigned to parcel N44-004000; and

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

SEC. 1: The zoning designation of R-2 (Two-Family Residential) for parcel N44-004000 is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to assign a zoning designation of R-2 (Two-family Residential) to parcel N44-004000 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.

1<sup>st</sup> Reading 4-6-2010  
2<sup>nd</sup> Reading 4-20-2010

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

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

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



## CITY COMMISSION MEETING REPORT

*For the Regular Meeting of April 6, 2010*

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Zoning of parcel N44-004000, also known as 320 N. Downing Street.

### **PURPOSE:**

Approve an Ordinance to amend the zoning map to change the designating of 320 N. Downing Street from B (General Business) to R-2 (Two-Family Residential).

### **RECOMMENDATION:**

Approve the Ordinance to repeal the existing zoning designation and amend the zoning map to assign the R-2 (Two-Family Residential) zoning designation to the subject parcel as recommended by the Planning Commission.

### **BACKGROUND:**

The applicant for this request is the City of Piqua and the request was initiated as a result of research conducted for a rezoning request pertaining to the neighboring property. The research discovered that the current zoning of the property does not accurately reflect the current use of the premises, a one-family-dwelling unit.

A review of the zoning map records indicated that the parcel was previously zoned R-2 at the time 1971 zoning map was adopted. A subsequent zoning code update in 1982 and the map amendments adopted at that time resulted in the property being included in a business zoning designation. Whether or not this change was intentional or in error is unknown. The same business zoning designation was continued when the zoning code and the accompanying map was last updated in 1996.

The current owner of the property was contacted and advised of the discovery and has stated his support of the proposed zoning change.

### **ALTERNATIVES:**

- 1) Approve Ordinance to authorize an amendment to the official zoning map to designate the zoning of the subject property R-2 (Two-Family Residential).
- 2) Defeat the Ordinance to deny the R-2 (Two-Family Residential) zoning of this parcel.

**DISCUSSION:**

The proposed R-2 zoning of the subject parcel would be consistent and compatible with the surrounding land uses and zoning designations, and be appropriate for the use types found at the subject premises. The Planning Commission has conducted a public hearing concerning this request and received no comments in opposition to the proposed zoning. The Planning Commission concluded that the proposed zoning designation is a more appropriate zoning for this parcel than the current zoning designation.

**FINANCIAL IMPACT:**

The change in the zoning of this property will result in a down-zoning of the parcel and place greater limits on how the property can be used in the future. That said, the proposed zoning accommodates the current one-family dwelling unit use of the property which is the use the structure was originally designed and constructed to facilitate.

**COMMUNITY IMPACT:**

The approval of the zoning designation will serve to reinforce the one and two family development patterns already found at this location and within the surrounding neighborhood.

**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. PC 10-10

WHEREAS, the city of Piqua, with the consent of the owner of the subject property, has submitted a request to change the zoning designation of parcel N44-004000 change from B General Business to R-2 Two-Family Residential, said parcel also known as 320 N. Downing Street; and,

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

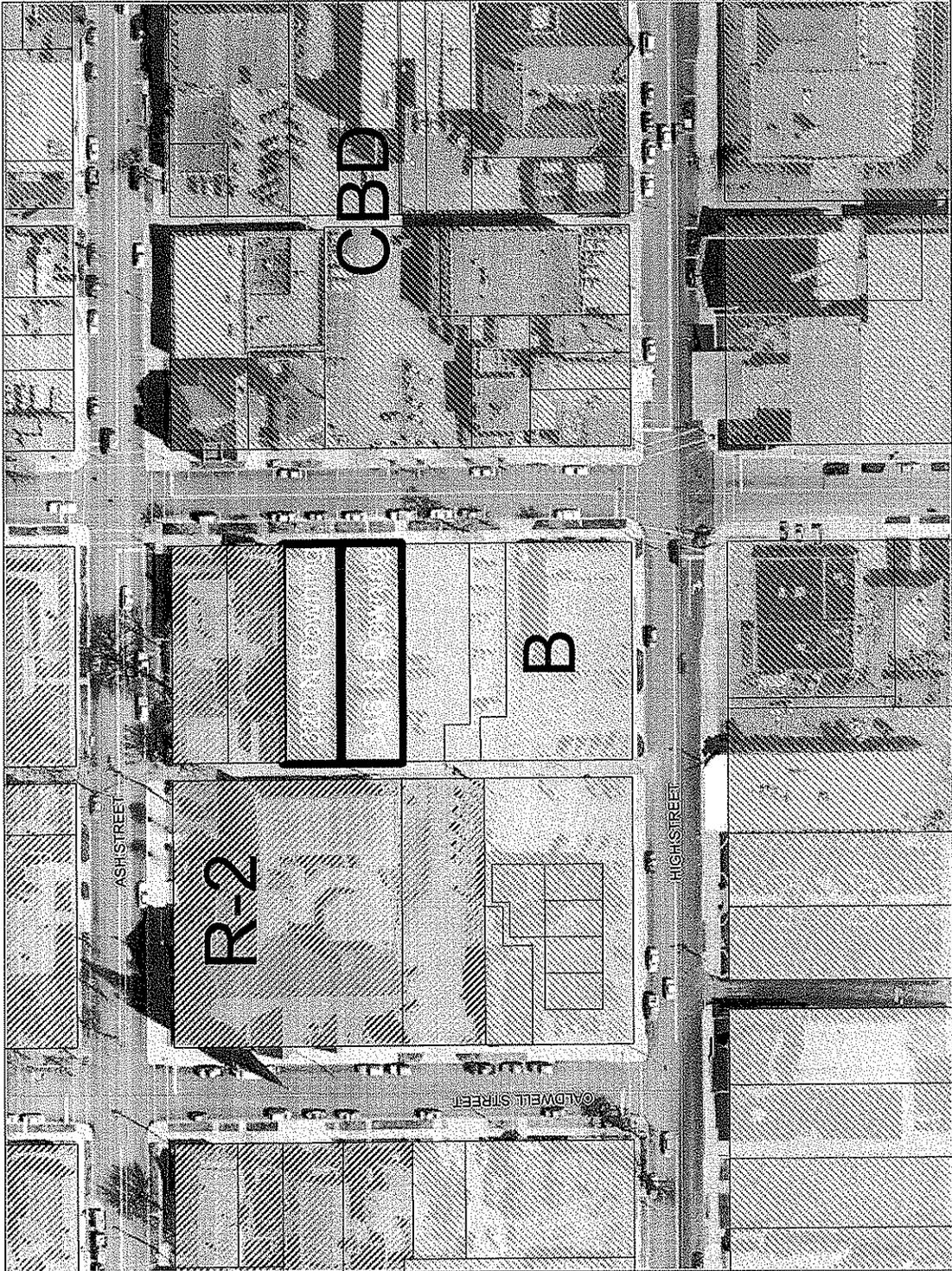
WHEREAS, the Planning Commission has studied the request, included herein, and conducted a public hearing on the matter;

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

---

	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"/>

# ZONING MAP



<b>Zoning</b>	R3-Multi-Family Residential
	R2-Two-Family Residential
	R1AA-One-Family Residential
	R1A-One-Family Residential
	R1-One-Family Residential
	OS-Open Space
	I2-Heavy Industrial
	I1-Light Industrial
	F-Floodplain
	CBD-Central Business District
	B - Business
Buffer layer	
<b>Parcels</b>	Parcels (auto-on)
<b>Transportation</b>	
Abc StreetNames	Railroad
	Street Centerlines
	Major Highways
<b>Natural Features</b>	
	Water Bodies
Redline	

**ORDINANCE NO. 10-10**

**AN ORDINANCE AMENDING CHAPTER 111 OF THE PIQUA MUNICIPAL CODE PEDDLERS AND SOLICITORS**

WHEREAS, on February 16, 2010, a decision was issued in *Ohio Citizen Action v. City of Englewood*, S.D. Ohio Case No., 3:05cv263, opining on the constitutionality of requirements regarding soliciting; and

WHEREAS, the City desires to be in compliance with the decision issued by the Southern District of Ohio Federal Court; and

WHEREAS, for more than a year, the City of Piqua, through the representation of its Police Chief has been involved with issues regarding homelessness in Piqua and whether there is a need for a homeless shelter; and

WHEREAS, the community has expressed concern that in the event a homeless shelter is located in Piqua, there will be an increase in panhandling in the residential area; and

WHEREAS, Chapter 111 does not address panhandling, a legitimate association with homelessness.

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 111 Peddlers and Solicitors as set forth below: (new language is underlined and deleted language is indicated by strikethrough):

**§ 111.01 DEFINITIONS.**

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

***ITINERANT VENDOR*** or ***TRANSIENT DEALERS FOR PROFIT***. The activity of any person who intends to engage in or conduct a temporary or transient business of selling goods, wares and merchandise for a period of not more than 120 days and hires, leases or occupies, either in whole or in part, a room, building or other structure for the purpose of conducting his or her business.

**PANHANDLING**. To beg, ask, or solicit personal financial assistance to obtain an immediate donation of money or other item having value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this chapter. Panhandling does not

include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

**PEDDLING FOR PROFIT.** The activity of any person who transports with him or her, for immediate sale and delivery, goods, wares or merchandise, or who offers the immediate performance of services.

**REGISTERED SOLICITOR.** Any person who has obtained a valid certificate of registration, which certificate is in the possession of the solicitor and prominently displayed on his or her person while engaging in soliciting.

**RESIDENCE.** Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**SOLICITING FOR PROFIT.** Any one or more of the following activities:

(1) Seeking to obtain orders from the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, to be delivered or performed in the future.

(2) Seeking to obtain subscriptions to books, magazines, periodicals and every other type or kind of publication except newspapers of general circulation.

**SOLICITING NOT FOR PROFIT.** Includes seeking to obtain, by order or otherwise, gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable political, medical, religious, civic or other nonprofit association, organization, corporation or project.

## **§ 111.02 APPLICABILITY.**

This chapter shall not apply to the following.

(A) ~~Minors.~~

(B) Persons selling on behalf of or making or seeking delivery of goods, wares, merchandise, foodstuffs or services sold by an establishment having a permanent place of business ~~within the city~~ that is in good standing with the State of Ohio and the City of Piqua.

(C) Persons soliciting and peddling at non-residences.

(D) Wholesalers.

~~(E) A person making sales of the following items for household consumption.~~

- ~~—— (1) Baked goods.~~
- ~~—— (2) Fruits, vegetables, eggs and similar agriculture products.~~
- ~~—— (3) Dairy products except dealers of frozen desserts from vehicles.~~

**§ 111.03 APPLICATION FOR SOLICITOR'S CERTIFICATE.**

(A) No person, firm or corporation shall engage in the business or activity of soliciting for profit, soliciting not for profit or peddling for profit or being an itinerant vendor or transient dealer for profit within the city without first applying for, receiving and prominently displaying a solicitor's certificate, as provided in this chapter. The certificate shall be carried by the solicitor at all times. Solicitations not for profit by city residents or local organizations located in the city shall not require a solicitor's certificate.

(B) Persons engaged in soliciting for profit or peddling for profit, including itinerant vendors or transient dealers for profit, shall apply to the Police Department for a certificate of registration upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

(1) Name and address of present place of residence and length of residence at that address, also business address if other than present address.

(2) Address and place of residence during the past three years if other than present address.

(3) Age of applicant.

(4) Physical description of the applicant.

(5) Name and address of the person, firm or corporation or association whom the applicant is employed or represents and the length of time of employment or representation.

(6) Name and address of employer during the past three years if other than the present employer.

(7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(8) Period of time for which the certificate is applied.

(9) The date, or approximate date, of the latest previous application for certificate under this chapter, if any.

(10) Has a certificate of registration issued to the applicant under this chapter ever been revoked.

(11) Has the applicant ever been convicted of any violation of a felony under the laws of the state or any other state or federal law of the United States.

(12) Names of the three most recent communities where the applicant has solicited house-to-house.

(13) Proposed method of operation.

(14) Signature of applicant.

(15) Social security number of applicant.

(C) All statements made by the applicant on the application or in connection therewith shall be under oath.

(D) The applicant shall submit to fingerprinting and photographing if requested by the Police Department of the municipality in connection with the application for the certificate.

(E) The Chief of Police shall cause to be kept in his or her department an accurate record of every application received and acted on, together with all other information and data pertaining thereto, and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application on which it was issued.

(F) No certificate of registration shall be issued to any person who has been convicted of a felony theft offense, fraud offense, sex offense, drug offense, or offense of violence under the laws of the state or any other state or federal law of the United States within five years of the date of the application, nor any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked.

(G) Applications for solicitor's certificates shall be filed with the Police Department and all certificates shall be issued therefrom.

(H) Persons engaged in soliciting not for profit that are not residents of the city, or whose organization is not located within the city, shall complete an application for a nonprofit solicitor's certificate upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

- (1) Applicant's name and address.
- (2) Name, address and purpose of nonprofit cause or organization.
- (3) Name and address of applicant's supervisor or group leader, if any.
- (4) Period of time for which the certificate is applied.
- (5) Proposed method of operation.
- (6) Signature of applicant.

(I) Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately on such revocation, written notice shall be given by the Chief of Police to the holder of the certificate in person or by certified United States mail addressed to his or her residence address as set forth in the application. Immediately on the giving of the notice, the certificate of registration shall become null and void.

(J) The certificate of registration shall state the expiration date thereof.

(K) The Chief of Police should be notified of solicitations not for profit by residents of the city or whose organization is located within the city.

### **§ 111. PANHANDLING REGISTRATION.**

(A) No person shall panhandle without a registration issued by the Chief of Police. The registration shall include the name and photograph of the person to whom it is issued. Any person who has been registered shall display the registration in plain view on the front of that person at all times while panhandling. No person whose registration has been revoked shall panhandle for a period of two years following the revocation.

(B) The Chief of Police shall issue the registration, without fee, to any eligible person who presents himself or herself at the City of Piqua Police Department, states his or her true name, presents a photo identification or signs a declaration under penalty of perjury that he or she has no such identification, and permits himself or herself to be photographed and fingerprinted.

(C) A person is ineligible to register if, and only if, within the past five years he or she:

(1) Has pleaded guilty to or been convicted of two or more violations of § 111. (Registration);

(2) Has had a registration revoked pursuant to subsection (F) below; or

(3) Has pleaded guilty to or been convicted of two or more offenses under the laws of any jurisdiction which involve aggressive or intimidating behavior while panhandling or false or misleading representations while panhandling.

(D) Upon receipt of an application for registration in accordance with subsection (B) above, the Chief of Police shall issue a temporary registration valid for ten days and shall determine eligibility for a regular registration before the temporary registration expires. An eligible applicant shall receive a regular registration upon determination of the applicant's eligibility. The regular registration shall expire one year from the date of issuance. Along with the registration, the Chief of Police shall give the applicant a copy of this section.

(E) No person shall make a false or misleading representation while applying for registration under this section.

(F) Upon arrest for any violation of §§ 111. , 111. , 111. , 111. , 111. , or 111. , a panhandler shall release to the arresting officer any registration issued under this section to the arrestee. The arrestee may apply to the Chief of Police for consecutive 30-day temporary registrations pending adjudication of the arrest case. The Chief of Police shall revoke any registration issued under this section to a person who has pleaded guilty to or been convicted of a violation of §§ 111. , 111. , 111. , 111. , or 111. , or to a person convicted of two violations of § 111. .

The City Manager shall direct the Chief of Police to issue the registration if the applicant has met the criteria set forth in this section for issuance of a registration. The applicant may appeal the decision of the City Manager to a court of competent jurisdiction.

#### **§ 111.04 FEES.**

For certificates to be issued to solicitors for profit under the provisions of this chapter, each applicant shall pay to the city the sum of \$15. All certificates shall expire on the date specified in the certificate, which shall not exceed 12 months. ~~Certificates for soliciting not for profit shall be issued without charge.~~

#### **~~§ 111.05 APPEALS. (moved toward end of chapter)~~**

~~—Any applicant who has applied for a certificate in accordance with this chapter and to whom the Chief of Police has, after an investigation, denied a certificate or revoked a certificate, may appeal to the City Manager. Notice of an appeal shall be filed with the City Manager within five days after the denial or revocation by the Chief of Police. The City Manager on appeal may affirm or reverse the action of the Chief of Police.~~

#### **§ 111.06 DISPLAY OF CERTIFICATE.**

The certificate issued under the provisions of this chapter shall be exhibited in the place of business by itinerant vendor or transient dealer and shall be prominently displayed by the peddler or solicitor at all times when peddling or soliciting, and shall be exhibited to any person being solicited or any police officer on request.

### **§ 111.07 RESTRICTIONS.**

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations.

(A) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(B) No peddler or solicitor shall enter or attempt to enter the house, apartment or dwelling of any resident in the city without an express invitation from the occupant of the house, apartment or dwelling.

(C) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the municipality.

(D) No person subject to this chapter shall make any solicitation where solicitors are notified by sign that peddling or soliciting is prohibited.

(E) No peddler, solicitor, itinerant vendor or transient dealer shall engage in or transact any type of business or solicitation other than that specified on the registration application.

### **§ 111.08 PROHIBITED ACTS.**

(A) No person, while engaged in any profit or non-profit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the city upon which is displayed at the entrance a notice which reads "No Peddlers or Solicitors Allowed," or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless the peddler or solicitor is or has been invited on the premises by the owner, lessee or occupant thereof.

(B) No peddler, solicitor, itinerant vendor or transient dealer, or any person on his or her behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places of the city or any private premises in the city, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other

public places, for the purpose of attracting attention to any goods, wares or merchandise which is being proposed to be sold.

(C) No person shall knowingly make a false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to, the following:

(1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;

(2) Stating that the donation is needed to meet a need which does not exist;

(3) Stating that the solicitor is from out of town and stranded, when that is not true;

(4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;

(5) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;

(6) Using any makeup or device to simulate any deformity;

(7) Stating that the solicitor is homeless, when he is not.

#### **§ 111.09 TRANSFERABILITY.**

No certificate or registration shall be assigned or transferred. No registrant shall authorize any person, firm or corporation other than the one named to do business. No registrant shall conduct any other business than is listed in his or her application to be transacted. A separate certificate shall be required for each individual peddler or solicitor, whether or not employed by one person, firm or corporation.

#### **§ 111.10 REVOCATION.**

Any certificate or registration issued under the provisions of this chapter may be revoked at any time, should the person to whom it is issued be guilty of any fraud, misrepresentation, or unlawful act in connection with his or her business, or is found to be a person not fit to be engaged in such business, or violate any of the provisions of this chapter.

#### **§ 111. TIME OF SOLICITING OR PANHANDLING.**

No person shall solicit, panhandle or conduct any other activity subject to this Chapter after sunset or before sunrise. The times of sunset and of sunrise shall be as published by the United States Naval Observatory.

#### **§ 111. PLACE OF PANHANDLING.**

No person shall panhandle when either the panhandler or the person being solicited is located at any of the following locations:

(A) At any bus stop;

(B) In any public transportation vehicle or facility;

(C) In any vehicle within the public right-of-way;

(D) Within 20 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 20 feet of any automated teller machine during the time it is available for customers' use;

(E) On private property, unless the panhandler has permission from the owner or occupant; or

(G) From any person exiting or entering a motor vehicle.

### **§ 111. MANNER OF PANHANDLING.**

No person shall panhandle in any of the following manners:

(A) By coming within three feet of the person solicited after that person has indicated that he does not wish to make a donation;

(B) By blocking the path of a person who attempts to walk or drive away from the panhandler;

(C) By following a person who walks away from the panhandler;

(D) By making unreasonable noise or offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language, either during the solicitation or following a refusal;

(E) By panhandling in a group of two or more persons;

(F) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat, harassment or intimidation; or

(G). By touching the solicited person without a statement, gesture or other communication that the person being solicited consents to the touching.

### **§ 111. CAUSING A MINOR TO PANHANDLE.**

No parent, guardian, or adult person having legal care, control, or custody of a minor shall cause, allow, or procure such minor to panhandle in or upon any public or private property.

### **§ 111.05 APPEALS.**

Any applicant who has applied for a certificate or a panhandling registration in accordance with this chapter and to whom the Chief of Police has, after an investigation, denied a certificate or registration or revoked a certificate or registration, may appeal to the City Manager. Notice of an appeal shall be filed with the City Manager within five days after the denial or revocation by the Chief

of Police. The City Manager on appeal may affirm or reverse the action of the Chief of Police. The City Manager shall direct the Chief of Police to issue the certificate or registration if the applicant has met the criteria set forth in section 111.03 or 111. for issuance of a certificate or registration.

**§ 111.99 PENALTY.**

Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than \$100. Each day's violation shall constitute a separate offense. Whoever violated any provision of this chapter after a previous conviction thereof shall be deemed guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250.

SECTION 2. All other sections of Chapter 111 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and so that the City of Piqua may comply with the opinion in *Ohio Citizen Action v. City of Englewood*.

1<sup>st</sup> Reading 4-6-2010  
2<sup>nd</sup> Reading 4-20-2010

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

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

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

***For Regular Meeting of City Commission  
April 6, 2010***

**To: Fred Enderle, City Manager**

**From: Stacy M. Wall, Law Director**

**Date: March 30, 2010**

**Re: Amendment of Chapter 111, Peddlers and Solicitors**

***PURPOSE:***

To amend Chapter 111 Peddlers and Solicitors to follow the recent decision of *Ohio Citizen Action v. City of Englewood* and to adopt provisions regarding panhandling.

***RECOMMENDATION:***

To adopt the Ordinance amending Chapter 111 to enable the regulations regarding soliciting to satisfy the constitutional standards established by the Southern District of Ohio and to adopt regulations for panhandling.

***BACKGROUND:***

The City of Englewood's ordinance regarding soliciting was constitutionally challenged by the Ohio Citizen Action group in federal court. Specifically, the provisions of the ordinance that were subject to a constitutional challenge were those regulations regarding (1) a curfew; (2) the "do-not-solicit" list; and (3) who was subject to the soliciting regulations. The challenge was filed in 2005 and Judge Rice rendered a decision on February 16, 2010.

Judge Rice found that the City's curfew for soliciting activity, which ended at 6:00 p.m., was constitutional for a variety of reasons, primarily focusing on safety. The second challenge regarding the list maintained by Englewood is not applicable to the Piqua. Lastly, Englewood's ordinance was not applicable to minors. The court found this exclusion to be unconstitutional as there was no legitimate purpose to exclude minors from those conducting the same activity.

On a constitutional challenge, the ordinance must be able to withstand the intermediate test in order to be found to be content-neutral in regulating time and

place: (1) does the ordinance contain adequate standards to guide the official's decision; (2) is it based on the content of the message; (3) is the ordinance narrowly tailored to serve a significant government interest; and (4) does the ordinance leave ample alternatives for communication. *Ohio Citizen Action v. City of Englewood*, 3:05cv263 (S.D., Dec. Feb. 16, 2010). Free speech or the content cannot be regulated.

The amendment of the ordinance addresses the concerns or issues raised in the *Englewood* decision.

Additionally, the ordinance amends the chapter to include provisions regarding panhandling. There has been a lot of community involvement in the past year regarding the establishment of a homeless shelter in the City of Piqua. The neighborhood has been very vocal about its thoughts regarding increased homelessness in Piqua as the result of a shelter. There is a fear of safety and increased crime. Along, the same lines as those soliciting, panhandlers would be required to register with the Chief of Police. The Chief may deny a registration or could revoke the registration pending certain elements such as fraudulently requesting money from an individual or another violation of the chapter. Police Chief Bruce Jamison has met extensively with those involved including citizens, county agencies and the Bethany Center. Chief Jamison is also in concurrence with the need for the panhandling regulations.

The primary focus of the Chapter is to protect the citizens of Piqua. The registration requirements include background checks and other requirements that allow for the police department to know who is in the neighborhoods and allows citizens the protection of knowing that the person must display the proper certificate or registration to solicit.

#### **ALTERNATIVES:**

1. Adopt the ordinance to stay current with case law and to protect the citizens regarding panhandling activity;
2. Do not adopt the amended ordinance;
3. Amend the ordinance in some other fashion.

#### **DISCUSSION:**

It is recommended that the ordinance be adopted in order to remain in compliance with the federal court's decision. The amendments to the solicitation sections are based on the federal decision where a similar ordinance was challenged. Furthermore, given that panhandling can be seen as similar conduct and the need to protect the citizens remains, it is recommended that the panhandling regulations also be adopted. Not adopting the amendment would leave the City's ordinance out of compliance with federal court's decision and

subject to potential challenge. Amending the ordinance in some other fashion will require further discussion and direction from Commission.

***FINANCIAL IMPACT:***

None

***CONFORMITY TO CITY PLANS & POLICIES:***

The proposed changes are consistent with focusing on protecting Piqua citizens.

**C. NEW BUSINESS**

**MAY 4, 2010**

- **Res. No. R-57-10**
- **Res. No. R-58-10**
- **Res. No. R-59-10**
- **Ord. No. 12-10 (1<sup>st</sup> Reading)**
- **Ord. No. 13-10 (1<sup>st</sup> Reading)**
- **Ord. No. 14-10 (1<sup>st</sup> Reading)**

RESOLUTION NO. R-57-10

A RESOLUTION AUTHORIZING THE USE OF PITSENBARGER PARK  
BY THE SOUTHWEST NEIGHBORHOOD ASSOCIATION  
FOR A YARD SALE

WHEREAS, the Southwest Neighborhood Association is an organization of citizens of Piqua who support prosperity in their neighborhood; and

WHEREAS, the Southwest Neighborhood Association has the desire to raise funds to support maintenance projects at Pitsenbarger Park;

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

SEC. 1: The Southwest Neighborhood Association is hereby granted permission to utilize Pitsenbarger Park for the purpose of a community yard sale on Saturday May 15, 2010 from 9:00 am until 3:00 pm., which is for the benefit of the public park.

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 May 4, 2010

TO: Fred Enderle, City Manager  
FROM: Amy Welker, Health & Sanitation Director  
SUBJECT: Neighborhood Association use of Pitsenbarger Park

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### **PURPOSE:**

To authorize the Southwest Neighborhood Association to utilize Pitsenbarger Park for a yard sale.

### **RECOMMENDATION:**

Adopt the resolution to allow this activity.

### **BACKGROUND:**

The Southwest Neighborhood Association would like to sponsor a yard sale in Pitsenbarger Park where the proceeds would be used to do park maintenance projects. The Association has plans to conduct various clean-up efforts at the park, assist the Parks Department with maintenance of playground equipment, and in general support Pitsenbarger Park to ensure it's continued upkeep and usefulness.

As a fundraiser, the Association wishes to sponsor a community "yard sale" at the Park. Participants would pay a modest fee of \$5.00 to secure a spot at the event. As mentioned, the proceeds from the event will be put towards maintenance of the park.

Piqua City Code Section 94.23 (G) prohibits the sale of any article, privilege or service in a public park without authorization from the city. As such, this resolution would grant that authorization to the Association for this event.

### **ALTERNATIVES:**

1. Adopt Resolution R-57-10 authorizing the Association use of the Park.
2. Amend Resolution R-57-10 authorizing the Association use of the Park but with any additional conditions desired.
3. Do not adopt the resolution denying the Association of the Park

---

**DISCUSSION:**

The Southwest Neighborhood Association is a relatively new and small association yet they are determined to make a positive impact on their community. The group has already raised some funds which they have earmarked for park improvements. The group is bringing this request forward in an attempt to add to their available funds for park improvements. The Commission may also grant such authority with certain conditions or restrictions, or may choose to not allow this type of use of the park.

**FINANCIAL IMPACT:**

The Association will be sponsoring this event and will need little support from the City. The Neighborhood Improvement Team will support this activity if permission is granted by providing minimal supplies and support as needed.

**COMMUNITY IMPACT:**

This event would benefit the community by providing a location for a community yard sale. Any resident may participate in the event. The community would also benefit as the proceeds are utilized to maintain the park.

**CONFORMITY TO CITY PLANS & POLICIES:**

This event is consistent with Comprehensive Plan Objectives to sustain and improve parks and also to support community improvements that build pride.

**RESOLUTION NO. R-58-10**

**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



## *CITY COMMISSION MEETING REPORT*

*For the Regular Meeting of May 4, 2010*

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Petition to annex +/-5.000 acre and +/-2.932 acre parcels from Springcreek Township into the city of Piqua corporation limits.

### **PURPOSE:**

Approve a resolution to accept the annexation of two tracts of land adjacent and incidental to the Wastewater Treatment Plant.

### **RECOMMENDATION:**

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

### **BACKGROUND:**

In 2007 the City of Piqua purchased two parcels from Piqua Materials to accommodate future expansion needs at the Wastewater Treatment Plant (WWTP). The 5.000 acre parcel is situated to the northeast of the WWTP and is where the recently constructed equalization basin is located. The second tract is situated immediately to the south of the existing WWTP improvements and remains undeveloped.

### **ALTERNATIVES:**

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

### **DISCUSSION:**

The Miami County Board of Commission unanimously approved the annexation petition concerning this request. By approving the resolution accepting the annexation the City Commission will have completed the annexation process defined by the Ohio Revised Code. No objections concerning this request were voiced at the public hearing held to consider this matter.

### **FINANCIAL IMPACT:**

The net fiscal effect of the annexation will be nil as the property is owned and occupied by the City of Piqua and no additional roadway or other public improvements requiring city maintenance will become the city's responsibility as a result of the annexation.

**COMMUNITY IMPACT:**

The acquisition of this land provided much needed room to expand the WWTP facilities in order to meet the ever increasing operating requirements and to maintain a plant capacity adequate to serve the community's needs.

**CONFORMITY TO CITY PLANS & POLICIES:**

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



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 5.000 AND 2.932 ACRES MORE OR LESS  
FROM SPRINGCREEK TOWNSHIP

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

### PETITION

Legal Descriptions  
Parcels Included in Annexation Petition  
Parcels Adjacent to Land to be Annexed  
Map

RESOLUTION ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION/SETTING HEARING  
(Resolution No. 09-11-1666)

PROOF OF SERVICE/AFFIDAVIT OF NOTICE ON THE TOWNSHIP AND MUNICIPALITY

PROOF OF SERVICE/AFFIDAVIT OF NOTICE ON THE PROPERTY OWNERS

PROOF OF PUBLICATION OF NOTICE IN NEWSPAPER

ENGINEER'S LETTER

STATEMENT OF MUNICIPAL SERVICES  
(City of Piqua Resolution No. R-119-09)

RESOLUTION ACKNOWLEDGING THAT THE HEARING WAS HELD AND WAS ADJOURNED  
(Resolution No. 10-01-85)

RESOLUTION APPROVING ANNEXATION  
(Resolution No. 10-02-210)

RESOLUTION SIGNING CERTIFICATION AND MYLAR  
(Resolution No. 10-02-232)

**RECEIVED**

FEB 22 2010

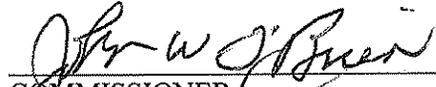
CITY OF PIQUA  
DEVELOPMENT OFFICE



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

MIAMI COUNTY COMMISSIONERS:

DATED: February 18, 2010

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

Leigh M. Williams, Clerk

PETITION FOR ANNEXATION  
Regular Annexation Procedure

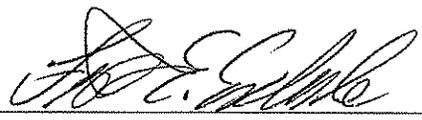
RECEIVED  
09 NOV -6 AM 11:20

We, the undersigned, being 1 of the 1 owners of real estate in the territory hereinafter described (the "Property"), hereby petition for the annexation of the following described territory to the City of Piqua, Miami County, Ohio, pursuant to the process of annexation provided for by R.C. §§ 709.02, 709.03, 709.031, 709.032, and 709.033.

The described territory is contiguous with the City of Piqua, Ohio. Petitioners have attached hereto and make a part of this petition a legal description of the perimeter of the territory sought to be annexed, as required by R.C. 709.02(C)(2)(Exhibit "A").

Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, as required by R.C. 709.02(C)(2) (Exhibit "B").

Chris Schmeising, City of Piqua, 201 W. Water Street, Piqua, Ohio 45356, 937-778-2049, is hereby appointed agent for the undersigned Petitioners as required by R.C. 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase, or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

  
\_\_\_\_\_  
City of Piqua

10/22/09  
Date

**EXHIBIT "A"**

**ANNEXATION OF 5.000 ACRES TO THE CITY OF PIQUA  
PARCEL 1**

BEING 5.000 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 584 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the northeast property corner of Inlot 7875;

thence, South  $31^{\circ}-01'-00''$  East, 24.47 feet, along the east property line of Inlot 7875 to an iron pin found at the northwest property corner of said 5.000-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, North  $87^{\circ}-13'-27''$  East, 506.04 feet, along the north property line of said 5.000-acre tract to an iron pin found;

thence, South  $03^{\circ}-09'-05''$  East, 811.61 feet, along the east property line of said 5.000-acre tract to an iron pin found and being on the east property line of Inlot 7877;

thence, North  $41^{\circ}-11'-20''$  West, 223.42 feet, along the northeast property line of Inlot 7877 to an iron pin found at the southeast property corner of Inlot 7875;

thence, North  $33^{\circ}-19'-02''$  West, 672.65 feet, along the northeast property line of Inlot 7875 to an iron pin found;

thence, North  $31^{\circ}-01'-00''$  West, 64.93 feet, along the northeast property line of Inlot 7875 to the principal place of beginning.

Containing 5.000 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 52.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated January 8, 2009.

**ANNEXATION OF 2.932 ACRES TO THE CITY OF PIQUA  
PARCEL 2**

BEING 2.932 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 582 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the southeast property corner of Inlot 7877;

thence, South 81°-15'-00" West, 15.07 feet, along the south property line of Inlot 7877 to an iron pin found at the northeast property corner of said 2.932-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, South 03°-09'-05" East, 351.38 feet, along the east property line of said 2.932-acre tract to point;

thence, South 81°-15'-00" West, 383.94 feet, along the south property line of said 2.932-acre tract to point;

thence, North 03°-31'-31" East, 152.26 feet, along the west property line of said 2.932-acre tract to point;

thence, North 01°-25'-09" East, 204.13 feet, along the west property line of said 2.932-acre tract to point;

thence, North 81°-15'-00" East, 349.81 feet, along the north property line of said 2.932-acre tract to the principal place of beginning.

Containing 2.932 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 80.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated December 17, 2008.

**EXHIBIT "C"**

**PARCELS INCLUDED IN ANNEXATION PETITION**

Owner	Address	Acreage	Parcel No.
1-City of Piqua	201 W. Water Street Piqua, Ohio 45356	5.000	J27000910
2-City of Piqua	201 W. Water Street Piqua, Ohio 45356	2.932	J27000930

**EXHIBIT "D"**

**PARCELS ADJACENT TO LAND TO BE ANNEXED**

Owner	Address	Acreage	Parcel No.
Piqua Materials, Inc.	11641 Mosteller Rd. Cincinnati, OH 45241	134.917	J27000910
City of Piqua	201 W. Water Street Piqua, Ohio 45356	1.807	N44250096
City of Piqua	201 W. Water Street Piqua, Ohio 45356	7.550	N44250098

# ANNEXATION OF TERRITORY TO THE CITY OF PIQUA

7.932 ACRES  
 FRAC. 29 SECTION 11 TOWNSHIP 1 RANGE 11  
 SPRING CREEK TOWNSHIP MIAMI, OHIO COUNTY

## APPROVAL BY MIAMI COUNTY ENGINEER

THIS PLAT WAS REVIEWED AND APPROVED  
 THIS \_\_\_ DAY OF \_\_\_, 20\_\_

MIAMI COUNTY ENGINEER \_\_\_\_\_

## APPROVAL BY MIAMI COUNTY COMMISSIONERS

THE ANNEXATION OF THIS AREA WAS APPROVED THIS \_\_\_ DAY  
 OF \_\_\_, 20\_\_ BY RESOLUTION NO. \_\_\_\_\_

MIAMI COUNTY COMMISSIONER \_\_\_\_\_  
 MIAMI COUNTY COMMISSIONER \_\_\_\_\_  
 MIAMI COUNTY COMMISSIONER \_\_\_\_\_

## THE CITY COMMISSION OF THE CITY OF PIQUA

AT A MEETING OF THE CITY COMMISSION OF THE CITY OF PIQUA HELD THIS  
 DAY OF \_\_\_, 20\_\_, THE ANNEXATION  
 OF THE TERRITORY SHOWN HEREON TO THE CITY OF PIQUA  
 WAS APPROVED AND ACCEPTED BY ORDINANCE NO. \_\_\_\_\_

CLERK \_\_\_\_\_  
 MAYOR \_\_\_\_\_

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 MIAMI COUNTY RECORDER'S RECORD  
 OF PLATS  
 RECEIVED FOR RECORD THIS \_\_\_ DAY  
 OF \_\_\_, 20\_\_ AT \_\_\_ M.  
 FILE NO. \_\_\_\_\_ FEE: \$ \_\_\_\_\_

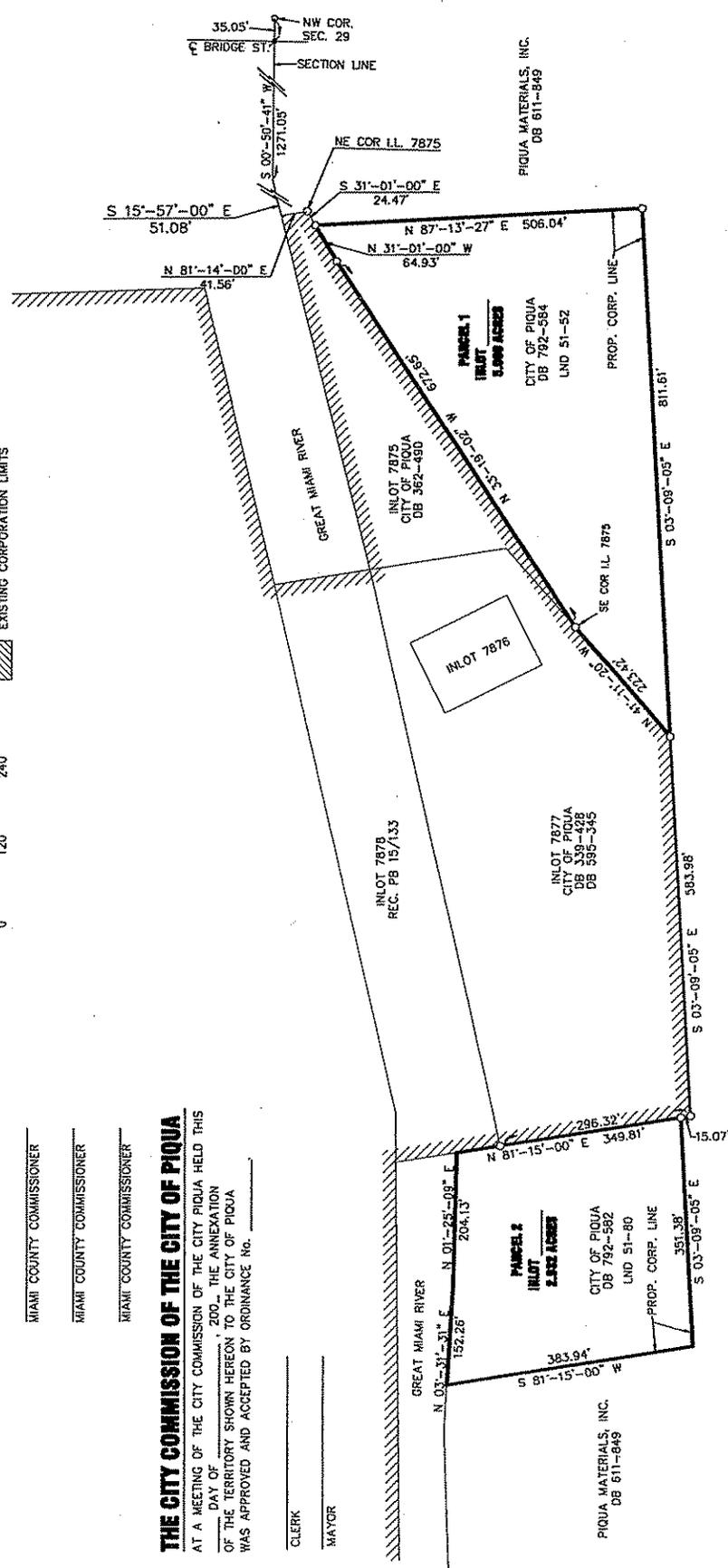
JOHN ALEXANDER, MIAMI COUNTY RECORDER  
 DEPUTY

TRANSFERRED THIS \_\_\_ DAY OF \_\_\_, 20\_\_  
 BY: \_\_\_\_\_  
 CHRIS A. PEEPLES  
 MIAMI COUNTY AUDITOR  
 DEPUTY AUDITOR

**LEGEND**

- IRON PIN FOUND
- ⌘ P.K. NAIL FOUND
- ⊗ RAILROAD SPIKE FOUND
- ⊕ CONCRETE POST FOUND
- ▨ EXISTING CORPORATION LIMITS

THE BEARINGS ARE BASED ON MIAMI  
 COUNTY ENGINEER'S RECORD OF LAND  
 SURVEYS VOLUME 51, PLAT 52  
 SCALE: 1"=120'



**DESCRIPTION**  
 BEING THE ANNEXATION OF A 5.000 ACRE TRACT OF LAND OWNED  
 BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE  
 584 AND SHOWN ON LAND SURVEY VOLUME 51, PAGE 52 AND A  
 2.932 ACRE TRACT OF LAND OWNED BY THE CITY OF PIQUA AS  
 DESCRIBED IN DEED BOOK 792, PAGE 582 AND SHOWN ON LAND  
 SURVEY 51, PAGE 80 TO THE CITY OF PIQUA, OHIO.

I HEREBY CERTIFY THAT ALL DIMENSIONS ARE BASED ON EXISTING  
 DEEDS AND SURVEYS OF RECORD.

**PLAT REFERENCE**  
 REC. PLAT 15, PAGE 133  
 LAND SURVEY 37, PAGE 50  
 LAND SURVEY 51, PAGE 52  
 LAND SURVEY 31, PAGE 80

**DEED REFERENCE**  
 DEED BOOK 792, PAGE 582  
 DEED BOOK 792, PAGE 584

**EXHIBIT B**

**CHOICE ONE ENGINEERING**

440 N. HUNTER BLVD., SUITE 2000  
 WESLEY, OHIO 45890  
 (740) 833-8800  
 www.choiceoneeng.com

DATE: 01-08-2009  
 DRAWN BY: WDC  
 JOB NUMBER: MAP0902009R  
 SHEET NUMBER: 1 OF 1

STATE OF OHIO  
 WESLEY D. COUBEAUX  
 8254  
 PROFESSIONAL SURVEYOR

WESLEY D. COUBEAUX, P.S. #8254 \_\_\_\_\_ DATE \_\_\_\_\_

RESOLUTION NO. 09-11-1666

ACKNOWLEDGE RECEIPT OF ANNEXATION PETITION FOR  
ANNEXATION TO THE CITY OF PIQUA, OHIO OF  
5.000 ACRES MORE OR LESS AND 2.932 ACRES MORE OR LESS/SET HEARING  
IN SPRING CREEK TOWNSHIP

REGULAR ANNEXATION

Mr. Widener introduced the following resolution and moved for its adoption:

WHEREAS, a petition filed by Chris Schmiesing, Agent (City Planner, City of Piqua, Ohio), on behalf of the City of Piqua, Ohio has been presented to the Board of Miami County Commissioners, asking for annexation of 5.000 acres, more or less, and 2.932 acres, more or less, in Spring Creek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C.

Now, therefore it be

RESOLVED, by the Board of Miami County Commissioners, to acknowledge receipt of said Petition for Annexation and enter it upon the journal of the Board.

Further be it

RESOLVED, by the Board of Miami County Commissioners, to set the date and time of Thursday, January 21, 2010 at 2:00 p.m. in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Be it further

RESOLVED, by the Board of Miami County Commissioners, to direct the Clerk of the Board of Miami County Commissioners to notify the Agent for the Petitioner, Chris Schmiesing, 201 W. Water Street, Piqua, Ohio 45356 of the date, time and place of the hearing.

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

Mr. Widener, Yea;

Mr. Evans, Yea;

Mr. O'Brien, Yea.

DATED: November 12, 2009

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the board under the date of November 12, 2009.

Leigh M. Williams  
Leigh M. Williams, Clerk



## DEVELOPMENT OFFICE

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

Date: November 20, 2009  
To: Clerk of Board of County Commissioners  
Re: Petition to Annex 5.000 Acres – Parcel 1 and 2.932 Acres – Parcel 2 owned by City of Piqua

### PROOF OF SERVICE OF ANNEXATION PETITION

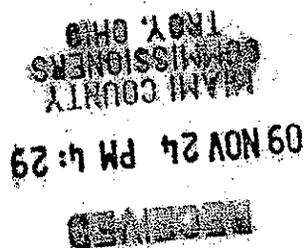
Transmittal Items			
Item No.	Description	No. Pages	No. Copies
1	Affidavit stating proof of service on Township Trustees and City Commission regarding annexation petition filing and notice of hearing date, time and location.	1	1
2	Affidavit stating proof of service on the owners of the properties within or adjacent or across the road from the annexation territory regarding annexation petition filing and notice of hearing date, time and location.	1	1

Attached please find the above referenced documents.

Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner



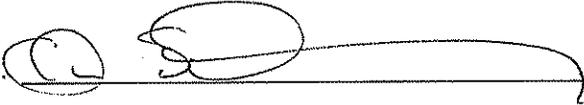
**AFFIDAVIT OF SERVICE OF NOTICE**

STATE OF OHIO  
COUNTY OF MIAMI

I, Chris Schmiesing the agent for the petitioners of the annexation known as  
5.000 Acres – Parcel 1 and 2.932 Acres Parcel 2 owned by the City of Piqua

and, being first duly sworn, deposes and says as follows:

Concerning the subject annexation petition identified above and with reference to ORC section 709.03, the owners of the property or properties situated within the annexation territory and the owners of the property or properties adjacent to the annexation territory have been mailed written notice of the filing of the petition with the clerk of the board of the Miami County Commissioners.

Signature of Agent:  Date: 11-19-09

Sworn and subscribed before me this

19th day of November, 2009

Rebecca J. Cool  
(Notary Public in and for said State)



**REBECCA J. COOL, Notary Public  
In and For the State of Ohio  
My Commission Expires July 12, 2014**

**AFFIDAVIT OF SERVICE OF NOTICE**

STATE OF OHIO  
COUNTY OF MIAMI

I, Chris Schmiesing the agent for the petitioners of the annexation known as

5.000 Acres – Parcel 1 and 2.932 Acres Parcel 2 owned by the City of Piqua

and, being first duly sworn, deposes and says as follows:

Concerning the subject annexation petition identified above and with reference to ORC section 709.03, the clerk of the Springcreek Township Trustees and the clerk of the Piqua City Commission have been served written notice of the filing of the petition with the clerk of the board of the Miami County Commissioners.

Signature of Agent:



Date: 11-19-09

Sworn and subscribed before me this

19th day of November, 2009

Rebecca J. Cool

(Notary Public in and for said State)



**REBECCA J. COOL, Notary Public**  
In and For the State of Ohio  
My Commission Expires July 12, 2014



**DEVELOPMENT OFFICE**

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

Date: December 15, 2009  
To: Clerk of Board of County Commissioners  
Re: Petition to Annex 5.000 Acres – Parcel 1 and 2.932 Acres – Parcel 2 owned by City of Piqua

**PROOF OF PUBLICATION OF ANNEXATION PETITION**

Transmittal Items			
Item No.	Description	No. Pages	No. Copies
1	Copy of Newspaper Print Concerning Subject Annexation Petition.	1	1

Attached please find the above referenced documents.

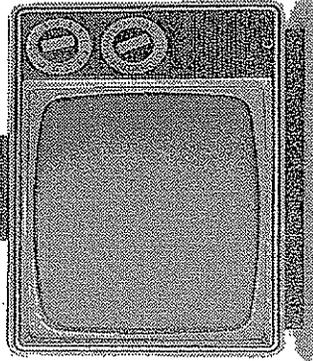
Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner

RECEIVED  
09 DEC 16 PM 2:38  
MARI COUNTY  
COMMISSIONERS  
INDY, OHIO

**Sell the TV**  
**from your**  
**bedroom closet.**



**TV FOR SALE.** Excellent deal on a pre-owned television. Rabbit ears included. Watch old movies in the original black and white

**Classifieds**  
*that work*

# LEGAL NOTICE DIRECTORY

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of Teeters Real Estate Investments, LLC, said petition asking for the annexation of 119.165 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 1:50PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Contact:  
 Chris Schmiesing  
 (937) 778-2049

12-12-2009  
 1311774

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of the City of Piqua, Ohio, said petition asking for the annexation of 5.00 acres more or less, and 2.932 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of the Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 2:00PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Contact:  
 Chris Schmiesing  
 (937) 778-2049

12-12-2009  
 1311774

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of Teeters Real Estate Investments, LLC, Fifth Third Bank of Western Ohio, N.A., Trustee, Elizabeth Stahl, Trustee, and Pamela A. Purk, said petition asking for the annexation of 335.528 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of the Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 1:55PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Contact:  
 Chris Schmiesing  
 (937) 778-2049

12-12-2009  
 1311772

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of Teeters Real Estate Investments, LLC, said petition asking for the annexation of 109.493 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of the Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 1:45PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

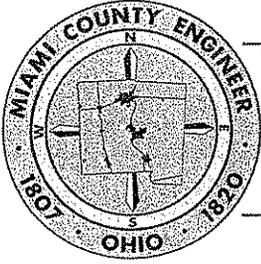
Contact:  
 Chris Schmiesing  
 (937) 778-2049

12-12-2009  
 1311772

**AGENDA**  
**PIQUA CITY COMMISSION**  
**MONDAY DECEMBER 7, 2009**  
**7:30 P.M.**  
**201 WEST WATER STREET**  
**PIQUA, OHIO 45356**

**REGULAR CITY COMMISSION MEETING**

1. **APPROVAL OF MINUTES (Approved)**  
 Approval of the minutes from the October 26, 2009 Piqua City Commission Worksession and the November 16, 2009 Regular City Commission Meeting.
2. **ORD. NO. 20-09 1st Reading 12-7-09**  
 An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employee
3. **ORD. NO. 21-09 1st Reading 12-7-09**  
 An Ordinance repealing existing Chapter 33 and enacting a New Chapter 33 of the Piqua Code, relating to Employee Policy
4. **ORD. NO. 22-09 1st Reading 12-7-09**  
 An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2010
5. **RES. NO. R-107-09 (Adopted)**  
 A Resolution establishing a City Commission 201 calendar of meetings
6. **RES. NO. R-108-09 (Adopted)**  
 A Resolution amending the total payment to Pohanka Inc. for the removal and disposal of lime residual from the Lime Lagoon at the Water Plant
7. **RES. NO. R-109-09 (Adopted)**  
 A Resolution authorizing the City Manager to contract with the Miami County Public Defender Commission
8. **RES. NO. R-110-09 (Adopted)**  
 A Resolution authorizing the City Manager to apply for membership to American Municipal Power Inc.
9. **RES. NO. R-111-09 (Adopted)**  
 A Resolution authorizing the City Purchasing Agent to purchase #2 fuel oil on the open and spot market
10. **RES. NO. R-112-09 (Adopted)**  
 A Resolution retaining the services of Cooperative Response Center, Inc. to provide professional customer call answering and dispatch services for the City
11. **RES. NO. R-113-09 (Adopted)**  
 A Resolution retaining the services of Sawvel and Associates to provide professional consulting and engineering services for the City
12. **RES. NO. R-114-09 (Adopted)**  
 To approve the form and authorize the execution of power sales contracts with American Municipal Power, Inc. and taking other actions in connection therewith retaining Malsht and Graemin Hunter



# MIAMI COUNTY MAP DEPARTMENT

201 West Main Street  
Troy, OH 45373

937-440-6025  
Fax 937-440-6026

December 22, 2009

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

Re: Proposed annexation of 5.000 acres (+/-) and 2.932 acres (+/-), Section 29, Town 1, Range 11, Spring Creek Township, to the City of Piqua.

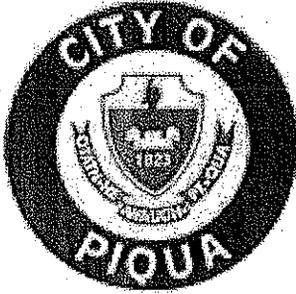
Dear Commissioners:

Pursuant to Ohio Revised Code section 709.031(A), 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

MIAMI COUNTY  
COMMISSIONERS  
TROY, OHIO  
09 DEC 22 AM 9:53  
RECEIVED



**DEVELOPMENT OFFICE**

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

Date: December 22, 2009  
To: Clerk of Board of County Commissioners  
Re: Petition to Annex 5.000 Acres – Parcel 1 and 2.932 Acres – Parcel 2 owned by City of Piqua

**STATEMENT OF MUNICIPAL SERVICES**

Transmittal Items			
Item No.	Description	No. Pages	No. Copies
1	Copy of Statement of Municipal Services Resolution Concerning Subject Annexation Petition.	4	1

Attached please find the above referenced documents.

Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner

MAHMI COUNTY  
COMMISSIONERS  
THOY, OHIO

09 DEC 23 PM 1:20

RECORDED

RESOLUTION NO. R-119-09

**A RESOLUTION OF INTENT TO PROVIDE SERVICES TO  
CERTAIN TERRITORY PROPOSED FOR ANNEXATION**

WHEREAS, the owner of a 5.000 acre parcel of land and a 2.932 acre parcel of land located at the city of Piqua wastewater treatment plant in Springcreek Township has filed a petition for annexation of said real estate in the City, further described as set for in Exhibit "A" attached hereto; and

WHEREAS, the Clerk of this Commission has received notice of said filing from the petitioner's agent on November 18, 2009 and

WHEREAS, Ohio Revised Code Section 709.03 requires this Commission to pass a resolution adopting a statement indicating what services, if any, the City will provide to the territory proposed for annexation upon annexation;

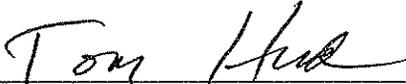
NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The City of Piqua will provide, upon annexation, access to the following services to the 5.000 acre parcel of land and a 2.932 acre parcel of land located at the city of Piqua wastewater treatment plant in Springcreek Township, which has been proposed for annexation:

Police  
Fire  
Emergency Medical  
Electric Power  
All other services normally provided to City of Piqua residents

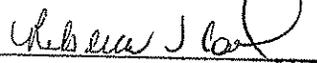
SEC. 2: Upon annexation, the City of Piqua will provide the petitioner with access to connect to the nearest available water distribution main as well as the nearest available sanitary and storm sewer collection mains.

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

  
THOMAS D. HUDSON, MAYOR

PASSED: December 21 2009  
ATTEST: Rebecca J. Cool  
REBECCA J. COOL  
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-119-09 is a true, accurate and correct copy of Resolution R-119-09 passed by the Commission of the City of Piqua, Ohio, on the 21 day of December, 2009

  
CLERK OF COMMISSION

**EXHIBIT "A"**

**ANNEXATION OF 5.000 ACRES TO THE CITY OF PIQUA  
PARCEL 1**

BEING 5.000 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 584 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the northeast property corner of Inlot 7875;

thence, South  $31^{\circ}-01'-00''$  East, 24.47 feet, along the east property line of Inlot 7875 to an iron pin found at the northwest property corner of said 5.000-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, North  $87^{\circ}-13'-27''$  East, 506.04 feet, along the north property line of said 5.000-acre tract to an iron pin found;

thence, South  $03^{\circ}-09'-05''$  East, 811.61 feet, along the east property line of said 5.000-acre tract to an iron pin found and being on the east property line of Inlot 7877;

thence, North  $41^{\circ}-11'-20''$  West, 223.42 feet, along the northeast property line of Inlot 7877 to an iron pin found at the southeast property corner of Inlot 7875;

thence, North  $33^{\circ}-19'-02''$  West, 672.65 feet, along the northeast property line of Inlot 7875 to an iron pin found;

thence, North  $31^{\circ}-01'-00''$  West, 64.93 feet, along the northeast property line of Inlot 7875 to the principal place of beginning.

Containing 5.000 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 52.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated January 8, 2009.

**ANNEXATION OF 2.932 ACRES TO THE CITY OF PIQUA  
PARCEL 2**

BEING 2.932 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 582 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the southeast property corner of Inlot 7877;

thence, South 81°-15'-00" West, 15.07 feet, along the south property line of Inlot 7877 to an iron pin found at the northeast property corner of said 2.932-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, South 03°-09'-05" East, 351.38 feet, along the east property line of said 2.932-acre tract to point;

thence, South 81°-15'-00" West, 383.94 feet, along the south property line of said 2.932-acre tract to point;

thence, North 03°-31'-31" East, 152.26 feet, along the west property line of said 2.932-acre tract to point;

thence, North 01°-25'-09" East, 204.13 feet, along the west property line of said 2.932-acre tract to point;

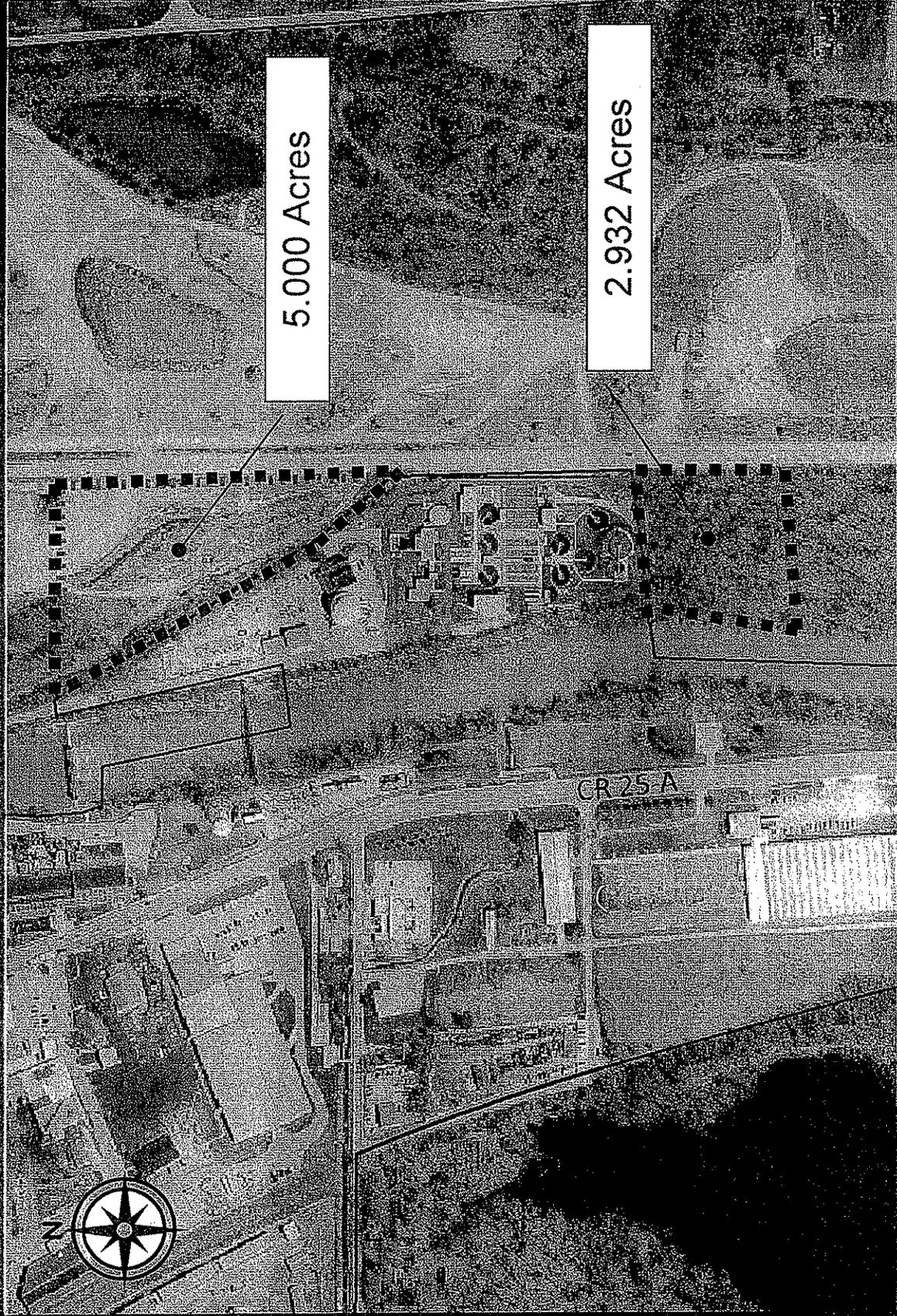
thence, North 81°-15'-00" East, 349.81 feet, along the north property line of said 2.932-acre tract to the principal place of beginning.

Containing 2.932 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 80.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated December 17, 2008.

EXHIBIT A



WASTEWATER TREATMENT PLANT ANNEXATION

RESOLUTION NO. 10-01-85

HEARING HELD

HEARING ADJOURNED

ANNEXATION TO CITY OF PIQUA, OHIO  
OF 5.000 ACRES AND 2.932 ACRES MORE OR LESS  
IN SPRING CREEK TOWNSHIP

Mr. Widener introduced the following resolution and moved for its adoption:

WHEREAS, pursuant to action taken on November 12, 2009, by Resolution No. 09-11-1666, a public hearing was held in the Commissioners' Hearing Room, Safety Building, Troy, Ohio on the 21<sup>st</sup> day of January 2010 at 2:00 p.m. on the petition filed on behalf of the City of Piqua, Ohio (Chris Schmiesing, City of Piqua, Agent), requesting that certain territory located in Section 29, Town 1, Range 11 in Spring Creek Township, Miami County, Ohio containing 5.000 acres and 2.932 acres be annexed to the City of Piqua, Ohio; and

WHEREAS, the Agent for the Petitioner filed with the Board of County Commissioners a proof of services of notice on the township and municipality, as well as on the owners of the properties within or adjacent or across the road from the annexation territory; and

WHEREAS, the Agent for the Petitioner filed with the Board of County Commissioners proof of publication prior to the public hearing; and

WHEREAS, the County Engineer filed a report with the Board of County Commissioners on the accuracy of the legal description of the perimeter and the map; and

WHEREAS, the Agent for the Petitioner filed with the Board of County Commissioners a statement of municipal services resolution passed by the City of Piqua Commission, concerning the certain territory proposed for annexation; and

WHEREAS, there were no affidavits filed with this Board of County Commissioners, nor was there a request for a court reporter for said hearing; and

WHEREAS, all interested persons appearing at such hearing were given an opportunity to express their opinions either for or against the granting of the petition.

NOW, THEREFORE BE IT RESOLVED, by the Board of Miami County Commissioners, to adjourn the hearing at 5:30 p.m., with a decision to be made on said annexation petition within thirty (30) days.

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

Mr. Evans, Yea;

Mr. O'Brien, Yea;

Mr. Widener, Yea.

DATED: January 21, 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 21, 2010.

Leigh M. Williams  
Leigh M. Williams, Clerk

RESOLUTION NO. 10-02-210

ANNEXATION TO THE CITY OF PIQUA, OHIO  
OF 5.000 ACRES MORE OR LESS AND 2.932 ACRES MORE OR LESS  
FROM SPRINGCREEK TOWNSHIP

PETITION GRANTED

Mr. Widener introduced the following resolution and moved for its adoption:

WHEREAS, pursuant to action taken by the Board of Miami County Commissioners on the date of November 12, 2009, Resolution No. 09-11-1666, a public hearing was held in the Commissioners' Hearing Room, Safety Building, Ohio on January 21, 2010 (Resolution No. 10-01-85) on a petition filed by Chris Schmiesing, Agent (City Planner, City of Piqua, Ohio), on behalf of the City of Piqua, Ohio, requesting that certain territory located in Section 29, Town 1, Range 11 in Springcreek Township, Miami County, Ohio containing 5.000 acres, more or less, and 2.932 acres, more or less, be annexed to the City of Piqua, Ohio, pursuant to 709.02 O.R.C.; and

WHEREAS, the Board of Miami County Commissioners adjourned the hearing and deferred their decision until February 16, 2010, so that they could consider all the proceedings and documentation.

Now, therefore be it

RESOLVED, by the Board of Miami County Commissioners, that based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, that it is the finding and determination of said Board that each of the following conditions set forth in Section 709.033 of the Ohio Revised Code has been met:

(1) The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.02 of the Revised Code;

(2) The persons who signed the petition are owners of real estate located in the territory proposed to be annexed in the petition, and, as of the time the petition was filed with the board of county commissioners, the number of valid signatures on the petition constituted a majority of the owners of real estate in that territory;

(3) The municipal corporation to which the territory is proposed to be annexed has complied with division (D) of section 709.03 of the Revised Code;

(4) The territory proposed to be annexed is not unreasonably large;

(5) On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted. As used in division (A)(5) of this section, "surrounding area" means the territory within the unincorporated area of any township located one-half mile or less from any of the territory proposed to be annexed;

(6) No street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of this division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

Now, therefore be it

RESOLVED, that the Board of Commissioners of Miami County, Ohio, specifically finds and determines that all of the said territory which has been proposed for annexation to the City of Piqua, Miami County, Ohio, is owned by the City of Piqua, and, therefore, that said territory is and would have been the proper subject of annexation by petition of the City of Piqua under the terms and provisions of Section 709.16 of the Ohio Revised Code; and

Further be it

RESOLVED, by the Board of Commissioners of Miami County, Ohio, that, for the reasons set forth hereinabove the petition for annexation is hereby approved.

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

Mr. Widener, Yea;

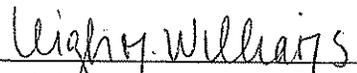
Mr. Evans, Yea;

Mr. O'Brien, Yea.

DATED: February 16, 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 February 16, 2010.

  
Leigh M. Williams, Clerk

RESOLUTION NO. 10-02-232

**SIGNATURES ONLY**

**CERTIFICATION/MYLAR:**

**DEPT:** Commissioners

**NAME:** Certification/Mylar – Annexation of 5.000 acres and 2.932 acres +/-  
from Springcreek Township to the City of Piqua, Ohio

Copy of Certification on file in the Commissioners Office.

Mr. Evans moved and Mr. O'Brien seconded the motion to authorize and sign the Signatures Only.

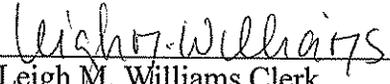
The Board of Miami County Commissioners voted as follows upon roll call:

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

DATED: February 18, 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 February 18, 2010.

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

**RESOLUTION NO. R- 59-10**

**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-58-10 on May 4, 2010  
(5.000 acre and 2.932 acre parcels 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.

\_\_\_\_\_  
FESS, MAYOR

LUCINDA L.

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

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



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 5.000 AND 2.932 ACRES MORE OR LESS  
FROM SPRINGCREEK TOWNSHIP

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

### PETITION

Legal Descriptions  
Parcels Included in Annexation Petition  
Parcels Adjacent to Land to be Annexed  
Map

RESOLUTION ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION/SETTING HEARING  
(Resolution No. 09-11-1666)

PROOF OF SERVICE/AFFIDAVIT OF NOTICE ON THE TOWNSHIP AND MUNICIPALITY

PROOF OF SERVICE/AFFIDAVIT OF NOTICE ON THE PROPERTY OWNERS

PROOF OF PUBLICATION OF NOTICE IN NEWSPAPER

ENGINEER'S LETTER

STATEMENT OF MUNICIPAL SERVICES  
(City of Piqua Resolution No. R-119-09)

RESOLUTION ACKNOWLEDGING THAT THE HEARING WAS HELD AND WAS ADJOURNED  
(Resolution No. 10-01-85)

RESOLUTION APPROVING ANNEXATION  
(Resolution No. 10-02-210)

RESOLUTION SIGNING CERTIFICATION AND MYLAR  
(Resolution No. 10-02-232)

**RECEIVED**

FEB 22 2010

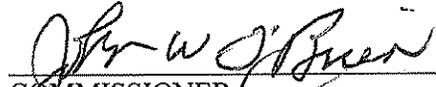
CITY OF PIQUA  
DEVELOPMENT OFFICE



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

MIAMI COUNTY COMMISSIONERS:

DATED: February 18, 2010

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

Leigh M. Williams, Clerk

PETITION FOR ANNEXATION  
Regular Annexation Procedure

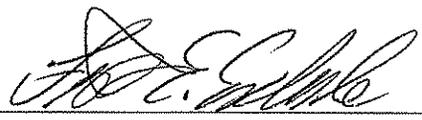
RECEIVED  
09 NOV -6 AM 11:20

We, the undersigned, being   1   of the   1   owners of real estate in the territory hereinafter described (the "Property"), hereby petition for the annexation of the following described territory to the City of Piqua, Miami County, Ohio, pursuant to the process of annexation provided for by R.C. §§ 709.02, 709.03, 709.031, 709.032, and 709.033.

The described territory is contiguous with the City of Piqua, Ohio. Petitioners have attached hereto and make a part of this petition a legal description of the perimeter of the territory sought to be annexed, as required by R.C. 709.02(C)(2)(Exhibit "A").

Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, as required by R.C. 709.02(C)(2) (Exhibit "B").

Chris Schmeising, City of Piqua, 201 W. Water Street, Piqua, Ohio 45356, 937-778-2049, is hereby appointed agent for the undersigned Petitioners as required by R.C. 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase, or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refilling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

  
\_\_\_\_\_  
City of Piqua

10/22/09  
Date

**EXHIBIT "A"**

**ANNEXATION OF 5.000 ACRES TO THE CITY OF PIQUA  
PARCEL 1**

BEING 5.000 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 584 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the northeast property corner of Inlot 7875;

thence, South  $31^{\circ}-01'-00''$  East, 24.47 feet, along the east property line of Inlot 7875 to an iron pin found at the northwest property corner of said 5.000-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, North  $87^{\circ}-13'-27''$  East, 506.04 feet, along the north property line of said 5.000-acre tract to an iron pin found;

thence, South  $03^{\circ}-09'-05''$  East, 811.61 feet, along the east property line of said 5.000-acre tract to an iron pin found and being on the east property line of Inlot 7877;

thence, North  $41^{\circ}-11'-20''$  West, 223.42 feet, along the northeast property line of Inlot 7877 to an iron pin found at the southeast property corner of Inlot 7875;

thence, North  $33^{\circ}-19'-02''$  West, 672.65 feet, along the northeast property line of Inlot 7875 to an iron pin found;

thence, North  $31^{\circ}-01'-00''$  West, 64.93 feet, along the northeast property line of Inlot 7875 to the principal place of beginning.

Containing 5.000 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 52.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated January 8, 2009.

**ANNEXATION OF 2.932 ACRES TO THE CITY OF PIQUA  
PARCEL 2**

BEING 2.932 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 582 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the southeast property corner of Inlot 7877;

thence, South  $81^{\circ}-15'-00''$  West, 15.07 feet, along the south property line of Inlot 7877 to an iron pin found at the northeast property corner of said 2.932-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, South  $03^{\circ}-09'-05''$  East, 351.38 feet, along the east property line of said 2.932-acre tract to point;

thence, South  $81^{\circ}-15'-00''$  West, 383.94 feet, along the south property line of said 2.932-acre tract to point;

thence, North  $03^{\circ}-31'-31''$  East, 152.26 feet, along the west property line of said 2.932-acre tract to point;

thence, North  $01^{\circ}-25'-09''$  East, 204.13 feet, along the west property line of said 2.932-acre tract to point;

thence, North  $81^{\circ}-15'-00''$  East, 349.81 feet, along the north property line of said 2.932-acre tract to the principal place of beginning.

Containing 2.932 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 80.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated December 17, 2008.

**EXHIBIT "C"**

**PARCELS INCLUDED IN ANNEXATION PETITION**

Owner	Address	Acreage	Parcel No.
1-City of Piqua	201 W. Water Street Piqua, Ohio 45356	5.000	J27000910
2-City of Piqua	201 W. Water Street Piqua, Ohio 45356	2.932	J27000930

**EXHIBIT "D"**

**PARCELS ADJACENT TO LAND TO BE ANNEXED**

Owner	Address	Acreage	Parcel No.
Piqua Materials, Inc.	11641 Mosteller Rd. Cincinnati, OH 45241	134.917	J27000910
City of Piqua	201 W. Water Street Piqua, Ohio 45356	1.807	N44250096
City of Piqua	201 W. Water Street Piqua, Ohio 45356	7.550	N44250098

# ANNEXATION OF TERRITORY TO THE CITY OF PIQUA

7.932 ACRES  
 FRAC. 29 SECTION 11 TOWNSHIP 1 RANGE 11  
 SPRING CREEK TOWNSHIP MIAMI, OHIO COUNTY

## APPROVAL BY MIAMI COUNTY ENGINEER

THIS PLAT WAS REVIEWED AND APPROVED  
 THIS \_\_\_ DAY OF \_\_\_, 20\_\_

MIAMI COUNTY ENGINEER \_\_\_\_\_

## APPROVAL BY MIAMI COUNTY COMMISSIONERS

THE ANNEXATION OF THIS AREA WAS APPROVED THIS \_\_\_ DAY  
 OF \_\_\_, 20\_\_ BY RESOLUTION NO. \_\_\_\_\_

MIAMI COUNTY COMMISSIONER \_\_\_\_\_  
 MIAMI COUNTY COMMISSIONER \_\_\_\_\_  
 MIAMI COUNTY COMMISSIONER \_\_\_\_\_

## THE CITY COMMISSION OF THE CITY OF PIQUA

AT A MEETING OF THE CITY COMMISSION OF THE CITY OF PIQUA HELD THIS  
 DAY OF \_\_\_, 20\_\_, THE ANNEXATION  
 OF THE TERRITORY SHOWN HEREON TO THE CITY OF PIQUA  
 WAS APPROVED AND ACCEPTED BY ORDINANCE NO. \_\_\_\_\_

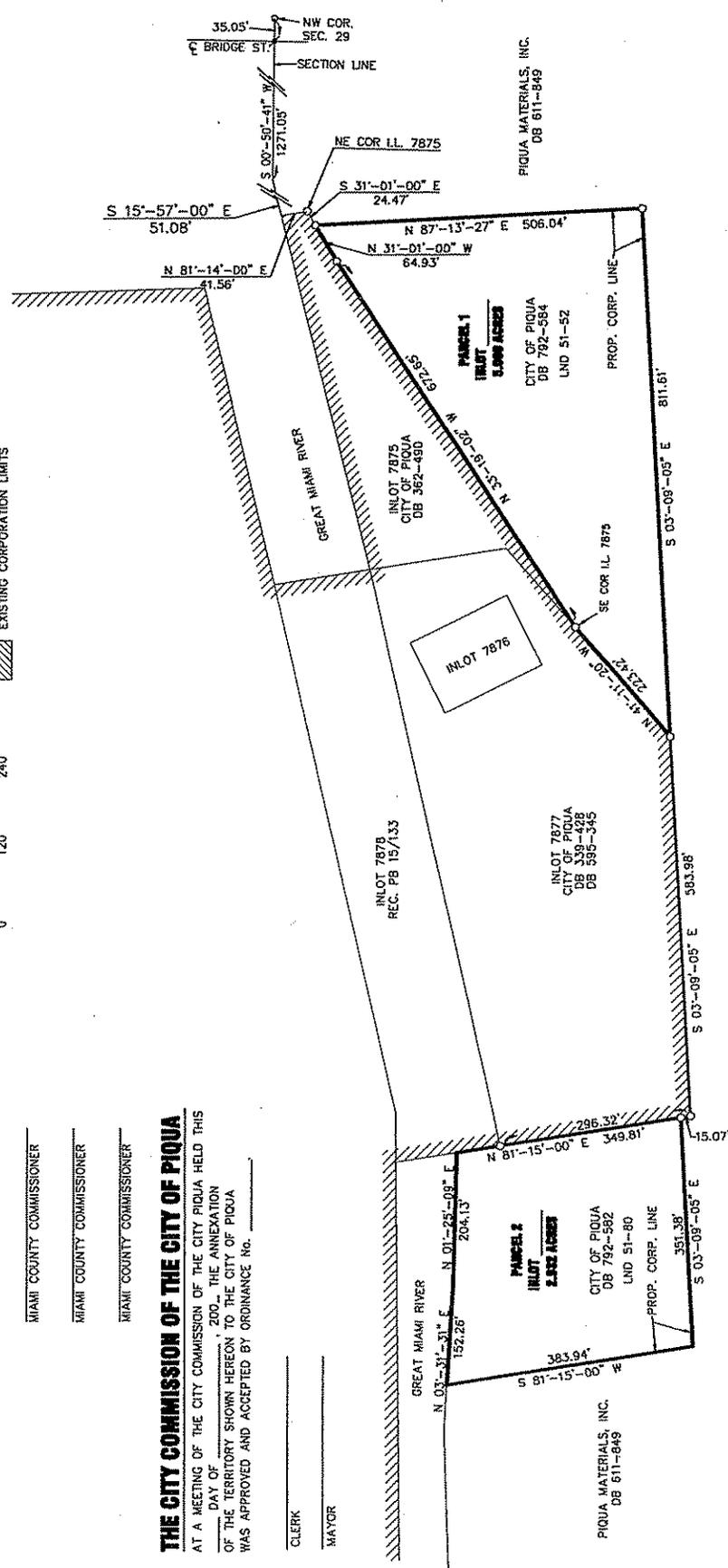
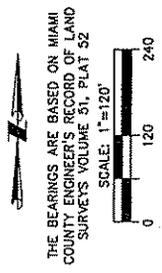
CLERK \_\_\_\_\_  
 MAYOR \_\_\_\_\_

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 MIAMI COUNTY RECORDER'S RECORD  
 OF PLATS  
 RECEIVED FOR RECORD THIS \_\_\_ DAY  
 OF \_\_\_, 20\_\_ AT \_\_\_ M.  
 FILE NO. \_\_\_\_\_ FEE: \$ \_\_\_\_\_

JOHN ALEXANDER, MIAMI COUNTY RECORDER  
 DEPUTY

TRANSFERRED THIS \_\_\_ DAY OF \_\_\_, 20\_\_  
 BY: \_\_\_\_\_  
 CHRIS A. PEEPLES  
 MIAMI COUNTY AUDITOR  
 DEPUTY AUDITOR

**LEGEND**  
 O IRON PIN FOUND  
 P.K. MAIL FOUND  
 X RAILROAD SPIKE FOUND  
 ⊕ CONCRETE POST FOUND  
 ▨ EXISTING CORPORATION LIMITS



DESCRIPTION  
 BEING THE ANNEXATION OF A 5.000 ACRE TRACT OF LAND OWNED  
 BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE  
 584 AND SHOWN ON LAND SURVEY VOLUME 51, PAGE 52 AND A  
 2.932 ACRE TRACT OF LAND OWNED BY THE CITY OF PIQUA AS  
 DESCRIBED IN DEED BOOK 792, PAGE 582 AND SHOWN ON LAND  
 SURVEY 51, PAGE 80 TO THE CITY OF PIQUA, OHIO.

I HEREBY CERTIFY THAT ALL DIMENSIONS ARE BASED ON EXISTING  
 DEEDS AND SURVEYS OF RECORD.

PLAT REFERENCE  
 REC. PLAT 15, PAGE 133  
 LAND SURVEY 37, PAGE 50  
 LAND SURVEY 51, PAGE 52  
 LAND SURVEY 31, PAGE 80

DEED REFERENCE  
 DEED BOOK 792, PAGE 582  
 DEED BOOK 792, PAGE 584

**EXHIBIT B**

**CHOICE ONE ENGINEERING**

440 N. INDEPENDENT BLVD., SUITE 2000, Piqua, OHIO 45359  
 (937) 773-8888  
 www.choiceoneeng.com

DATE: 01-08-2009  
 DRAWN BY: WDC  
 JOB NUMBER: MAP0902009R  
 SHEET NUMBER: 1 OF 1

STATE OF OHIO  
 WESLEY D. COUBEAUX  
 8254  
 PROFESSIONAL SURVEYOR

WESLEY D. COUBEAUX, P.S. #8254 \_\_\_\_\_ DATE \_\_\_\_\_

RESOLUTION NO. 09-11-1666

ACKNOWLEDGE RECEIPT OF ANNEXATION PETITION FOR  
ANNEXATION TO THE CITY OF PIQUA, OHIO OF  
5.000 ACRES MORE OR LESS AND 2.932 ACRES MORE OR LESS/SET HEARING  
IN SPRING CREEK TOWNSHIP

REGULAR ANNEXATION

Mr. Widener introduced the following resolution and moved for its adoption:

WHEREAS, a petition filed by Chris Schmiesing, Agent (City Planner, City of Piqua, Ohio), on behalf of the City of Piqua, Ohio has been presented to the Board of Miami County Commissioners, asking for annexation of 5.000 acres, more or less, and 2.932 acres, more or less, in Spring Creek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C.

Now, therefore it be

RESOLVED, by the Board of Miami County Commissioners, to acknowledge receipt of said Petition for Annexation and enter it upon the journal of the Board.

Further be it

RESOLVED, by the Board of Miami County Commissioners, to set the date and time of Thursday, January 21, 2010 at 2:00 p.m. in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Be it further

RESOLVED, by the Board of Miami County Commissioners, to direct the Clerk of the Board of Miami County Commissioners to notify the Agent for the Petitioner, Chris Schmiesing, 201 W. Water Street, Piqua, Ohio 45356 of the date, time and place of the hearing.

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

Mr. Widener, Yea;

Mr. Evans, Yea;

Mr. O'Brien, Yea.

DATED: November 12, 2009

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the board under the date of November 12, 2009.

Leigh M. Williams  
Leigh M. Williams, Clerk



**DEVELOPMENT OFFICE**

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

Date: November 20, 2009  
To: Clerk of Board of County Commissioners  
Re: Petition to Annex 5.000 Acres – Parcel 1 and 2.932 Acres – Parcel 2 owned by City of Piqua

**PROOF OF SERVICE OF ANNEXATION PETITION**

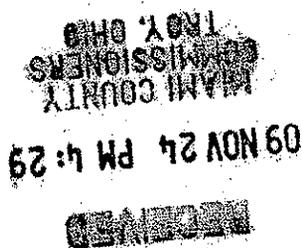
Transmittal Items			
Item No.	Description	No. Pages	No. Copies
1	Affidavit stating proof of service on Township Trustees and City Commission regarding annexation petition filing and notice of hearing date, time and location.	1	1
2	Affidavit stating proof of service on the owners of the properties within or adjacent or across the road from the annexation territory regarding annexation petition filing and notice of hearing date, time and location.	1	1

Attached please find the above referenced documents.

Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner



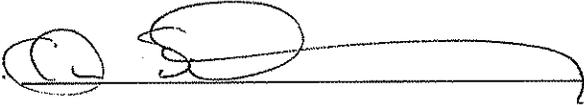
**AFFIDAVIT OF SERVICE OF NOTICE**

STATE OF OHIO  
COUNTY OF MIAMI

I, Chris Schmiesing the agent for the petitioners of the annexation known as  
5.000 Acres – Parcel 1 and 2.932 Acres Parcel 2 owned by the City of Piqua

and, being first duly sworn, deposes and says as follows:

Concerning the subject annexation petition identified above and with reference to ORC section 709.03, the owners of the property or properties situated within the annexation territory and the owners of the property or properties adjacent to the annexation territory have been mailed written notice of the filing of the petition with the clerk of the board of the Miami County Commissioners.

Signature of Agent:  Date: 11-19-09

Sworn and subscribed before me this

19th day of November, 2009

Rebecca J. Cool  
(Notary Public in and for said State)



**REBECCA J. COOL, Notary Public**  
In and For the State of Ohio  
My Commission Expires July 12, 2014

**AFFIDAVIT OF SERVICE OF NOTICE**

STATE OF OHIO  
COUNTY OF MIAMI

I, Chris Schmiesing the agent for the petitioners of the annexation known as

5.000 Acres – Parcel 1 and 2.932 Acres Parcel 2 owned by the City of Piqua

and, being first duly sworn, deposes and says as follows:

Concerning the subject annexation petition identified above and with reference to ORC section 709.03, the clerk of the Springcreek Township Trustees and the clerk of the Piqua City Commission have been served written notice of the filing of the petition with the clerk of the board of the Miami County Commissioners.

Signature of Agent:



Date: 11-19-09

Sworn and subscribed before me this

19th day of November, 2009

Rebecca J. Cool

(Notary Public in and for said State)



**REBECCA J. COOL, Notary Public**  
In and For the State of Ohio  
My Commission Expires July 12, 2014



**DEVELOPMENT OFFICE**

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

Date: December 15, 2009  
To: Clerk of Board of County Commissioners  
Re: Petition to Annex 5.000 Acres – Parcel 1 and 2.932 Acres – Parcel 2 owned by City of Piqua

**PROOF OF PUBLICATION OF ANNEXATION PETITION**

Transmittal Items			
Item No.	Description	No. Pages	No. Copies
1	Copy of Newspaper Print Concerning Subject Annexation Petition.	1	1

Attached please find the above referenced documents.

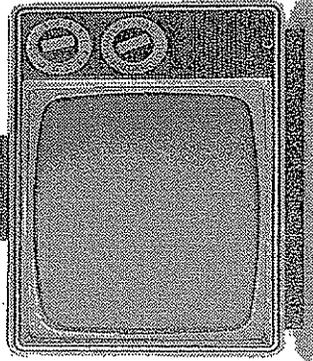
Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner

RECEIVED  
09 DEC 16 PM 2:38  
MARI COUNTY  
COMMISSIONERS  
INDY, OHIO

**Sell the TV**  
**from your**  
**bedroom closet.**



**TV FOR SALE.** Excellent deal on a pre-owned television. Rabbit ears included. Watch old movies in the original black and white

**Classifieds**  
*that work*

# LEGAL NOTICE DIRECTORY

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of Teeters Real Estate Investments, LLC, said petition asking for the annexation of 119.165 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 1:50PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Contact:  
 Chris Schmielesing  
 (937) 778-2049

12-12-2009  
 1311774

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of the City of Piqua, Ohio, said petition asking for the annexation of 5.00 acres more or less, and 2.932 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of the Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 2:00PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Contact:  
 Chris Schmielesing  
 (937) 778-2049

12-12-2009  
 1311774

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of Teeters Real Estate Investments, LLC, Fifth Third Bank of Western Ohio, N.A., Trustee, Elizabeth Stahl, Trustee, and Pamela A. Purk, said petition asking for the annexation of 335.528 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of the Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 1:55PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Contact:  
 Chris Schmielesing  
 (937) 778-2049

12-12-2009  
 1311772

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of Teeters Real Estate Investments, LLC, said petition asking for the annexation of 109.493 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of the Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 1:45PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

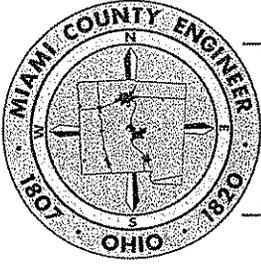
Contact:  
 Chris Schmielesing  
 (937) 778-2049

12-12-2009  
 1311772

**AGENDA**  
**PIQUA CITY COMMISSION**  
**MONDAY DECEMBER 7, 2009**  
**7:30 P.M.**  
**201 WEST WATER STREET**  
**PIQUA, OHIO 45356**

**REGULAR CITY COMMISSION MEETING**

1. **APPROVAL OF MINUTES (Approved)**  
 Approval of the minutes from the October 26, 2009 Piqua City Commission Worksession and the November 16, 2009 Regular City Commission Meeting.
2. **ORD. NO. 20-09 1st Reading 12-7-09**  
 An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employee
3. **ORD. NO. 21-09 1st Reading 12-7-09**  
 An Ordinance repealing existing Chapter 33 and enacting a New Chapter 33 of the Piqua Code, relating to Employee Policy
4. **ORD. NO. 22-09 1st Reading 12-7-09**  
 An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2010
5. **RES. NO. R-107-09 (Adopted)**  
 A Resolution establishing a City Commission 2010 calendar of meetings
6. **RES. NO. R-108-09 (Adopted)**  
 A Resolution amending the total payment to Pohlka Inc. for the removal and disposal of lime residual from the Lime Lagoon at the Water Plant
7. **RES. NO. R-109-09 (Adopted)**  
 A Resolution authorizing the City Manager to contract with the Miami County Public Defender Commission
8. **RES. NO. R-110-09 (Adopted)**  
 A Resolution authorizing the City Manager to apply for membership to American Municipal Power Inc.
9. **RES. NO. R-111-09 (Adopted)**  
 A Resolution authorizing the City Purchasing Agent to purchase #2 fuel oil on the open and spot market
10. **RES. NO. R-112-09 (Adopted)**  
 A Resolution retaining the services of Cooperative Response Center, Inc. to provide professional customer call answering and dispatch services for the City
11. **RES. NO. R-113-09 (Adopted)**  
 A Resolution retaining the services of Sawvel and Associates to provide professional consulting and engineering services for the City
12. **RES. NO. R-114-09 (Adopted)**  
 To approve the form and authorize the execution of power sales contracts with American Municipal Power, Inc. and taking other actions in connection therewith retaining Malsbath and Greenstein Hurter



# MIAMI COUNTY MAP DEPARTMENT

201 West Main Street  
Troy, OH 45373

937-440-6025  
Fax 937-440-6026

December 22, 2009

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

Re: Proposed annexation of 5.000 acres (+/-) and 2.932 acres (+/-), Section 29, Town 1, Range 11, Spring Creek Township, to the City of Piqua.

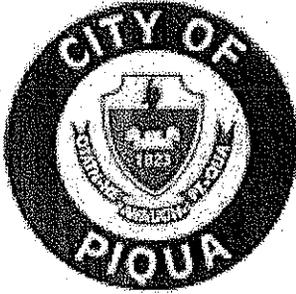
Dear Commissioners:

Pursuant to Ohio Revised Code section 709.031(A), 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

MIAMI COUNTY  
COMMISSIONERS  
TROY, OHIO  
09 DEC 22 AM 9:53  
RECEIVED



**DEVELOPMENT OFFICE**

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

Date: December 22, 2009  
To: Clerk of Board of County Commissioners  
Re: Petition to Annex 5.000 Acres – Parcel 1 and 2.932 Acres – Parcel 2 owned by City of Piqua

**STATEMENT OF MUNICIPAL SERVICES**

Transmittal Items			
Item No.	Description	No. Pages	No. Copies
1	Copy of Statement of Municipal Services Resolution Concerning Subject Annexation Petition.	4	1

Attached please find the above referenced documents.

Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner

MAHMI COUNTY  
COMMISSIONERS  
THOY, OHIO

09 DEC 23 PM 1:20

RECORDED

RESOLUTION NO. R-119-09

**A RESOLUTION OF INTENT TO PROVIDE SERVICES TO CERTAIN TERRITORY PROPOSED FOR ANNEXATION**

WHEREAS, the owner of a 5.000 acre parcel of land and a 2.932 acre parcel of land located at the city of Piqua wastewater treatment plant in Springcreek Township has filed a petition for annexation of said real estate in the City, further described as set for in Exhibit "A" attached hereto; and

WHEREAS, the Clerk of this Commission has received notice of said filing from the petitioner's agent on November 18, 2009 and

WHEREAS, Ohio Revised Code Section 709.03 requires this Commission to pass a resolution adopting a statement indicating what services, if any, the City will provide to the territory proposed for annexation upon annexation;

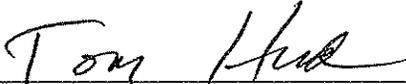
NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The City of Piqua will provide, upon annexation, access to the following services to the 5.000 acre parcel of land and a 2.932 acre parcel of land located at the city of Piqua wastewater treatment plant in Springcreek Township, which has been proposed for annexation:

- Police
- Fire
- Emergency Medical
- Electric Power
- All other services normally provided to City of Piqua residents

SEC. 2: Upon annexation, the City of Piqua will provide the petitioner with access to connect to the nearest available water distribution main as well as the nearest available sanitary and storm sewer collection mains.

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

  
THOMAS D. HUDSON, MAYOR

PASSED: December 21 2009  
ATTEST: Rebecca J. Cool  
REBECCA J. COOL  
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-119-09 is a true, accurate and correct copy of Resolution R-119-09 passed by the Commission of the City of Piqua, Ohio, on the 21 day of December, 2009

  
CLERK OF COMMISSION

**EXHIBIT "A"**

**ANNEXATION OF 5.000 ACRES TO THE CITY OF PIQUA  
PARCEL 1**

BEING 5.000 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 584 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the northeast property corner of Inlot 7875;

thence, South  $31^{\circ}-01'-00''$  East, 24.47 feet, along the east property line of Inlot 7875 to an iron pin found at the northwest property corner of said 5.000-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, North  $87^{\circ}-13'-27''$  East, 506.04 feet, along the north property line of said 5.000-acre tract to an iron pin found;

thence, South  $03^{\circ}-09'-05''$  East, 811.61 feet, along the east property line of said 5.000-acre tract to an iron pin found and being on the east property line of Inlot 7877;

thence, North  $41^{\circ}-11'-20''$  West, 223.42 feet, along the northeast property line of Inlot 7877 to an iron pin found at the southeast property corner of Inlot 7875;

thence, North  $33^{\circ}-19'-02''$  West, 672.65 feet, along the northeast property line of Inlot 7875 to an iron pin found;

thence, North  $31^{\circ}-01'-00''$  West, 64.93 feet, along the northeast property line of Inlot 7875 to the principal place of beginning.

Containing 5.000 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 52.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated January 8, 2009.

**ANNEXATION OF 2.932 ACRES TO THE CITY OF PIQUA  
PARCEL 2**

BEING 2.932 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 582 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the southeast property corner of Inlot 7877;

thence, South  $81^{\circ}-15'-00''$  West, 15.07 feet, along the south property line of Inlot 7877 to an iron pin found at the northeast property corner of said 2.932-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, South  $03^{\circ}-09'-05''$  East, 351.38 feet, along the east property line of said 2.932-acre tract to point;

thence, South  $81^{\circ}-15'-00''$  West, 383.94 feet, along the south property line of said 2.932-acre tract to point;

thence, North  $03^{\circ}-31'-31''$  East, 152.26 feet, along the west property line of said 2.932-acre tract to point;

thence, North  $01^{\circ}-25'-09''$  East, 204.13 feet, along the west property line of said 2.932-acre tract to point;

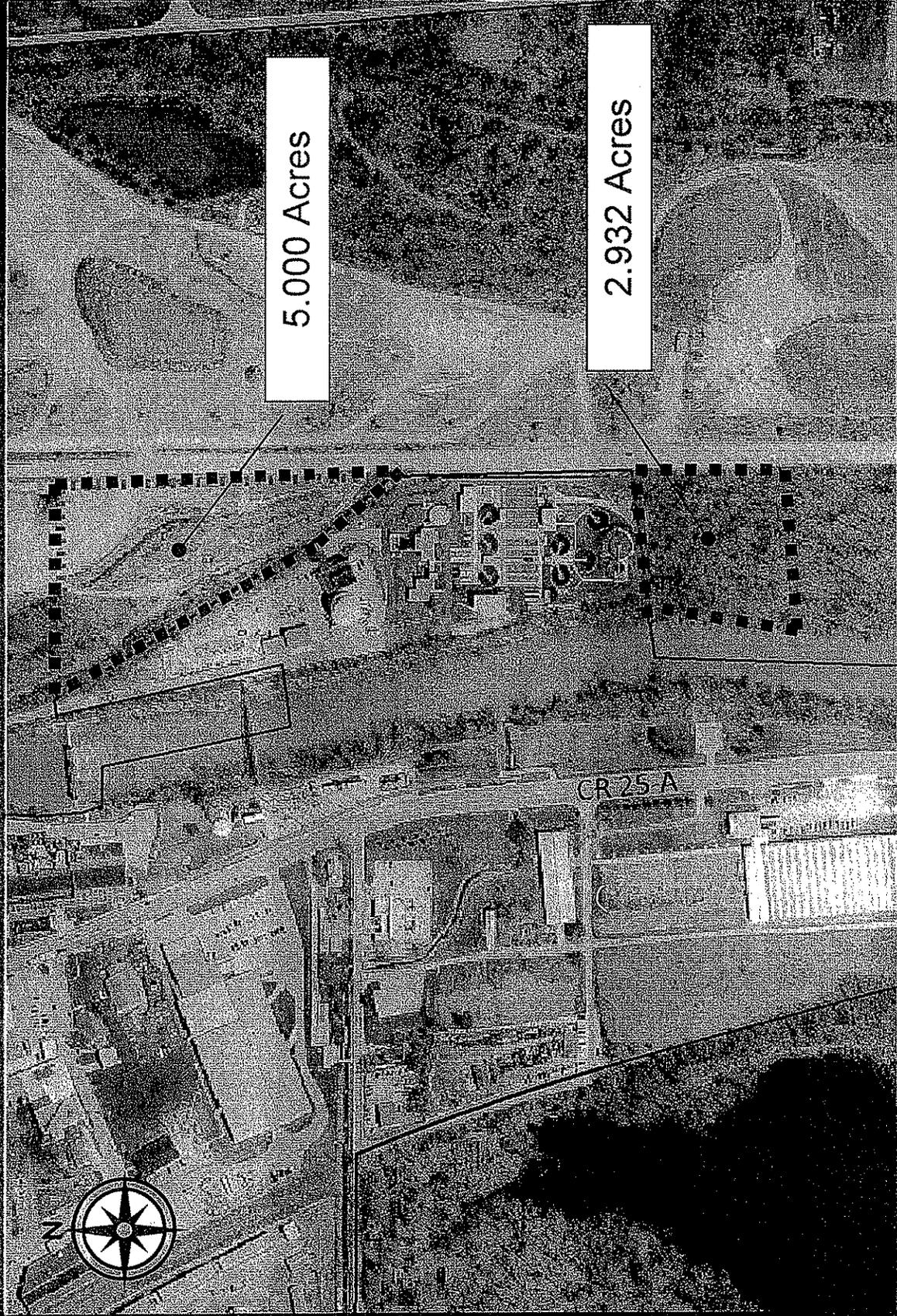
thence, North  $81^{\circ}-15'-00''$  East, 349.81 feet, along the north property line of said 2.932-acre tract to the principal place of beginning.

Containing 2.932 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 80.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated December 17, 2008.

EXHIBIT A



WASTEWATER TREATMENT PLANT ANNEXATION

RESOLUTION NO. 10-01-85

HEARING HELD

HEARING ADJOURNED

ANNEXATION TO CITY OF PIQUA, OHIO  
OF 5.000 ACRES AND 2.932 ACRES MORE OR LESS  
IN SPRING CREEK TOWNSHIP

Mr. Widener introduced the following resolution and moved for its adoption:

WHEREAS, pursuant to action taken on November 12, 2009, by Resolution No. 09-11-1666, a public hearing was held in the Commissioners' Hearing Room, Safety Building, Troy, Ohio on the 21<sup>st</sup> day of January 2010 at 2:00 p.m. on the petition filed on behalf of the City of Piqua, Ohio (Chris Schmiesing, City of Piqua, Agent), requesting that certain territory located in Section 29, Town 1, Range 11 in Spring Creek Township, Miami County, Ohio containing 5.000 acres and 2.932 acres be annexed to the City of Piqua, Ohio; and

WHEREAS, the Agent for the Petitioner filed with the Board of County Commissioners a proof of services of notice on the township and municipality, as well as on the owners of the properties within or adjacent or across the road from the annexation territory; and

WHEREAS, the Agent for the Petitioner filed with the Board of County Commissioners proof of publication prior to the public hearing; and

WHEREAS, the County Engineer filed a report with the Board of County Commissioners on the accuracy of the legal description of the perimeter and the map; and

WHEREAS, the Agent for the Petitioner filed with the Board of County Commissioners a statement of municipal services resolution passed by the City of Piqua Commission, concerning the certain territory proposed for annexation; and

WHEREAS, there were no affidavits filed with this Board of County Commissioners, nor was there a request for a court reporter for said hearing; and

WHEREAS, all interested persons appearing at such hearing were given an opportunity to express their opinions either for or against the granting of the petition.

NOW, THEREFORE BE IT RESOLVED, by the Board of Miami County Commissioners, to adjourn the hearing at 5:30 p.m., with a decision to be made on said annexation petition within thirty (30) days.

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

Mr. Evans, Yea;

Mr. O'Brien, Yea;

Mr. Widener, Yea.

DATED: January 21, 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 21, 2010.

Leigh M. Williams  
Leigh M. Williams, Clerk

RESOLUTION NO. 10-02-210

ANNEXATION TO THE CITY OF PIQUA, OHIO  
OF 5.000 ACRES MORE OR LESS AND 2.932 ACRES MORE OR LESS  
FROM SPRINGCREEK TOWNSHIP

PETITION GRANTED

Mr. Widener introduced the following resolution and moved for its adoption:

WHEREAS, pursuant to action taken by the Board of Miami County Commissioners on the date of November 12, 2009, Resolution No. 09-11-1666, a public hearing was held in the Commissioners' Hearing Room, Safety Building, Ohio on January 21, 2010 (Resolution No. 10-01-85) on a petition filed by Chris Schmiesing, Agent (City Planner, City of Piqua, Ohio), on behalf of the City of Piqua, Ohio, requesting that certain territory located in Section 29, Town 1, Range 11 in Springcreek Township, Miami County, Ohio containing 5.000 acres, more or less, and 2.932 acres, more or less, be annexed to the City of Piqua, Ohio, pursuant to 709.02 O.R.C.; and

WHEREAS, the Board of Miami County Commissioners adjourned the hearing and deferred their decision until February 16, 2010, so that they could consider all the proceedings and documentation.

Now, therefore be it

RESOLVED, by the Board of Miami County Commissioners, that based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, that it is the finding and determination of said Board that each of the following conditions set forth in Section 709.033 of the Ohio Revised Code has been met:

(1) The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.02 of the Revised Code;

(2) The persons who signed the petition are owners of real estate located in the territory proposed to be annexed in the petition, and, as of the time the petition was filed with the board of county commissioners, the number of valid signatures on the petition constituted a majority of the owners of real estate in that territory;

(3) The municipal corporation to which the territory is proposed to be annexed has complied with division (D) of section 709.03 of the Revised Code;

(4) The territory proposed to be annexed is not unreasonably large;

(5) On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted. As used in division (A)(5) of this section, "surrounding area" means the territory within the unincorporated area of any township located one-half mile or less from any of the territory proposed to be annexed;

(6) No street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of this division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

Now, therefore be it

RESOLVED, that the Board of Commissioners of Miami County, Ohio, specifically finds and determines that all of the said territory which has been proposed for annexation to the City of Piqua, Miami County, Ohio, is owned by the City of Piqua, and, therefore, that said territory is and would have been the proper subject of annexation by petition of the City of Piqua under the terms and provisions of Section 709.16 of the Ohio Revised Code; and

Further be it

RESOLVED, by the Board of Commissioners of Miami County, Ohio, that, for the reasons set forth hereinabove the petition for annexation is hereby approved.

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

Mr. Widener, Yea;

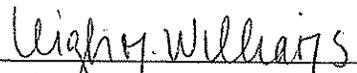
Mr. Evans, Yea;

Mr. O'Brien, Yea.

DATED: February 16, 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 February 16, 2010.

  
Leigh M. Williams, Clerk

RESOLUTION NO. 10-02-232

**SIGNATURES ONLY**

**CERTIFICATION/MYLAR:**

**DEPT:** Commissioners

**NAME:** Certification/Mylar – Annexation of 5.000 acres and 2.932 acres +/-  
from Springcreek Township to the City of Piqua, Ohio

Copy of Certification on file in the Commissioners Office.

Mr. Evans moved and Mr. O'Brien seconded the motion to authorize and sign the  
Signatures Only.

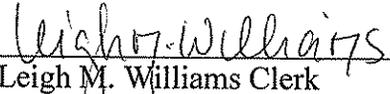
The Board of Miami County Commissioners voted as follows upon roll call:

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

DATED: February 18, 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 February 18, 2010.

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

ORDINANCE NO. 12-10

AN ORDINANCE AMENDING SECTION 50.07  
OF THE PIQUA CODE, RELATING  
TO REFUSE COLLECTION

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: Section 50.07 of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined):

§ 50.07 GARBAGE COLLECTION RATES; PERMITS.

(A) (1) The collection of garbage and refuse from houses, buildings, and premises for residential purposes shall be in the amount of \$12.99 for 2007 \$14.16 for 2008 \$15.30 for 2009 per month for cans or bags not to exceed 27 gallons, or any other containers approved by the Sanitation Department. There shall be an additional monthly charge of \$2.66 for 2007 \$2.90 for 2008 \$3.13 for 2009 for recycling costs incurred by the city. The current fees shall remain in effect until changed. No more than six bags or cans of refuse and six cans or bags of leaves or grass will be collected per week without additional charges. ~~An annual fee of \$3.00 will be charged to help support Spring Cleanup.~~ No householder within the city limits shall be exempt from the provisions of this section without obtaining a special waiver pursuant to (B) below.

(2) The term *HOUSEHOLDER* shall mean the head of a family or one maintaining his or her separate living room or quarters on the premises, and shall include owners, tenants, and occupants of all premises.

(B) Special waivers of compliance with (A) above may be granted at the utility collection office to the following. Special waivers may be subject to revocation without notice.

(1) Owners of buildings containing four or more apartment units, and who have in force a contract with a commercial hauler to collect garbage and refuse from the apartment units.

(2) Commercial or business accounts who have in force a contract with a commercial hauler to collect garbage and refuse from the commercial or business establishments.

(3) Participants in the Senior Discount Program. The Senior Discount Program shall be for householders who reside in the city and who are ~~60~~ 62 years of age and older or disabled, or who have other hardship reasons approved by the Sanitation Department and also meet income guidelines as established by the Utility Billing Office. The rate for the program shall be 50% of the standard refuse rate as established in Section A plus a

recycling rate which shall be 30% of the standard recycling rate as established in Section A. These persons may purchase city bags at \$3.03 for 2007 \$3.30 for 2008 \$3.56 for 2009 each from the utility office for regular pickup of refuse by the Sanitation Department. There will be a \$0.86 for 2007 \$0.94 for 2008 \$1.02 for 2009 per month charge for recycling purposes for those persons purchasing bags. Participation in this program requires a minimum purchase of 12 bags per year to remain on the program.

(4) Owners of single-family residences which remain unoccupied during vacations for a minimum of two months subject to appropriate receipt of notice and approval by the utility office.

(C) The collection of garbage and refuse from commercial establishments shall be on the basis of the amount of refuse and garbage collection as follows.

(1) For each container or part thereof not exceeding 27 gallons or 75 pounds, whichever is greater, the charge shall be \$3.17 for 2007 \$3.46 for 2008 \$3.74 for 2009 per container, to be billed monthly at a minimum monthly charge of \$14.63 for 2007 \$15.95 for 2008 \$17.23 for 2009.

(2) A record of the number of containers shall be maintained by garbage and refuse collectors. Garbage and refuse must be placed in containers to comply with the specifications for garbage and refuse containers herein.

(3) Collection of fees shall be made by the Utilities Department as a separate item on each utility bill. The fees shall be assessed against the person or firm in whose name the utility bill is listed.

(D) Rubbish as defined in § [50.01](#) and discarded appliances shall only be collected when placed at normal trash collection points at specific times during the year as designated by the Utilities Department. Discarded appliances, furniture, and other large items not suitable for regular trash collections will be collected on a call-in basis at times designated by the Sanitation Department.

(E) Garbage and refuse may be collected at locations outside the city limits when feasible, at a rate of 150% of the rates listed in divisions (A) and (C) above, except that recycling costs shall be uniform inside and outside the city limits.

(F) A delayed payment charge of 5% of each month's fee shall be added to the month's billing if not paid within the net payable date of the monthly statement.

(G) Commercial haulers operating within the city limits shall purchase a permit from the Health Department at an annual fee of \$10. All vehicles owned and operated by commercial haulers shall be made available to the Health Department for inspection at such times as the Department shall determine. No commercial hauler shall fail to comply with all applicable rules, regulations, or ordinances of the city.

SEC. 2: Section 50.07 of the Piqua Code as previously enacted and amended is hereby repealed.

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



## CITY COMMISSION MEETING REPORT

For the Regular Meeting of May 4, 2010

TO: Fred Enderle, City Manager  
FROM: Amy Welker, Health & Sanitation Director  
SUBJECT: Refuse Rate Structure – Senior Discount

---

### **PURPOSE:**

To modify Piqua Charter Section 50.07 “Garbage Collection Rates; Permits” to eliminate the senior bag program and replace it with a senior discount program similar to the other utilities program.

### **RECOMMENDATION:**

Adopt the Ordinance to modify the refuse rate structure for seniors.

### **BACKGROUND:**

Currently, the city offers discounts to senior citizens in the community for utilities. Two programs are in place at this time. The Senior Discount Program is open to those residents 62 years of age or older or residents who are disabled. The resident must also meet income guidelines. Eligible customers then receive a 5% discount on the electric, water, and sewer portion of their monthly utility bill. A second benefit to this program is that no late fees are charged if the bill is paid after the due date. There are currently 271 customers on the program.

The second discount program is the Senior Refuse Bag Program. This program is open to customers who are 60 years of age and older or disabled. The program is designed to offer a discount to seniors that produce a limited amount of refuse each month. The participants are required to purchase City Refuse Bags to dispose of all garbage and yard waste. Participants must purchase a minimum of 12 bags per year. Participants also pay a reduced recycling charge but do not pay a monthly refuse fee. There are currently 289 customers on the program.

Staff has analyzed the current Senior Bag Program and found that it is difficult to manage and monitor. Many customers on the program fail to purchase the required bags and / or use regular store bought refuse bags, thus they are receiving refuse pick-up for free. The cost to monitor the program properly by routinely checking what each customer is putting out would not be an efficient or effective use of staff time. A more cost effective solution is presented in this ordinance.

The goal of this ordinance is to still offer a substantial discount for senior customers who need the help, but at the same time efficiently cover the cost of providing refuse pick up to all



customers. The design of the new program would mirror the current senior discount program offered by the other utilities. The eligibility would be age 62 or older or disabled and must meet the income guidelines. Eligible customers would then receive a 50% reduction in the refuse charge and also would pay no late fees if the bill were paid after the due date. Customers would also receive a 70% reduction in recycling fees. Customers would also not be limited on their pick-up meaning they can set out yard waste, bulk items, and more refuse as needed.

### **ALTERNATIVES:**

The goal in altering the current rate system is to bring the refuse senior discount program in line with the other utilities senior program and to efficiently and effectively offer a senior discount for refuse service. Alternatives to the program presented include:

1. Do nothing and keep the senior bag program in place.
2. Modify the current bag program in another way. Modifications could include increasing the number of bags required for purchase each year, altering the amount charged for recycling or adding a smaller per month fee while also requiring the city bags to be used.
3. Modify the new program presented. Modifications could include altering the percentage discount or the eligibility guidelines.

### **DISCUSSION:**

The senior bag program is a good idea in theory, but has proven to be very cumbersome to manage and monitor. The program is also somewhat inconvenient for the customer who must travel to the Utility Billing Office to purchase bags. The goal of this program could be accomplished in a more efficient and practical way that would also correlate with the other utility discount programs.

Making modifications to the existing program would not solve the main problem which is monitoring the correct use of the bags. Customers can purchase the required number of bags per year, but still not be in compliance because they use store bought refuse bags or they set out yard waste or bulk items.

The program presented is designed based on the average use of the current bag system. The 50% discount was chosen to most closely match what customers are currently paying on average.

The current standard refuse rate is \$15.30 plus \$3.13 recycling for a total of \$18.43 per month.

See chart below for examples of the current bag system pricing versus the proposed discount program:



### BAG PROGRAM

# Bags purchased / month	Refuse cost (bags)	Recycling (68% discount)	Total Cost / month
1	\$3.56	\$1.02	\$4.58
2	\$7.12	\$1.02	\$8.14
3	\$10.68	\$1.02	\$11.70
4	\$14.24	\$1.02	\$15.26

### DISCOUNT PROGRAM

Discount	Refuse cost with discount	Recycling (70% discount)	Total Cost / month
30 %	\$10.71	\$0.94	\$11.65
40 %	\$9.18	\$0.94	\$10.12
<b>50 %</b>	<b>\$7.65</b>	\$0.94	<b>\$8.59</b>
60 %	\$6.12	\$0.94	\$7.06
70 %	\$4.59	\$0.94	\$ 5.53

It would be our recommendation to also “Grandfather” all current customers into the program whether they meet the new eligibility guidelines or not. The new guidelines would be in effect for any new customers to the program.

#### FINANCIAL IMPACT:

The senior bag program generated \$12,647 in revenue in 2009. If all 289 customers purchased the minimum required bags, then the revenue should equal \$15,883 per year. Contributing factors to the discrepancy in revenue are that some customers were not on the program for the full year and some customers failed to purchase the minimum number of bags.

Keep in mind that we know by offering a substantial discount to one customer group; it is very likely that the other customers will have to make up the difference. Offering a discount to seniors will help to cover the cost to dispose of their solid waste, but in all likelihood will not cover the full cost. It is evident that the current system equates to a significant revenue loss due to the lack of monitoring.

It has been determined that the cost to offer our refuse and recycling service to customers equates to \$18.43 per month per customer (our current rate). The recommended discount program would generate approximately \$30,000 per year from the senior discount customers. If those customers were not offered this discount and were required to pay the current rate, then the revenue generated would equal \$60,000 per year.

Some seniors may experience a higher monthly fee while others will experience a reduction. This program is intended to be fair and equitable for all seniors eligible for the program, while still contributing to the revenue needed to provide the service of waste collection.

**COMMUNITY IMPACT:** This program will benefit the community by offering a fair and equitable senior discount program that is convenient to the customer.

**CONFORMITY TO CITY PLANS & POLICIES:** This recommendation is consistent with the city goal to be fiscally responsible and to provide quality services to our citizens.



**ORDINANCE NO. 13-10**

**AN ORDINANCE ENACTING AND ADOPTING A  
SUPPLEMENT TO THE CODE OF ORDINANCES  
FOR THE CITY OF PIQUA**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2009 supplement to the Code of Ordinances of the City of Piqua, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this City of Piqua; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the Ohio Code; and

WHEREAS, it is the intent of the Piqua City Commission to accept these updated sections in accordance with the changes of the law of the State of Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the City of Piqua and for the immediate preservation of the public peace, health, safety and general welfare of the City of Piqua that this ordinance take effect at an early date.

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: That the 2009 supplement to the Code of Ordinances of the City of Piqua as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, is hereby adopted by reference as if set out in its entirety.

SEC. 2: Such supplement shall be deemed published as of the day of its adoption and approval by the Piqua City Commission and the Clerk of Commission is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk of Commission.

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

**ORDINANCE NO. 14-10**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO ASSIGN A ZONING DESIGNATION OF I-2 (HEAVY INDUSTRY) TO +/- 5.000 ACRE AND +/- 2.932 ACRE PARCELS BEING ANNEXED FROM SPRINGCREEK TOWNSHIP INTO THE CITY OF PIQUA CORPORATION LIMITS**

WHEREAS, the Planning Commission has studied the proposal and Section 154.141 of the Piqua Code of Ordinances has been complied with in all respects; and

WHEREAS, the Planning Commission has recommended a zoning designation of I-2 (Heavy Industry) be assigned to the subject parcels (as shown on exhibit A) upon the annexation of the parcels into the City of Piqua corporation limits; and

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

SEC. 1: The assignment of a zoning designation of I-2 (Heavy Industry) to the subject parcels (as shown on exhibit A) is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to assign a zoning designation of I-2 (Heavy Industry) to the subject parcels (as shown on exhibit A) 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



**CITY COMMISSION MEETING REPORT**

*For the Regular Meeting of May 4, 2010*

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Zoning of +/-5.000 acre and +/-2.932 acre parcels being annexed from Springcreek Township into the city of Piqua corporation limits.

**PURPOSE:**

Approve an Ordinance to amend the zoning map to complete the process of designating the I-2 (Heavy Industry) zoning for the subject tracts.

**RECOMMENDATION:**

Approve the Ordinance to amend the zoning map and designate the I-2 (Heavy Industry) zoning of the subject parcels.

**BACKGROUND:**

In 2007 the City of Piqua purchased two parcels from Piqua Materials to accommodate future expansion needs at the Wastewater Treatment Plant (WWTP). The 5.000 acre parcel is situated to the northeast of the WWTP and is where the recently constructed equalization basin is located. The second tract is situated immediately to the south of the existing WWTP improvements and remains undeveloped. The recommendation of the Planning Commission was that this parcel be annexed with the city zoning that is the same or the most similar as the I-2 zoning designation this property carried when it was located in the county. This is also the current zoning designation of the surrounding parcels currently located within the city.

**ALTERNATIVES:**

- 1) Approve Ordinance to authorize an amendment to the official zoning map to designate the zoning of the subject property I-2 (Heavy Industry).
- 2) Defeat the Ordinance to deny the I-2 (Heavy Industry) zoning of this parcel and refer the request back to the Planning Commission for further study.

**DISCUSSION:**

The Planning Commission previously studied this request and recommended the proposed I-2 (Heavy Industry) zoning. By approving this ordinance the City Commission will have completed the zoning designation process required as a result of the annexation of this parcel. I am not aware of any objections having been voiced concerning the proposed zoning of these parcels.

**FINANCIAL IMPACT:**

The net fiscal effect of the zoning designation will be nil.

**COMMUNITY IMPACT:**

The approval of the zoning designation will simply complete the necessary step of assigning a zoning designation to the annexed parcels and will align the zoning with the established use of the parcels..

**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.



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 5.000 AND 2.932 ACRES MORE OR LESS  
FROM SPRINGCREEK TOWNSHIP

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

### PETITION

Legal Descriptions  
Parcels Included in Annexation Petition  
Parcels Adjacent to Land to be Annexed  
Map

RESOLUTION ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION/SETTING HEARING  
(Resolution No. 09-11-1666)

PROOF OF SERVICE/AFFIDAVIT OF NOTICE ON THE TOWNSHIP AND MUNICIPALITY

PROOF OF SERVICE/AFFIDAVIT OF NOTICE ON THE PROPERTY OWNERS

PROOF OF PUBLICATION OF NOTICE IN NEWSPAPER

ENGINEER'S LETTER

STATEMENT OF MUNICIPAL SERVICES  
(City of Piqua Resolution No. R-119-09)

RESOLUTION ACKNOWLEDGING THAT THE HEARING WAS HELD AND WAS ADJOURNED  
(Resolution No. 10-01-85)

RESOLUTION APPROVING ANNEXATION  
(Resolution No. 10-02-210)

RESOLUTION SIGNING CERTIFICATION AND MYLAR  
(Resolution No. 10-02-232)

**RECEIVED**

FEB 22 2010

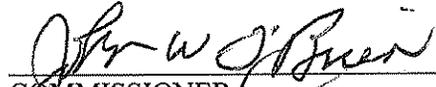
CITY OF PIQUA  
DEVELOPMENT OFFICE



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

MIAMI COUNTY COMMISSIONERS:

DATED: February 18, 2010

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

Leigh M. Williams, Clerk

PETITION FOR ANNEXATION  
Regular Annexation Procedure

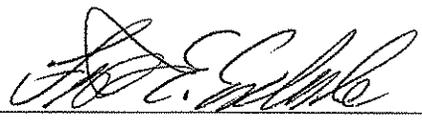
RECEIVED  
09 NOV -6 AM 11:20

We, the undersigned, being 1 of the 1 owners of real estate in the territory hereinafter described (the "Property"), hereby petition for the annexation of the following described territory to the City of Piqua, Miami County, Ohio, pursuant to the process of annexation provided for by R.C. §§ 709.02, 709.03, 709.031, 709.032, and 709.033.

The described territory is contiguous with the City of Piqua, Ohio. Petitioners have attached hereto and make a part of this petition a legal description of the perimeter of the territory sought to be annexed, as required by R.C. 709.02(C)(2)(Exhibit "A").

Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, as required by R.C. 709.02(C)(2) (Exhibit "B").

Chris Schmeising, City of Piqua, 201 W. Water Street, Piqua, Ohio 45356, 937-778-2049, is hereby appointed agent for the undersigned Petitioners as required by R.C. 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase, or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refilling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

  
\_\_\_\_\_  
City of Piqua

10/22/09  
Date

**EXHIBIT "A"**

**ANNEXATION OF 5.000 ACRES TO THE CITY OF PIQUA  
PARCEL 1**

BEING 5.000 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 584 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the northeast property corner of Inlot 7875;

thence, South  $31^{\circ}-01'-00''$  East, 24.47 feet, along the east property line of Inlot 7875 to an iron pin found at the northwest property corner of said 5.000-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, North  $87^{\circ}-13'-27''$  East, 506.04 feet, along the north property line of said 5.000-acre tract to an iron pin found;

thence, South  $03^{\circ}-09'-05''$  East, 811.61 feet, along the east property line of said 5.000-acre tract to an iron pin found and being on the east property line of Inlot 7877;

thence, North  $41^{\circ}-11'-20''$  West, 223.42 feet, along the northeast property line of Inlot 7877 to an iron pin found at the southeast property corner of Inlot 7875;

thence, North  $33^{\circ}-19'-02''$  West, 672.65 feet, along the northeast property line of Inlot 7875 to an iron pin found;

thence, North  $31^{\circ}-01'-00''$  West, 64.93 feet, along the northeast property line of Inlot 7875 to the principal place of beginning.

Containing 5.000 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 52.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated January 8, 2009.

**ANNEXATION OF 2.932 ACRES TO THE CITY OF PIQUA  
PARCEL 2**

BEING 2.932 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 582 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the southeast property corner of Inlot 7877;

thence, South 81°-15'-00" West, 15.07 feet, along the south property line of Inlot 7877 to an iron pin found at the northeast property corner of said 2.932-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, South 03°-09'-05" East, 351.38 feet, along the east property line of said 2.932-acre tract to point;

thence, South 81°-15'-00" West, 383.94 feet, along the south property line of said 2.932-acre tract to point;

thence, North 03°-31'-31" East, 152.26 feet, along the west property line of said 2.932-acre tract to point;

thence, North 01°-25'-09" East, 204.13 feet, along the west property line of said 2.932-acre tract to point;

thence, North 81°-15'-00" East, 349.81 feet, along the north property line of said 2.932-acre tract to the principal place of beginning.

Containing 2.932 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 80.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated December 17, 2008.

**EXHIBIT "C"**

**PARCELS INCLUDED IN ANNEXATION PETITION**

Owner	Address	Acreage	Parcel No.
1-City of Piqua	201 W. Water Street Piqua, Ohio 45356	5.000	J27000910
2-City of Piqua	201 W. Water Street Piqua, Ohio 45356	2.932	J27000930

**EXHIBIT "D"**

**PARCELS ADJACENT TO LAND TO BE ANNEXED**

Owner	Address	Acreage	Parcel No.
Piqua Materials, Inc.	11641 Mosteller Rd. Cincinnati, OH 45241	134.917	J27000910
City of Piqua	201 W. Water Street Piqua, Ohio 45356	1.807	N44250096
City of Piqua	201 W. Water Street Piqua, Ohio 45356	7.550	N44250098

# ANNEXATION OF TERRITORY TO THE CITY OF PIQUA

7.932 ACRES  
 FRAC. 29 SECTION 11 TOWNSHIP 1 RANGE 11  
 SPRING CREEK TOWNSHIP MIAMI, OHIO COUNTY

## APPROVAL BY MIAMI COUNTY ENGINEER

THIS PLAT WAS REVIEWED AND APPROVED  
 THIS \_\_\_ DAY OF \_\_\_, 20\_\_

MIAMI COUNTY ENGINEER \_\_\_\_\_

## APPROVAL BY MIAMI COUNTY COMMISSIONERS

THE ANNEXATION OF THIS AREA WAS APPROVED THIS \_\_\_ DAY  
 OF \_\_\_, 20\_\_ BY RESOLUTION NO. \_\_\_\_\_

MIAMI COUNTY COMMISSIONER \_\_\_\_\_  
 MIAMI COUNTY COMMISSIONER \_\_\_\_\_  
 MIAMI COUNTY COMMISSIONER \_\_\_\_\_

## THE CITY COMMISSION OF THE CITY OF PIQUA

AT A MEETING OF THE CITY COMMISSION OF THE CITY OF PIQUA HELD THIS  
 DAY OF \_\_\_, 20\_\_, THE ANNEXATION  
 OF THE TERRITORY SHOWN HEREON TO THE CITY OF PIQUA  
 WAS APPROVED AND ACCEPTED BY ORDINANCE NO. \_\_\_\_\_

CLERK \_\_\_\_\_  
 MAYOR \_\_\_\_\_

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 MIAMI COUNTY RECORDER'S RECORD  
 OF PLATS  
 RECEIVED FOR RECORD THIS \_\_\_ DAY  
 OF \_\_\_, 20\_\_ AT \_\_\_ M.  
 FILE NO. \_\_\_\_\_ FEE: \$ \_\_\_\_\_

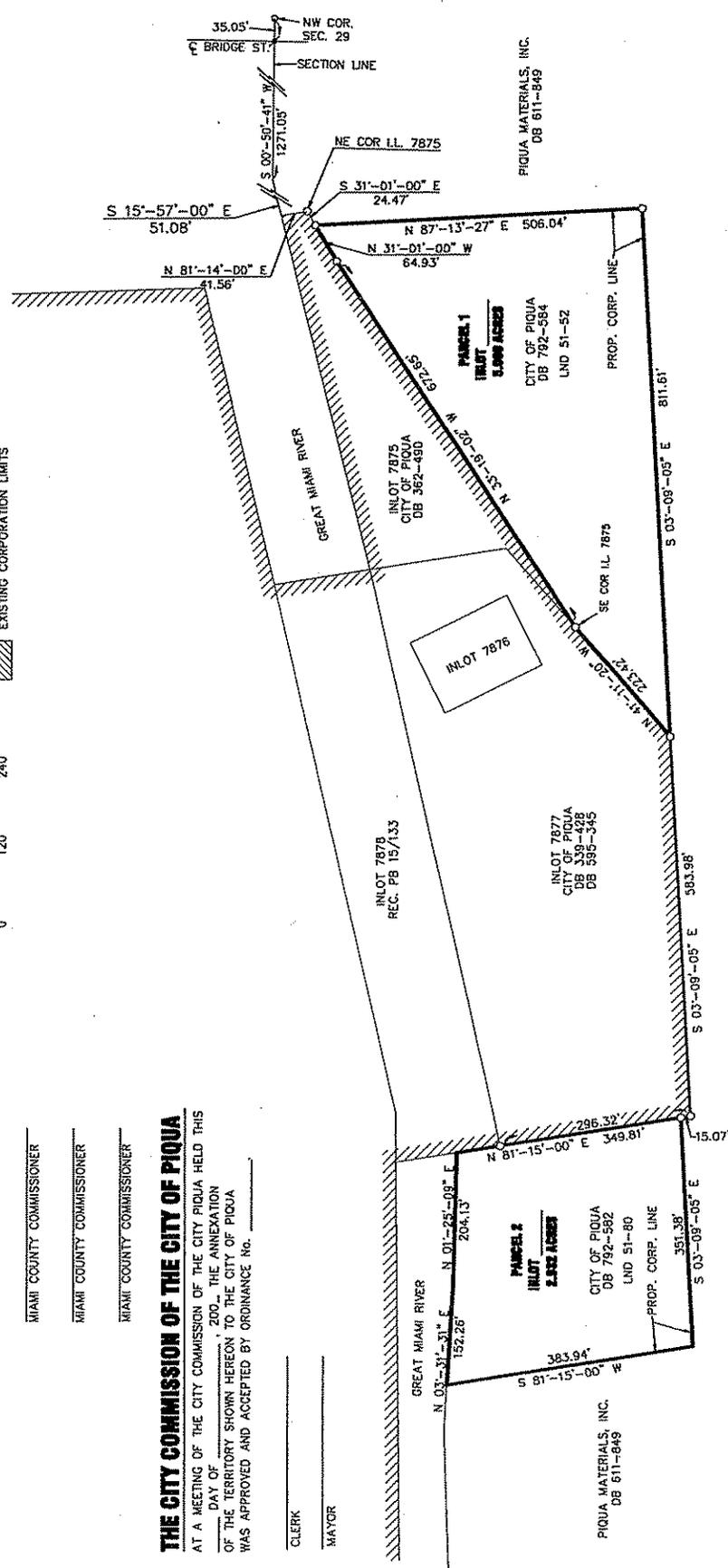
JOHN ALEXANDER, MIAMI COUNTY RECORDER  
 DEPUTY

TRANSFERRED THIS \_\_\_ DAY OF \_\_\_, 20\_\_  
 BY: \_\_\_\_\_ DEPUTY AUDITOR  
 CHRIS A. PEEPLES  
 MIAMI COUNTY AUDITOR

**LEGEND**

- IRON PIN FOUND
- ⌘ P.K. NAIL FOUND
- ⊗ RAILROAD SPIKE FOUND
- ⊕ CONCRETE POST FOUND
- ▨ EXISTING CORPORATION LIMITS

THE BEARINGS ARE BASED ON MIAMI  
 COUNTY ENGINEER'S RECORD OF LAND  
 SURVEYS VOLUME 51, PLAT 52  
 SCALE: 1"=120'



**DESCRIPTION**  
 BEING THE ANNEXATION OF A 5.000 ACRE TRACT OF LAND OWNED  
 BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE  
 584 AND SHOWN ON LAND SURVEY VOLUME 51, PAGE 52 AND A  
 2.932 ACRE TRACT OF LAND OWNED BY THE CITY OF PIQUA AS  
 DESCRIBED IN DEED BOOK 792, PAGE 582 AND SHOWN ON LAND  
 SURVEY 51, PAGE 80 TO THE CITY OF PIQUA, OHIO.

I HEREBY CERTIFY THAT ALL DIMENSIONS ARE BASED ON EXISTING  
 DEEDS AND SURVEYS OF RECORD.

**PLAT REFERENCE**  
 REC. PLAT 15, PAGE 133  
 LAND SURVEY 37, PAGE 50  
 LAND SURVEY 51, PAGE 52  
 LAND SURVEY 31, PAGE 80

**DEED REFERENCE**  
 DEED BOOK 792, PAGE 582  
 DEED BOOK 792, PAGE 584

**EXHIBIT B**

**ONE CHOICE ENGINEERING**

440 N. HUNTER BLVD., SUITE 2000  
 DAYTON, OHIO 45424  
 (937) 233-8888  
 www.onechoiceeng.com

DATE: 01-08-2009  
 DRAWN BY: WDC  
 JOB NUMBER: MAP0902009R  
 SHEET NUMBER: 1 OF 1

WESLEY D. COUBEUX, P.S. #8254  
 REGISTERED SURVEYOR

WESLEY D. COUBEUX, P.S. #8254  
 DATE \_\_\_\_\_

RESOLUTION NO. 09-11-1666

ACKNOWLEDGE RECEIPT OF ANNEXATION PETITION FOR  
ANNEXATION TO THE CITY OF PIQUA, OHIO OF  
5.000 ACRES MORE OR LESS AND 2.932 ACRES MORE OR LESS/SET HEARING  
IN SPRING CREEK TOWNSHIP

REGULAR ANNEXATION

Mr. Widener introduced the following resolution and moved for its adoption:

WHEREAS, a petition filed by Chris Schmiesing, Agent (City Planner, City of Piqua, Ohio), on behalf of the City of Piqua, Ohio has been presented to the Board of Miami County Commissioners, asking for annexation of 5.000 acres, more or less, and 2.932 acres, more or less, in Spring Creek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C.

Now, therefore it be

RESOLVED, by the Board of Miami County Commissioners, to acknowledge receipt of said Petition for Annexation and enter it upon the journal of the Board.

Further be it

RESOLVED, by the Board of Miami County Commissioners, to set the date and time of Thursday, January 21, 2010 at 2:00 p.m. in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Be it further

RESOLVED, by the Board of Miami County Commissioners, to direct the Clerk of the Board of Miami County Commissioners to notify the Agent for the Petitioner, Chris Schmiesing, 201 W. Water Street, Piqua, Ohio 45356 of the date, time and place of the hearing.

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

Mr. Widener, Yea;

Mr. Evans, Yea;

Mr. O'Brien, Yea.

DATED: November 12, 2009

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the board under the date of November 12, 2009.

Leigh M. Williams  
Leigh M. Williams, Clerk



**DEVELOPMENT OFFICE**

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

Date: November 20, 2009  
To: Clerk of Board of County Commissioners  
Re: Petition to Annex 5.000 Acres – Parcel 1 and 2.932 Acres – Parcel 2 owned by City of Piqua

**PROOF OF SERVICE OF ANNEXATION PETITION**

Transmittal Items			
Item No.	Description	No. Pages	No. Copies
1	Affidavit stating proof of service on Township Trustees and City Commission regarding annexation petition filing and notice of hearing date, time and location.	1	1
2	Affidavit stating proof of service on the owners of the properties within or adjacent or across the road from the annexation territory regarding annexation petition filing and notice of hearing date, time and location.	1	1

Attached please find the above referenced documents.

Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner

OHIO  
COUNTY COMMISSIONERS  
PIQUA COUNTY  
09 NOV 24 PM 4:29  
RECEIVED

**AFFIDAVIT OF SERVICE OF NOTICE**

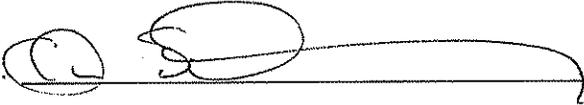
STATE OF OHIO  
COUNTY OF MIAMI

I, Chris Schmiesing the agent for the petitioners of the annexation known as

5.000 Acres – Parcel 1 and 2.932 Acres Parcel 2 owned by the City of Piqua

and, being first duly sworn, deposes and says as follows:

Concerning the subject annexation petition identified above and with reference to ORC section 709.03, the owners of the property or properties situated within the annexation territory and the owners of the property or properties adjacent to the annexation territory have been mailed written notice of the filing of the petition with the clerk of the board of the Miami County Commissioners.

Signature of Agent:  Date: 11-19-09

Sworn and subscribed before me this

19th day of November, 2009

Rebecca J. Cool  
(Notary Public in and for said State)



**REBECCA J. COOL, Notary Public  
In and For the State of Ohio  
My Commission Expires July 12, 2014**

**AFFIDAVIT OF SERVICE OF NOTICE**

STATE OF OHIO  
COUNTY OF MIAMI

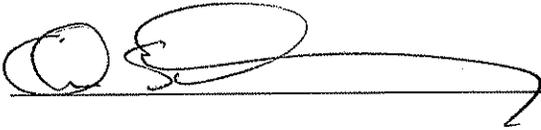
I, Chris Schmiesing the agent for the petitioners of the annexation known as

5.000 Acres – Parcel 1 and 2.932 Acres Parcel 2 owned by the City of Piqua

and, being first duly sworn, deposes and says as follows:

Concerning the subject annexation petition identified above and with reference to ORC section 709.03, the clerk of the Springcreek Township Trustees and the clerk of the Piqua City Commission have been served written notice of the filing of the petition with the clerk of the board of the Miami County Commissioners.

Signature of Agent:



Date: 11-19-09

Sworn and subscribed before me this

19th day of November, 2009

Rebecca J. Cool

(Notary Public in and for said State)



**REBECCA J. COOL, Notary Public**  
In and For the State of Ohio  
My Commission Expires July 12, 2014



**DEVELOPMENT OFFICE**

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

Date: December 15, 2009  
To: Clerk of Board of County Commissioners  
Re: Petition to Annex 5.000 Acres – Parcel 1 and 2.932 Acres – Parcel 2 owned by City of Piqua

**PROOF OF PUBLICATION OF ANNEXATION PETITION**

Transmittal Items			
Item No.	Description	No. Pages	No. Copies
1	Copy of Newspaper Print Concerning Subject Annexation Petition.	1	1

Attached please find the above referenced documents.

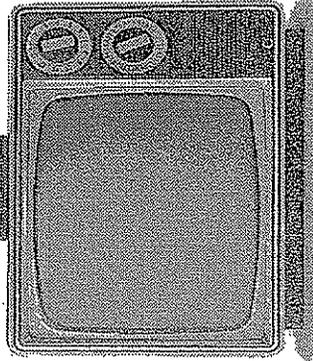
Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner

RECEIVED  
09 DEC 16 PM 2:38  
MARI COUNTY  
COMMISSIONERS  
INDY, OHIO

**Sell the TV**  
**from your**  
**bedroom closet.**



**TV FOR SALE.** Excellent deal on a pre-owned television. Rabbit ears included. Watch old movies in the original black and white

**Classifieds**  
*that work*

# LEGAL NOTICE DIRECTORY

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of Teeters Real Estate Investments, LLC, said petition asking for the annexation of 119.165 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 1:50PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Contact:  
 Chris Schmiesing  
 (937) 778-2049

12-12-2009  
 1311774

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of the City of Piqua, Ohio, said petition asking for the annexation of 5.00 acres more or less, and 2.932 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of the Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 2:00PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Contact:  
 Chris Schmiesing  
 (937) 778-2049

12-12-2009  
 1311774

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of Teeters Real Estate Investments, LLC, Fifth Third Bank of Western Ohio, N.A., Trustee, Elizabeth Stahl, Trustee, and Pamela A. Purk, said petition asking for the annexation of 335.528 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of the Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 1:55PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

Contact:  
 Chris Schmiesing  
 (937) 778-2049

12-12-2009  
 1311772

**LEGAL NOTICE**

Public notice is hereby given concerning the filing of a Petition for Annexation with the Board of Miami County Commissioners on behalf of Teeters Real Estate Investments, LLC, said petition asking for the annexation of 109.493 acres more or less, in Springcreek Township to the City of Piqua, Ohio, pursuant to 709.02 O.R.C. The Board of the Miami County Commissioners has set the date and time of Thursday, January 21, 2010 at 1:45PM in the Commissioners' Hearing Room, Safety Building, 201 W. Main Street, Troy, Ohio, for a hearing on said Petition for Annexation.

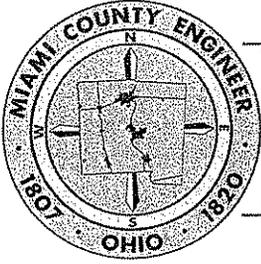
Contact:  
 Chris Schmiesing  
 (937) 778-2049

12-12-2009  
 1311772

**AGENDA**  
**PIQUA CITY COMMISSION**  
**MONDAY DECEMBER 7, 2009**  
**7:30 P.M.**  
**201 WEST WATER STREET**  
**PIQUA, OHIO 45356**

**REGULAR CITY COMMISSION MEETING**

1. **APPROVAL OF MINUTES (Approved)**  
 Approval of the minutes from the October 26, 2009 Piqua City Commission Worksession and the November 16, 2009 Regular City Commission Meeting.
2. **ORD. NO. 20-09 1st Reading 12-7-09**  
 An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employee
3. **ORD. NO. 21-09 1st Reading 12-7-09**  
 An Ordinance repealing existing Chapter 33 and enacting a New Chapter 33 of the Piqua Code, relating to Employee Policy
4. **ORD. NO. 22-09 1st Reading 12-7-09**  
 An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2010
5. **RES. NO. R-107-09 (Adopted)**  
 A Resolution establishing a City Commission 2010 calendar of meetings
6. **RES. NO. R-108-09 (Adopted)**  
 A Resolution amending the total payment to Pohlka Inc. for the removal and disposal of lime residual from the Lime Lagoon at the Water Plant
7. **RES. NO. R-109-09 (Adopted)**  
 A Resolution authorizing the City Manager to contract with the Miami County Public Defender Commission
8. **RES. NO. R-110-09 (Adopted)**  
 A Resolution authorizing the City Manager to apply for membership to American Municipal Power Inc.
9. **RES. NO. R-111-09 (Adopted)**  
 A Resolution authorizing the City Purchasing Agent to purchase #2 fuel oil on the open and spot market
10. **RES. NO. R-112-09 (Adopted)**  
 A Resolution retaining the services of Cooperative Response Center, Inc. to provide professional customer call answering and dispatch services for the City
11. **RES. NO. R-113-09 (Adopted)**  
 A Resolution retaining the services of Sawvel and Associates to provide professional consulting and engineering services for the City
12. **RES. NO. R-114-09 (Adopted)**  
 To approve the form and authorize the execution of power sales contracts with American Municipal Power, Inc. and taking other actions in connection therewith retaining Malsbath and Greenstein Hurter



# MIAMI COUNTY MAP DEPARTMENT

201 West Main Street  
Troy, OH 45373

937-440-6025  
Fax 937-440-6026

December 22, 2009

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

Re: Proposed annexation of 5.000 acres (+/-) and 2.932 acres (+/-), Section 29, Town 1, Range 11, Spring Creek Township, to the City of Piqua.

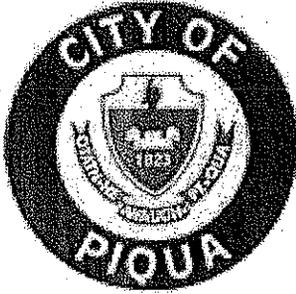
Dear Commissioners:

Pursuant to Ohio Revised Code section 709.031(A), 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

MIAMI COUNTY  
COMMISSIONERS  
09 DEC 22 AM 9:53  
RECEIVED



**DEVELOPMENT OFFICE**

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

Date: December 22, 2009  
To: Clerk of Board of County Commissioners  
Re: Petition to Annex 5.000 Acres – Parcel 1 and 2.932 Acres – Parcel 2 owned by City of Piqua

**STATEMENT OF MUNICIPAL SERVICES**

Transmittal Items			
Item No.	Description	No. Pages	No. Copies
1	Copy of Statement of Municipal Services Resolution Concerning Subject Annexation Petition.	4	1

Attached please find the above referenced documents.

Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner

MAHMI COUNTY  
COMMISSIONERS  
THOY, OHIO

09 DEC 23 PM 1:20

RECORDED

RESOLUTION NO. R-119-09

A RESOLUTION OF INTENT TO PROVIDE SERVICES TO CERTAIN TERRITORY PROPOSED FOR ANNEXATION

WHEREAS, the owner of a 5.000 acre parcel of land and a 2.932 acre parcel of land located at the city of Piqua wastewater treatment plant in Springcreek Township has filed a petition for annexation of said real estate in the City, further described as set for in Exhibit "A" attached hereto; and

WHEREAS, the Clerk of this Commission has received notice of said filing from the petitioner's agent on November 18, 2009 and

WHEREAS, Ohio Revised Code Section 709.03 requires this Commission to pass a resolution adopting a statement indicating what services, if any, the City will provide to the territory proposed for annexation upon annexation;

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

SEC. 1: The City of Piqua will provide, upon annexation, access to the following services to the 5.000 acre parcel of land and a 2.932 acre parcel of land located at the city of Piqua wastewater treatment plant in Springcreek Township, which has been proposed for annexation:

- Police
- Fire
- Emergency Medical
- Electric Power
- All other services normally provided to City of Piqua residents

SEC. 2: Upon annexation, the City of Piqua will provide the petitioner with access to connect to the nearest available water distribution main as well as the nearest available sanitary and storm sewer collection mains.

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

*Tom Hudson*  
THOMAS D. HUDSON, MAYOR

PASSED: December 21 2009  
ATTEST: Rebecca J. Cool  
REBECCA J. COOL  
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-119-09 is a true, accurate and correct copy of Resolution R-119-09 passed by the Commission of the City of Piqua, Ohio, on the 21 day of December, 2009  
Rebecca J. Cool  
CLERK OF COMMISSION

**EXHIBIT "A"**

**ANNEXATION OF 5.000 ACRES TO THE CITY OF PIQUA  
PARCEL 1**

BEING 5.000 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 584 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the northeast property corner of Inlot 7875;

thence, South  $31^{\circ}-01'-00''$  East, 24.47 feet, along the east property line of Inlot 7875 to an iron pin found at the northwest property corner of said 5.000-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, North  $87^{\circ}-13'-27''$  East, 506.04 feet, along the north property line of said 5.000-acre tract to an iron pin found;

thence, South  $03^{\circ}-09'-05''$  East, 811.61 feet, along the east property line of said 5.000-acre tract to an iron pin found and being on the east property line of Inlot 7877;

thence, North  $41^{\circ}-11'-20''$  West, 223.42 feet, along the northeast property line of Inlot 7877 to an iron pin found at the southeast property corner of Inlot 7875;

thence, North  $33^{\circ}-19'-02''$  West, 672.65 feet, along the northeast property line of Inlot 7875 to an iron pin found;

thence, North  $31^{\circ}-01'-00''$  West, 64.93 feet, along the northeast property line of Inlot 7875 to the principal place of beginning.

Containing 5.000 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 52.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated January 8, 2009.

**ANNEXATION OF 2.932 ACRES TO THE CITY OF PIQUA  
PARCEL 2**

BEING 2.932 ACRES OWNED BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE 582 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN FRACTIONAL SECTION 29, TOWN 1, RANGE 11, SPRING CREEK TOWNSHIP, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found at the southeast property corner of Inlot 7877;

thence, South  $81^{\circ}-15'-00''$  West, 15.07 feet, along the south property line of Inlot 7877 to an iron pin found at the northeast property corner of said 2.932-acre City of Piqua tract and being the principal place of beginning of the tract herein described;

thence, South  $03^{\circ}-09'-05''$  East, 351.38 feet, along the east property line of said 2.932-acre tract to point;

thence, South  $81^{\circ}-15'-00''$  West, 383.94 feet, along the south property line of said 2.932-acre tract to point;

thence, North  $03^{\circ}-31'-31''$  East, 152.26 feet, along the west property line of said 2.932-acre tract to point;

thence, North  $01^{\circ}-25'-09''$  East, 204.13 feet, along the west property line of said 2.932-acre tract to point;

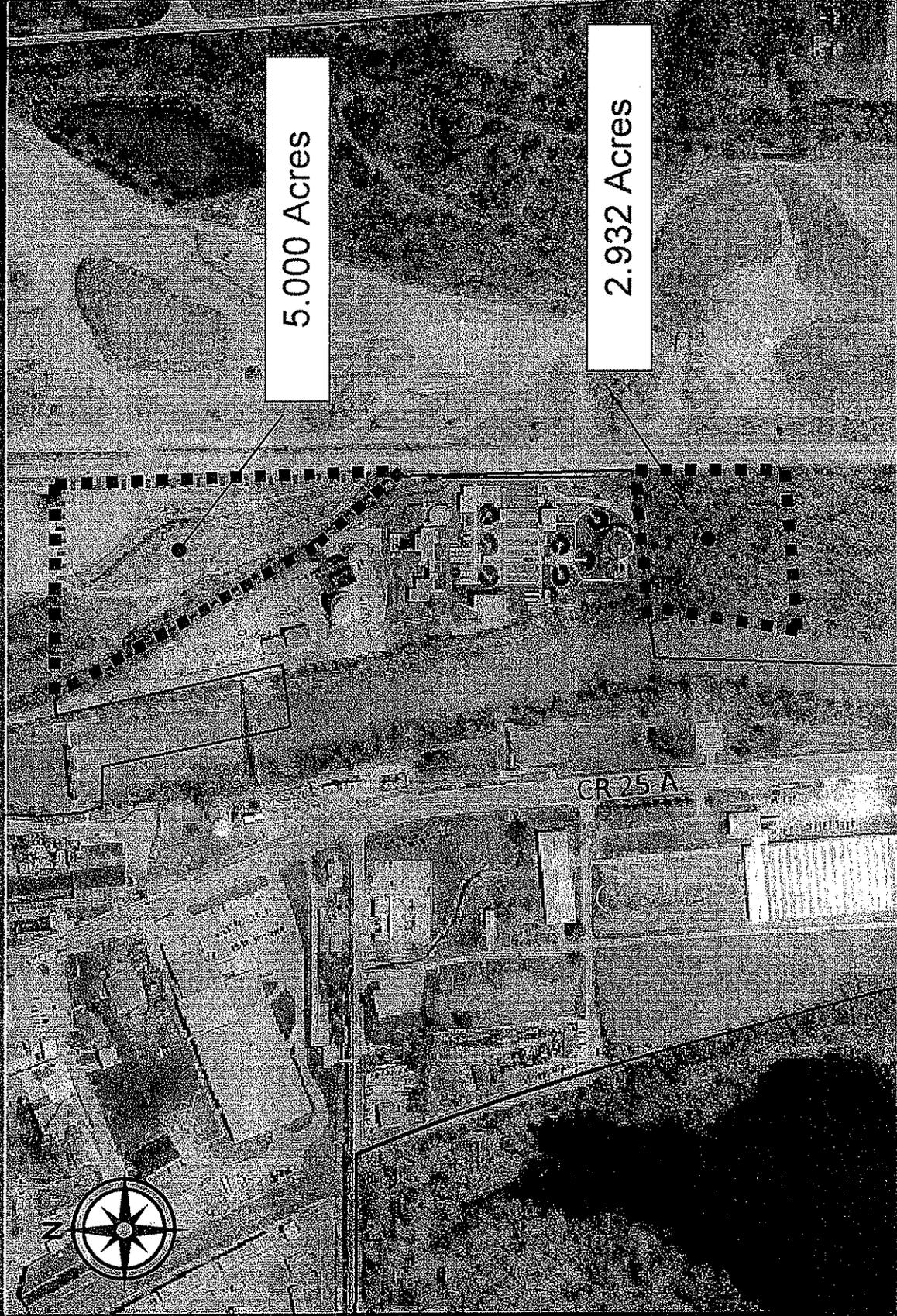
thence, North  $81^{\circ}-15'-00''$  East, 349.81 feet, along the north property line of said 2.932-acre tract to the principal place of beginning.

Containing 2.932 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Miami County Engineer's Record of Land Surveys Volume 51, Plat 80.

The above description was prepared by Wesley David Goubeaux, Ohio Professional Surveyor Number 8254, based on existing surveys and deeds of record and dated December 17, 2008.

EXHIBIT A



WASTEWATER TREATMENT PLANT ANNEXATION

RESOLUTION NO. 10-01-85

HEARING HELD

HEARING ADJOURNED

ANNEXATION TO CITY OF PIQUA, OHIO  
OF 5.000 ACRES AND 2.932 ACRES MORE OR LESS  
IN SPRING CREEK TOWNSHIP

Mr. Widener introduced the following resolution and moved for its adoption:

WHEREAS, pursuant to action taken on November 12, 2009, by Resolution No. 09-11-1666, a public hearing was held in the Commissioners' Hearing Room, Safety Building, Troy, Ohio on the 21<sup>st</sup> day of January 2010 at 2:00 p.m. on the petition filed on behalf of the City of Piqua, Ohio (Chris Schmiesing, City of Piqua, Agent), requesting that certain territory located in Section 29, Town 1, Range 11 in Spring Creek Township, Miami County, Ohio containing 5.000 acres and 2.932 acres be annexed to the City of Piqua, Ohio; and

WHEREAS, the Agent for the Petitioner filed with the Board of County Commissioners a proof of services of notice on the township and municipality, as well as on the owners of the properties within or adjacent or across the road from the annexation territory; and

WHEREAS, the Agent for the Petitioner filed with the Board of County Commissioners proof of publication prior to the public hearing; and

WHEREAS, the County Engineer filed a report with the Board of County Commissioners on the accuracy of the legal description of the perimeter and the map; and

WHEREAS, the Agent for the Petitioner filed with the Board of County Commissioners a statement of municipal services resolution passed by the City of Piqua Commission, concerning the certain territory proposed for annexation; and

WHEREAS, there were no affidavits filed with this Board of County Commissioners, nor was there a request for a court reporter for said hearing; and

WHEREAS, all interested persons appearing at such hearing were given an opportunity to express their opinions either for or against the granting of the petition.

NOW, THEREFORE BE IT RESOLVED, by the Board of Miami County Commissioners, to adjourn the hearing at 5:30 p.m., with a decision to be made on said annexation petition within thirty (30) days.

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

Mr. Evans, Yea;

Mr. O'Brien, Yea;

Mr. Widener, Yea.

DATED: January 21, 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 21, 2010.

Leigh M. Williams  
Leigh M. Williams, Clerk

RESOLUTION NO. 10-02-210

ANNEXATION TO THE CITY OF PIQUA, OHIO  
OF 5.000 ACRES MORE OR LESS AND 2.932 ACRES MORE OR LESS  
FROM SPRINGCREEK TOWNSHIP

PETITION GRANTED

Mr. Widener introduced the following resolution and moved for its adoption:

WHEREAS, pursuant to action taken by the Board of Miami County Commissioners on the date of November 12, 2009, Resolution No. 09-11-1666, a public hearing was held in the Commissioners' Hearing Room, Safety Building, Ohio on January 21, 2010 (Resolution No. 10-01-85) on a petition filed by Chris Schmiesing, Agent (City Planner, City of Piqua, Ohio), on behalf of the City of Piqua, Ohio, requesting that certain territory located in Section 29, Town 1, Range 11 in Springcreek Township, Miami County, Ohio containing 5.000 acres, more or less, and 2.932 acres, more or less, be annexed to the City of Piqua, Ohio, pursuant to 709.02 O.R.C.; and

WHEREAS, the Board of Miami County Commissioners adjourned the hearing and deferred their decision until February 16, 2010, so that they could consider all the proceedings and documentation.

Now, therefore be it

RESOLVED, by the Board of Miami County Commissioners, that based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, that it is the finding and determination of said Board that each of the following conditions set forth in Section 709.033 of the Ohio Revised Code has been met:

(1) The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.02 of the Revised Code;

(2) The persons who signed the petition are owners of real estate located in the territory proposed to be annexed in the petition, and, as of the time the petition was filed with the board of county commissioners, the number of valid signatures on the petition constituted a majority of the owners of real estate in that territory;

(3) The municipal corporation to which the territory is proposed to be annexed has complied with division (D) of section 709.03 of the Revised Code;

(4) The territory proposed to be annexed is not unreasonably large;

(5) On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted. As used in division (A)(5) of this section, "surrounding area" means the territory within the unincorporated area of any township located one-half mile or less from any of the territory proposed to be annexed;

(6) No street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of this division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

Now, therefore be it

RESOLVED, that the Board of Commissioners of Miami County, Ohio, specifically finds and determines that all of the said territory which has been proposed for annexation to the City of Piqua, Miami County, Ohio, is owned by the City of Piqua, and, therefore, that said territory is and would have been the proper subject of annexation by petition of the City of Piqua under the terms and provisions of Section 709.16 of the Ohio Revised Code; and

Further be it

RESOLVED, by the Board of Commissioners of Miami County, Ohio, that, for the reasons set forth hereinabove the petition for annexation is hereby approved.

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

Mr. Widener, Yea;

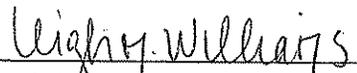
Mr. Evans, Yea;

Mr. O'Brien, Yea.

DATED: February 16, 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 February 16, 2010.

  
Leigh M. Williams, Clerk

RESOLUTION NO. 10-02-232

**SIGNATURES ONLY**

**CERTIFICATION/MYLAR:**

**DEPT:** Commissioners

**NAME:** Certification/Mylar – Annexation of 5.000 acres and 2.932 acres +/-  
from Springcreek Township to the City of Piqua, Ohio

Copy of Certification on file in the Commissioners Office.

Mr. Evans moved and Mr. O'Brien seconded the motion to authorize and sign the  
Signatures Only.

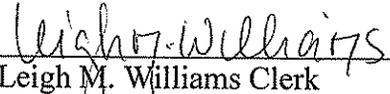
The Board of Miami County Commissioners voted as follows upon roll call:

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

DATED: February 18, 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 February 18, 2010.

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