

**AMENDED 5-17-2010**

**AGENDA**

**REGULAR PIQUA CITY COMMISSION MEETING**

**TUESDAY, MAY 18, 2010**

**7:30 P.M.**

**201 WEST WATER STREET**

**PIQUA, OHIO 45356**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**A. CONSENT AGENDA**

a. **APPROVAL OF MINUTES**

Approval of the minutes from the May 4, 2010 Regular City Commission Meeting

**B. OLD BUSINESS**

a. **ORD. NO. 12-10** (2<sup>nd</sup> Reading)

An Ordinance amending Section 50.07 of the Piqua Code, relating to refuse collection

b. **ORD. NO. 13-10** (2<sup>nd</sup> Reading)

An Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Piqua

c. **ORD. NO. 14-10** (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 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

**C. NEW BUSINESS**

a. **ORD. NO. 15-10** (1<sup>st</sup> Reading)

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

b. **RES. NO. R-60-10**

A Resolution awarding a contract to Speedway SuperAmerica LLC for our City-Wide fuel purchasing program for the years 7/1/10 – 6/30/13

c. **RES. NO. R-61-10**

A Resolution of Support for the inclusion of William Moore McCulloch as Ohio's new Representative in National Statuary Hall in the United States Capitol

- d. RES. NO. R-62-10  
A Resolution awarding a contract to Bureau of Office Services, Inc. in amount not to exceed \$40,000 for transcription services for the Piqua City Police Department
- e. RES. NO. R-63-10  
A Resolution appointing a member to the Miami County Community Action Council Board
- f. RES. NO. R-64-10  
A Resolution awarding a contract to Kliengers & Associates for a Stormwater mapping system
- g. RES. NO. R-65-10  
A Resolution appointing a member to the Park Board
- h. RES. NO. R-66-10  
A Resolution appointing a member to the Park Board
- i. RES. NO. R-67-10  
A Resolution awarding a contract to Pro OnCall Technologies for the purchase and installation of a Toshiba Strata CIX Communications System at the City facilities
- j. RES. NO. R-68-10  
A Resolution stating the intent of the City of Piqua to provide certain utility services to a proposed job ready site

**D. OTHER**

**E. ADJOURNMENT**

**A. CONSENT AGENDA ITEMS**  
**MAY 18, 2010**

- **Minutes – May 4, 2010 Regular City Commission Meeting**

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday May 4, 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**

Mayor Fess stated the City Commission would adjourn into Executive Session at the end of the Regular City Commission Meeting. The purpose of the Executive Session is discuss the terms of employment of the City Manager under Section 4-A of the Piqua Charter.

Moved by Commissioner Wilson, seconded by Commissioner Martin, to adjourn into Executive Session at the end of the Regular City Commission Meeting. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously.

**PROCLAMATION**

Police Week in the City of Piqua

Mayor Fess read the proclamation and presented it to Piqua Police Chief Bruce Jamison.

Chief Jamison accepted the proclamation, and thanked the Commission. Chief Jamieson announced several dates of Police Activities that are to be held in conjunction with Police Week in the community.

**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

Mayor Fess read the names of the homeowners as pictures of the properties were shown. Mayor Fess thanked all the winners for maintaining their properties and showing pride in our community.

**Consent Agenda**

**Approval of Minutes**

Approval of the minutes from the April 20, 2010 Regular City Commission Meeting.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that the minutes of the Regular City Commission Meeting of April 20, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

**Old Business**

**ORD. NO. 7-10 (3rd 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.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 7-10 be adopted. Voice vote, Aye: Fess, Martin, Terry, Vogt, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 7-10 adopted.

**ORD. NO. 8-10 (3rd 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.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Ordinance No. 8-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 8-10 adopted.

**ORD. 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

**Public Comment**

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

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Ordinance No. 9-10 be adopted. Voice vote, Aye: Wilson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 9-10 adopted.

**ORD. 10-10 (3<sup>rd</sup> Reading)**

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

**Public Comment**

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

It was suggested to give a copy of the Ordinance to the Salvation Army and the Bethany Center to post in their organizations.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 9-10 be adopted. Voice vote, Aye: Vogt, Wilson, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 10-10 adopted.

**New Business**

**RES. NO. R-57-10**

A Resolution authorizing the use of Pitsenbarger Park by the Southwest Neighborhood Association for a yard sale

**Public Comment**

No one came forward to speak for or against Resolution No. R-57-10.

Earl Wagoner, President of the Southwest Neighborhood Association came forward and thanked the City of Piqua for allowing the Southwest Neighborhood Association to hold their yard sale on May 15<sup>th</sup>, in Pitsenbarger Park. Mr. Wagoner also thanked the City for their help with the mulch sale held recently.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-57-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-57-10 adopted.

**RES. NO. R-58-10**

A Resolution relating to the application for annexation of certain real property to the City of Piqua

**Public Comment**

No one came forward to speak for or against Resolution No. R-58-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-58-10 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-58-10 adopted.

**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 Springcreek Township

**Public Comment**

No one came forward to speak for or against Resolution No. R-59-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-59-10 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-59-10 adopted.

**ORD. 12-10 (1<sup>st</sup> Reading)**

An Ordinance amending Section 50.07 of the Piqua Code, relating to refuse collection

There was discussion of the current fees for senior citizens, the use of the senior bags versus the reduced fees, the criteria for application for the senior discount services, current customers being grand fathered into the new program, and why the age 62 was chosen for the discounts.

Health & Sanitation Director Amy Welker explained the new senior program, and why the changes were suggested at this time.

**Public Comment**

No one came forward to speak for or against Ordinance No.12-10.

Ordinance No. 12-10 was given a first reading.

**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

### **Public Comment**

No one came forward to speak for or against Ordinance No.13-10.

Ordinance No. 13-10 was given a first reading.

### **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

### **Public Comment**

No one came forward to speak for or against Ordinance No.14-10.

Ordinance No. 14-10 was given a first reading.

### **Other Business**

Monthly Reports for March 2010.

Monthly Reports for March 2010 were accepted.

Announcement of (1) Opening on the Board of Zoning Appeals-Term to expire March 1, 2013

### **Public Comments**

Dave Comolli, N. College Street, came forward and thanked the City and the City Commissioners for their help with the installation of the playground equipment at Kiwanis Park. The children in the area are having a wonderful time playing on the equipment, said Mr. Comolli.

Mr. Comolli also inquired if the City received any Stimulus Funds that could be used for the Swimming Pool. City Manager Enderle stated the city has not received any Stimulus Funds at this time, and if the City were to receive any funds, they were earmarked for streets only, and could not be used for the swimming pool.

Russ Fashner, Forest Avenue, came forward and thanked the City for mowing the levy, and hopes the levy is sprayed for weeds, and continue to mow it in the future.

Mr. Fashner also inquired about the reports filed on him that were discussed at the previous City Commission Meeting and asked if any new information was available.

Mayor Fess stated they reviewed the reports previously, and there was nothing new to add at this time.

Mayor fess encouraged citizens to keep their lawns mowed and not to blow the grass out into the streets.

### **Commission Comments**

Commissioner Wilson reminded citizen of two upcoming events in the City of Piqua. The First Annual Spring Swing Dance will take place May 7<sup>th</sup> at the Ft. Piqua Plaza, and the Eagles Wing Stables is hosting a fundraiser on May 8<sup>th</sup> at the Ft. Piqua Plaza also and encouraged citizens to attend.

Commissioner Terry stated the North Parks Neighborhood Association will hold a meeting on Thursday, May 13<sup>th</sup> at 7:00 P.M. at Wilder School and invited citizens to attend.

Commissioner Terry invited citizens to check out the new playground equipment at the Kiwanis Park that was installed recently by the North Parks Neighborhood Association.

Commissioner Terry reminded citizens to be aware of the Broadway Construction taking place, and to watch out for children in the areas that are now having increased traffic flow since the rerouting of the Broadway traffic. The speed limits for Nicklin and Washington Avenues are still 25 miles per hour, stated Commissioner Terry. City Engineer Amy Havenar gave a brief overview of the construction project on Broadway.

Commissioner Terry stated it is grass-mowing season again, and reminded residents not to blow their grass out into the gutters and streets.

Commissioner Terry congratulated the Residence Pride Winners. Ballots are still available for casting votes for William M. Mc Culloch in the Statuary Hall in Washington D.C. said Commissioner Terry. Also the Downtown Cleanup will take place on Saturday May 8 at 8:30 A.M. in the downtown area, citizens are encouraged to bring a broom or a rake and come down and help the merchants spruce up the downtown area.

Commissioner Martin noted the grass was really high in Fountain Park around the Totem Pole, and inquired as to when the mowing would start in the public areas. City Manager Enderle stated he would look into the high grass, and the mowing would start soon, as the college students will be starting in the next week. This year some of the work will be contracted out to help keep up, said Mr. Enderle.

Commissioner Martin asked if someone would look into the swing set down by the volleyball court at Fountain Park, it seems the area where you step to get in the swing is constantly wet. City Manager Enderle stated he would look into the problem. Also the bridge by the hydraulic seems to be crumbling and asked if it was safe. City Manager Enderle stated all the bridges have been inspected recently and it is indeed safe. Commissioner Martin inquired as to the time frame on the demolition of the houses on Ash Street. City Engineer Amy Havenar came forward and explained what the process will be and the anticipated time frame for each step.

Mayor Fess stated the City of Piqua will host a Homelessness Summit on Wednesday, May 19, 2010 from 6:30 P.M. – 8:00 P.M. at the Piqua Y.W.C.A. This will be the first of several meetings to discuss the issue of Homelessness in the City of Piqua, and encouraged citizens to attend to provide input.

Mayor Fess also announced a meeting is scheduled for the Safe Routes To School program on Thursday, May 6<sup>th</sup>, 2010 at 6:30 P.M. at the Y.W.C.A. and encouraged citizens to attend. The program is a partnership between the Piqua City Schools, Piqua Catholic School, and the City of Piqua to encourage children to have a route to school.

Thursday, May 6<sup>th</sup>, is National Day of Prayer and there will be a gathering at the Lock 9 Park at 12:00 P.M. and also at the Miami Valley Centre Mall near the food court at 7:00 P.M., stated Mayor Fess.

Mayor Fess also reminded citizens of the two events taking place at the Ft. Piqua Plaza on Friday, May 7<sup>th</sup>, the First Annual Spring Swing Dance will take place starting at 7:00 P.M., and the Eagle's Wing Stable Fund Raiser will take place on Saturday, May 8 and encouraged citizens to attend.

Mayor Fess stated she attended the Kiwanis Park playground equipment dedication on April 30, it was a very nice dedication, and they did a really nice job. It is so encouraging to see what the Neighborhood Associations are doing for the community, said Mayor Fess.

Mayor Fess thanked all of the Resident Pride Winners for the work they have done on their homes.

Mayor Fess congratulated April Grove, a Piqua City Junior High School Teacher, and wife of Deputy Chief Marty Grove, on winning the nationwide contest to sing with one of the stars on "As The World Turns". The program will air on May 18, 2010. This is a great honor and wonderful recognition for April and the City of Piqua, said Mayor Fess.

Commissioner Terry stated the Piqua Parks Board are holding their meeting Wednesday, May 5, at 7:00 P.M. in Kiwanis Park. The purpose of the meeting is to talk about a possible fund-raising project for the Piqua Municipal Swimming Pool, and invited citizens to attend.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to move into Executive Session at 8:20 P.M. Voice vote, Aye: Martin, Fess, Terry, Vogt, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Executive Session and Regular City Commission Meeting at 10:10 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 18, 2010**

- **Ord. No. 12-10 (2<sup>nd</sup> Reading)**
- **Ord. No. 13-10 (2<sup>nd</sup> Reading)**
- **Ord. No. 14-10 (2<sup>nd</sup> Reading)**

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.

1<sup>st</sup> Reading 5-4-2010

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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 May 4, 2010

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

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### **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

1<sup>st</sup> Reading 5-4-2010

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.

1<sup>st</sup> Reading 5-4-2010

\_\_\_\_\_  
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

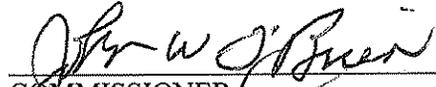
CITY OF PIQUA  
DEVELOPMENT OFFICE



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

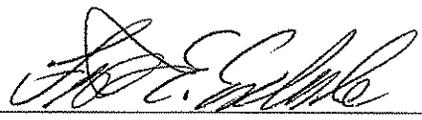
RECEIVED  
09 NOV -6 AM 11:20

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. \_\_\_\_\_

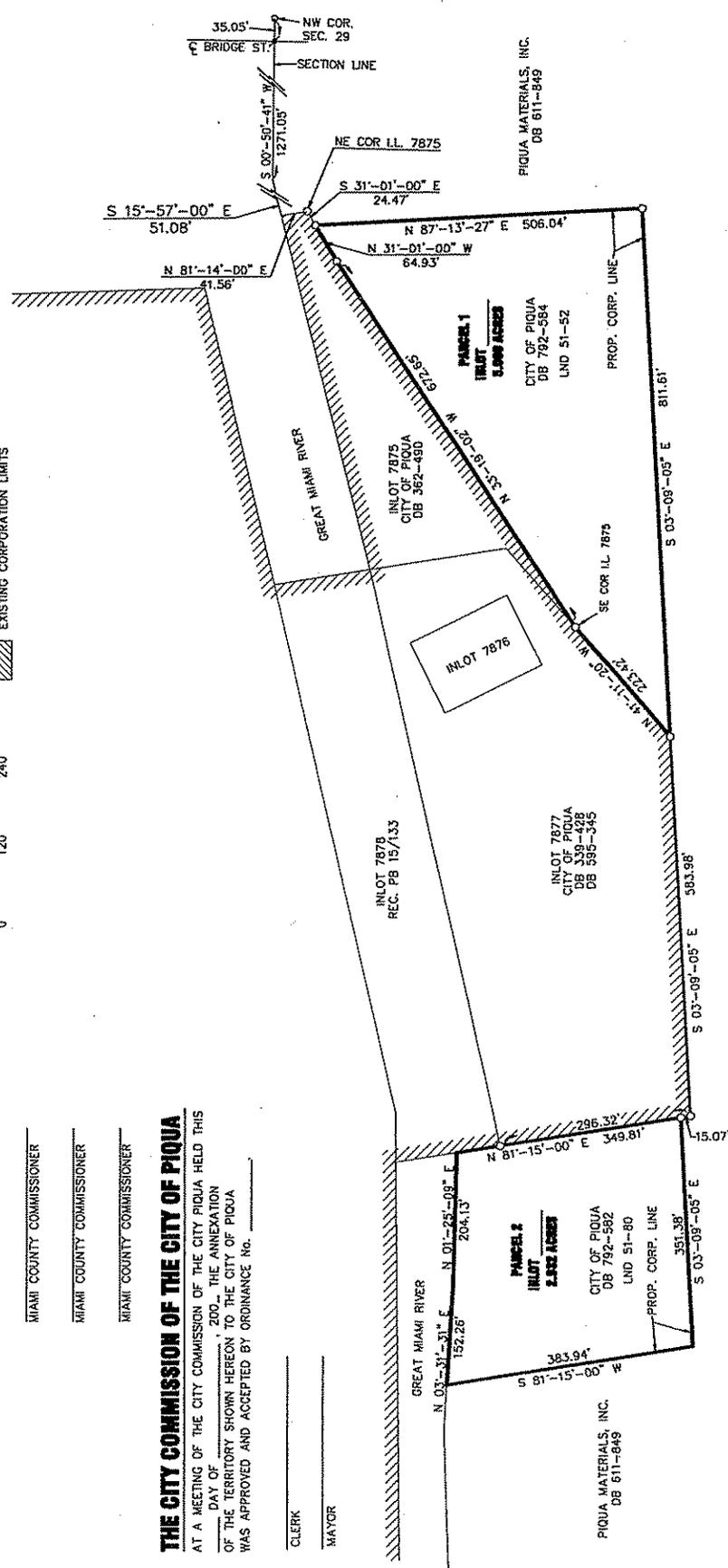
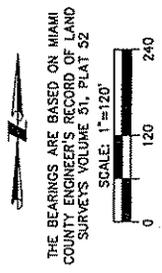
CLERK \_\_\_\_\_  
 MAYOR \_\_\_\_\_

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: \_\_\_\_\_  
 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**

DATE: 01-08-2009  
 DRAWN BY: WDC  
 JOB NUMBER: MAP/09/0008  
 SHEET NUMBER: 1 OF 1

**ONE CHOICE ENGINEERING**  
 440 N. HUNTER BLVD., SUITE 200  
 WESLEY, OHIO 45890  
 (740) 833-8800  
 www.onechoiceeng.com

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;

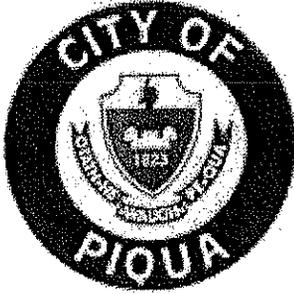
Mr. O'Brien, Yea.

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

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

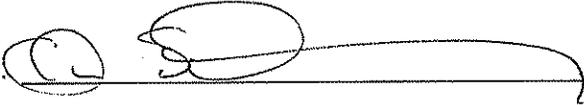
**AFFIDAVIT OF SERVICE OF NOTICE**

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

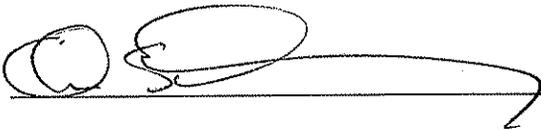
I, Chris Schmiesing the agent for the petitioners of the annexation known as

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.

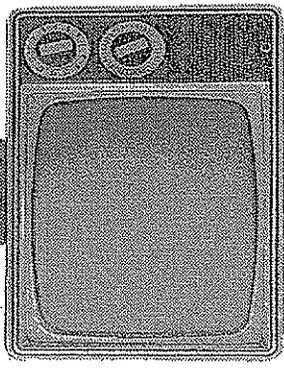
Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner

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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.

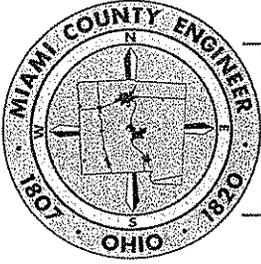
Contact:  
Chris Schmiesing  
(937) 778-2049

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 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 Malsbath and Greenman 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.

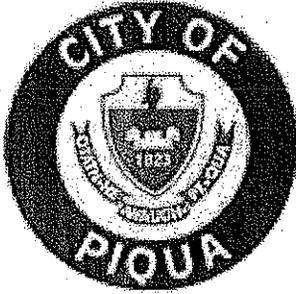
Dear Commissioners:

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.

*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;

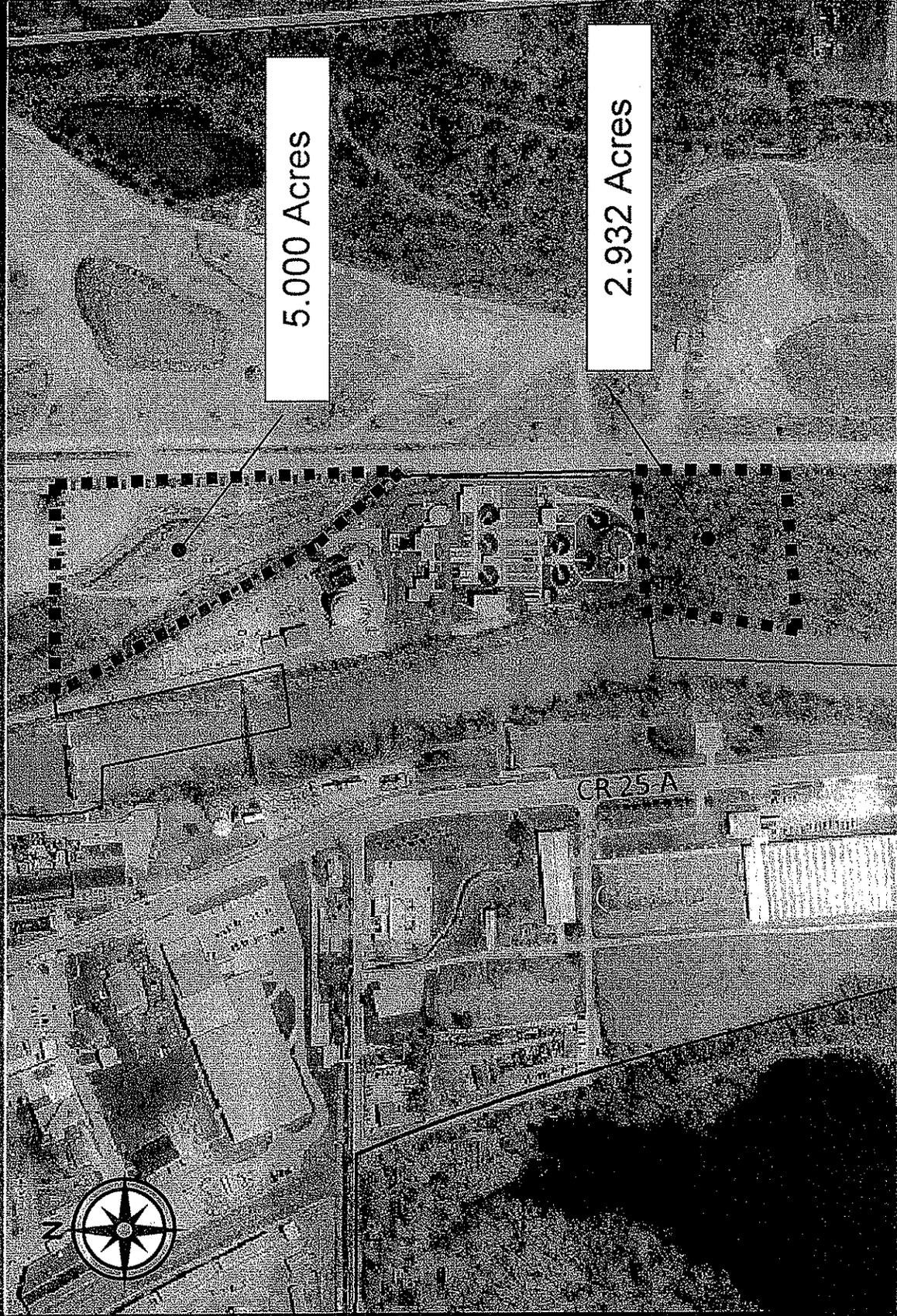
thence, North  $81^{\circ}-15'-00''$  East, 349.81 feet, along the north property line of said 2.932-acre tract to the principal place of beginning.

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;

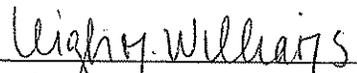
Mr. Evans, Yea;

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;

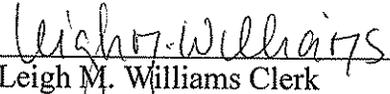
Mr. Evans, Yea;

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

**C. NEW BUSINESS**

**MAY 18, 2010**

- **Ord. No. 15-10 (1<sup>st</sup> Reading)**
- **Res. No. R-60-10**
- **Res. No. R-61-10**
- **Res. No. R-62-10**
- **Res. No. R-63-10**
- **Res. No. R-64-10**
- **Res. No. R-65-10**
- **Res. No. R-66-10**
- **Res. No. R-67-10**
- **Res. No. R-68-10**

**ORDINANCE NO. 15-10**

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

WHEREAS, on November 2, 2009, the City Commission adopted Ordinance No. 18-09 establishing Chapter 55 Stormwater Management and said Chapter was amended by Ordinance No. 5-10 on March 16, 2010; and

WHEREAS, clarification is sought regarding the billing rates for apartment buildings and multi-unit residential properties.

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

SECTION 1. That the City of Piqua hereby amends Chapter 55 Stormwater Management as set forth below: (new language is underlined and deleted language is indicated by strikethrough):

**CHAPTER 55: STORMWATER MANAGEMENT**

**§55.01 PURPOSE.**

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

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

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

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

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

**§55.02 DEFINITIONS.**

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

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

**ERU (EQUIVALENT RESIDENTIAL UNIT).** An ERU shall be equivalent to 5,400 square feet of impervious area. This may periodically be adjusted based on changing conditions in the City.

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

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

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

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

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

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

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

**VACANT/UNIMPROVED PROPERTY.** All tracts of real property that are wholly vacant and unimproved (no impervious area), regardless of the zoning classification assigned to the property or the uses permitted thereon by applicable law, rules, and regulations.

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

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

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

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

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

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

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

- (A) The Utility shall provide for inspection and routine maintenance of facilities that have been accepted for maintenance by the Utility. Maintenance may include catch basin cleaning, grating and casting repair, bridge surface drainage systems cleaning, channel clearing, erosion repair, and other incidentals. The Utility shall provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public. Remedial maintenance of bridge surface drainage systems shall remain the responsibility of agencies other than the Utility.
- (B) Upon notice, the City Manager or his designee, including contractors and their employees or consultants and other employees, may enter upon lands within the City to make surveys and examinations to accomplish the

necessary findings for planning and engineering studies or for inspection or maintenance of stormwater facilities. The City Manager or his designee shall maintain records of all inspections made.

**§55.09 PROPERTY AFFECTED.**

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

**§55.30 USER FEE.**

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

### **§55.31 FEES ESTABLISHED.**

- (A) Subject to the provisions of this chapter, each and every owner and/or operator of residentially developed property and non-residential developed property shall have imposed upon them a stormwater user fee. The stormwater user fee shall be a monthly service charge and shall be determined by the provisions of this chapter and the applicable equivalent residential unit (ERU) and ERU rate established hereunder, which provisions may be amended from time to time in accordance with the provisions of this chapter or by resolution of the Commission. The established rate shall be contained within the Stormwater Management User Fee Policy. Effective with the initiation of the Stormwater Utility, one (1) ERU is equivalent to \$4.70 or up to 5,400 square feet.
- (B) The City Manager shall make recommendations to the Commission to adjust this definition of ERU from time to time by resolution to reflect development trends within the city or further equitably divide the costs of supporting the operation and maintenance of the stormwater system. In adjusting this definition, the Commission shall take into consideration the source of the data from which the subject ERU is to be established, the general acceptance and use of the source on the part of other stormwater systems, and the reliability and general accuracy of the source. The Commission may also utilize information obtained from property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information in order to determine impervious surface areas.
- (1.) Residentially developed properties shall be billed on a per unit basis at one (1) ERU per month and duplexes, triplexes and apartments will be billed on a per unit basis of one-half (1/2) an ERU per month.
- (2.) The fee for ~~non-residential developed~~ all other properties not specified in Section (B)(1) shall be calculated based on the total impervious area of the property divided by the then-effective average impervious area for an ERU multiplied by a rate of one (1) ERU per month at the rate established for an ERU. The impervious area estimate shall be based on ortho-rectified aerial photography and/or as-built plans as approved through the building permit process, or other sources at the discretion of the City Engineer.
- (3.) Notwithstanding any other provision of this chapter, the STWUD shall assess the need for rate increases and report findings to the Commission.
- (C) Rates and charges incurred under this section shall be prepared and collected by the City in accordance with those provisions regulating the preparation and issuance of bills for utility service. The monies collected

under this section shall be used expressly for the benefit of the stormwater system.

- (D) The Commission shall yearly review the ERU and the fee assessed to determine whether the rate and fee are sufficiently permitting the City to meet the requirements of the NPDES permit issued by the EPA.
- (E) A credit program shall be available to non-residential customers only as established by the STWUD.

### **§55.32 COLLECTION.**

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

### **§55.33 ENTERPRISE FUND REQUIREMENTS.**

(A) The Stormwater Utility Fund shall be used for the following purposes:

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

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

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

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

(D) When a public improvement is funded by other funds of the City and/or by other agencies or organizations, the Utility may assume financial

responsibility for any storm drainage improvement costs associated with the overall project.

**§55.50 ENFORCEMENT.**

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

**§55.51 APPEALS.**

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

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

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

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

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

**§55.52 NO LIABILITY.**

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

**§55.99 PENALTY.**

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

SECTION 2. All other sections of Chapter 55 of the Piqua Municipal Code not amended herein shall remain in effect as is.

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

SECTION 4. This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and so that the City of Piqua may comply with the requirements of its NPDES permit.

\_\_\_\_\_  
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: Stacy M. Wall, Law Director  
SUBJECT: Stormwater Ordinance Amendment

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### **PURPOSE:**

To provide clarification to the billing formula as governed by Section 55.31.

### **RECOMMENDATION:**

Adopt the Ordinance to clarify the meaning and intent of Section 55.31 for how apartment buildings are billed.

### **BACKGROUND:**

On November 2, 2009, the Commission adopted Ordinance 18-09, after three readings, creating Chapter 55 for Stormwater Management. On December 21, 2009, the Commission suspended enforcement of Chapter 55 with regards to Sections 55.31 and 55.32, fees. The Commission then held work sessions on January 17<sup>th</sup> and February 22<sup>nd</sup> to discuss the ERU rate and the minimum amount required to satisfy the conditions of the EPA permit. As a result, the ordinance was amended and the Commission adopted Ordinance 5-10 on March 16, 2010, which set the ERU at \$4.70 for 5,400 square feet of impervious surface.

The question has arisen whether there is a conflict between the definition section defining residentially developed and non-residentially developed property with how the fees are assessed pursuant to Section 55.31.

### **ALTERNATIVES:**

1. **Adopt Ord. No. 15-10 clarifying the fee structure**
2. **Do not adopt Ord. No. 15-10 leaving the language of Chapter 55 as is;**
3. **Do not adopt Ord. No. 15-10 and provide further direction**

### **DISCUSSION:**

Section 55.02 defines the following:

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



residential uses (e.g. governmental organizations, churches, and fraternal organizations), and (iv) industrial uses.

**RESIDENTIALLY DEVELOPED PROPERTY.** All tracts of real property either zoned or developed for residential use in structures intended designed and permitted for habitation by one or two families (i.e., single-family homes or duplex units), regardless of the number of sewer taps and fees it incurs.

The definitions thus define any housing unit with four or more units as being non-residential. Section 55.31(B)(1) and (2), however, charges a fee for stormwater on any residential unit with two or more units differently than the non-residential properties. Thus, the argument that the definition section conflicts with the fee section as the apartment units (4 or more) are not considered non-residential as defined. There is no conflict as discussed below. However, because there is confusion and those who will succeed us and enforce the ordinance need a clear understanding, it is recommended that the ordinance be amended. The intent, meaning and applicability of the ordinance are **not** changed in any way by the proposed ordinance.

The definition section is prefaced by, “[f]or the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.” (Emphasis added). Thus, although the definition section defines a residential unit with four or more units as non-residential, Section 55.31(B)(1) “clearly indicates” that those same residential units are not billed the same as all other non-residential units. This does not change the meaning of the definition. To clarify this confusion, the proposed amendment changes section 55.31(B)(2) to say “all other property not specified in Section (B)(1)” rather than saying non-residential.

Therefore, Section 55.31(B)(1) bills any residential unit larger than a single family residence ½ of an ERU per unit. This is how the ordinance was explained from the beginning. At the September 28, 2009 work session, the program was explained to the Commission through a powerpoint presentation as presented by representatives from Stantec Consulting, which explained that the ERU was to be established at \$4.70 and that for multi-family units, each unit would be charged ½ an ERU. The **minimum** charge for any property would be 1 ERU or \$4.70. The October 19, 2009 City Commission meeting minutes reflect that during the second reading of the proposed ordinance, Devon Alexander explained that charges for apartment complexes would be ½ an ERU per unit or \$2.35. On March 16, 2010, the Commission considered amending Chapter 55 to amend an ERU from 2,700 square feet to 5,400 square feet. The City Manager noted that the reduced collection would only allow the City to meet the **minimum** EPA requirements.

The intent from the beginning of the creation of the Stormwater Management regulations was to bill apartment complexes or multi-family units ½ an ERU per unit. Regardless of the number of units, there is a minimum cost that the City must establish to cover its costs. This minimum rate was established at 1 ERU at \$4.70. Sidney and Troy also establish the minimum billing for a property to be 1 ERU. Sidney considers any residential property larger than a two-family to be defined as non-residential and thus bills those properties by dividing the square footage by 1 ERU. Troy defines all residential units regardless of the number of units as residential and bills a flat rate of 1 ERU.



**FINANCIAL IMPACT:**

The proposed amendment does not have a financial impact as the amendment continues to bill all properties as indicated in Section 55.31 of Chapter 55. However, if the Commission decides to amend how apartment complexes or multi-family residential units are billed than there would be a significant financial impact. For example, an apartment complex of 50 units is currently paying \$117.50/month (1/2 ERU @ \$2.35 x 50). If that apartment complex was charged based on the square footage formula and the complex has 5,400 square feet of impervious area, the complex pays \$4.70/mo. This means that for the City to meet its mandated expenses, the rate of the ERU would have to be increased, which impacts all customers.

**COMMUNITY IMPACT:** There would be a community impact only if the manner in which apartment complexes are billed is changed. The current amendment for consideration has no community impact.

**CONFORMITY TO CITY PLANS & POLICIES:** This recommendation is consistent with the intent of the program, going back to the first work session explanation presented in September 2009.



**RESOLUTION NO. R-60-10**

**A RESOLUTION AWARDING A CONTRACT TO  
SPEEDWAY SUPERAMERICA LLC FOR OUR CITY-WIDE FUEL  
PURCHASING PROGRAM FOR THE YEARS 7/1/10-6/30/13.**

WHEREAS, on January 4, 2010 this Commission passed Resolution No. R-5-10 authorizing the City Purchasing Agent to advertise for bids, according to law, for city-wide fuel purchasing; and

WHEREAS, after proper advertisement, bids were opened, resulting in the tabulation of bids as listed in the City Commission Meeting Report attached hereto;

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

SEC. 1: A contract for said city-wide fuel purchasing program is hereby awarded to Speedway SuperAmerica LLC as the lowest, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications for 7/1/10-6/30/13.

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate accounts of the City treasury in payment according to contract terms.

SEC. 3: 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 18, 2010*

TO: Fred Enderle, City Manager  
FROM: Beverly M. Yount, Purchasing Analyst  
SUBJECT: Fuel Purchasing Program

### **PURPOSE:**

To request approval of Resolution No. R-60-10 authorizing the City Manager to enter into a contract with Speedway SuperAmerica LLC for the city-wide fuel purchasing program for the years 7/1/10-6/30/13.

### **RECOMMENDATION:**

I recommend approval of Resolution No. R-60-10 authorizing the City Manager to enter into a contract with Speedway SuperAmerica LLA for the city-wide fuel purchasing program at a cost of \$.08 over wholesale for diesel fuel and gasoline for the years 7/1/10-6/30/13.

### **BACKGROUND:**

We currently purchase our fuel, gasoline and diesel, from Speedway SuperAmerica LLC and have been doing so for the last 6 years. Our current contract expires on 6/30/10 and our current cost is \$.08 over their wholesale cost. This equates to about \$.07 - \$.10 less than what the general public pays at the pump.

This bid package was properly advertised and mailed out to all gas stations located within the City limits on April 20, 2010 with bids being due on May 5, 2010. Speedway SuperAmerica responded to our request with a bid of \$.08 over their wholesale cost. Since we have been very satisfied with their product quality, customer service and internet web portal capability options, we were pleased that they once again chose to submit an offer to us.

### **ALTERNATIVES:**

- 1) Approve Resolution No. R-60-10 awarding the contract for the city-wide fuel purchasing program to Speedway SuperAmerica LLC at a cost of \$.08 over their wholesale cost for the years 7/1/10-6/30/13.
- 2) Reject bid, do not approve the Resolution and direct staff to investigate housing our own fuel facility.

**DISCUSSION:**

1) We currently have a fuel purchasing program with Speedway SuperAmerica LLC with a fuel card for each of our vehicles and other off-road machinery that runs on gasoline. Each of our drivers is set up with a specific identification number to identify them on our receipts. The online web portal allows us access to update this employee information as needed. Speedway SuperAmerica LLC also replaces any lost cards or changed cards for us at no cost. Speedway SuperAmerica LLC offers us 5 locations within the City and one facility has 24 hour a day access. They also understand our need of priority access to fuel in the event of any catastrophes.

2) Purchase bulk fuel – This option would require acquiring fuel tanks, purchased, leased, or loaned from a fuel supplier. It would also require modifications behind the Street Department or some other existing city facility, including concrete pad installation, pedestal for record keeping system, electrical and telephone service to the site, etc. The Ohio EPA has very strict regulations surrounding this type of facility. This option would require a heavy upfront dollar investment and likely higher on-going costs into the future.

**FINANCIAL IMPACT:**

Each department that has vehicles includes fuel purchases in their budgets. The amounts will vary each year depending on the number of vehicles we have, the cost of the fuel at that time and also our anticipated usage. The bid tabulation is shown below and based on these numbers, we can estimate that Speedway’s charge over the wholesale cost will be approximately \$8,400 for the year if annualized and is included in the total below.

Column A	Column B	Column C	Column D	Column E	Column F
Type of Fuel	Average Wholesale 2009 cost per gallon	Bid cost added to the wholesale cost per gallon	Total cost per gallon (B+C)	Estimated total gallons to be utilized by the City in 2010	Total estimated cost using assumptions described (D*E)
Unleaded Regular Gasoline (min. octane rating of 87)	\$2.2315	\$.08	\$2.3115	58,000	\$134,067
Diesel Fuel	\$2.2881	\$.08	\$2.3681	47,500	\$112,485
Total Cost					\$246,552

**COMMUNITY IMPACT:**

The community impact is extremely wide-spread as this fuel purchasing component is one of the basic needs of our City employees to be able to properly perform their job duties. Many departments use City owned vehicles, such as, Police, Fire, Streets, Parks, Sanitation, Water, Power, Wastewater, Stormwater, Underground Utilities, Meter Readers, Health, etc. They currently have the luxury of being able to fill up their gas tanks at a variety of locations within the City. We also have access to gas stations out of town if this would be necessary for longer trips. This would be a seamless transition since Speedway SuperAmerica LLC is our current supplier. Our drivers are already familiar with the system and how it works, no new training will be necessary.

**CONFORMITY TO CITY PLANS & POLICIES:**

According to our “Plan It Piqua” book, the Community Services and Facilities goal was as follows: *“Support community improvements that build strong family neighborhoods and community pride and maintain high quality community services and facilities, including its school system, public safety services, health care, recreational opportunities, cultural activities, technology and youth and senior services.”* All of the City services mentioned cannot be achieved without the most basic tool for our employees, their vehicles. This fuel purchasing program will allow them to continue with the extraordinary services they provide to our city residents.

## **RESOLUTION NO. R-61-10**

### **A RESOLUTION OF SUPPORT FOR THE INCLUSION OF WILLIAM MOORE MCCULLOCH AS OHIO'S NEW REPRESENTATIVE IN NATIONAL STATUARY HALL IN THE UNITED STATES CAPITOL**

WHEREAS, the Piqua City Commission supports the inclusion of William Moore McCulloch as Ohio's new representative in the National Statuary Hall in the United States Capitol; and

WHEREAS, the contribution of William Moore McCulloch while living in the City of Piqua had a tremendous influence on the lives of people in the United States; and

WHEREAS, Mr. McCulloch was born near Holmesville, Ohio and he attended the College of Wooster, in Wooster Ohio; graduated from the college of law of The Ohio State University at Columbus in 1925; was admitted to the bar the same year as beginning his practice of law in the City of Piqua; and

WHEREAS, William McCulloch was a member of the State House of Representatives from 1933-1944, serving as minority leader from 1936-1939 and as speaker, 1939-1944; served in the Army Military Government Forces from December 26, 1943 to October 12, 1945; and

WHEREAS, McCulloch was elected as a Republican to the Eightieth Congress, by special election on November 4, 1947 and was reelected to the twelve succeeding Congresses; and

WHEREAS, as the ranking member of the House of Representatives' Judiciary Committee, William McCulloch took a leading role in the civil rights movement and he introduced Civil Rights legislation months before President Kennedy presented his Act to Congress; and

WHEREAS, Representative McCulloch had a small number of African-American constituents, and thus few votes to gain from introducing or support civil rights legislation; regardless of the possible ramifications, Representative McCulloch fought to repair an unjust system; and

WHEREAS, the Civil Rights Act of 1964 was a path to justice for a nation that had allowed injustice for so long and it was his political and moral guidance that quelled anti-civil rights sentiments from members of the Committee and thus McCulloch's influence with the 1964 Civil Rights Act led President Kennedy to declare, "Without him it can't be done", and

WHEREAS, Congressman William McCulloch never shirked from responsibility, he rose to become recognized by President Johnson as "the most important and powerful political force" in passing the 1964 Civil Rights Act; and

WHEREAS, the National Statuary Hall was created by federal law in 1864 and allowed each state to provide two statues honoring worthy individuals from their state who have contributed to history. For more than 120 years, Ohio as been represented by former President of the United States, Union General and U.S. Representative from Ohio, James A. Garfield, and former congressman and Ohio Governor William Allen; and

WHEREAS, a federal law change in 2000 established a procedure by which states may petition to exchange their statues in Statuary Hall and prompted an effort in Ohio to replace the statue of Governor William Allen; and

WHEREAS, William Allen opposed the Emancipation Proclamation and the Civil War, which is inconsistent with Ohio's distinguished history at the forefront of the abolition movement and a major link to freedom for slaves escaping along the Underground Railroad; and

WHEREAS, in 2006, the Ohio General Assembly formally passed a bill to establish a bipartisan panel of legislators and tasked them with finding a suitable replacement for Governor Allen; and

WHEREAS, the selection of William Moore McCulloch as Ohio's Representative would enable Ohio to have as its representative, a person who made a great contribution to our Nation.

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: That the Piqua City Commission supports the inclusion of William Moore McCulloch as Ohio's new Representative in Statuary Hall.

SEC. 2: That this Resolution be recorded upon the minutes of Commission and copies be sent to Ohio General Assembly Statuary Committee members; Senator Mark Wagoner, Chair, Representative Tom Letson, Vice Chair, Senator Teresa Fedor, Representative Richard Adams; Senator Karen Gillmore; and Representative Connie Pillich.

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

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

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

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

**RESOLUTION NO. R-62-10**

**A RESOLUTION AWARDING A CONTRACT TO  
BUREAU OF OFFICE SERVICES, INC. IN AN AMOUNT  
NOT TO EXCEED \$40,000 FOR TRANSCRIPTION  
SERVICES FOR THE PIQUA CITY POLICE DEPARTMENT**

WHEREAS, on January 4, 2010 this Commission passed Resolution No. R-5-10 authorizing the City Purchasing Agent to advertise for bids, according to law, for transcription services for the Police Department; and

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

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

SEC. 1: A contract for said transcription services is hereby awarded to Bureau of Office Services, Inc. as the best, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications for one year with an option to renew for successive one year periods.

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$40,000 for each budget year.

SEC. 3: 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 18, 2010*

TO: Fred Enderle, City Manager

FROM: Bruce Jamison, Chief of Police

SUBJECT: Reference Resolution R-62-10, A Resolution Awarding A Contract To Bureau Of Office Services, Inc. In An Amount Not To Exceed \$40,000 For Transcription Services For The Piqua City Police Department

### **PURPOSE:**

To approve the resolution authorizing the City Manager to enter into a contract with Bureau of Office Services, Inc. for transcription services for the police department in an amount not to exceed \$40,000.

### **RECOMMENDATION:**

Approval of Resolution R-62-10 authorizing the City Manager to enter into a contract with Bureau of Office Services, Inc. for transcription services for the police department at a cost of \$0.0080 per word.

### **BACKGROUND:**

Due to the extended absence of the Police Transcriptionist in late 2009, the police department researched temporary solutions to completion of the narrative portion of police reports. Rather than hiring a temporary employee, we experimented with services available through companies that specifically provide this service (outsourcing).

We found, from an operational perspective, that outsourcing was an excellent solution to several issues we have related to our records. More specifically:

- Access to a pool of transcriptionists on a 24/7 basis greatly enhanced the turn-around-time for these jobs,
- Officers were able to proof a report within hours of dictating it, rather than days,
- Citizens had quicker access to the reports prepared by officers,
- We could clearly differentiate between a draft report and a final approved report, avoiding problems related to citizens or the court basing decisions on draft content that was later corrected by the officer.

This was not a reflection on the performance of the employee assigned as our Police Transcriptionist. In fact, we were very fortunate to have a person with her exceptional skills in this position.

During the preparation of the 2009 budget in late 2008, I was charged to reduce the staffing level of the police department (specifically the civilian and management ranks) as opportunities presented themselves over the next three years. This was part of a long-range restructuring plan. Methods to be used included non-replacement through attrition and replacement of human resources through technological advances.

After this experiment with outsourcing the transcription services, it was obvious that the outsourcing provided a viable and preferable solution. It was fiscally preferable to in-house services with one exception. The in-house transcriptionist provided more services than just transcription. She also served in a relief capacity for other civilian staffing positions. This provided us with fewer options for covering absences of civilian staff. It also meant that the non-transcription work provided by the Police Transcriptionist had to be evaluated as to necessity and the necessary work had to be reallocated to existing employees. Unfortunately, very little of the work she did was found to be unnecessary.

Based on study of these tasks, we still determined that the greatest overall benefit to the city was to continue to outsource transcription. The non-transcription work previously completed by this in-house employee was reallocated amongst other civilian staff, management staff, and line officers.

I discussed this during meetings with commissioners and the outsourcing was budgeted for 2010 rather than an employee. So, the decision to outsource was approved by City Commission as part of the 2010 budget approval process.

### **ALTERNATIVES:**

1. Approval of Resolution R-62-10 authorizing the City Manager to enter into a contract with Bureau of Office Services, Inc. for transcription services for the police department at a cost of \$0.0080 per word.
2. Abandon the bid process initiated with the Request For Proposals (RFP) issued on March 5, 2010, and continue with our non-contracted hand-shake agreement with Speakwrite, Inc., at a cost of \$0.0125 cents per word.
3. Abandon the concept of outsourcing our transcription services and call-back the employee whose position was previously abolished.
4. Abandon the concept of outsourcing our transcription services and purchase software to be utilized by each user to dictate their reports.
5. Abandon the ability for officers to dictate their reports..

### **DISCUSSION:**

If the commission approves this resolution as recommended, we will meet the legal mandates of the RFP process and honor the proposals as submitted by interested vendors. We were

fortunate to get a very good response to our RFP (ten vendors) and utilized an extensive review process to reach this recommendation and to declare the Bureau of Office Services response as the “lowest and best.”

The first part of the process was to compare the pricing of the various responses. Because some vendors price by length of dictation and others by number of transcribed lines, we took various sample reports to compare the costs “apples-to-apples” and to our “per word” preference. Bureau of Office Services received the maximum number of points for pricing.

I then had the management/supervisory staff of the police department evaluate each response and score it in consideration of the operational needs of the department. The only vendor that scored higher than the Bureau of Office Services was Speakwrite. We have been using them for a number of months and are extremely pleased with their service.

I then contacted references for the vendors. Only one vendor received any negative references from current clients. The variances in scores for references were mostly related to type of clients listed as references. Bureau of Office Services only has one law enforcement agency, all the rest were Veteran’s Administration Medical Centers (medical transcription). The law enforcement agency and all the VA’s spoke very highly of Bureau of Office Services, but other vendors scored higher in the “references” category due to more police-related references being available.

When all these points were combined in accordance with the guidelines we set forth in our RFP, Bureau of Office Services clearly received the highest score. In good faith, the contract should now be awarded to them.

To follow alternative #2 as described above would defy the purchasing process and be more expensive than alternative #1. We would violate city ordinances and auditing practices as we are likely to eventually incur over \$25,000 in expenses without a formal City Commission approval.

Alternative #3 would result in increased personnel expenses. When obtaining estimates, it seemed as though we might spend an amount very similar to the annual salary of this position for outsourcing. However, it followed the general long-term city strategy of reducing employees where possible. Estimates based on the RFP as provided by Bureau of Office Services would indicate that the outsourcing will be closer to half of the expenses related to hiring the position. The only advantage would be the workload and relief benefits to our operation, especially since we have lost another civilian employee due to death. We would lose the benefits related to quick turn-around of transcription jobs.

Alternative #4 is certainly an option for the future. There are advances made in this area regularly. In fact, some outsourcing companies actually have the dictation initially “transcribed” through software. A human being then opens the job and “cleans it” before sending it back. The technology is expensive and not yet to the degree of reliability we would need for our applications.

If we were staffed with ten to fourteen more officers, we could consider reverting to having officers type their own reports. However, as many staffing studies have shown, we are staffed at considerably lower levels than other cities with similar populations and workloads (crime rates). It is because of our move to dictation long before many other law enforcement agencies began the practice that we continue to be able to “do more with less” staff. Officers typing reports would lead to more overtime and less visibility of officers on the street.

### **FINANCIAL IMPACT:**

Outsourcing our transcription resulted in the elimination of three budget areas:

- Abolishment of Police Secretary/Transcriptionist position - \$49,311 wages and benefits (excluding health insurance)
- Dictaphone maintenance agreement - \$4,300
- Dictaphone capital item replacement - \$17,000 (originally slated for 2009 in the long-range capital plan, but deferred due to lack of availability of capital funds)

Our professional services line item is increased by outsourcing our transcription. Estimates for 2010 would be \$19,795. This change was made in December when we made the decision to abolish the in-house position. We actually increased the budget in this area prior to final Commission approval, so this annualized expense is already in the 2010 budget. We are already drawing on this line item in order to pay Speakwrite on our pay-as-you-go arrangement.

### **COMMUNITY IMPACT:**

The guaranteed turn-around-time available through outsourced transcription has a very positive impact on the community. In fact, the positive impact has been greater than we originally anticipated in the area of report accuracy.

Citizens, other public agencies, and police management staff now receive only final and approved reports. We no longer have to spend time explaining two different versions of reports that may be circulating because some reports were distributed prior to the reporting officer’s review of a draft. The reports also benefit from review by the officer within hours (sometimes minutes) of being dictated, rather than days. This occasionally happened with our in-house system, but only if the secretary was caught up and the dictation occurred during her regular working hours. In the past few months this has become the norm, and is appreciated by the officers.

As mentioned above, Piqua PD was one of the first police departments to use transcription to minimize officers’ time spent on report writing. This is one of the factors that allow us to provide the level of services we do to the community, even with a lower staffing level and higher crime rate than similarly sized communities. Making officers responsible for typing their own reports might not have an immediately apparent impact, but I believe it could adversely affect the community over time.

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

Long range planning as explained to me when I started this job in August of 2008 included restructuring management staff and reducing civilian staffing levels over a three (or so) year period. Rather than setting certain dates that certain jobs would be eliminated, we have continually looked for opportunities to present themselves during the long-range period. Some anticipated changes that we had hoped would be in place prior to the staffing changes include a new telephone system and a new records system. Unfortunately, these changes were not complete prior to other challenges being presented. However, once the experiment with outsourcing transcription demonstrated both fiscal and operational advantages, I could not in good conscious wait until the end of the three year process to see where we stood. In consideration of the long-term city plans, this is the appropriate time to make this change.

Respectfully Submitted,

Bruce A. Jamison, CLEE  
Chief of Police

Responses to Police Transcription Services RFP # 1007  
 Opened 3/25/10 at 2:00 p.m.

	Sparkwite Austin, TX 78730	Net Transcripts, Inc. Tempe, AZ 85281	Free State Reporting, Inc. Annapolis, MD 21409	Reporter's Transcription Center Binghamton, NY 13901-9318	Huntington Court Reporters & Transcription, Inc. Pasadena, CA 91105	Ctech Troy, MI 48068	Iridium Troy, PA 16947	Revista Transcription Wilmette, IL 60527	Bussell of Office Services, Inc. Burr Ridge, IL 60527-8175	WPU, Inc. Cupertino Park, CA 91300
Pricing	12.00	3.00	9.00	27.00	6.00	15.00	24.00	16.00	30.00	21.00
Bidder's Qualifications	39.71	27.57	30.43	36.14	35.29	34.14	32.98	29.57	39.14	34.86
References	28.00	30.00	28.00	20.00	30.00	25.00	4.00	25.00	26.00	30.00
<b>Total jobs out of 100 available</b>	<b>80.71</b>	<b>60.57</b>	<b>65.43</b>	<b>86.14</b>	<b>71.29</b>	<b>74.14</b>	<b>60.88</b>	<b>72.57</b>	<b>95.14</b>	<b>65.66</b>

Responses to Police Transcription Services RFP # 1007  
 Opened 3/25/10 at 2:00 p.m.

Company Name	Contact Person	Address	City, State, Zip
Speakwrite	Richard Jackson	6011 W. Courtyard Dr., Suite 450	Austin, TX 78730
Net Transcripts, Inc.	Gary Nudd	425 S. 48th St., Suite 103	Tempe, AZ 85281
Free State Reporting, Inc.	Debra Serio	1378 Cape St. Claire Rd.	Annapolis, MD 21409
Reporter's Transcription Center	Scott Kinne	71 State St.	Binghamton, NY 13901-3318
Huntington Court Reporters & Transcription, Inc.	Ann Bonnette	1450 W. Colorado Blvd, Suite 100	Pasadena, CA 91105
Ctech	Venia Cleek	1607 E. Big Beaver Rd., Suite 102	Troy, MI 48083
Iridium	Abraham George	514 Canton St.	Troy, PA 16947
Replica Transcription	Kurt Elliott	66 W. 63rd St.	Willowbrook, IL 60527
Bureau of Office Services, Inc.	Richard E. Piasecki	361 S. Frontage Rd., Suite 125	Burr Ridge, IL 60527-6175
WPU, Inc.	Thida Win	20924 Vanowen St.	Canoga Park, CA 91303

**RESOLUTION NO. R-63-10**

**A RESOLUTION APPOINTING A MEMBER TO THE MIAMI  
COUNTY COMMUNITY ACTION COUNCIL BOARD**

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: William Murphy is hereby appointed as a member of the Miami County Community Action Council Board to fill an unexpired term which is to expire on December 31, 2011 or until his successor is confirmed and qualified.

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

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

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

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

**RESOLUTION NO. R-64-10**

**A RESOLUTION AWARDING A CONTRACT TO KLIENGLERS & ASSOCIATES FOR A STORMWATER MAPPING SYSTEM**

WHEREAS, on January 4, 2010 this Commission passed Resolution No. R-5-10 authorizing the City Purchasing Agent to advertise for bids, according to law, for Stormwater Mapping for the Stormwater Department; and

WHEREAS, after proper advertisement, bids were shortlisted, resulting in the tabulation of a bid as listed in the City Commission Meeting Report attached hereto;

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

SEC. 1: A contract for said Stormwater Mapping is hereby awarded to Kliengers & Associates, as the best, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications for one year.

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate accounts of the City treasury in payment according to contract terms, not exceeding a total of \$60,000 for each budget year.

SEC. 3: 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 18, 2010*

TO: Fred Enderle, City Manager  
FROM: Devon Alexander Stormwater Coordinator  
SUBJECT: Resolution #R-64-10 – Authorization to Contract for Stormwater Mapping

**PURPOSE:**

Authorize execution of a contract with Kliengers & Associates, in conjunction with Cropper GIS, for the preparation of City of Piqua's Stormwater Mapping System.

**RECOMMENDATION:**

Authorize execution of contract with Kliengers & Associate, for the immediate start of the stormwater mapping for the City of Piqua.

**BACKGROUND:**

A large component of the EPA permit requirement is that each municipality will have an updated stormwater system map. This component of the permit is required to be completed in the first five year phase of the permit cycle. Currently the City of Piqua does not have a complete, detailed stormwater map.

The city of Piqua Stormwater Department shortlisted the request for proposals, and sent out packets to Stantec Consulting, Klienger's & Associates, Woolpert, and URS Consulting. Out of the four that we had sent out, we received two proposals back. Those were Klienger's & Associates, and Stantec Consulting.

The outcome of the proposed plan will allow Klienger's & Associates to map our system in detail. As required by the EPA and as stated in the request for proposal packet, the City of Piqua is required to show, but not limited to the following items: Complete mapping of the storm sewer, all manholes, all catch basins, and all other inlets, and outfalls. We will also be assessing in this project other data such as, flow direction, pipe size, and depth. The outcome of this mapping project will allow implementation of the data into our GIS (Geographical Information System). Once we have obtained the final product, it will allow other city departments to access it for their use as well.

## **ALTERNATIVES:**

1. Adopt Resolution #R 64-10 – Authorizing execution of a contract with Klienger’s & Associates to map the stormwater system
2. Do not adopt Resolution #R 64-10 – and direct staff undertake the project in house as time and budgetary constraints allow.
3. Do not adopt Resolution #R 64-10 – and provide staff with further direction on how to proceed.

## **DISCUSSION:**

As mentioned there is the alternative to do the mapping in house, and the following information is budgetary data compiled to show the cost of the project would exceed the cost that was presented by Kleingers & Associates. Their quote was **\$49,960**.

We must take into consideration that if we did the mapping in house the time to complete the project would be far greater than having an outside professional complete the project. Our field crew’s hours to complete the data collection alone could be estimated to be in the 600-800 hour range. This figure is an estimate, which takes into consideration that our crews are not as versed in the data collection process and would not work as fast as a consulting team. Our field crew would consist of two underground utility employees. These would be hours taken away from other Underground Utility works (such as repairing/cleaning sewer and water lines, replacing/repairing catch basins, manholes, fire hydrants, etc). the only feasible way to complete the project in-house without impacting the workload of the current staff would be to proceed with the original organizational plan to hire two new additional employees for the Underground Utility Division at an annual cost of \$100,000.

Also, we must take into consideration that the employees would have to dedicate their whole work day to this mapping project; otherwise the time to collect the data could reach in the 3-4 year time period. Since the completion of the mapping must be done within our first five year (current) permit cycle; the mapping cannot exceed a two-year process.

The cost for the City of Piqua to collect just the field data in-house, using existing personnel would cost:

**\$60/hr (2 Employees including all benefits) at 600-800 hours = \$36,000 - \$48,000**

Getting the data collected from the field into a map form would require a GIS Specialist, which would be able to manipulate the data and be able to compile the data into a GEO database, so that we could implement the information into our GIS System. This alone would still have to be done by an outside source because the City of Piqua doesn't have any individual with the resources to complete this task:

**\$130/hr (Final Productions and Revisions) at 400 hours = \$54,000**

Our estimated cost for this in-house data collection/consultant GIS specialist would be **\$112,000**, and would take in the time frame of 4 years for completion of the project. Once again, the length of the estimated time is based upon the fact that our in house employees would not be full time dedicated to this project, and their other daily responsibilities would interfere with the mapping project.

### **FINANCIAL IMPACT:**

Due to the projected cost and time that it would cost the City of Piqua to do the mapping of the stormwater, to the hiring of Kleingers & Associates to complete the project would produce savings in both cost (\$37,000) and time (1 vs. 4 years), as well as their professionalism expertise in this area would greatly enhance the quality of the project. The cost of the project does fit into the 2010 budget.

### **COMMUNITY IMPACT:**

With the opportunity to use an outside source for the completion of the stormwater mapping, it will allow our city staff and work crews to be more attentive to their daily activities and duties. If the City of Piqua did the mapping in house, it would pull staff away from their duties. The overall consumption of time would also impact the work load of the city. It could be estimated that it could take up to 4 years for the data to be collected, processed, and implemented. Whereas by using the outside source, it could be done in a time period of six months.

Using the outside consultant to complete the work would allow our City of Piqua work crews to stay obligated to their daily tasks, and to continue to work on pre-existing projects, in addition to all of those issues that may arise. Another positive aspect in using the consultant would be that, it would allow us to set up our stormwater programs within six months. The mapping is a vital necessity to the stormwater and to the City of Piqua. This would overall have a better impact on the community as a whole.

**RESOLUTION NO. R-65-10**

**A RESOLUTION APPOINTING A MEMBER  
TO THE PARK BOARD**

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: Denise A. Uhlenbrock is hereby appointed as a member of the Park Board for a term of five (5) years to expire on March 1, 2015 or until her successor is confirmed and qualified;

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

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

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

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

**RESOLUTION NO. R-66-10**

**A RESOLUTION APPOINTING A MEMBER  
TO THE PARK BOARD**

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: Michelle E. Herndon is hereby appointed as a member of the Park Board for a term of five (5) years to expire on March 1, 2015 or until her successor is confirmed and qualified;

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

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

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

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

**RESOLUTION NO. R-67-10**

**A RESOLUTION AWARDED A CONTRACT TO  
PRO ONCALL TECHNOLOGIES FOR  
THE PURCHASE AND INSTALLATION OF A TOSHIBA STRATA CIX  
COMMUNICATIONS SYSTEM AT THE CITY FACILITIES**

WHEREAS, on January 5, 2009, this Commission passed Resolution No. R-2-09 authorizing the City Purchasing Agent to advertise for bid proposals, according to law, for the Business Telephone System & Voice Processing System; and

WHEREAS, after proper advertisement, 22 proposals (See Exhibit "A") were opened and evaluated; and

WHEREAS, after due evaluation, it is recommended that PRO OnCall Technologies is the best, responsible bidder for the City's telephone needs.

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 award of a contract is hereby approved with PRO OnCall Technologies; as the best, responsible bidder for the Business Telephone System & Voice Processing System and the City Manager is hereby authorized to negotiate and execute a contract with said bidder pursuant to contract specifications for an amount not to exceed \$99,702.00.

SEC. 2: The Finance Director certifies that the funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$99,702.00.

SEC. 3: 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 18, 2010*

TO: Fred Enderle, City Manager

FROM: Dean Burch, Director of Information Technology

SUBJECT: Approval of Resolution to Purchase Telephone System

### **PURPOSE:**

To enter into an agreement with PRO OnCall Technologies for the purchase and installation of a new telephone system to replace the current Executone IDS system in all City facilities.

### **RECOMMENDATION:**

Approve the resolution authorizing the City Manager to enter into a contract with PRO OnCall Technologies for the purchase and installation of a Toshiba Strata CIX Communications System at the City facilities for a price not to exceed \$99,702.00.

### **BACKGROUND:**

The City of Piqua released a request for proposal for the purchase and installation of a new telephone system in November 2009. The main emphasis of the proposal was a telephone system that was capable of handling a combination of analog, digital and/or IP telephones and an integrated voicemail system. The system needed to be upgradable to possibly replace digital connections with all analog or IP connections as the need arose. The City also desired to keep the current DID (direct inward dialing) numbers. A critical component of the system also was the capability to use PRI lines (to share the lines) instead of individual CENTREX lines for each telephone number in the City. This last component offers monthly savings from the current monthly invoices.

Eighteen (18) vendors submitted twenty-two (22) proposals. The proposals were reviewed and evaluated based on the following criteria: pricing (30%), feature compliance (15%), technical compliance (15%), bidder's qualifications (15%), technical support (15%) and warranty/maintenance cost (10%).

Most all of the companies are able to provide the feature, technical compliance as well as being qualified bidders. Some companies are able to provide the technical and warranty & maintenance support but do so via other companies/subcontractors. While this support practice may work adequately in some situations, Information Technology personnel has found that working with subcontractors on technical issues many times causes problems with no one "taking ownership" of the problem/issue. Telephone system support is a critical piece of the evaluation and therefore this was given substantive consideration in the evaluation and review process.

The proposals were reviewed and evaluated according to the criteria listed above. The top three proposals were evaluated to be PRO OnCall Technologies (Dayton Ohio) – 94 points, Parallel Technologies (Cincinnati, Ohio) – 94 points, and TCG – Technology Convergence Group (Dayton, Ohio) – 92 points.. While all three companies would be able to provide the City with the necessary system and support, the recommendation is to purchase the system from PRO OnCall Technologies. This recommendation is based on three main considerations. PRO OnCall was one of the top evaluated proposals, the City has a long and successful relationship with PRO OnCall Technologies (formerly IDEACOM), and PRO OnCall is located in Dayton with their own support employees and therefore support issues may be less than with many of the others..

### **ALTERNATIVES:**

1. Approve the Resolution purchasing telephone system from PRO OnCall Technologies.
2. Do not replace the existing telephone system and therefore not have the additional telephone features and also not save money on the monthly telephone line invoices.
3. Suggest an alternative and provide further direction

### **DISCUSSION:**

The City has been investigating the replacement of the City telephone for a time. Issues with our network equipment needing upgraded/replaced have not allowed the City to do this project until recently. We are currently positioned to be able to take advantage of the network connectivity between the City facilities and upgrade the telephone system with new features for the users and save money each month in the process.

Another potential stumbling block to implementing a new telephone system was the question of the use of the I-NET (institutional network) fiber between the City facilities. Two main questions regarding this network have been addressed. The first, is the City allowed to use the I-NET for their telephone system? The answer to that question is yes we are allowed. The second was the concern of Time Warner no longer allowing the City to use the network. In discussions with Mike Gray of Time Warner, the City has been assured this is not the case. The City and Time Warner are continuing in final discussions for our use of the I-NET and Time Warner's use of our poles.

The new telephone system will be capable of handling a combination of analog, digital and/or IP telephones. It will allow us to mix and match technologies based on the changing needs of the City. The system will allow the City to take advantage of a different type of telephone communication. The City will be able to use PRI lines for their telephone communications and therefore save considerable money from the current separate telephones lines for each telephone number.

A number of cities/municipalities have taken advantage of their network infrastructure and the capability of using PRI lines from a central location to save money, as we are proposing. Some of the cities that PRO OnCall Technologies have implemented this type of configuration with include Centerville, Trotwood, Canton, Harrison, Brook Park, Tipp City and West Carrollton.

The system will also allow City facilities to be part of an integrated voicemail system. Voicemail will allow City facilities to better serve their customers and allow the employees to be more productive. Features such as department-specific welcome messages/instructions, unified messaging (integrating voice mail with email), time-of-day specific outgoing messages will help the City more efficiently and effectively interact with the citizens.

## **FINANCIAL IMPACT:**

The estimated life of the new telephone system is 7- 10 years. Many systems last longer but with ever-changing technology a seven year life is being used for this analysis. The current telephone system has been in place since 2001.

The estimated cost of the current telephone configuration is approximately \$408,618 over the next seven years. This includes the annual cost of the telephone lines and the annual maintenance of the current telephone system. The estimated cost of the new proposed telephone system over the same seven year timeframe is \$361,124. This includes the annual costs for the new telephone lines setup (PRI lines), annual loan/debt services payments for the new telephone system and the maintenance costs for years 3-7. The total estimated savings for the seven year timeframe is conservatively estimated to be \$47,494 when compared to the current system costs. (See Exhibit "B")

The source of funding for the telephone system will be either IT cash reserves; or internal or external borrowing; and will be finalized along with the new financial information system funding later this year. Should cash reserves be used, the annual savings will be more each year.

## **COMMUNITY IMPACT:**

A telephone system with integrated voice mail will allow the City to more efficiently and effectively interact with those individuals looking to do business with the City government. Sharing of information within the new system and the City's email system will allow employees to gather and distribute information in a timelier manner. Decreased overall costs will allow the City to be fiscally responsible in these current economic times.

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

Better communications between city government and its citizens is a 2010 Strategic Planning goal. An integrated voice mail system with adjustable/changeable welcome messages would allow the City to more efficiently and effectively communicate with the citizens. Voice mail will allow more effective sharing of information within the City government and with the citizens.

Another goal of the 2010 Strategic Planning process is to ensure the fiscal soundness of the City. This project will allow the City to cut costs and be fiscally responsible and offer additional benefits to both employees and citizens.

## Exhibit "A"

	<b>Pricing/Total Cost Score</b>	<b>Total Score</b>
ProOnCall	24	94
Parallel Tech	29	94
Tech Convergence Group	22	92
Microman/TDS	25	90
DataTalk	23	88
NuVision Tech - Blackbox	28	88
NuWave Technology	27	87
MVD Communications	17	87
Black Box - Alternate Quote1	26	86
SMS ProTech	15	85
Vercom #1	20	85
Carousel Industries	19	84
ATI #1 - Alternate Quote	13	83
ATI #2 - Alternate Quote 1	12	82
Morse Communication	16	81
ATI #1	11	81
Vercom #2	21	81
ATI #2	10	80
AT&T (a)	14	79
ATI #2 - Aternate Quote 2	9	79
Black Box	18	78
8x8	n/a	n/a

Exhibit "B"

	<u>Current</u>	<u>Proposed</u>	
		Years 1 & 2	Years 3 - 7
Annual cost of telephone lines	\$ 50,940	\$ 30,000	\$ 30,000
Annual maintenance	\$ 7,434	\$ -	\$ 8,704
* Annual loan payments	\$ -	\$ 15,372	\$ 15,372
Total annual cost	\$ 58,374	\$ 45,372	\$ 54,076
# of years	X 7	X 2	X 5
	<u>\$ 408,618</u>	<u>\$ 90,744</u>	<u>\$ 270,380</u>
Current cost over 7 yrs.	\$ 408,618		
Proposed cost over 7 yrs.	<u>\$ 361,124</u>		
Total estimated 7 yr savings	<u>\$ 47,494</u>		

\* 90,639 @ 5% for 7 years

Source of funding for the telephone system will be either IT cash reserves or internal or external borrowing and will be finalized along with the new financial information system funding.

Total Interest Cost to Finance = \$16,965

If Cash Reserves are Used, Total Estimated Savings = \$64,459

**RESOLUTION NO. R-68-10**

**A RESOLUTION STATING THE INTENT OF THE CITY OF PIQUA TO PROVIDE CERTAIN UTILITY SERVICES TO A PROPOSED JOB READY SITE**

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

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

WHEREAS, the City of Piqua authorized William P. Murphy, the Site Improvement Manager, to apply for financial assistance from the State of Ohio, Department of Development, through its Ohio Job Ready Sites Program, and

WHEREAS, the City of Piqua must directly state by resolution its intent to provide certain utility services to the proposed job ready site to satisfy the Ohio Department of Development Job Ready Sites Program application requirements;

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 hereby provides the requested document in support of the Ohio Job Ready Sites program application authorized by Resolution 35-10.

SEC. 2: The City of Piqua hereby commits to provide electric, sanitary sewer, water, and storm sewer utility services to the proposed Job Ready Site, contingent upon the approval of financial assistance from the State of Ohio, Department of Development, through its Ohio Job Ready Sites Program.

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

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

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

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



## DEVELOPMENT OFFICE

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Chris Schmiesing – City Planner  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2049 • FAX (937) 778-0809  
E-Mail: [cschmiesing@piquaoh.org](mailto:cschmiesing@piquaoh.org)  
Web: <http://www.piquaoh.org>

To: Fred Enderle, City Manager

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

From: Chris Schmiesing, City Planner

Date: May 17, 2010

Subj.: Request for City Commission Authorization of Resolution of Intent to Provide Utility Services (Reference 2010 Job Ready Sites Program Application)

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### **Purpose of the Legislation**

Adopt a resolution stating City of Piqua intent to provide electric, sanitary sewer, water, and storm sewer utility services to the proposed job ready site submitted to the Ohio Department of Development for the FY 2010 Job Ready Sites Program.

### **Recommendation**

City Staff recommends that the City Commission adopts the resolution stating its intent to provide electric, sanitary sewer, water, and storm sewer utility services to the proposed job ready site submitted to the Ohio Department of Development for the FY 2010 Job Ready Sites Program.

### **Background**

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

On March 16, 2010 the City Commission adopted Resolution 35-10 authorizing the submittal of an application for a +/-100 acre proposed job ready site situated just south of the Sherry industrial Park. The requested resolution of intent to provide utility services will provide supporting documentation required to the support the application.

### **Alternatives**

The City Commission may take the following actions:

1. Approve the resolution and state the intent of the City of Piqua to provide electric, sanitary sewer, water, and storm sewer utility services contingent upon the approval of Job Ready Sites Program funding assistance for the proposed job ready site.
2. Reject the resolution and refuse to provide the intent statement requested, resulting in insufficient information being included in the filing of the Job Ready Sites Program Funding Application to the Ohio Department of Development. The earliest period in which the city could re-apply would be 2012.

### **Discussion**

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

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

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

### **Financial Impact**

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

### **Community Impact**

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

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

For a number of years, the City Commission has made promoting economic development the ultimate strategic goal for the community. It is a widely held belief that any successful economic development program must provide for adequate sites for industrial and commercial concerns to take advantage of in order to promote for the attraction, retention and expansion of the community's economic base. The Job Ready Site program is a unique program provided by the Ohio Department of Development for use by the community in order to make necessary investments in potential commercial and industrial sites and to further the economic vitality of the community.