

## AGENDA

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, JUNE 1, 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 18, 2010 Regular City Commission Meeting

#### **B. OLD BUSINESS**

- a. ORD. NO. 12-10 (3<sup>rd</sup> Reading)  
An Ordinance amending Section 50.07 of the Piqua Code, relating to refuse collection
- b. ORD. NO. 13-10 (3<sup>rd</sup> Reading)  
An Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Piqua
- c. ORD. NO. 14-10 (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 I-2 (Heavy Industry) to +/- 5.000 acre and +/- 2.932 acre parcels being annexed from Springcreek Township into the City of Piqua Corporation Limits
- d. ORD. NO. 15-10 (1<sup>st</sup> Reading) – Tabled 5/18/2010 - (Amended)  
An Ordinance amending Chapter 55 of the Piqua Municipal Code Stormwater Management

#### **C. NEW BUSINESS**

- a. ORD. NO. 16-10 (1<sup>st</sup> Reading)  
An Ordinance amending Sections 51.91, 52.22 and 53.05 of the Piqua Code, relating to Utility Discounts for senior citizens and disabled
- b. ORD. NO. 17-10 (1<sup>st</sup> Reading)  
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 66 and 68 Police and Fire Services

- c. ORD. NO. 18-10 (1<sup>st</sup> Reading)  
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 5, 6 and 8 The Commission
- d. ORD. NO. 19-10 (1<sup>st</sup> Reading)  
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 32 and 41 Administrative Service
- e. RES. NO. R-69-10  
A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Fountain Park, Hardman Field and Hance Pavilion to the Piqua Fourth of July Association
- f. RES. NO. R-70-10  
A Resolution submitting to the electors of the City of Piqua, Ohio, a proposed amendment to Codified Ordinance Sections 36.03 and 36.04 providing a ten-year renewal of the 0.25% of 1% Municipal Income Tax Levy for Street Improvements
- g. RES. NO. R-71-10  
A Resolution requesting authorization to issue a purchase order to O.R. Colan Associates for the Right-Of-Way acquisition services for the East Ash Street Reconstruction Project
- h. RES. NO. R-72-10  
A Resolution of Intent to Vacate Public Right-Of-Way
- i. RES. NO. R-73-10  
A Resolution accepting the resignation of Rebecca Harrison as a member of the Board of Zoning Appeals

**D. OTHER**

- a. Monthly Reports – April 2010
- b. Economic Development Update  
Presented by – Mr. Bill Murphy, Assistant City Manager/Director of Economic Development

**E. ADJOURNMENT**

**A. CONSENT AGENDA ITEMS**  
**JUNE 1, 2010**

- **Minutes – May 18, 2010 Regular City Commission Meeting**

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday May 18, 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**

**Consent Agenda**

**Approval of Minutes**

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

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the Regular City Commission Meeting of May 4, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

**Old Business**

**ORD. 12-10 (2nd 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, and how the reduced rates for seniors would be for all their utilities not just the refuse. Mayor Fess stated that anyone currently on the Senior Bag Program would be grand fathered in, and if they return any unused senior bags to the Utility Office they can receive a credit on their utility bill. Commissioner Martin stated he would like to see more information on the changes be addressed in the Piqua Daily Call, and would like to give Ordinance No. 12-10 second reading.

Health & Sanitation Director Amy Welker gave a brief overview of the Senior Discount Program including the income criteria.

**Public Comment**

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

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

**ORD. NO. 13-10 (2nd 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 second reading.

**ORD. NO. 14-10 (2nd Reading)**

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached

thereto to assign a zoning designation of 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 second reading.

**New Business**

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

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

There was discussion on the amount to be charged to multi-family dwellings and apartment complex's, and was further stated that everyone should pay the same and all should be figured by the square footage of the building or parking lot, not by the number of dwellings in a unit. After a lengthy discussion the Commissioners decided to look further into the calculations of the ERU's before making a decision.

**Public Comment**

No one came forward to speak for or against Ordinance No 15-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to table Ordinance No. 15-10 at this time.

Ordinance No. 15-10 was tabled at this time.

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

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

**Public Comment**

No one came forward to speak for or against Resolution No. R-60-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-60-10 be adopted. Voice vote, Aye: Wilson, Vogt, Martin, Terry, and Fess Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-60-10 adopted.

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

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

**Public Comment**

No one came forward to speak for or against Resolution No. R-61-10.

Commissioner Terry encouraged citizens to cast their vote for Mr. McCulloch's statue, stating they do not have to be a registered voter to vote. Commissioner Terry also encouraged the youth to cast their votes for Mr. McCulloch's statue.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-61-10 be adopted. Voice vote, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-61-10 adopted.

**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

Police Chief Jamison gave a brief overview of the new transcription services, stating this process has a quicker turnaround time for the police officers which allows them to get their reports filed in an efficient manner.

**Public Comment**

No one came forward to speak for or against Resolution No. R-62-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-62-10 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-62-10 adopted.

**RES. NO. R-63-10**

A Resolution appointing a member to the Miami County Community Action Council Board

Resolution No. R-63 appoints William Murphy, Economic Development Director/Assistant City Manager to the Miami County Community Action Council Board to fill an unexpired term due to expire on December 31, 2011.

**Public Comment**

No one came forward to speak for or against Resolution No. R-63-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-63-10 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-63-10 adopted.

**RES. NO. R-64-10**

A Resolution awarding a contract to Kliengers & Associates for a Stormwater mapping system

There was discussion on the timeframe it would take to complete the mapping process, how it would be done, and if it were possible to do the mapping process in-house. Devon Alexander, Stormwater Coordinator, explained how the mapping process would be handled, and stated it would take about six months to complete. City Manager Enderle further explained how the mapping layers were applied over an aerial view of the city, and stated the city currently has mapping layers in place for the Power System and Zoning at this time. It would not be feasible to have the mapping process done in-house due to the time and manpower it would take. The cost would certainly be considerably higher, and could possibly take 600-800 hours to complete with only two employees doing the mapping process. These would be hours taken away from other Underground Utility works (repairing/cleaning sewer and water lines, replacing/repairing catch basins, manholes, fire hydrants, etc.).

David Cox, Survey Director, Kleingers and Associates, came forward and gave a brief overview of the project and the timeframe it would take to complete the project.

By using Kleingers & Associates to complete the work it would allow the city work crews to stay obligated to their daily tasks, and to continue to work on their pre-existing projects, and would allow the city to set up stormwater programs within six months. By having Kleingers & Associates complete

the project it would produce a savings in both time and costs. This mapping system will allow implementation of the data into our GIS (Geographical Information System), and will allow other city departments to access it for their use as well. The EPA has required the City of Piqua to have an updated stormwater system map and this would meet the requirement, said City Manager Enderle.

**Comment**

No one came forward to speak for or against Resolution No. R-64-10.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-64-10 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-64-10 adopted.

**RES. NO. R-65-10**

A Resolution appointing a member to the Park Board

Resolution No. R-65-10 appoints Denise Uhlenbrock to the Park Board for a five-year term to expire on March 1, 2015.

**Public Comment**

No one came forward to speak for or against Resolution No. R-65-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-65-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-65-10 adopted.

**RES. NO. R-66-10**

A Resolution appointing a member to the Park Board

Resolution No. R-66-10 appoints Michelle Herndon to the Park Board for a five-year term to expire on March 1, 2015.

**Public Comment**

No one came forward to speak for or against Resolution No. R-66-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-66-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-66-10 adopted.

**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

Information Technology Director, Dean Burch, gave a brief explanation of the costs and the services that will be available with the new system. City Manager Enderle stated the City of Piqua is one of the last municipalities in the area to get on board with the newest telephone system technology.

There was discussion of the various changes that would take place with the new system, such as multiple lines being used for several departments, voice mail for all departments, increased availability in receiving telephone calls. The City released a request for proposals in November 2009, receiving twenty-two proposals. The proposals were reviewed and evaluated based on the criteria of pricing (30%), feature compliance (15%), technical compliance (15%), bidder's qualifications (15%), technical support (15%) and warranty/maintenance cost (10%).

It was explained the estimated cost of the current telephone configuration is approximately \$408,618 over the next seven years, which includes the annual cost of the telephone lines and annual maintenance of the current system. The estimated cost of the new proposed system over the same seven year timeframe is \$361,124, which includes the annual costs for the new telephone lines setup, annual loan/debt services payments for the new 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. There was discussion on various proposals and the differences between them and how they were scored.

#### **Public Comment**

Bill Arnett a representative of Parallel Tech came forward and asked several questions about the scoring process, and asked the Commissioners to consider the \$28,000 difference at this time. Mr. Burch explained the scoring process and how Parallel Tech was scored.

City Manager Enderle stated this is a decision by the City based on the information received and we believe we have made the best choice for this service at this time.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-67-10 be adopted. Roll call, Aye: Terry, Fess, Wilson, and Vogt. Nay. Martin. Motion carried on a 4-1 vote. Mayor Fess declared Resolution No. R-67-10 adopted.

#### **RES. NO. R-68-10**

A Resolution state the intent of the City of Piqua to provide certain utility services to a proposed job ready site

There was discussion of the 1300 feet of roadway anticipated for construction in the area, and if it was necessary to put that length of roadway in at this time. City Planner Chris Schmiesing stated the roadway would extend into the site instead of stubbing it out. The lot is a deep lot being over 100 feet deep, and we would like to have one large company come in, but the area can be divided into smaller sites if necessary, stated City Manager Enderle

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-68-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-68-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-68-10 adopted.

#### **Other**

Mayor Fess asked Boy Scout Troop 295, who were in attendance, to come forward and introduce themselves and state what badge they were working on. Each Boy Scout came forward and introduced themselves and stated the merit badge they were working on. Mayor Fess thanked them for attending and wished them the best in completing their merit badge.

#### **Public Comments**

No one came forward to speak at this time.

#### **Commission Comments**

Taste of the Arts was very much on the minds of the Commissioner as all five Commissioners encouraged citizens to come downtown on May 21, 2010 from 5:00 P.M. – 9:00 P.M. to taste the

various foods and to see the many art exhibits and displays. There will be something for the whole family to see and do, as well as a new addition of the Kim Kelly Orchestra.

Commissioner Terry stated she watched the program "As The World Turns" to see Piqua's own April Grove perform as she had won a national contest to sing with one of the main actors in the Soap Opera. Commissioner Terry further stated, "April was the best part of the show".

Mayor Fess stated she attended the Second Annual Chalk the Walk on Saturday, May 15, 2010 held in front of the Municipal Government Complex and had a wonderful time. Pictures of the winners are on display at Kroger's in Piqua, said Mayor Fess.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 8:45 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**

**June 1, 2010**

- **Ord. No. 12-10 (3<sup>rd</sup> Reading)**
- **Ord. No. 13-10 (3<sup>rd</sup> Reading)**
- **Ord. No. 14-10 (3<sup>rd</sup> Reading)**
- **Ord. No. 15-10 (1<sup>st</sup> Reading) Tabled 5/18/10-Amended**

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**

**2<sup>nd</sup> Reading 5-18-2010**

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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**  
**2<sup>nd</sup> Reading 5-18-2010**

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**  
**2<sup>nd</sup> Reading 5-18-2010**

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

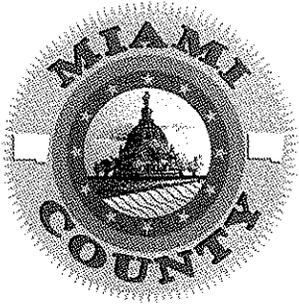
The net fiscal effect of the zoning designation will be nil.

**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

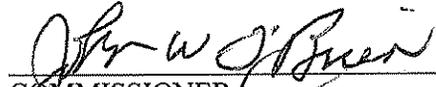
CITY OF PIQUA  
DEVELOPMENT OFFICE



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

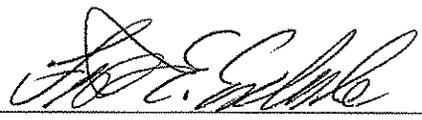
RECEIVED  
09 NOV -6 AM 11:20

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, refiling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

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

10/22/09  
Date

**EXHIBIT "A"**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**EXHIBIT "C"**

**PARCELS INCLUDED IN ANNEXATION PETITION**

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

**EXHIBIT "D"**

**PARCELS ADJACENT TO LAND TO BE ANNEXED**

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

# ANNEXATION OF TERRITORY TO THE CITY OF PIQUA

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

## APPROVAL BY MIAMI COUNTY ENGINEER

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

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

## APPROVAL BY MIAMI COUNTY COMMISSIONERS

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

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

## THE CITY COMMISSION OF THE CITY OF PIQUA

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

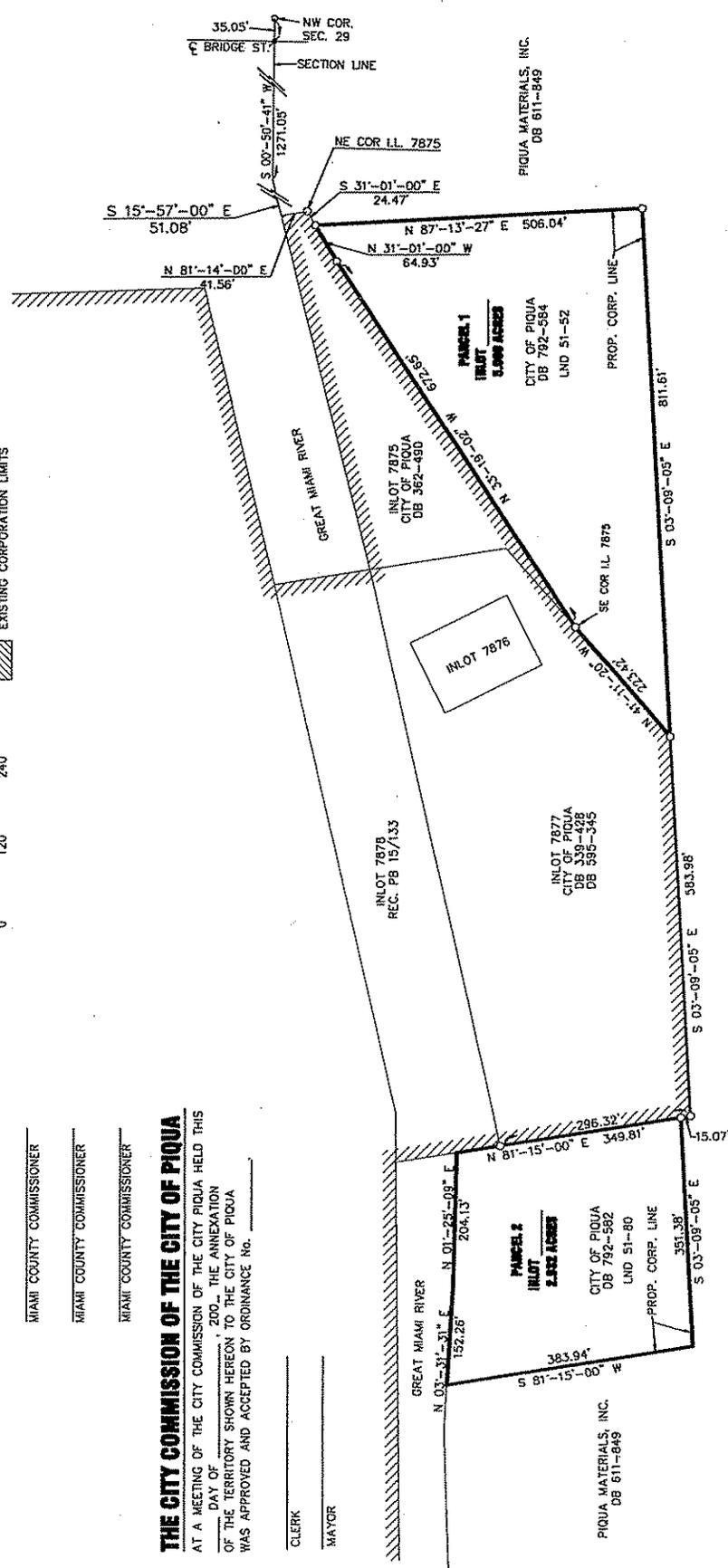
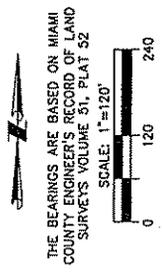
CLERK \_\_\_\_\_  
 MAYOR \_\_\_\_\_

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 MIAMI COUNTY RECORDER'S RECORD  
 OF PLATS  
 RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY  
 OF \_\_\_\_\_, 200\_\_, AT \_\_\_\_\_ M.  
 FILE NO. \_\_\_\_\_ FEE: \$ \_\_\_\_\_

JOHN ALEXANDER, MIAMI COUNTY RECORDER  
 DEPUTY

TRANSFERRED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_,  
 BY: \_\_\_\_\_ DEPUTY AUDITOR  
 CHRIS A. PEEPLES  
 MIAMI COUNTY AUDITOR

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



DESCRIPTION  
 BEING THE ANNEXATION OF A 5,000 ACRE TRACT OF LAND OWNED  
 BY THE CITY OF PIQUA AS DESCRIBED IN DEED BOOK 792, PAGE  
 584 AND SHOWN ON LAND SURVEY VOLUME 51, PAGE 52 AND A  
 2.932 ACRE TRACT OF LAND OWNED BY THE CITY OF PIQUA AS  
 DESCRIBED IN DEED BOOK 792, PAGE 582 AND SHOWN ON LAND  
 SURVEY 51, PAGE 80 TO THE CITY OF PIQUA, OHIO.

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

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

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

**EXHIBIT B**

**CHOICE ONE ENGINEERING**  
 440 N. HUNTER BLVD., SUITE 2000  
 WESLEY, OHIO 45890  
 (740) 333-8888  
 www.choiceoneeng.com

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

STATE OF OHIO  
 WESLEY D. COUBEUX  
 8254  
 PROFESSIONAL SURVEYOR

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

RESOLUTION NO. 09-11-1666

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

REGULAR ANNEXATION

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

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

Now, therefore it be

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

Further be it

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

Be it further

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

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

Mr. Widener, Yea;

Mr. Evans, Yea;

Mr. O'Brien, Yea.

DATED: November 12, 2009

CERTIFICATION

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

Leigh M. Williams  
Leigh M. Williams, Clerk



**DEVELOPMENT OFFICE**

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

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

**PROOF OF SERVICE OF ANNEXATION PETITION**

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

Attached please find the above referenced documents.

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

Thank you.

Chris Schmiesing  
City Planner

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

**AFFIDAVIT OF SERVICE OF NOTICE**

STATE OF OHIO  
COUNTY OF MIAMI

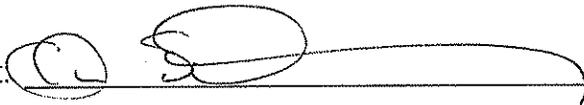
I, Chris Schmiesing the agent for the petitioners of the annexation known as

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

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

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

Signature of Agent:

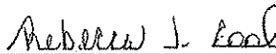


Date:

11-19-09

Sworn and subscribed before me this

19th day of November, 2009



(Notary Public in and for said State)



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

**AFFIDAVIT OF SERVICE OF NOTICE**

STATE OF OHIO  
COUNTY OF MIAMI

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

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

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

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

Signature of Agent:



Date: 11-19-09

Sworn and subscribed before me this

19th day of November, 2009

Rebecca J. Cool

(Notary Public in and for said State)



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



**DEVELOPMENT OFFICE**

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

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

**PROOF OF PUBLICATION OF ANNEXATION PETITION**

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

Attached please find the above referenced documents.

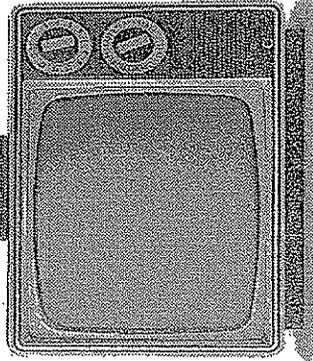
Please advise if any additional information concerning this matter is desired.

Thank you.

Chris Schmiesing  
City Planner

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

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



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

**Classifieds**  
*that work*

# LEGAL NOTICE DIRECTORY

**LEGAL NOTICE**

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

Contact:  
Chris Schmiesing  
(937) 778-2049

12-12-2009  
1311774

**LEGAL NOTICE**

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

Contact:  
Chris Schmiesing  
(937) 778-2049

12-12-2009  
1311774

**LEGAL NOTICE**

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

Contact:  
Chris Schmiesing  
(937) 778-2049

12-12-2009  
1311772

**LEGAL NOTICE**

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

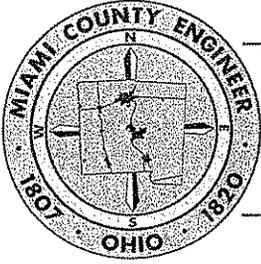
Contact:  
Chris Schmiesing  
(937) 778-2049

12-12-2009  
1311772

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

**REGULAR CITY COMMISSION MEETING**

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



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# MIAMI COUNTY MAP DEPARTMENT

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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.

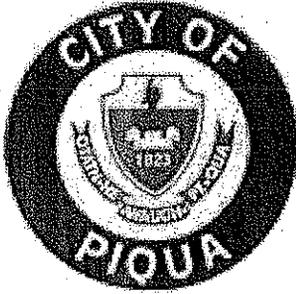
Dear Commissioners:

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

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

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

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

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

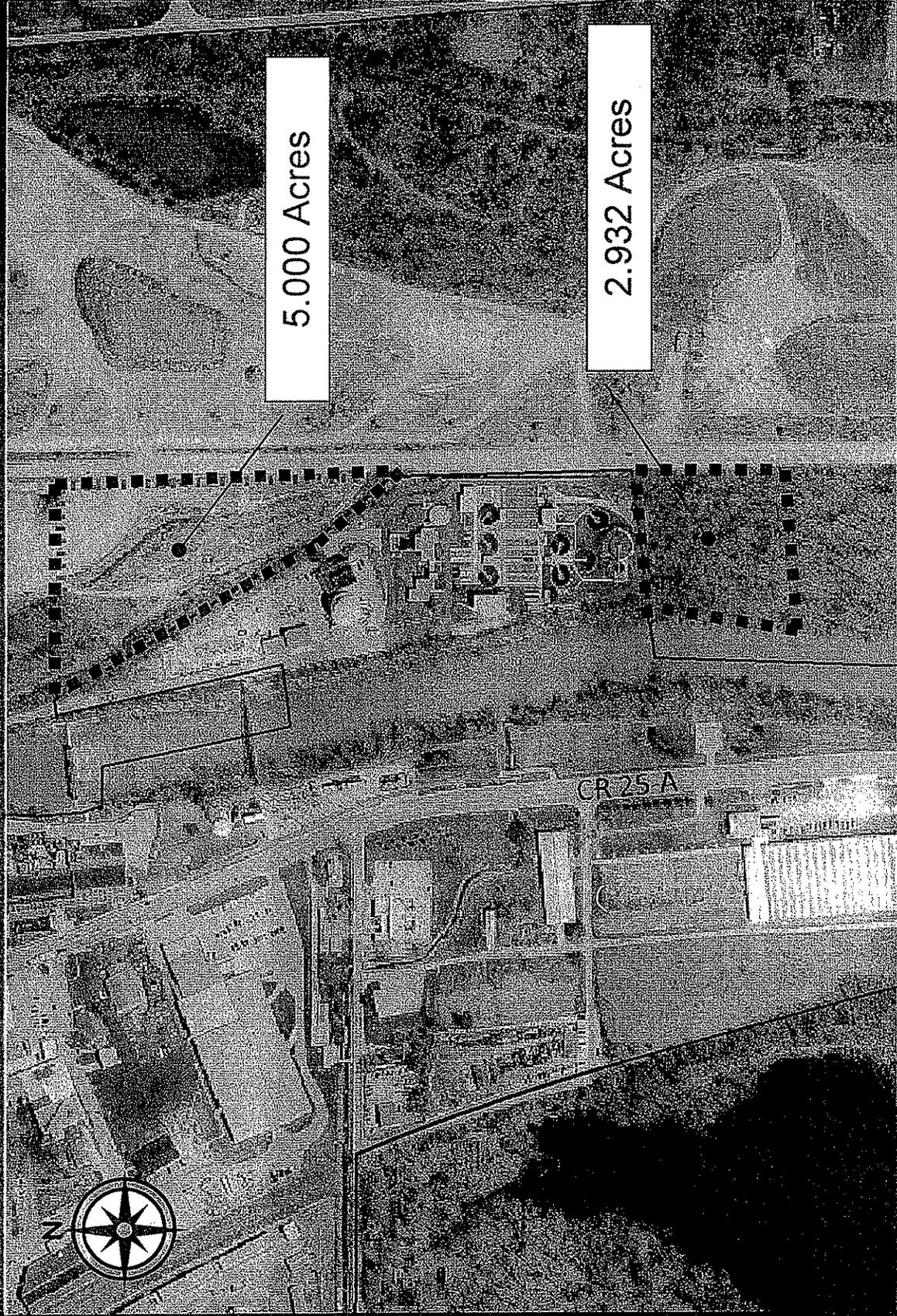
thence, North 81°-15'-00" East, 349.81 feet, along the north property line of said 2.932-acre tract to the principal place of beginning.

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

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

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

EXHIBIT A



WASTEWATER TREATMENT PLANT ANNEXATION

RESOLUTION NO. 10-01-85

HEARING HELD

HEARING ADJOURNED

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

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

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

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

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

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

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

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

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

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

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

Mr. Evans, Yea;

Mr. O'Brien, Yea;

Mr. Widener, Yea.

DATED: January 21, 2010

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the board under the date of January 21, 2010.

Leigh M. Williams  
Leigh M. Williams, Clerk

RESOLUTION NO. 10-02-210

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

PETITION GRANTED

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

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

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

Now, therefore be it

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

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

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

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

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

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

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

Now, therefore be it

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

Further be it

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

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

Mr. Widener, Yea;

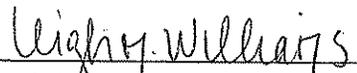
Mr. Evans, Yea;

Mr. O'Brien, Yea.

DATED: February 16, 2010

#### CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the board under the date of February 16, 2010.

  
Leigh M. Williams, Clerk

RESOLUTION NO. 10-02-232

**SIGNATURES ONLY**

**CERTIFICATION/MYLAR:**

**DEPT:** Commissioners

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

Copy of Certification on file in the Commissioners Office.

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

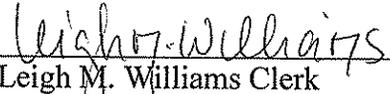
The Board of Miami County Commissioners voted as follows upon roll call:

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

DATED: February 18, 2010

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby  
certify that this is a true and correct transcript of action taken by the Board under the date  
of February 18, 2010.

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

**AMENDED 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~~ Single family 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.

5-18-10 Tabled-Amended

\_\_\_\_\_  
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  $\frac{1}{2}$  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  $\frac{1}{2}$  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  $\frac{1}{2}$  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  $\frac{1}{2}$  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.



**C. NEW BUSINESS**

**JUNE 1, 2010**

- **Ord. No. 16-10 (1<sup>st</sup> Reading)**
- **Ord. No. 17-10 (1<sup>st</sup> Reading)**
- **Ord. No. 18-10 (1<sup>st</sup> Reading)**
- **Ord. No. 19-10 (1<sup>st</sup> Reading)**
- **Res. No. R-69-10**
- **Res. No. R-70-10**
- **Res. No. R-71-10**
- **Res. No. R-72-10**
- **Res. No. R-73-10**

**ORDINANCE NO. 16-10**

**AN ORDINANCE AMENDING SECTIONS 51.91, 52.22, AND 53.05 OF THE PIQUA CODE, RELATING TO UTILITY DISCOUNTS FOR SENIOR CITIZENS AND DISABLED**

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

SEC. 1: Section 51.91 of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined):

**§ 51.91 DISCOUNT FOR SENIOR CITIZENS.**

All charges for wastewater consumers in the city (1) whose head-of-household and/or spouse is at least 62 years old or disabled, and (2) qualifies for the most current income guidelines of Ohio's Home Energy Assistance Program (HEAP), ~~the current income guidelines listed below~~ shall receive a 5% discount on the wastewater portion of their monthly utility bill. They shall be exempt from the 5% penalty assessed for late payment.

**INCOME GUIDELINES**

Number in Household	Yearly Income
1	\$20,000
2	\$25,000

SEC. 2: Section 52.22 of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined):

**§ 52.22 DISCOUNT FOR SENIOR CITIZENS.**

All charges for residential electric consumers in the city (1) whose head-of-household and/or spouse is at least 62 years old or disabled, and (2) qualifies for the most current income guidelines of Ohio's Home Energy Assistance Program (HEAP), ~~the current income guidelines listed below~~ shall receive a 5% discount on the electric portion of their monthly utility bill. They shall be exempt from the 5% penalty assessed for late payment.

**INCOME GUIDELINES**

Number in Household	Yearly Income
1	\$20,000
2	\$25,000

SEC. 3: Section 53.05 of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined):

**§ 53.05 DISCOUNT FOR SENIOR CITIZENS.**

All charges for residential water consumers in the city (1) whose head-of-household and/or spouse is at least 62 years old or disabled, (2) qualifies for the most current income guidelines of Ohio's Home Energy Assistance Program (HEAP), ~~the current income guidelines listed below~~ shall receive a 5% discount on the water portion of their monthly utility bill. They shall be exempt from the 5% penalty assessed for late payment.

**INCOME GUIDELINES**

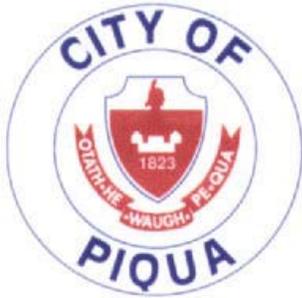
Head of Household	Yearly Income
1	\$20,000
2	\$25,000

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

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

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

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



## CITY COMMISSION MEETING REPORT

For the Regular Meeting of June 1, 2010

TO: Fred Enderle, City Manager  
FROM: Amy Welker, Health & Sanitation Director  
SUBJECT: Senior Discount Program - utilities

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### **PURPOSE:**

To modify Piqua Code Sections 51.91, 52.22, and 53.05 “Discount for Senior Citizens and Disabled” to make the requirements for all the utility discount programs the same.

### **RECOMMENDATION:**

Adopt the Ordinance to make the guidelines for all the discount programs the same. Respectfully, I would also recommend Commission consider waiving the three reading rule on this ordinance to allow the income guidelines to be in effect when the senior refuse program is amended.

### **BACKGROUND:**

The City of Piqua offers two discount programs for senior citizens that relate to utilities. The Senior Discount Program for electric, water, and wastewater is one program that offers a 5% reduction for those utilities. The other program is the Senior Bag Program for refuse. Currently, the Commission is considering a proposed change to the refuse senior bag program. The change would bring that discount program more in line with the existing Senior Discount Program. This modification would ensure that all the senior discount programs are using the same criteria for approval of a customer to the discount program.

One of the criteria already established for the Senior Discount Program is an income guideline. After reviewing the income guidelines in preparation for the new refuse discount program, it was determined that the income guidelines should be adjusted. It would better serve the customers to use the Ohio Home Energy Assistance Program (HEAP) income guidelines. The HEAP guidelines are based on the federal poverty guidelines. The HEAP guidelines are then monitored and adjusted regularly to ensure that those customers who need assistance are incorporated in the system. The guidelines the City currently has in place have fallen below the HEAP guidelines and need adjusted. The goal of this modification is to ensure that the income guidelines for the senior discount program for water, wastewater, and electric are the same as the income guidelines being used for the senior refuse program.

### **ALTERNATIVES:**

1. Adopt a Resolution – Adjusting the guidelines using an alternate method.



2. Do not adopt a resolution adjusting the utility income guidelines.

**DISCUSSION:**

The income guidelines in place for the utility discount program are somewhat arbitrary with no method for updating them. By basing the guidelines on an established State program (HEAP), we are ensuring the guidelines will be relevant and fair without having to adjust them by ordinance each year. The HEAP guidelines are based on federal poverty statistics and meet the needs of this program.

**FINANCIAL IMPACT:**

The discount programs offered by the city are in place to help those customers that need financial assistance. The current income guideline is up to \$20,000 annual income for a household of one. The HEAP guideline for a household of one is up to \$21,660 annual income. As a result of this modification, more customers could potentially qualify for our discount. While potentially allowing more customers into the program, staff does not feel this will significantly affect the stability of the enterprise funds involved.

**COMMUNITY IMPACT:**

This adjustment will benefit the community by offering a fair and equitable senior discount program that is consistent for all utilities.

**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. 17-10

### AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 66 AND 68 POLICE AND FIRE SERVICES

WHEREAS, the Charter Review Committee met pursuant to Charter Section and has recommended the Charter sections concerning the authority of the mayor regarding the police and fire forces be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2010 General Election the question whether the electorate is for or against amending Charter Sections 66 and 68 as follows:

#### **SECTION 66 POLICE FORCE.**

The city shall maintain a police force consisting of an officer directly in charge thereof and of such number of other officers, patrolmen and employees as may be fixed in accordance with the provisions of Section 38 of this Charter. In case of riot or like emergency, the city manager ~~or the mayor, if he shall have been authorized by the commission to take charge of the police force,~~ may appoint additional patrolmen and officers for temporary service who need not be in the classified service of the city. The officer directly in charge of the police force shall have control of the stationing, and other disposition, of all members of the force under such rules and regulations as he may establish with the approval of the city manager.

#### **SECTION 68 FIRE FORCE.**

The city shall maintain a fire force consisting of an officer in charge thereof and of such number of other officers, firemen and employees as may be fixed in accordance with the provisions of Section 38 of this Charter. In case of riot, conflagration, or like emergency, the city manager, ~~or the mayor, if he shall have been authorized by the commission to take charge of the fire force,~~ may appoint additional officers and firemen for temporary service who need not be in the classified service of the city. The officer directly in charge of the fire force shall have control of the stationing, and other disposition, of the force under such rules and regulations as he may establish with the approval of the city manager.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on the November 2010 general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 66 Police Force", and the question to be submitted shall be as follows:

Shall Charter Section 66 be amended to eliminate the mayor's responsibility in an emergency with regards to the command of the police department?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 68 Fire Force", and the question to be submitted shall be as follows:

Shall Charter Section 68 be amended to eliminate the mayor's responsibility in an emergency with regards to the command of the fire department?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 6. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

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

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LUCINDA L. FESS, MAYOR

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

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

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

**To: Fred Enderle, City Manager**

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

**Date: May 25, 2010**

**Re: Charter Amendments to Sections 5-6, 8, 32, 41, 66 and 68**

***PURPOSE:***

To adopt the recommendations of the Charter Review Committee and place on the November 2010 ballot, Charter Amendments for Sections 5-6, 8, 32, 41, 66 and 68.

***RECOMMENDATION:***

To adopt the three Resolutions for amending the above Charter sections as they are the result of the Charter Review Committee's recommendations.

***BACKGROUND:***

The Commission appointed the Charter Review Committee pursuant to Charter Section 135 and Resolution No. 33-09. The Committee was chaired by Frank Patrizio and it reviewed every section of the Charter, meeting on April 30<sup>th</sup>, May 11<sup>th</sup> and 18<sup>th</sup>, June 8<sup>th</sup> and 30<sup>th</sup> and July 20<sup>th</sup>, 2009. Every meeting was open to the public and public comment was received.

The Committee arrived at 21 recommended changes to the Charter. Because of the number of changes, the Committee prioritized the charter changes, grouping them into three groups, which were to be placed on the ballot in November 2009, Spring 2010 and November 2010. The Commission approved the Committee's recommendations in 2009 and placed 11 Charter Amendments on the ballot in November 2009. A second group of changes consisted of Sections 3, 4 and 33, all of which dealt with the organization and/or administrative powers of the Commission. These charter sections will also be placed on the November 2010 ballot due to timing issues with the Board of Elections.

Therefore, the last group of charter changes are as follows:

- Section 5 President of Commission, Mayor
- Section 6 Salary of Commission Members and Mayor
- Section 8 Rules of Commission
  
- Section 32 Removal of Officers and Employees
- Section 41 Qualifications and Duties of Law Director
  
- Section 66 Police Force
- Section 68 Fire Force

The basis for amending Charter Sections 5, 66 and 68 is based on emergency preparedness. The Commission adopted Chapter 35 of the codified ordinances defining the responsibilities in an emergency event. This chapter identified the City Manager as the Emergency Preparedness Coordinator. In the event of an emergency or disaster, key individuals in management have been thoroughly trained on how to respond. This training includes cross training with outside resources such as the County Emergency Operations Center. The response to an emergency event needs to from someone who has daily involvement with the operations and management of the City, which is recognized in Chapter 35. Charter Section 5 **President of Commission, Mayor**, directly conflicts with Chapter 35 and this trained response as it permits the mayor to take command of the police force. Likewise, Sections 66 **Police Force** and 68 **Fire Force** are to be amended to reflect that the mayor is not the position that should take command of the police and fire forces as in a commission- city manager form of government, the mayor is not trained on the operations of the police and fire forces. Putting the mayor in such a role could potentially create liability as a trained individual needs to take command in an emergency event.

Charter Section 6 **Salary of Commission Members and Mayor**, as proposed would eliminate the language that the vice mayor receive the salary of the mayor in which the vice mayor has performed mayor duties in a month. This is difficult to track and not equitable as the vice mayor may conduct one meeting a month yet the Charter section would provide for an entire month's salary. The committee and the Finance Department could not recall an incident where this provision was enforced.

Section 8 **Rules of Commission** is being placed on the ballot to clarify what reasons the Commission may expel a commissioner. The language was somewhat vague and the committee did not want a scenario where a commissioner could be expelled because of personality conflicts.

The remaining sections are 32 **Removal of Officers and Employees** and 41 **Qualifications and Duties of Director of Law**. The proposed amendment to Section 32 specifies that written notice must be provided to an employee who is to be laid off, suspended or terminated and would not permit verbal notice. The

proposed amendment to Section 41 would change the qualifications for the law director to be a practicing attorney from two years to five years. The position of law director is extremely challenging not only due to the volume of work but due to the variety and complexity of issues. It is with great certainty that a person practicing for only two years would not be qualified to fulfill the duties of the position.

***ALTERNATIVES:***

1. The Commission could not adopt the recommendations of the Committee and not place the ordinances on the ballot;
2. The Commission could adopt the recommendations of the Committee and place the ordinances on the ballot;
3. The Commission could adopt some of the recommendations and place the ordinances on the ballot; or
4. The Commission could recommend changes to the proposed ordinances.

***DISCUSSION:***

The proposed ordinances are before the Commission for the first time; however, the Commission has already been introduced to these proposals in 2009 when I presented all of the Charter Review Committee's recommendations. These changes are the result of many public meetings and much input and research. The Committee believed that there were several sections that were outdated and needed changed to be consistent with current policy or practice. For example, management is trained in the operations of the departments and has received specialized training in emergency operations. It is not practical for the mayor to assume responsibility in such an event when it is the city manager who understands the operations. The amendments to Charter Sections 5, 66 and 68 therefore are in response to the operations of the City, the adoption of Chapter 35 and to minimize liability.

The other proposed changes were in response to the need for either clarification or a better definition of the intent of the specific charter section. The Committee unanimously approved the recommended changes.

***FINANCIAL IMPACT:***

None

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

The proposed changes regarding the mayor's authority in emergency events are consistent with Chapter 35 of the Codified Ordinances dealing with emergency operations. The remaining proposed changes are in the interest of the City in defining when a commissioner could be relieved of his duties and increasing the qualifications of the law director.

## ORDINANCE NO. 18 -10

### AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 5, 6 and 8 THE COMMISSION

WHEREAS, the Charter Review Committee met pursuant to Charter Section and has recommended the Charter sections concerning the authority of the mayor and the rules of commission be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2010 General Election the question whether the electorate is for or against amending Charter Sections 5, 6 and 8 as follows:

#### **SECTION 5 PRESIDENT OF COMMISSION, MAYOR.**

The president of the commission, who shall have the title of mayor, shall preside at meetings of the commission and perform such other duties consistent with his office as may be imposed by the commission. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. ~~In time of public danger or emergency he may, with the consent of the commission, take command of the police, maintain order and enforce the law.~~ The president of the commission shall be chosen by direct election of the voters for a term of two years to commence on the first Monday of January following the regular municipal election. At every municipal election when commissioners are to be elected, commencing November 1977, there shall be submitted to the voters a separate ballot for the office of mayor on which shall be listed the names of the candidates for that office. Voters shall not vote for more than one such candidate. Candidates for the office of mayor shall be limited to those persons who are also candidates for the office of city commissioner at that election or who already hold the office of city commissioner and whose term will continue during the next ensuing two calendar years. Candidates for the office of mayor shall file a declaration of candidacy with the board of elections on or before sixty days prior to the municipal election at which the mayor is to be elected. The candidate for mayor receiving the greatest number of votes who is also elected as city commissioner at that election or who is a city commissioner whose term will continue during the ensuing two calendar years will be elected ~~vice~~ mayor. If a vacancy occurs in the office of mayor, the vice mayor shall succeed to the office of mayor for the unexpired term, and the commission shall choose another of its members to act as vice mayor. The vice mayor shall also perform all the duties of the office of mayor during the mayor's absence or

disability. If no candidate for mayor is elected, or if there are no candidates for mayor, the city commission at its first meeting in January following that regular municipal election shall choose one of its members as president of the commission and another of its members as vice mayor.

## **SECTION 6 SALARY OF COMMISSION MEMBERS AND MAYOR.**

The salary of a member of the commission shall be ~~twenty~~ twenty dollars (\$20.00) per month, and the salary of the mayor shall be ~~forty~~ forty dollars (\$40.00) per month unless modified by an ordinance adopting the recommendations of a citizens review committee. Said committee shall consist of at least five and not more than nine members who shall be electors of the City of Piqua appointed by the commission, at least one member being a resident of each ward. No officer or employee of the City of Piqua or member of the immediate family of such officer or employee shall be eligible to be a member of said committee. Said committee shall be appointed and convene every four years beginning in 1998 and issue a recommendation on salaries of commission members and the mayor. The commission may, by ordinance only, accept or reject said recommendation. ~~The vice mayor shall receive the salary of the mayor for each month in which the vice mayor has performed any of the duties of the mayor.~~

## **SECTION 8 RULES OF COMMISSION.**

The commission shall be the judge of the continuing qualifications of its members and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the commission in any such case shall be subject to review by the courts. The commission shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may censure its members for disorderly behavior and, by an affirmative vote of not less than seventy-five percent of the members, may expel a member for violation of its rules, a violation of the Charter, any criminal act involving dishonesty to which there was a criminal conviction or for some other reason for cause such as an ethical violation; but no member shall be expelled unless notified of the charge against him and given an opportunity to be heard in his own defense. Absence from three consecutive regular meetings shall operate to vacate the seat of a member unless such absence be authorized or excused by the commission.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on November 3, 2010, in the general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 5 President of Commission, Mayor", and the question to be submitted shall be as follows:

Shall Charter Section 5 be amended to eliminate the authority of the mayor to take command of the police department in time of emergency?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 6 Salary of Commission Members and Mayor", and the question to be submitted shall be as follows:

Shall Charter Section 6 be amended to eliminate the vice mayor being paid the mayor's salary during absences of the mayor?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 8 Rules of Commission", and the question to be submitted shall be as follows:

Shall Charter Section 8 be amended to specify reasons when a commission member may be expelled from City Commission?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 6. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 7. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 8. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

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

**To: Fred Enderle, City Manager**

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

**Date: May 25, 2010**

**Re: Charter Amendments to Sections 5-6, 8, 32, 41, 66 and 68**

***PURPOSE:***

To adopt the recommendations of the Charter Review Committee and place on the November 2010 ballot, Charter Amendments for Sections 5-6, 8, 32, 41, 66 and 68.

***RECOMMENDATION:***

To adopt the three Resolutions for amending the above Charter sections as they are the result of the Charter Review Committee's recommendations.

***BACKGROUND:***

The Commission appointed the Charter Review Committee pursuant to Charter Section 135 and Resolution No. 33-09. The Committee was chaired by Frank Patrizio and it reviewed every section of the Charter, meeting on April 30<sup>th</sup>, May 11<sup>th</sup> and 18<sup>th</sup>, June 8<sup>th</sup> and 30<sup>th</sup> and July 20<sup>th</sup>, 2009. Every meeting was open to the public and public comment was received.

The Committee arrived at 21 recommended changes to the Charter. Because of the number of changes, the Committee prioritized the charter changes, grouping them into three groups, which were to be placed on the ballot in November 2009, Spring 2010 and November 2010. The Commission approved the Committee's recommendations in 2009 and placed 11 Charter Amendments on the ballot in November 2009. A second group of changes consisted of Sections 3, 4 and 33, all of which dealt with the organization and/or administrative powers of the Commission. These charter sections will also be placed on the November 2010 ballot due to timing issues with the Board of Elections.

Therefore, the last group of charter changes are as follows:

- Section 5 President of Commission, Mayor
- Section 6 Salary of Commission Members and Mayor
- Section 8 Rules of Commission
  
- Section 32 Removal of Officers and Employees
- Section 41 Qualifications and Duties of Law Director
  
- Section 66 Police Force
- Section 68 Fire Force

The basis for amending Charter Sections 5, 66 and 68 is based on emergency preparedness. The Commission adopted Chapter 35 of the codified ordinances defining the responsibilities in an emergency event. This chapter identified the City Manager as the Emergency Preparedness Coordinator. In the event of an emergency or disaster, key individuals in management have been thoroughly trained on how to respond. This training includes cross training with outside resources such as the County Emergency Operations Center. The response to an emergency event needs to from someone who has daily involvement with the operations and management of the City, which is recognized in Chapter 35. Charter Section 5 **President of Commission, Mayor**, directly conflicts with Chapter 35 and this trained response as it permits the mayor to take command of the police force. Likewise, Sections 66 **Police Force** and 68 **Fire Force** are to be amended to reflect that the mayor is not the position that should take command of the police and fire forces as in a commission- city manager form of government, the mayor is not trained on the operations of the police and fire forces. Putting the mayor in such a role could potentially create liability as a trained individual needs to take command in an emergency event.

Charter Section 6 **Salary of Commission Members and Mayor**, as proposed would eliminate the language that the vice mayor receive the salary of the mayor in which the vice mayor has performed mayor duties in a month. This is difficult to track and not equitable as the vice mayor may conduct one meeting a month yet the Charter section would provide for an entire month's salary. The committee and the Finance Department could not recall an incident where this provision was enforced.

Section 8 **Rules of Commission** is being placed on the ballot to clarify what reasons the Commission may expel a commissioner. The language was somewhat vague and the committee did not want a scenario where a commissioner could be expelled because of personality conflicts.

The remaining sections are 32 **Removal of Officers and Employees** and 41 **Qualifications and Duties of Director of Law**. The proposed amendment to Section 32 specifies that written notice must be provided to an employee who is to be laid off, suspended or terminated and would not permit verbal notice. The

proposed amendment to Section 41 would change the qualifications for the law director to be a practicing attorney from two years to five years. The position of law director is extremely challenging not only due to the volume of work but due to the variety and complexity of issues. It is with great certainty that a person practicing for only two years would not be qualified to fulfill the duties of the position.

***ALTERNATIVES:***

1. The Commission could not adopt the recommendations of the Committee and not place the ordinances on the ballot;
2. The Commission could adopt the recommendations of the Committee and place the ordinances on the ballot;
3. The Commission could adopt some of the recommendations and place the ordinances on the ballot; or
4. The Commission could recommend changes to the proposed ordinances.

***DISCUSSION:***

The proposed ordinances are before the Commission for the first time; however, the Commission has already been introduced to these proposals in 2009 when I presented all of the Charter Review Committee's recommendations. These changes are the result of many public meetings and much input and research. The Committee believed that there were several sections that were outdated and needed changed to be consistent with current policy or practice. For example, management is trained in the operations of the departments and has received specialized training in emergency operations. It is not practical for the mayor to assume responsibility in such an event when it is the city manager who understands the operations. The amendments to Charter Sections 5, 66 and 68 therefore are in response to the operations of the City, the adoption of Chapter 35 and to minimize liability.

The other proposed changes were in response to the need for either clarification or a better definition of the intent of the specific charter section. The Committee unanimously approved the recommended changes.

***FINANCIAL IMPACT:***

None

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

The proposed changes regarding the mayor's authority in emergency events are consistent with Chapter 35 of the Codified Ordinances dealing with emergency operations. The remaining proposed changes are in the interest of the City in defining when a commissioner could be relieved of his duties and increasing the qualifications of the law director.

## ORDINANCE NO. 19-10

### AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 32 and 41 ADMINISTRATIVE SERVICE

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended the Charter sections concerning the removal of employees and the minimum qualifications for the law director be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission.

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

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2010 General Election the question whether the electorate is for or against amending Charter Sections 32 and 41 as follows:

#### **SECTION 32 REMOVAL OF OFFICERS AND EMPLOYEES.**

Any officer or employee of the city, including assistants and employees in the office of the city clerk, may be laid off, suspended or removed from office or employment by the officer by whom appointed. ~~Verbal or w~~Written notice of layoff, suspension or removal given directly to an officer or employee, or written notice left at or mailed to his usual place of residence shall be sufficient to put any such layoff, suspension or removal into effect unless the person so notified shall, within five working days after such notice, demand a written statement of the reasons therefore and the right to be heard publicly before the city manager and the officer by whom such notice was given. Upon such demand, the officer making the layoff, suspension or removal shall supply the person notified thereof with a written statement of the reasons therefore and the city manager shall fix a time and place for the public hearing. Following the public hearing the city manager shall, by a decision in writing, make such disposition of the case as, in his opinion, the good of the service may require, and such decision shall be final. A copy of the statement of reasons for any layoff, suspension or removal, a copy of any written reply thereto by the officer or employee involved, and a copy of the final decision of the officer by whom the layoff, suspension or removal was made, shall be filed as public records in the office of the civil service commission or other appropriate personnel office of the city.

## **SECTION 41 QUALIFICATIONS AND DUTIES OF DIRECTOR OF LAW.**

The director of law shall be an attorney at law who shall have practiced in the state of Ohio for at least ~~two~~ five years. He shall be the chief legal advisor of and attorney for the city and all departments and offices thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, with the approval of the city manager, to perform all services incident to the department of law; to attend all meetings of the commission; to give advice in writing, when so requested, by the commission, commissioners, the city manager, the director of any department or the head of any office not connected with a department; to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city and for such offenses against the laws of the state as may be required of him by law; to prepare all contracts, bonds and other instruments in writing in which the city is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the commission may by ordinance require.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on the November 2010, general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 32 Removal of Officers and Employees", and the question to be submitted shall be as follows:

Shall Charter Section 32 be amended to require that an employee who is to be laid off, suspended or removed receive written notice?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 41 Qualifications and Duties of Director of Law", and the question to be submitted shall be as follows:

Shall Charter Section 41 be amended to require the director of law to have five years of experience as a practicing attorney rather than two years?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 6. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 7. This Ordinance shall take effect and be in force from and after the

earliest period allowed by law.

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

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

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

REBECCA J. COOL  
CITY COMMISSION CLERK

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

**To: Fred Enderle, City Manager**

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

**Date: May 25, 2010**

**Re: Charter Amendments to Sections 5-6, 8, 32, 41, 66 and 68**

***PURPOSE:***

To adopt the recommendations of the Charter Review Committee and place on the November 2010 ballot, Charter Amendments for Sections 5-6, 8, 32, 41, 66 and 68.

***RECOMMENDATION:***

To adopt the three Resolutions for amending the above Charter sections as they are the result of the Charter Review Committee's recommendations.

***BACKGROUND:***

The Commission appointed the Charter Review Committee pursuant to Charter Section 135 and Resolution No. 33-09. The Committee was chaired by Frank Patrizio and it reviewed every section of the Charter, meeting on April 30<sup>th</sup>, May 11<sup>th</sup> and 18<sup>th</sup>, June 8<sup>th</sup> and 30<sup>th</sup> and July 20<sup>th</sup>, 2009. Every meeting was open to the public and public comment was received.

The Committee arrived at 21 recommended changes to the Charter. Because of the number of changes, the Committee prioritized the charter changes, grouping them into three groups, which were to be placed on the ballot in November 2009, Spring 2010 and November 2010. The Commission approved the Committee's recommendations in 2009 and placed 11 Charter Amendments on the ballot in November 2009. A second group of changes consisted of Sections 3, 4 and 33, all of which dealt with the organization and/or administrative powers of the Commission. These charter sections will also be placed on the November 2010 ballot due to timing issues with the Board of Elections.

Therefore, the last group of charter changes are as follows:

- Section 5 President of Commission, Mayor
- Section 6 Salary of Commission Members and Mayor
- Section 8 Rules of Commission
  
- Section 32 Removal of Officers and Employees
- Section 41 Qualifications and Duties of Law Director
  
- Section 66 Police Force
- Section 68 Fire Force

The basis for amending Charter Sections 5, 66 and 68 is based on emergency preparedness. The Commission adopted Chapter 35 of the codified ordinances defining the responsibilities in an emergency event. This chapter identified the City Manager as the Emergency Preparedness Coordinator. In the event of an emergency or disaster, key individuals in management have been thoroughly trained on how to respond. This training includes cross training with outside resources such as the County Emergency Operations Center. The response to an emergency event needs to from someone who has daily involvement with the operations and management of the City, which is recognized in Chapter 35. Charter Section 5 **President of Commission, Mayor**, directly conflicts with Chapter 35 and this trained response as it permits the mayor to take command of the police force. Likewise, Sections 66 **Police Force** and 68 **Fire Force** are to be amended to reflect that the mayor is not the position that should take command of the police and fire forces as in a commission- city manager form of government, the mayor is not trained on the operations of the police and fire forces. Putting the mayor in such a role could potentially create liability as a trained individual needs to take command in an emergency event.

Charter Section 6 **Salary of Commission Members and Mayor**, as proposed would eliminate the language that the vice mayor receive the salary of the mayor in which the vice mayor has performed mayor duties in a month. This is difficult to track and not equitable as the vice mayor may conduct one meeting a month yet the Charter section would provide for an entire month's salary. The committee and the Finance Department could not recall an incident where this provision was enforced.

Section 8 **Rules of Commission** is being placed on the ballot to clarify what reasons the Commission may expel a commissioner. The language was somewhat vague and the committee did not want a scenario where a commissioner could be expelled because of personality conflicts.

The remaining sections are 32 **Removal of Officers and Employees** and 41 **Qualifications and Duties of Director of Law**. The proposed amendment to Section 32 specifies that written notice must be provided to an employee who is to be laid off, suspended or terminated and would not permit verbal notice. The

proposed amendment to Section 41 would change the qualifications for the law director to be a practicing attorney from two years to five years. The position of law director is extremely challenging not only due to the volume of work but due to the variety and complexity of issues. It is with great certainty that a person practicing for only two years would not be qualified to fulfill the duties of the position.

***ALTERNATIVES:***

1. The Commission could not adopt the recommendations of the Committee and not place the ordinances on the ballot;
2. The Commission could adopt the recommendations of the Committee and place the ordinances on the ballot;
3. The Commission could adopt some of the recommendations and place the ordinances on the ballot; or
4. The Commission could recommend changes to the proposed ordinances.

***DISCUSSION:***

The proposed ordinances are before the Commission for the first time; however, the Commission has already been introduced to these proposals in 2009 when I presented all of the Charter Review Committee's recommendations. These changes are the result of many public meetings and much input and research. The Committee believed that there were several sections that were outdated and needed changed to be consistent with current policy or practice. For example, management is trained in the operations of the departments and has received specialized training in emergency operations. It is not practical for the mayor to assume responsibility in such an event when it is the city manager who understands the operations. The amendments to Charter Sections 5, 66 and 68 therefore are in response to the operations of the City, the adoption of Chapter 35 and to minimize liability.

The other proposed changes were in response to the need for either clarification or a better definition of the intent of the specific charter section. The Committee unanimously approved the recommended changes.

***FINANCIAL IMPACT:***

None

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

The proposed changes regarding the mayor's authority in emergency events are consistent with Chapter 35 of the Codified Ordinances dealing with emergency operations. The remaining proposed changes are in the interest of the City in defining when a commissioner could be relieved of his duties and increasing the qualifications of the law director.

**RESOLUTION NO. R-69-10**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ENTER INTO A LEASE AGREEMENT TO PERMIT  
THE USAGE OF A PORTION OF FOUNTAIN PARK,  
HARDMAN FIELD AND HANCE PAVILION TO THE  
PIQUA FOURTH OF JULY ASSOCIATION**

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

SEC. 1: The City Manager is hereby authorized to permit the Piqua Fourth of July Association on July 5, 2010 to use Hance Pavilion, Hardman Field, the Fountain Park volleyball courts and that part of Fountain Park between (and including) the hardball diamond and the dining hall, upon the condition that the Piqua Fourth of July Association obtains liability insurance satisfactory to the City Manager at a minimum coverage of \$1,000,000. The rental fee for this lease shall be \$1.00 and other valuable consideration.

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

## LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2010, by and between the City of Piqua and the Piqua Fourth Of July Association as follows:

Section 1: For one dollar and other valuable consideration, the City leases to the Association the below-listed public park facilities for the day of July 5, 2010:

Hance Pavilion

Hardman Field

That portion of Fountain Park between (and including) the baseball diamond and the dining hall

Section 2: The Association shall occupy and use the leased premises solely for the purposes of the annual Independence Day celebration and related activities.

Section 3: The Association shall obtain liability insurance satisfactory to the City Manager at a minimum coverage of \$1,000,000.

Section 4: The Association shall indemnify, hold harmless and defend the City of Piqua, Ohio, its officers, employees, agents and volunteers against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the City of Piqua, Ohio, its officers, employees, agents and volunteers may hereafter sustain, incur or be required to pay, arising out of or by any act or omission of the Association, the City of Piqua, Ohio, their officers, employees, agents and volunteers, in the execution, performance or failure to adequately perform Association's or City of Piqua's obligations pursuant to this contract.

Section 5: The association will include the following as additional insureds: The City of Piqua, Ohio, its elected and appointed officials, all employees, agents, volunteers, all boards, commissions and/or authorities and board members including employees, agents and volunteers thereof. Coverage shall be primary to the Additional Insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other available coverage be primary, contributing, or excess.

Section 6: The City of Piqua shall be issued a certificate of insurance in the amount not less than stated above. The certificate of insurance shall specify that the City of Piqua, its officials, employees and volunteers are added by endorsement as additional insureds as written in Section 5 above.

Executed as of the above-referenced date by:

\_\_\_\_\_  
Frederick E. Enderle, City Manager  
City of Piqua

\_\_\_\_\_  
President, Piqua Fourth of July Assn.

**RESOLUTION NO. R-70-10**

**A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF PIQUA, OHIO, A PROPOSED AMENDMENT TO CODIFIED ORDINANCE SECTIONS 36.03 AND 36.04 PROVIDING A TEN-YEAR RENEWAL OF THE 0.25% OF 1% MUNICIPAL INCOME TAX LEVY FOR STREET IMPROVEMENTS**

WHEREAS, the amount of income taxes which may be raised by Ordinance No. 33-66 will be insufficient to provide adequate funds for the construction, reconstruction and resurfacing of streets and alleys, including the installation, maintenance and reconstruction of storm drainage lines, manholes and catch basins; and

WHEREAS, a proposed tax renewal ordinance is attached hereto and incorporated by reference as Exhibit "A" as shown in Sections 36.03 and 36.04 of Piqua Codified Ordinance Chapter 36;

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: There shall be submitted to the electors of the City of Piqua, Miami County, Ohio, at a regular election, which is hereby called, in and for said City on the 2nd day of November, 2010, the following proposition;

Shall the Ordinance 36.03 and 36.04 to renew the 0.25% portion of the City income tax (from 1.5% to 1.75%) for a ten year period beginning January 1, 2011, with said 0.25% levy to be used solely for the construction, reconstruction and resurfacing of streets and alleys, including the installation, maintenance and reconstruction of storm drainage lines, manholes and catch basins, be passed?

For the Income Tax  
Against the Income Tax

SEC. 2: The Clerk of this Commission is hereby directed to certify a copy of this Resolution and attached Ordinance to the Board of Elections of Miami County, Ohio, prior to the seventy-fifth day before the election upon which it will be voted upon and notify the Board of Elections to cause notice of election on this proposition as required by law;

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 June 1, 2010*

TO: Fred Enderle, City Manager  
FROM: Amy Havenar, City Engineer  
SUBJECT: Renewal of Income Tax Levy for Street Improvements through December 2020

**PURPOSE:**

*Approve the resolution to allow for the placement of the Street Income Tax Renewal to go before the public at the November 2, 2010 election.*

**RECOMMENDATION:**

*Approval of the resolution authorizing the placement of the Street Income Tax Renewal through December 2020 on the fall 2010 ballot.*

**BACKGROUND:**

*On December 4, 2000, City Commission passed Ordinance 39-00 amending Ordinance No. 33-66 to renew the 0.25% portion of the City income tax (from 1.5% to 1.75%) for a ten year period beginning January 1, 2001. This money has been and will continue to be used solely for the construction, reconstruction, and resurfacing of streets and alleys, including the installation, maintenance and reconstruction of storm drainage lines, manholes and catch basins.*

**ALTERNATIVES:**

- 1) Approve the Resolution to allow for the Street Income Tax Renewal to be placed on the fall ballot.*
- 2) Do not approve the Resolution which would allow for the 0.25% portion of the City income tax dedicated to streets to expire December 31, 2010.*

**DISCUSSION:**

*The 0.25% portion of the City income tax dedicated to streets (Fund 103), generates revenues of approximately \$1,000,000 +/- per year. With that money, the City has been able to complete numerous projects over the past 10 years both resurfacing and reconstructions, including but not limited to the following reconstruction projects:*

- Covington Avenue Reconstruction – Phase I
- Covington Avenue Reconstruction – Phase II
- Adams Street Storm Sewer Project
- Carr Street Reconstruction
- Brook Street Area Reconstruction
- Mulberry, Renche & Glenn Street Reconstruction
- Innovation Parkway Construction
- US 36 Widening & Traffic Signal Installation Project
- McKinley Avenue Reconstruction Project
- Upway Drive Reconstruction Project
- Staunton Street Reconstruction Project
- County Road 25-A Reconstruction
- Riverside Drive Reconstruction - Phase I

*The Broadway – Phase II Reconstruction Project is currently underway and the landscaping of the I-75/US 36 Interchange will begin construction within the next few months. As for next year, we are finalizing the plans for the E. Ash Street Reconstruction Project which will begin construction in the fall of 2011.*

*Please keep in mind that based upon industry standards, the useful life of a pavement that has been resurfaced is 15 years. The City has approximately 103 miles of streets; therefore, the City should be averaging an annual resurfacing program of 6.9 miles per year. Unfortunately, even with the 0.25% dedicated income tax, the City was only able to complete an average of 3.1 miles per year over the past 10 years. As you can see, we are already behind on the miles of resurfacing needed to keep up with our program, therefore, without the passage of this levy, it would be catastrophic to the City streets and would put us farther behind which would make it next to impossible to catch up with the needed repairs in the future.*

**FINANCIAL IMPACT:**

*The City has applied for grants to assist in offsetting the local share of many of the above-listed projects. We have also received confirmation of outside funding commitments for projects we have upcoming beginning with the E. Ash Street project and continuing through the year 2015. Without the renewal of the 0.25% portion of the City income tax, this grant money will need to be given back as the City will not have enough money to match the local share needed to secure these grants (typically 20% of the total project cost).*

*Without the dedicated 0.25% income tax going to the Street Department, there would be no new capital projects completed, therefore, no future street reconstruction projects. There would only be routine maintenance being completed on the streets, i.e. pothole patching but no resurfacing. The capital purchases, i.e. equipment purchases, would need to be cut in order to be able to complete as much maintenance on the streets as possible. This would also most likely result in reduction of personnel at the Street Department.*

**COMMUNITY IMPACT:**

*The residents of the City of Piqua have benefited, and will continue to benefit from the reconstruction/resurfacing projects undertaken since the passage of the dedicated 0.25% income tax. The City has come a long way in improving the gateways to the community and have many more projects scheduled for construction, including the E. Ash Street Reconstruction Project in the fall of 2011. The 0.25% income tax allows for the City to complete more projects for less money by giving us the “local share” of money that is needed to match most all grant funds.*

*Without this money, the streets would definitely deteriorate to a condition that would be beyond repair with minor patching/resurfacing. This would leave the only fix as a complete reconstruction of the roadway to remedy the problem, which is a very costly solution. Preventative maintenance is the key to the longevity of the streets and the City of Piqua relies on the 0.25% income tax dedicated solely for this purpose.*

**CONFORMITY TO CITY PLANS & POLICIES:**

*The common theme in the Plan It Piqua 2007 Comprehensive Plan Update was to improve the roadways within the City. The condition/upkeep of the City streets is an area that was identified in multiple locations throughout the Comprehensive Plan Update. The condition of the streets also plays a major role in Economic Development due to the aesthetics factor that business look at when deciding on a community in which to locate their business.*

*There is also a 10-year plan in place that identifies the upcoming reconstruction projects. We have already received grant money for a number of those projects.*

*In 2009 City Commission directed the City Manager to have the Street department become more involved in patching and paving of the local streets. It was also identified as a goal of the City Commission as part of their strategic plan. The only way to continue with this forward progress is with the renewal of the 0.25% income tax.*

## EXHIBIT "A"

### § 36.03 IMPOSITION OF TAX.

(A) *Generally.* Subject to the provisions of § 36.17, an annual tax for the purposes specified in § 36.01 shall be imposed at the rate of 1.75% per annum. The first 1% of the tax shall be levied until repealed by the City Commission; the next .5% until repealed by the electorate; and the remaining .25% from January 1, 1991 through December 31, 2010 2020, and upon:

(1) All qualifying wages, commissions, other compensation and other income earned or received during the effective period of this chapter by residents of the city.

(2) All salaries, wages, commissions, other compensation earned and other income earned or received during the effective period of this chapter by non-residents for work done or services performed or rendered in the city.

(3) (a) The portion attributable to the city of the net profits earned or received during the effective period of this chapter, of all resident unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the city.

(b) The portion of the distributive share of the net profits earned or received during the effective period of this chapter of a resident partner or owner of a resident unincorporated business entity not attributable to the city and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner, taxable hereunder on income attributable to another taxing municipality, shall be subject to the relief and reciprocity provisions of § 36.14.

(4) (a) The portion attributable to the city of the net profits earned or received during the effective period of this chapter of all non-resident unincorporated businesses, professions or other entities, derived from sales made, work done or services performed or rendered and business or other activities conducted in the city, whether or not such unincorporated business entity has an office or place of business in the city.

(b) The portion of the distributive share of the net profits earned or received during the effective period of this chapter of a resident partner or owner of a nonresident unincorporated business entity not attributable to the city and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner taxable hereunder on income attributable to another taxing municipality shall be subject to the relief and reciprocity provisions of § 36.14.

(5) The portion attributable to the city of the net profits earned or received during the effective period of this chapter of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the city, whether or not such corporations have an office or place of business in the city.

(6) All income received as gambling winnings as reported on IRS Form W-2G, Form 5754 and or any other form required by the Internal Revenue Service that reports winnings from gambling, prizes and lottery winnings. Gambling losses are not deductible unless losses are supported by an independent verifiable statement.

(B) *Portion attributable.* The portion of the net profits attributable to the city of a taxpayer conducting a business, profession or other activity, both within and without the boundaries of the city, shall be determined as provided in R.C. § 718.02 and in accordance with the rules and regulations.

(C) *Operating losses.*

(1) The municipality does not allow a net operating loss carry-back or carry-forward.

(2) (a) Losses from federal schedules and other sources reported for federal income tax purposes cannot be used to offset qualifying wages, commissions, other compensation and other taxable income earned or received by residents or nonresidents of the municipality.

(b) If an individual is engaged in two or more taxable business activities to be included in the same return, the net loss of one unincorporated business activity may be used to offset the profits of another (except any portion of a loss or profit separately reportable for municipal tax purposes to another taxing entity) for purposes of arriving at overall net profits or net operating loss.

(D) *Consolidated returns.*

(1) Any affiliated group which files a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code may file a consolidated return with the city. However, once the affiliated group has elected to file a consolidated return or a separate return with the city, the affiliated group may not change its method of filing in any subsequent tax year without written approval from the city.

(2) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the city, constituting a portion only of its total business, the Administrator shall require such additional information as he or she may deem necessary to ascertain whether net profits are properly allocated to the city. If the Administrator finds net profits are not properly allocated to the city by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity or by some other method, the Administrator shall make such allocations as the Administrator deems appropriate to produce a fair and proper allocation of net profits to the city.

#### **§ 36.04 EFFECTIVE PERIOD.**

(A) The first 1% of the tax shall be levied, collected and paid with respect to the income, qualifying wages, commissions and other compensation, and with respect to net profits of businesses, professions or other activities earned from January 1, 1977, and until repealed by the City Commission.

(B) The next .5% of the tax shall be levied, collected and paid with respect to the income, qualifying wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1984, and until repealed by the electorate.

(C) The remaining .25% of the tax shall be levied, collected and paid with respect to the income, qualifying wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1991 through December 31, ~~2010~~ 2020.

**RESOLUTION NO. R-71-10**

**A RESOLUTION REQUESTING AUTHORIZATION  
TO ISSUE A PURCHASE ORDER TO O.R. COLAN  
ASSOCIATES FOR THE RIGHT-OF-WAY  
ACQUISITION SERVICES FOR THE EAST ASH  
STREET RECONSTRUCTION PROJECT**

WHEREAS, on January 4, 2010, this Commission passed Resolution No. R- 5-10 authorizing the Purchasing Agent to advertise for bids, according to law, for Right-of-Way Acquisition Services for the East Ash Street Reconstruction Project; and

WHEREAS, after solicitation of Request for Qualifications, O.R. Colan Associates has been determined to be the most qualified provider of these services; and

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

SEC. 1: A purchase order is hereby authorized for a not to exceed amount of \$143,440 to O.R. Colan Associates for the necessary Right-of-Way acquisition services for the East Ash Street Reconstruction Project;

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 \$143,440;

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 June 1, 2010*

TO: Fred Enderle, City Manager

FROM: Amy Havenar, City Engineer

SUBJECT: Award a contract to O.R. Colan & Associates for the Right-of-Way Acquisition services for the E. Ash Street Reconstruction Project.

### **PURPOSE:**

*Request for City Commission authorization to award a contract to O.R. Colan & Associates, Inc. the Title Reports, Appraisals, Acquisition and Relocation for the right-of-way portion of the E. Ash Street Reconstruction Project. Total cost not to exceed \$143,440.*

### **RECOMMENDATION:**

*Approval of the Resolution to allow for the right-of-way acquisition to proceed as part of the E. Ash Street Reconstruction Project.*

### **BACKGROUND:**

*The E. Ash Street Reconstruction project has been in the planning & design stages for a number of years. As such, we are nearing the final phase of the project prior to the start of construction, which is scheduled for November of 2011. The right-of-way acquisition phase is the last phase of the project that needs to be completed. The Right-of-way acquisition will consist of the following components:*

- *Appraisals*
- *Title Searches & Reports*
- *Title Updates & Closings*
- *Acquisitions*
- *Relocations*

*As with all projects utilizing federal money, the selected consultants must be on ODOT's prequalified consultants list. Utilizing that list, Request for Qualifications were sent out to three consultants. From the qualifications submitted and keeping in compliance with ODOT's requirements, one consultant was selected to submit a price proposal based upon the scope of services provided to them. O.R. Colan Associates was selected as the most qualified consultant to perform the above-listed services in part due to their most recent involvement with the E. Ash Street Project. O.R. Colan Associates was the consultant who the City hired to reacquire the four existing properties that were purchased by the City many years ago along*

*the E. Ash Street corridor. O.R. Colan Associates was able to successfully bring these prior purchases into compliance with ODOT and the Federal Highway Administration, thereby allowing the City to continue on with the project and receive the federal funds associated with it.*

*The schedule for the right-of-way acquisition portion is for all of the work to be completed and on file with the Ohio Department of Transportation in June of 2011.*

**ALTERNATIVES:**

- 1) Approve the Resolution to enter into a contract with O.R. Colan Associates.*
- 2) Do not approve the Resolution and re-solicit for prequalified right-of-way consultants, however, run the risk of delaying the project construction schedule.*
- 3) Do not approve the Resolution and discontinue the E. Ash Street Reconstruction Project.*

**DISCUSSION:**

*O.R. Colan Associates will complete all of the necessary right-of-way work in accordance with the Ohio Department of Transportation's Real Estate Policy and Procedures Manual. The first task will be to bring the title searches and reports which will involve researching County records and court records to provide a 42-year minimum title search back to warranty deed. The appraisals will be conducted for each of the properties that will be affected, whether for permanent or temporary right-of-way, and offers will be made based upon the fair market value for the property.*

*The relocation process will involve O.R. Colan meeting with the owners and/or tenants for a site interview and to obtain any leases that might exist on the properties to be acquired. Part of the relocation process will also involve O.R. Colan identifying replacement housing for the displacees, including the determination of relocation payments as well as obtaining moving bids. O.R. Colan is also required to attend any closings required for the tenant occupied and owner occupied structures for their replacement housing.*

**FINANCIAL IMPACT:**

*The City has received outside funding for the E. Ash Street Reconstruction Project in the amount of approximately \$1,700,000. In order to receive this funding, certain requirements have to be met, hence the need to hire ODOT pre-qualified consultants for each of the project phases all the way from the design to the environmental to the right-of-way acquisition.*

*The City has been anticipating this project for a number of years and therefore has been reserving funds for the acquisition portion of the project, as well as for the actual construction. This request includes 10% contingency for items which may be required as the right-of-way acquisition evolves.*

**COMMUNITY IMPACT:**

*An “open house” meeting was held on February 25, 2009 with representatives from the City of Piqua, ODOT and the design consultant all in attendance to present the project to the public. All those in attendance were provided with a project information packet that included drawings of each of the alternatives. The outcome of the meeting dictated the final roadway design, which will consist of a 3-lane facility (one lane each direction with a center turn lane). The project was discussed in detail and the residents were given an opportunity to view the proposed improvements on their individual properties and to express any concerns they had.*

*These enhancements will greatly improve the aesthetics of one of the main gateways into the City of Piqua. The E. Ash Street Reconstruction Project will compliment the I-75/US 36 Landscaping Project scheduled for construction this summer to create a striking entrance to the City of Piqua.*

**CONFORMITY TO CITY PLANS & POLICIES:**

*As stated in the Comprehensive Plan Update, one of the main goals is to improve the entrances to the City of Piqua. The E. Ash Street (US 36) Reconstruction Project will complete the reconstruction of one of the major entrances to the City. This project was part of the Ten Year Plan for major capital improvement projects and has been in the planning stages for approximately 6 years.*

To further illustrate the availability of our proposed Project Team members, we have included a column for individual availability with our ODOT Prequalification table. (See attached table)

## 2. Technical Approach

- a. **Understanding of Project** - The City of Piqua applied for and received safety and congestion funding from the Ohio Department of Transportation's Highway Safety Improvement Program based on a study prepared in October 2003 to evaluate E. Ash Street (US 36) between Spring Street (SR 66) and the Great Miami River Bridge by the Ohio Department of Transportation. ORC has visited the project site.

The project corridor is centered along E. Ash Street (US 36) from Spring Street (SR 66) to east of Armory Drive. The intent of this project is to alleviate congestion associated with turning movements within the corridor, halt the diversion of through traffic to residential neighborhoods, and correct the roadway which does not currently meet ODOT or City of Piqua design standards by widening this road from two to three lanes. The project will include replacement of the roadway base pavement, including installation of curb, gutter, and sidewalk along with relocation and/or replacement of utility infrastructure along U. S. Route 36 in the City of Piqua for 0.51 miles. Overall, the project will enhance the flow of traffic through this corridor improving the roadway/pedestrian safety and mobility.

In order to accomplish the above, the City of Piqua will need to acquire 22 parcels of which 2 parcels are owned by the City of Piqua, consisting of various takes (e.g. Easement or Temporary). In addition, there are three (3) total takes consisting of two (2) residential structures, one (1) business structure, and two (2) landlord relocations.

### b. Definition of Tasks

#### 1. Project Coordination Liaison Certifications, Close-out

ORC's Senior Manager and Project Manager will attend one (1) Project Mobilization Meeting. The Project Manager will attend up to 4 Project Status Meetings. The Project Manager will provide project certification documents to the City. This task includes providing technical assistance and resolving project issues during the course of the acquisition and relocation phases; acting as a liaison between staff agents, property owners and the City of Piqua in resolving issues, conduct administrative settlement requests, requests for plan changes, etc...Billing packages will be prepared and will be submitted to the City for payment(s) to property owners and/or eligible relocatees. The Project Manager will provide QA/QC on all parcels prior to final submission of files to the City and/or to ODOT for review.

**2. Appraisals**

The ORC Appraiser will complete appraisals meeting the requirements of the Ohio Department of Transportation's Real Estate *Policy and Procedures Manual*. This includes a physical inspection of the subject parcels in compliance with the various appraisal formats. Where applicable, an assessment of damages to the residue parcel will be performed in order to determine compensation to the owner for project impacts. The appraiser will view and prepare comparable sales analysis for the various appraisal formats, based on current City zoning, highest and best use etc....

ORC will be responsible to provide a written report for all appraisal formats, including QA/QC of all appraisal work.

**3. Title Searches & Reports**

The ORC Title Agent will research the County Records and Courts in Miami County in order to provide a written 42 -year back to Warranty Deed title report in accordance with the Ohio Department of Transportation's Real Estate *Policy and Procedures Manual*. ORC will provide QA/QC on all of the title reports that are prepared for each individual parcel.

**4. Title Updates & Closings**

The ORC Closing Agent will verify ownership for all parcels prior to closing. Once ownership is verified and taxes reviewed, the RE 57 will be submitted on fee simple takes to determine the pro-ration of taxes for each parcel prior to closing. During the closing process ORC will prepare a minimum of 2 mortgage releases per parcel and submit to either the lending institution and/or lien holders and will work the lending and/or lien holder to said secure releases. A Closing and Settlement statement will be prepared for any parcel that is a fee taking that is submitted for closing. Once the mortgage release (if applicable) and Closing & Settlement statement have been completed, a meeting will be scheduled with the property owner. Prior to meeting with the property to conduct a closing and/or the filing an appropriation action, the Title Agent will update the Title Report to verify ownership or any new liens, etc.... ORC will be responsible to record all documents, secure any necessary approvals, and make payment of the pro-rated taxes. All of the above steps will be in accordance with the Ohio Department of Transportation's Real Estate *Policy and Procedures Manual*.

**5. Acquisition**

ORC will prepare and mail to each affected property owner the Introduction Letter and Brochure. The Acquisition Agent will meet with an owner where it is identified on the plans that had personal property that will be affected by the taking. The Acquisition Agent will be responsible to prepare the RE 95 (Property Inventory Classification Form) and secure the necessary signatures. The ORC Acquisition Agent will prepare all documents required to make the offer for the property acquisition/parcels along the project corridor. Prior to contact with the owner, ORC will QA/QC all parcel files. Initial contact will be made with the owner of the

property to set-up a meeting. Once the meeting has been scheduled, ORC will present offer, provide project overview, and explain impact of the taking to the property owner for their parcel. ORC will make at least ten (10) contacts with each owner to secure a signed parcel prior to submitting the parcel for appropriation. ORC will maintain Negotiation Notes for each parcel file in accordance with the Ohio Department of Transportation's Real Estate *Policy and Procedures Manual*. The ORC agents will be responsible to submit a completed parcel file for either billing or appropriation to the Project Manager. Final QA/QC will be performed on all parcels prior to submission to the City for either billing or appropriation.

**6. Relocation Payments, Records & Housing**

ORC's Relocation Agent will meet with the individual owners and/or tenants to prepare an Occupant Site Interview and obtain any leases. The Relocation Agent will be responsible to prepare a Pre-Acquisition Survey Report to provide to the City. ORC will work with the residential tenant to secure the necessary paper work for income verification purposes. The Relocation agent will view and prepare a comparable sales and/or rental report for properties currently available on the open market for the tenant occupied structure and the owner occupied structure. Once the RHP and RSP calculations have been analyzed they will be submitted to the Relocation Reviewer for approval. The Relocation Agent will prepare and mail out all Relocation Notices (e.g. general notice, 90 day notice, 30 day notice). Rental and/or sale referrals will be presented to the displacees. Relocation claim forms will be prepared and provided to the Relocation Reviewer for approval. The necessary paperwork will be submitted to the City requesting payment for any claims processed. The Relocation Agent will conduct all necessary decent, safe, and sanitary inspections of the replacement housing of the displacees and complete all personal property inventories for each relocatee. Bid Specifications and obtaining Moving Bids will be the responsibility of the Relocation Agent. Any closings required for the tenant occupied and owner occupied structure for their replacement housing will be attended by the Relocation Agent. All relocation payments requested will be disbursed by the Relocation Agent. Once a relocatee has removed all personal property from the structures, the Relocation Agent will be responsible to verify that all said personal property has been removed from the structure(s), complete move out inspection and obtain keys. Through the course of the project ORC will provide relocation advisory service to all of the relocates, maintain Relocation Notes for each relocation file. The Relocation Agent will be responsible to submit a completed relocation file in accordance with the Ohio Department of Transportation's Real Estate *Policy and Procedures Manual*. There will be a final QA/QC on all relocation files prior to final submission to the City and/or to ODOT for review.

## **O. R. COLAN ASSOCIATES**

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### **7. Management & Report**

Monthly written Status reports will be provided during the course of the project and ORC's Project Manager and/or Senior Manager will be available for up to eight (8) conference calls.

### **8. If Authorized Services**

The appraiser will be required to prepare a Summary Narrative – Complex appraisal, if the two (2) residential parcels are not signed and have to be submitted for appropriation. The Project Manager will provide assistance in any settlements for appropriation purposes or attend Mediation Hearings.

- c. **Innovative Approach** - ORC reviewed the right of way plans with an in-house staff appraiser who has determined there could be a number of non-complex appraisals (e.g. temporary takings with no damages). With this type of property take, ORC has been successful on other projects in obtaining donations. In pursuing this type of donation, we are still in compliance with ODOT's Policy and Procedures as well as Federal Laws. ORC would recommend this approach to the City and further, suggest this approach be utilized along the project corridor with all affected properties. This approach could potentially save the City thousands of dollars during the acquisition phase in both labor and property costs.

Additionally, because ORC has already performed the appraisal work and the compliance review on the project corridor, we already have a project database, along with a comparable data base, to draw from. Unlike other firms that might have to build these necessary tools from scratch, ORC will be able to hit the ground running without delay, insuring that this project continues to stay within the planned schedule.

- d. **Schedule** – See Attached
- e. **Price Proposal Summary** – See Attached

## R/W SERVICES COST PROPOSAL

Project: MIA-36-10.77

ODOT PID No.: 77374

Pay Item	Type of Unit	Number of Units	Fee Per Unit	Total Amount
<b>1. Titles <sup>1</sup></b>				
a. 42 year - Non-complex (residential, individual ownership, married couple)	Parcel	13	\$375	\$4,875
b. 42 year - Complex (commercial, LLC's, Corporations, multiple interests, leasehold interests, etc...)	Parcel	9	\$575	\$5,175
<b>2. Appraisals</b>				
a. Summary Narrative - Complex	Parcel	3	\$5,300	\$15,900
b. Summary Narrative - Non Complex	Parcel	1	\$3,600	\$3,600
c. URAR	Parcel	2	\$1,000	\$2,000
d. Value Finding	Parcel	1	\$950	\$950
e. Value Analysis	Parcel	13	\$650	\$8,450
<b>3. RE 95</b>				
	Parcel	8	\$325	\$2,600
<b>4. Acquisition <sup>2</sup></b>				
<b>Negotiation</b> - Includes letters, packets, negotiations, billings, document preparation, plan revision coordination)	Parcel	22	\$1,500	\$33,000
<b>5. Closings &amp; Title Updates <sup>3</sup></b>				
a. Informal (includes preparing forms and mail out)	Parcel	12	\$325	\$3,900
b. Formal (includes preparing forms RE 30, 31, 44, 45 & 57 etc. and labor hours associated with securing release)	Parcel	10	\$575	\$5,750
c. Title Update	Parcel	22	\$125	\$2,750
<b>6. Mortgage Releases <sup>4</sup></b>				
a. Securing Mortgage Releases for Permanent Takes (includes contacting, providing documents and continued coordination with Lending Institution or Lien Holder)	Unit Per Release	Hours 20	Rate \$65	\$1,290

<b>7. Relocation Assistance <sup>2</sup></b>				
a. Residential	Parcel	2	\$5,500	\$11,000
b. Commercial	Parcel	1	\$6,750	\$6,750
c. Landlord	Parcel	2	\$3,125	\$6,250
d. Personal Property Move	Parcel	5	\$1,150	\$5,750
<b>8. Project Administration <sup>2</sup></b> (includes but is not limited to items such as project mobilization meeting, phone conference meetings, project status reports, project certification, project meetings, plan review functions and preparation of acquisition packets and relocation packages)				
	Parcel	22	\$475	\$10,450
<b>TOTAL</b>				<b>\$130,440</b>

<sup>1</sup> Copy Fees will be invoiced as actual cost to the project as set by the Miami County Recorder's Office (County receipts provided)

<sup>2</sup> Billing Terms for Acquisition Relocation & Project Administration Tasks

Acquisition-Task will be billed for each parcel @ 50% of its fee once this milestone is met: Offer Presented  
 Relocation-Task will be billed for each parcel @ 50% of its fee once this milestone is met: Offer Presented  
 Project Administration - Task will be billed for each parcel at the following percentages per each milestone completed:

- |                           |     |
|---------------------------|-----|
| 1. Titles                 | 25% |
| 2. Appraisals             | 25% |
| 3. Acquisition/Relocation | 25% |
| 4. Closing                | 25% |

<sup>3</sup> Recording Fees will be invoiced as actual cost to the project as set by the Miami County Recorder's Office (County receipts provided)

<sup>4</sup> Mortgage Release fee will be invoiced as actual cost to the project as pre-approved by the City of Piqua. Assumes an average of 2 releases per parcel. Estimated hours subject to responsiveness of lending institutions and/or lien holders.

<b>If Authorized</b>				
Lump Sum				\$20,000

**RESOLUTION NO. R-72-10**

**A RESOLUTION OF INTENT TO VACATE  
PUBLIC RIGHT-OF-WAY**

WHEREAS, pursuant to Piqua Charter Section 98, this Commission must adopt a resolution expressing its intention to vacate a portion of platted River Street (west of Harrison Street) right-of-way.

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: This Commission hereby intends to vacate a portion of platted Harrison Street (west of Harrison Street) right-of-way as described in Exhibit "A" attached hereto. The City Manager or his duly authorized representative is hereby directed to cause notice of this Resolution to be served by certified mail upon all persons whose property abuts said tract. Said notice shall state the time and place at which objections can be heard by the Planning Commission.

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

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

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

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



## CITY COMMISSION MEETING REPORT

*For the Regular Meeting of June 1, 2010*

TO: Fred Enderle, City Manager  
FROM: Chris Schmiesing, City Planner  
SUBJECT: Petition to vacate a portion of River Street.

### **PURPOSE:**

Approve a resolution to declare intent to vacate a portion of the platted River Street right of way and refer item to Planning Commission for study.

### **RECOMMENDATION:**

Approve the Resolution to initiate the process required by the City of Piqua Charter to consider a request to vacate a portion of platted public right of way.

### **BACKGROUND:**

Unity National Bank owns a parcel known as 218 – 218 ½ E. North Street and desires to sell the parcel. The parcel is occupied by a two family dwelling unit principal and a private garage accessory structure. The accessory structure encroaches into platted public right of way located at the rear of the property. The platted right of way width is approximately 40 feet and is identified as River Street. The improvements to this right of way are more typical of what one would commonly refer to as an alley, not a street. The alley improvements favor the northern half of the right of way width and the accessory structure encroachment is situated on the southern half of the right of width and does not interfere with the alley improvements.

### **ALTERNATIVES:**

- 1) Approve Resolution to refer the request to the Planning Commission for study and a recommendation.
- 2) Defeat the Resolution and refuse to consider the vacation request.

### **DISCUSSION:**

The proposed vacation would result in the vacating of the southern half of the subject right of way adjacent to the rear of 218-218 ½ E. North Street. This will allow for the vacated right of way being joined with the subject parcel, which will eliminate the encroachment condition that currently exists. This in turn will provide the property owner with a “clean title” and ease the process of selling the parcel and transferring title to the land.

### **FINANCIAL IMPACT:**

Forwarding this request to the Planning Commission for further study will have no fiscal impact on the City.

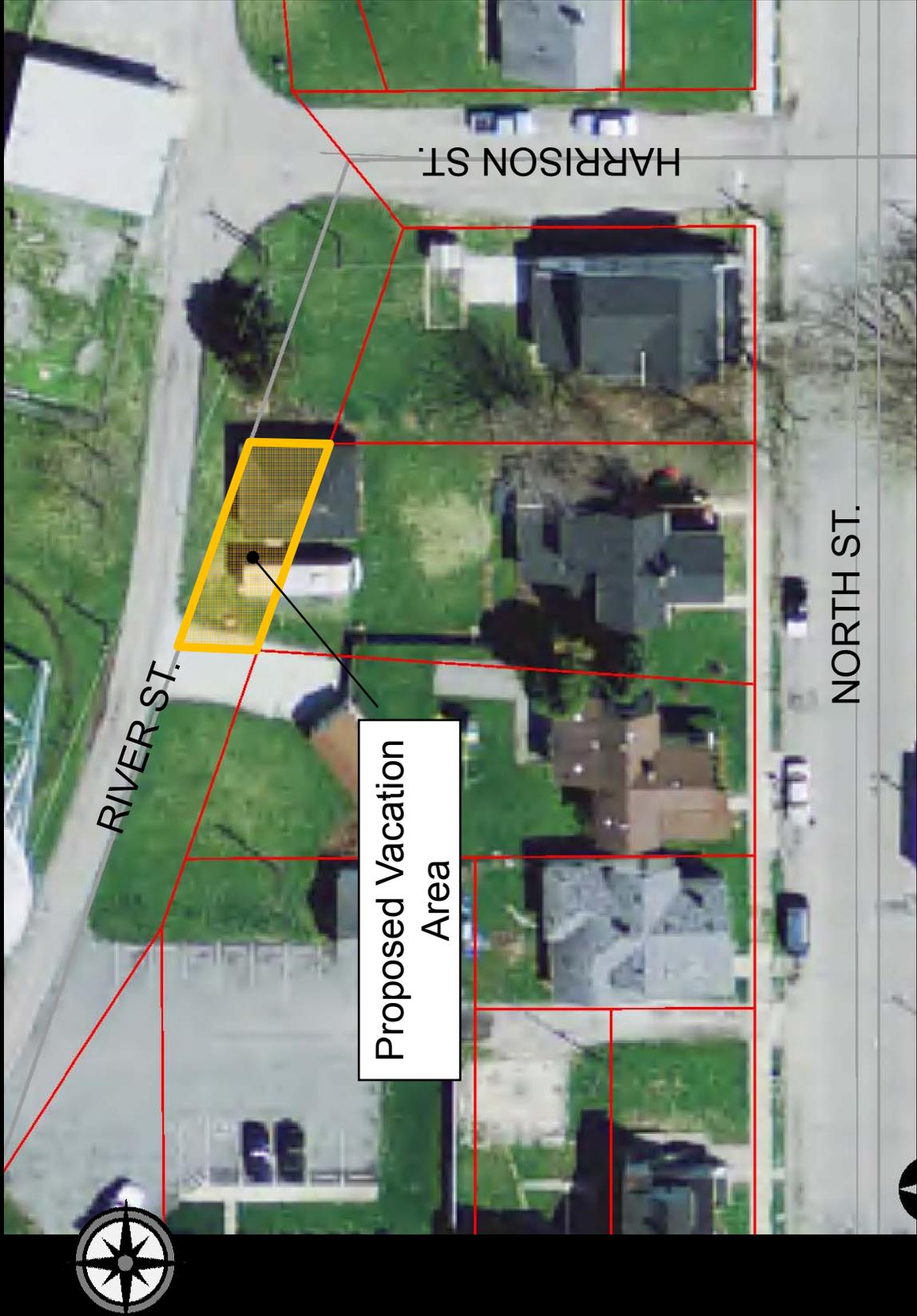
**COMMUNITY IMPACT:**

Upon completing a cursory review of the request the Development Office has determined that it appears unlikely the proposed vacation would have an adverse affect on the surrounding property owners or the interest of the general public.

**CONFORMITY TO CITY PLANS & POLICIES:**

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

EXHIBIT A



PROPOSED RIVER STREET VACATION

**RESOLUTION NO. R-73-10**

**A RESOLUTION ACCEPTING THE RESIGNATION  
OF REBECCA HARRISON AS A MEMBER OF THE  
BOARD OF ZONING APPEALS**

WHEREAS, Rebecca Harrison was appointed to the Board of Zoning Appeals on February 19, 2008 by Resolution No. R-36-08 for a 5-year term to expire on March 1, 2013.

WHEREAS, Rebecca Harrison submitted a letter of resignation to the Board of Zoning Appeals on April 28, 2010.

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: This Commission hereby accepts the resignation of Rebecca Harrison as a member of the Board of Zoning Appeals.

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