

AGENDA

REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, JUNE 15, 2010
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION BY U.S. ARMY NATIONAL GUARD – ARMY COMMUNITY COVENANT

A. CONSENT AGENDA

- a. APPROVAL OF MINUTES
Approval of the minutes from the June 1, 2010 Regular City Commission Meeting and the June 1, 2010 Piqua City Commission Worksession

B. OLD BUSINESS

- a. ORD. NO. 15-10 (2nd Reading)
An Ordinance amending Chapter 55 of the Piqua Municipal Code Stormwater Management
- b. ORD. NO. 17-10 (2nd 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 (2nd 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 (2nd Reading)
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 32 and 41 Administrative Service

C. NEW BUSINESS

- a. ORD. NO. 20-10 (1st Reading)
An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees

- b. ORD. NO. 21-10 (1st Reading)
An Ordinance repealing Schedule A-1 of Chapter 33 of the Piqua Code and adopting a new Schedule A-1 of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees
- c. ORD. NO. 22-10 (1st Reading)
An Ordinance to change the street name of portions of Bridge Street and Statler Road
- d. RES. NO. R-74-10
A Resolution accepting the resignation of Michael Perando as a member of the Park Board
- e. RES. NO. R-75-10
A Resolution approving the Community Development Block Grant Formula Allocation Program application for fiscal year 2010
- f. RES. NO. R-76-10
A Resolution fixing the time and place for a Public Hearing on the proposed City Tax budget for Miami County for the calendar year 2011 and draft Appropriation Ordinance
- g. RES. NO. R-77-10
A Resolution appointing a member to the Downtown District Design Review Board

D. OTHER

- a. Report on Mid-Year 2010 Budget status and review and acceptance of 2010 Budget adjustments.

E. ADJOURNMENT

A. CONSENT AGENDA ITEMS
JUNE 15, 2010

- **Minutes – June 1, 2010 Regular City Commission Meeting**
- **Minutes – June 1, 2010 Commission Worksession**

**MINUTES
PIQUA CITY COMMISSION
Tuesday June 1, 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 18, 2010 Regular City Commission Meeting.

Moved by Commissioner Terry, seconded by Commissioner Martin, that the minutes of the Regular City Commission Meeting of May 18, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

Old Business

ORD. 12-10 (3rd Reading)

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

There was discussion on the guidelines and qualifications to participate in the senior refuse program, and with this new program there is unlimited refuse pickup weekly. City Manager Enderle stated letters would be sent out to current customers explaining the new revisions to the refuse program. Anyone having questions concerning refuse billing are asked to contact Utility Supervisor Robin Hungerford at 937-778-2005, said Amy Welker.

Public Comment

Sandy Casey, Second Street came forward and voiced her opinion on the changes in the refuse program.

Robert Creager, S. Downing Street, came forward and inquired about the type of refuse bags that are to be used for the refuse.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 12-10 be adopted. Voice vote, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay, None. Motion carried unanimously. Mayor Fess declared Ordinance No. 12-10 adopted.

ORD. NO. 13-10 (3rd Reading)

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

City Manager Enderle stated Ordinance No. 13-10 is the adoption of the Code of Ordinances that have been adopted and enacted in the last year by the City of Piqua, and codified by the American Legal Publishing Corporation.

Public Comment

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

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Ordinance No. 13-10 be adopted. Voice vote, Aye: Fess, Wilson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 13-10 adopted.

ORD. NO. 14-10 (3rd Reading)

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of 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

City Manager Enderle explained these two parcels were purchased in 2007 for future expansion needs at the Wastewater Treatment Plant. The Piqua Planning Commission unanimously approved the rezoning of these two parcels.

Public Comment

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

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 14-10 be adopted. Voice vote, Aye: Terry, Martin, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Ordinance No. 14-10 off the table.

Moved by Commissioner Martin, seconded by Commissioner Terry, to take Ordinance No. 15-10 off the table. Voice vote, Aye: Fess, Vogt, Martin, Wilson, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Ordinance No. 14-10 adopted.

ORD. NO. 15-10 (1st Reading) Tabled 5-18-2010-(Amended)

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

City Manager Enderle explained the changes that were made to the ordinance. There was discussion on the possible revision of the ERU by square feet, rounding up of the units for billing purposes, and what other communities are doing on their billings. Several changes were suggested in the user fee section of 55.31. Law Director Stacy Wall explained that changes should be made in a Policy.

Public Comment

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

After discussion Ordinance No. 15-10 was given a first reading.

NEW BUSINESS

ORD. NO. 16-10 (1ST 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

There was a brief discussion of the guidelines for the discount for Senior Citizens and Disabled. Finance Director Cynthia Holtzaple explained the guidelines for the HEAP Program, which the City of Piqua is using for the Senior Program.

Public Comment

No one came forward to speak for or against Ordinance No. 16-10.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that the rule requiring Ordinance No. 16-10 be read fully and distinctly on three separate days be suspended. Voice vote, Aye: Martin. Terry, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Ordinance No. 16-10 be adopted. Voice vote, Wilson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 16-10 adopted.

ORD. NO. 17-10 (1ST Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 66 and 68 Police and Fire Services

Public Comment

No one came forward to speak for or against Ordinance No. 17-10.

There was a brief discussion of the recommendations by the Charter Review Committee for submission to the voters in the November Election. These sections include:

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

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

The proposed changes regarding the mayor's authority in emergency events are consistent with Chapter 35 of the Codified Ordinances dealing with emergency operations.

Public Comment

No one came forward to speak for or against Ordinance No. 17-10.

After discussion Ordinance No. 17-10 was given a first reading.

Ord. No. 18-10 (1ST Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 5, 6 and 8 The Commission

There was a brief discussion of the recommendations by the Charter Review Committee for submission to the voters in the November Election. These sections include:

Section 5 President of Commission, Mayor: Shall Charter Section 5 be amended to eliminate the authority of the mayor to take command of the police department in time of emergency.

Section 6 Salary of Commission Members and Mayor: Shall Charter Section 6 be amended to eliminate the vice mayor being paid the mayor's salary during absences of the mayor.

Section 8 Rules of Commission: Shall Charter Section 8 be amended to specify reason when a commission member may be expelled from City Commission.

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

Public Comment

No one came forward to speak for or against Ordinance No. 18-10.

After discussion Ordinance No. 18-10 was given a first reading.

ORD. NO. 19-10 (1ST Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 32 and 41 Administrative Service

There was a brief discussion of the recommendations by the Charter Review Committee for submission to the voters in the November Election. These sections include:

Section 32 Removal of Officers and Employees: Shall Charter Section 32 be amended to require that any employee who is to be laid off, suspended or removed receive written notice.

Section 41 Qualifications and Duties of Director of Law: 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.

The proposed changes are in the interest of the City in defining how an employee is to be notified of a layoff, suspension or removal and increasing the qualifications of the law director.

Public Comment

No one came forward to speak for or against Ordinance No. 19-10.

After discussion Ordinance No. 19-10 was given a first reading.

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

City Manager Enderle stated this is the annual lease of Fountain Park, Hardman Field, and Hance Pavilion to the Piqua Fourth of July Association.

Public Comment

No one came forward to speak for or against Resolution No. R-69-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-69-10 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-69-10 adopted.

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

City Manager Enderle stated in December of 2000 the City Commission passed Ordinance No. 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. 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 resurfacing and reconstructions.

Public Comment

Joe Francis, Parkway Drive came forward and voiced his concern over the need for the levy renewal.

City Manager Enderle explained what the levy funds are being used for, and stated the costs have gone up since the levy was passed in 2000.

It was stated that the City would need to get matching funds to complete the street repairs, and the City has applied for grants to offset the local share of the costs. City Engineer Amy Havenar explained with the new American Disabilities Act (ADA) requirements the costs have gone up considerably since 2000.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-70-10 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-70-10 adopted.

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

Public Comment

Allen Biehl, Senior Manager of O.R. Colan & Associates came forward and explained the process they would follow in the acquisition of the properties. There was discussion of the timeframe for completion of the acquisition and the funding for the project.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-71-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-71-10 adopted.

RES. NO. R-72-10

A Resolution of Intent to Vacate Public Right-Of-Way

City Manager Enderle stated this resolution is the intent to vacate a portion of the platter River Street right of way and refer the item to the Planning Commission for study. 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. Unity National Bank owns the parcel and desires to sell the parcel at this time.

Law Director Stacy Wall explained the changes and asked for a motion to suspend the 24-hour notice.

Moved by Commissioner Terry, seconded by Commissioner Martin to suspend the 24-hour notice. Voice vote, Aye: Martin, Fess, Vogt, Wilson, and Terry. Nay, None. Motion carried unanimously.

Public Comment

No one came forward to speak for or against Resolution No. R-72-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-72-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-72-10 adopted.

RES. NO. R-73-10

A resolution accepting the resignation of Rebecca Harrison as a member of the Board of Zoning Appeals

Public Comment

No one came forward to speak for or against Resolution No. R-73-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-73-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-73-10 adopted.

Other

Monthly Reports – April 2010

Monthly Reports for April 2010 were accepted.

Economic Development Update

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

Mr. Murphy gave a brief overview of the economic development projects and plans, also giving a brief update on his recent business trips to Japan and Germany.

Mayor Fess thanked Mr. Murphy for his presentation, and stated he is doing a great job for the City of Piqua.

Public Comment

No one came forward to speak at this time.

Commission Comments

Commissioner Vogt reminded citizens of the Piqua Car Show being held in Fountain Park on July 31st, and asked for volunteers to help pass out flyers. Any one interested can contact Commissioner Vogt.

Commissioner Terry reminded citizens that "Music in the Park" at the Hance Pavilion begins at 7:00 P.M. on Thursday June 3rd.

Commissioner Terry also stated the April Monthly Reports had an unusual high quantity of trash, grass, and animals complaints and reminded citizens to pickup their trash, mow their grass, and keep an eye on their animals.

Commissioner Wilson congratulated the Piqua High School graduates and Jessica Ellis, Valedictorian, and Katherine Owen, Salutatorian.

Commissioner Wilson inquired as to the status of the Ash Street Project.

City Engineer Amy Havenar explained what has been done up to date on the project, stating the demolition of the houses should be completed with thirty days.

Mayor Fess stated the Park Board will hold their meeting at Kiwanis Park on June 2 at 7:00 P.M., They will be discussing a possible levy for the swimming pool and ask all interested citizens to attend. In case of rain the meeting will be held in the Municipal Government Complex.

Mayor Fess congratulated Piqua High School athlete Kurt Grove on his qualifying for the State Track Meet and wished him the best in Columbus.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

MINUTES
PIQUA CITY COMMISSION WORK SESSION
June 1, 2010
6:00 P. M.
201 WEST WATER STREET
PIQUA, OHIO 45356

Piqua City Commission met in a Special Work Session in the Finance Conference Room in the Municipal Government Complex, 201 W. Water Street for a work session. Mayor Fess called the meeting to order at 6:00 P.M. Also present were Commissioners Wilson, Martin, Terry, and Vogt. Absent: None. Also in attendance: City Manager Fred Enderle, Finance Director Cynthia Holtzapple, City Engineer Amy Havenar, Street Superintendent Doug Harter, and Jim Roth, Ash Street resident.

Purpose of the Special Meeting is to discuss the Street Maintenance Paving Funds (101 & 103)

City Engineer Amy Havenar gave a power point presentation on the need to complete the necessary patching on as many streets as possible to try and extend the pavement life until they can be resurfaced. The in-house resurfacing budget is \$80,000 for 2010, stated Ms. Havenar.

There was discussion on the need for the renewal of the ¼ % Street Levy. Out of the 1.75% collected, ¼% is for the ten-year Street Levy Fund 103 with ¾ % going into the General Fund.

Ms. Havenar passed out a handout on the funding and repairs needed. (See enclosed)

Several options were discussed and they include:

- #1. Mill and overlay complete streets, as many as the budget will allow.
- #2. Mill and overlay the center (basically the travel lane) of an entire street.
- #3. Mill, overlay and repair the base on smaller patches on several streets.

Examples were given on the cost for each of the three options discussed.

City Manager Enderle stated we have not been reconstructing the streets over the past years; we have been just resurfacing them.

Street Superintendent Doug Harter gave a brief explanation of the 101 Street Fund.

There was discussion on the possibility of crack sealing on some of the streets, with the work being done in-house. It was noted that there are new ADA requirements the City must follow at corners that are raising the costs for the reconstruction of the streets.

Mayor Fess stated she felt Option #3 was the best option at this time, with Mr. Harter stating we can repair as many streets as possible with amount of money we have, rather than only being able to do one complete street. It was stated if the levy passed over the ten years the city would be able to repair thirty miles of streets.

City Manager Enderle stated it is important to get the information out to the public with our plans for future repairs of the streets. Commissioner Terry stated we need to show the citizens that we are working on the fixing the problems with the streets before the November election. Commissioner Wilson stated the need to start fixing the potholes and other problems to show good faith in order to get the citizens to pass the levy in November.

All commissioners present stated they were in favor of Option #3 Mill, overlay and repair the base on smaller patches on several streets at this time. It was noted for the record that all commissioners present were in favor of proceeding with Option #3.

Jim Roth, Ash Street resident, offered several suggestions including showing citizens the cost per mile to reconstruct a street.

Mayor Fess thanked Ms. Havenar and Mr. Harter for their reports.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 7:03 P.M. Voice vote, Aye: Wilson, Martin, Terry, Hudson and Vogt. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Fund 101 Street Maintenance Fund 2010 Budget

Estimated Revenues		
Income Tax Collections	\$1,152,000	
Gasoline Tax	715,000	
License Tax	352,155	
Total Estimated Revenues		\$2,219,155
Estimated Expenses		
Operations & Maintenance	\$550,406	
Wages & Benefits	948,448	
Administrative Allocation	194,173	
Road Salt	123,560	
Street Resurfacing	145,000	
Capital*	130,200	
Total Estimated Expenses		\$2,091,787
Revenues less Expenses		\$127,368
Available for Street Maintenance & Paving		80,000

Beginning 2010 Cash Balance \$1.65M; Estimated Ending Cash Balance \$1.69M

*2010 Capital Expenditures: Milling Machine \$70,200; Trucks \$60,000; Total \$130,200

EXHIBIT A
103 FUND

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	NOTES
CR 25-A Phase II - Country Club Rd. to Looney Rd.												
Design	\$ 1,035,000											
ROW			\$ 1,200,000									
Construction				\$ 2,370,000								OPWC, Federal & Miami County commitment of \$2,730,000
Riverside Drive - Phase I												
Construction	\$ 1,110,000											Close-out items from Phase I Recon.
Broadway - Phase II												
Engineering	\$ 1,600,000											
Construction	\$ 410,000											As-built/construction inspection Grant funds of \$525,000 from OPWC
Bridge Redesign/Landscaping (I-75/US 38)												
Construction	\$ 1,072,000											ODOT Matching funds of \$388,600
SIB Loan												
CR 25-A Loan Repayment	\$ 58,000	\$ 116,000	\$ 116,000	\$ 116,000	\$ 116,000	\$ 116,000	\$ 116,000	\$ 116,000	\$ 58,000			CR 25-A Loan Repayment
Material Testing												
Construction	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	
Bridge Load Ratings												
Consultant	\$ 5,000											ODOT Requirement for all bridges
E. Ash St. Reconstruction												
Consultant	\$ 175,000											
ROW Acquisition	\$ 450,000											OPWC/Federal/ODOT - Safety Money Committed
Construction		\$ 600,000										
Job Ready Sites												
Engineering	\$ 750,000											
Construction		\$ 300,000										Job Ready Sites Project
Streetscaping												
Engineering	\$ 20,000											
Construction		\$ 75,000										\$85,000 Committed from CDBG
Garby/Looney Road Pavement Marking												
Construction	\$ 10,000											
Street Resurfacing												
Asphalt	\$ 285,000	\$ 520,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	
Concrete	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	ODOT Matching funds of \$450,000 committed for 2011 construction
Gansy St/Commercial Bike Route												
Design		\$ 150,000										
ROW			\$ 50,000									
Construction					\$ 110,000							Federal Matching funds of \$422,000 committed for 2014 construction
College St. Corridor Traffic Signal												
Design		\$ 70,000										
ROW		\$ 15,000										
Construction			\$ 120,000									Federal Matching funds of \$470,000 committed for 2015 construction
CR 25-A Phase III - Looney Rd. to Indian												
Design			\$ 470,000									
ROW				\$ 250,000								
Construction						\$ 400,000						Federal matching funds of \$3,600,000 committed for 2015 construction. Anticipated \$400,000 from OPWC.
US 58 Beautification												
Engineering			\$ 60,000									
Construction					\$ 200,000							Federal Matching funds of \$260,000 committed for 2014 construction
High Street Reconstruction - RM Davis to West Corp. Limit												
Engineering						\$ 400,000						
Construction							\$ 2,000,000					Anticipated \$400,000 from OPWC
Commerce Drive Reconstruction - Sunset to RM Davis												
Engineering							\$ 300,000					
Construction								\$ 900,000				Anticipated \$400,000 from OPWC
Garby Road Reconstruction - Railroad to Looney Road												
Engineering								\$ 60,000				
Construction									\$ 1,000,000			Anticipated \$400,000 from OPWC
Covington Avenue Reconstruction - Phase III - Sunset Dr. to RM Davis												
Engineering									\$ 10,000			
Construction										\$ 1,000,000		Anticipated \$1,200,000 from FHWA & OPWC
Garby Street Reconstruction - Main St. to Plaza Troy												
Engineering										\$ 80,000		
Construction											\$ 400,000	Anticipated \$400,000 from OPWC
	\$ 1,875,600	\$ 1,841,000	\$ 1,515,000	\$ 1,041,000	\$ 731,000	\$ 621,000	\$ 1,421,000	\$ 1,401,000	\$ 1,273,000	\$ 985,000	\$ 1,105,000	

Indicates Federal or State funding committed to the project for the timeframes identified.

Indicates Job Ready Site funds needed for infrastructure improvements if grant is approved.

Indicates Federal or State funding NOT COMMITTED but will be applying for in the future.

B. OLD BUSINESS

June 15, 2010

- **Ord. No. 15-10 (2nd Reading)**
- **Ord. No. 17-10 (2nd Reading)**
- **Ord. No. 18-10 (2nd Reading)**
- **Ord. No. 19-10 (2nd Reading)**

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
1st Reading 6-1-2010

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

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 17th and February 22nd 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.



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.

1st Reading 6-1-2010

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

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

To: Fred Enderle, City Manager

From: Stacy M. Wall, Law Director

Date: 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 30th, May 11th and 18th, June 8th and 30th and July 20th, 2009. Every meeting was open to the public and public comment was received.

The Committee arrived at 21 recommended changes to the Charter. Because of the number of changes, the Committee prioritized the charter changes, grouping them into three groups, which were to be placed on the ballot in November 2009, Spring 2010 and November 2010. The Commission approved the Committee's recommendations in 2009 and placed 11 Charter Amendments on the ballot in November 2009. 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.

1st Reading 6-1-2010

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

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

To: Fred Enderle, City Manager

From: Stacy M. Wall, Law Director

Date: 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 30th, May 11th and 18th, June 8th and 30th and July 20th, 2009. Every meeting was open to the public and public comment was received.

The Committee arrived at 21 recommended changes to the Charter. Because of the number of changes, the Committee prioritized the charter changes, grouping them into three groups, which were to be placed on the ballot in November 2009, Spring 2010 and November 2010. The Commission approved the Committee's recommendations in 2009 and placed 11 Charter Amendments on the ballot in November 2009. 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.

1st Reading 6-1-2010

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

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

To: Fred Enderle, City Manager

From: Stacy M. Wall, Law Director

Date: 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 30th, May 11th and 18th, June 8th and 30th and July 20th, 2009. Every meeting was open to the public and public comment was received.

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- 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.

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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.

C. NEW BUSINESS

JUNE 15, 2010

- **Ord. No. 20-10 (1st Reading)**
- **Ord. No. 21-10 (1st Reading)**
- **Ord. No. 22-10 (1st Reading)**
- **Res. No. R-74-10**
- **Res. No. R-75-10**
- **Res. No. R-76-10**
- **Res. No. R-77-10**

ORDINANCE NO. 20-10

**AN ORDINANCE REPEALING SCHEDULE A OF
CHAPTER 33 OF THE PIQUA CODE AND ADOPTING
A NEW SCHEDULE A OF CHAPTER 33 OF THE PIQUA
CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL
EMPLOYEES**

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: Schedule A of Chapter 33 of the Piqua Code, as adopted by Ordinance No. 20-09, is hereby repealed; and

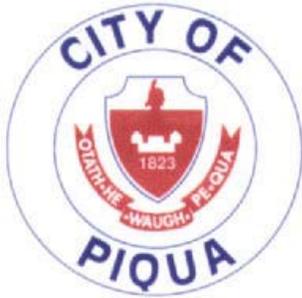
SEC. 2: Schedule A of Chapter 33 of the Piqua Code (appended hereto as Exhibit "D") is hereby adopted;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION REPORT

For the Regular Meeting of June 15, 2010

TO: Frederick E. Enderle, City Manager
FROM: Elaine G. Barton, Human Resources Director
Re: Revision to Schedule A

PURPOSE: In August 2009, the City Administration entered into a memorandum of understanding (MOU) with the Deputy Chiefs in the Police Department in conjunction with their Letter of Understanding. This MOU set the wages for the newly promoted Deputy Chiefs as outlined in the Police reorganization plan. The Letter of Understanding expired on April 30, 2010 and thus the Deputy Police Chiefs will receive benefits afforded to Schedule A employees. This revision sets the wages as detailed in the Memorandum of Understanding.

RECOMMENDATION: To adopt the ordinance revising Schedule A to reflect the wage rates for the Deputy Chiefs promoted in September 2009.

BACKGROUND: The City entered into a memorandum of understanding with the Deputy Police Chiefs in conjunction with a plan to reorganize the command staff within the Police Department. As part of that reorganization, wages and new titles were discussed. In the end it was determined that the title of Deputy Chief would be retained but that there would be a phase in of a new wage scale. The current Deputy Chief would continue to be compensated at a pay range of 63 but newly promoted Deputy Chiefs would be compensated at pay range 57 initially and be advanced to pay range 60 when the senior Deputy Chief would vacate the position. At the time the Senior Deputy Chief position is vacated that position would also revert to pay range 60 so that all Deputy Chief positions would be within the same pay range. As the wages were detailed in the memorandum of understanding, Schedule A was not revised. However, at this time the Letter of Understanding has expired thus the need for the "Phase I" wage rates to be included as part of Schedule A.

City Commission Report
June 15, 2010
Schedule A Revision
Page Two

ALTERNATIVES: 1. Adopt the ordinance revising Schedule A
2. Suggest an alternate solution and provide further direction

DISCUSSION: As previously stated, the wage rates as set forth in the revised Schedule A are those that were agreed to with the Police Command Staff in August 2009. As the Letter of Understanding has now expired, this ordinance sets those same wages.

FINANCIAL IMPACT: The 2010 budget was adopted with these wage rates included.

COMMUNITY IMPACT: N/A

CONFORMITY TO CITY PLANS & POLICIES: Chapter 33 of the Piqua Code sets forth the classifications and compensation of employees covered under Schedule A. As these employees now fall under the category of Schedule A employees, this ordinance conforms with the code.



Class Code	CLASSIFICATION/TITLE	PAY	SCHEDULE A				Exhibit D	
		RANGE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F
	Non-exempt positions: (hourly rate)							
105	Custodian	21	13.2103	13.871	14.5639	15.2927	16.0572	16.8603
107	Secretary	25	14.7184	15.4544	16.2271	17.0377	17.8901	18.7846
108	Administrative Secretary	29	15.982	16.781	17.62	18.5009	19.4258	20.3973
109	Human Resources Assistant	29	15.982	16.781	17.62	18.5009	19.4258	20.3973
110	Executive Secretary	36	17.8659	18.7586	19.6972	20.6814	21.716	22.8016
112	Administrative Coordinator	36	17.8659	18.7586	19.6972	20.6814	21.716	22.8016
120	Police Records Clerk	18	11.5999	12.1798	12.789	13.4281	14.0994	14.805
121	Senior Police Records Clerk	26	15.3635	16.1316	16.9384	17.7853	18.6739	19.6076
122	Police Service Aide	29	15.982	16.781	17.62	18.5009	19.4258	20.3973
600	Police Lieutenant	53	33.4657	33.8001	34.1384	34.4794	34.8243	35.1725
	Exempt positions: (weekly salary)							
150	Acct. & Income Tax Mgr.	52	1056.32	1109.11	1164.59	1222.82	1283.98	1348.16
153	Utility Billing Office Manager	50	1005.57	1055.85	1108.64	1164.09	1222.27	1283.38
155	Dir.of Finance & Inc. Tax. Admin.	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
157	Purchasing Analyst II	46	912.09	957.69	1005.57	1055.85	1108.65	1164.09
158	Purchasing Analyst I	43	784.39	823.61	864.79	908.03	953.43	1001.11
160	Law Director	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
165	Human Resources Director	58	1201.17	1261.24	1324.28	1390.49	1460.03	1533.01
171	Community Development Director	52	1056.32	1109.11	1164.59	1222.82	1283.98	1348.16
170	Development Program Manager	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
180	Economic Development Director	58	1201.17	1261.24	1324.28	1390.49	1460.03	1533.01
206	Engineering Technician IV	45	890.11	934.61	981.33	1030.39	1081.91	1136.01
207	City Engineer	58	1201.17	1261.24	1324.28	1390.49	1460.03	1533.01
208	City Planner	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
209	Public Works Director	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
307	Director of Information Tech.	62	1308.32	1373.75	1442.45	1514.58	1590.27	1669.78
403	Golf Professional *	36	714.63	750.34	787.89	827.25	868.64	912.07
402	Recreation Coordinator	43	784.39	823.61	864.79	908.03	953.43	1001.11
404	Park/Recreation Manager	45	890.11	934.61	981.33	1030.39	1081.91	1136.01
405	Park/Recreation Superintendent	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
501	Health & Sanitation Director	58	1201.17	1261.24	1324.28	1390.49	1460.03	1533.01
504	Sanitarian II	44	868.67	912.11	957.71	1005.59	1055.87	1108.67
507	Sanitarian	43	784.39	823.61	864.79	908.03	953.43	1001.11
510	Code Enforcement Officer	43	784.39	823.61	864.79	908.03	953.43	1001.11
603	Police Deputy Chief/Phase I	57	1192.81	1252.47	1315.07	1380.84	1449.89	1522.38
605	Police Deputy Chief	63	1707.02	1724.11	1741.32	1758.75	1776.33	1794.10
610	Police Chief	67	1769.56	1787.27	1805.14	1823.19	1841.41	1859.85
655	Most Sr. Asst. Fire Chief	63	1653.29	1669.84	1686.51	1703.39	1720.42	1737.63
660	Fire Chief	67	1769.56	1787.27	1805.14	1823.19	1841.41	1859.85
705	Assistant Street Superintendent	46	912.09	957.69	1005.57	1055.85	1108.65	1164.09
706	Street Superintendent	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
810	Water Distribution Supervisor	44	868.67	912.11	957.71	1005.59	1055.87	1108.67
820	Water System Superintendent	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
830	Storm Water Coordinator	46	912.09	957.69	1005.57	1055.85	1108.65	1164.09
845	Wastewater System Superintendent	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
846	Underground Utilities Superintendent	51	1030.4	1081.92	1136.02	1192.82	1252.48	1315.08
848	Utilities Director	58	1201.17	1261.24	1324.28	1390.49	1460.03	1533.01
874	Power Plant Assistant Manager	52	1056.32	1109.11	1164.59	1222.82	1283.98	1348.16
875	Power Plant Manager	57	1192.81	1252.47	1315.07	1380.84	1449.89	1522.38
881	Associate Engineer	52	1056.32	1109.11	1164.59	1222.82	1283.98	1348.16
890	Power Distribution Manager	57	1192.81	1252.47	1315.07	1380.84	1449.89	1522.38
892	Electrical Engineer	62	1347.57	1414.96	1485.72	1560.02	1637.98	1719.87
893	Asst. Power System Director	65	1449.89	1522.38	1598.48	1678.41	1762.32	1850.45
894	Power System Director	70	1590.24	1669.75	1753.25	1840.92	1932.95	2029.62
895	Assistant City Manager	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
896	Asst. City Manager/Development	67	1457.22	1530.11	1606.6	1686.92	1771.29	1859.85
897	Asst. City Manager/Administration	70	1590.24	1669.75	1753.25	1840.92	1932.95	2029.62
*	Plus 50% of net margin on all sales of golf accessories & mdse.							

ORDINANCE NO. 21-10

**AN ORDINANCE REPEALING SCHEDULE A-1 OF
CHAPTER 33 OF THE PIQUA CODE AND ADOPTING
A NEW SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA
CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL
EMPLOYEES**

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: Schedule A-1 of Chapter 33 of the Piqua Code, as adopted by Ordinance No. 28-08, is hereby repealed; and

SEC. 2: Schedule A-1 of Chapter 33 of the Piqua Code (appended hereto as Exhibit "E") is hereby adopted;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of June 15, 2010

TO: Frederick E. Enderle, City Manager
FROM: Elaine G. Barton, Human Resources Director
SUBJECT: Revision to Schedule A-1

PURPOSE:

Revise Schedule A-1 to include the addition of a part-time Street Sweeper working 30 hours or less per week.

RECOMMENDATION:

Approval of the ordinance revising Schedule A-1.

BACKGROUND:

The street sweeping operations serve as one of our Best Management Practices (BMP) to control and improve water quality to help with compliance of our Storm Water National Pollutant Discharge Elimination System (NPDES) Permit. In the past, the street sweeping operations, both manpower and equipment, was budgeted from the Street Department (101 Fund). However, with the creation of the new Storm Water Utility and the vital part street sweeping plays with our NPDES compliance, the City Commission approved the transfer of all of the street sweeping operations from the Street Department to the Storm Water Utility.

ALTERNATIVES:

- 1) Approve the Ordinance revising Schedule A-1 to include the position of part-time street sweeper.*
- 2) Do not approve the Ordinance and keep utilizing the Street Department employees to perform the street sweeping operations.*

DISCUSSION:

As there has not been anyone hired in the Storm Water Department to perform this function, the Street Department is performing the street sweeping operations with their personnel and all equipment expenses charged to the Storm Water Department. However, this also means that one full-time employee of the Street Department is exclusively assigned to the street

sweeping operations for approximately 9 months out of the year and therefore not being utilized in the Street Department to perform the necessary day-to-day activities. By hiring a part-time employee to perform the street sweeping operations, this will allow for the Street Department employees to remain in the Street Department to perform street related work/improvements.

FINANCIAL IMPACT:

It would be more cost effective to hire a part-time employee to perform the street sweeping operations at a reduced hourly rate and without benefits rather than to pay an Equipment Operator with a higher hourly rate plus benefits. Therefore, by hiring a part-time employee, we would see an immediate savings in the Storm Water Budget.

COMMUNITY IMPACT:

The residents of the City of Piqua will receive a greater benefit by the hiring of a part-time employee to sweep the streets due to the fact that this will free up a full-time Street Department employee to perform street-related duties. As we all know, there is plenty of work to be done in the Street Department, and being short one employee for several months out of the year presents a challenge to complete street repairs and resurfacing.

CONFORMITY TO CITY PLANS & POLICIES:

The City Commission approved the Storm Water Budget which included all of the street sweeping operations (both personnel and equipment) funded from the Storm Water Fund. Therefore, we would be keeping consistent with City Commission's direction; however, we would be able to achieve this at a lower cost.

Street sweeping has been identified as a component of our NDPES Permit as part of our Storm Water Program.

<u>CLASSIFICATION/ TITLE</u>	<u>HOURLY RATE</u>	
CLERK TYPIST (CO-OP STUDENT)	7.30	
CITY CLERK*	7.30	
CLERK TYPIST A	7.30	
CLERK TYPIST B	7.42	
RECORDS & DATA ENTRY CLERK	7.52	
ACCOUNT CLERK*	9.94	
SECRETARY I*	10.24	
SECRETARY II*	11.82	
ADMINISTRATIVE SECRETARY (FINANCE)*	15.52	
ENGINEERING CO-OP I (STUDENT)	9.48	
ENGINEERING CO-OP II (STUDENT)	10.33	
ENGINEERING CO-OP III (STUDENT)	11.13	
ENGINEERING CO-OP IV (STUDENT)	11.97	
PLANNING TECHNICIAN	16.48	
INTERNS	7.30 to 12.36	
PARKING CONTROL OFFICER	7.92	
ANIMAL CONTROL OFFICER	7.31	
POWER DISTRIBUTION STOREKEEPER	15.45	
PLUMBING INSPECTOR	19.10	
CONSTRUCTION INSPECTOR	19.10	
PUBLIC HEALTH NURSE	19.10	
STREET SWEEPER	10.00	
LABORER A	7.42	
LABORER B	8.26	
LABORER C	9.18	
CUSTODIAN	7.32	
REFUSE COLLECTOR	7.30	
MAINTENANCE WORKER	7.30	
STREET DEPT. MAINTENANCE SUPV.	9.91	
SEASONAL GOLF COURSE MAINT. LABORER A	7.42	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER B	8.26	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER C	9.18	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER A	7.30	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER B	7.30	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER C	7.45	plus free golf**
GOLF COURSE CLUBHOUSE ATTENDANT	7.42	plus free golf**
CART/RANGE ATTENDANT	7.30	plus free golf**
FOOD SERVICE ATTENDANT (GOLF)	7.30	plus free golf**
LIFEGUARD A	7.30	
LIFEGUARD B	7.30	
LIFEGUARD C	7.45	
TICKET WINDOW ATTENDANT A	7.30	
TICKET WINDOW ATTENDANT B	7.30	
HEAD TICKET WINDOW ATTEND. A	7.45	
HEAD TICKET WINDOW ATTEND. B	7.83	
RECREATION LEADER	7.79	
RECREATION ASSISTANT	7.30	
SPORTS INSTRUCTOR	8.53 to 17.06	
DANCE/FITNESS INSTRUCTOR	8.53 to 17.06	
POOL MANAGER	524.45	WEEKLY RATE
ASSISTANT POOL MANAGER A	362.35	WEEKLY RATE
ASSISTANT POOL MANAGER B	379.65	WEEKLY RATE
HEAD LIFE GUARD A	312.91	WEEKLY RATE
HEAD LIFE GUARD B	330.22	WEEKLY RATE
ASSISTANT LAW DIRECTOR	823.40	WEEKLY RATE

*These are confidential employees and are not in any bargaining unit.

**certain restrictions do apply - must work a minimum of 20 hours per week

ORDINANCE NO. 22-10

AN ORDINANCE TO CHANGE THE STREET NAME OF PORTIONS OF BRIDGE STREET AND STATLER ROAD

WHEREAS, the Planning Commission has met to study a request to change the street name of portions of Bridge Street and Statler Road; and

WHEREAS, the Planning Commission met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, the Planning Commission after hearing the request and considering the public comments and information provided, recommended that the street name of the subject public right of way improvements be recognized as Garnsey Street; and

WHEREAS, pursuant to Piqua Charter Section 98, street name changes must be adopted by Ordinance by this Commission.

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: This Commission hereby takes the action necessary to change the street name of portions of Bridge Street and Statler Road public right of way improvements to Garnsey Street; said name change affecting only those portions of public right of way improvements located within the city of Piqua Corporation Limits, and said portions of public right of way improvements being a continuous through street beginning at the intersection of Main Street and Garnsey Street and ending at the intersection of Staunton Street and Statler Road, as being as further described on the attached exhibit.

SEC. 2: The City Manager shall cause notice of the street name change to be served to all property owners contiguous to the affected portions of street and road right of way.

SEC. 3: This Ordinance shall take precedent over all prior Ordinances or Resolutions pertaining to the street name of the affected portions of public right of way improvements.

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 15, 2010

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Recommended Renaming of Portions of Bridge Street and Statler Road

PURPOSE:

Act on Planning Commission recommendation to rename a portion of Bridge Street and Statler Road right of way within the City of Piqua corporation limits to correct a street name/address assignment discrepancy.

RECOMMENDATION:

Approve the Ordinance to change the name of a portion of Bridge Street and Statler Road to Garnsey Street.

BACKGROUND:

Currently the referenced portions of Statler Road and Bridge Street are posted as Garnsey Street and the parcels adjacent to this segment of roadway located inside the City limits use Garnsey Street and Bridge Street address assignments. While the subject roadway segment is one continuous through street, official plat and construction right of way records reflect the roadway as being two separate roadway segments with two separate names, neither of which reflect the street name posted. Because of this discrepancy problems arise when the occupants of the properties located on this stretch of roadway request a response from safety service agencies, utility companies, and others, or simply try to have a pizza delivered to their residence.

ALTERNATIVES:

- 1) Approve Ordinance and accept Planning Commission recommendation to rename the subject portions of right of way.
- 2) Defeat the Ordinance and leave the street name discrepancy unresolved.

DISCUSSION:

The proposed street name change originated with a request by the residents along this segment of roadway that the street name be studied. After examining the available records and collecting the pertinent information, it became quite evident that discrepancies existed with regards to the applicable street name for this corridor. The proposed street name was presented to the Planning Commission in an open session and public comment was invited. All three of the property owners of the single family dwelling units located along this roadway segment attended the meeting and spoke in favor of the proposed street name change. The only other affected property is occupied by a commercial structure that is currently vacant.

The Piqua Materials business located on the south side of the roadway is outside of the city limits and is not affected by the proposed change. Nonetheless, the Business Manager for the Piqua Materials facilities was contacted by phone by city staff and informed of the street name change being discussed. The Piqua Material representative we spoke with was supportive of the planned street name change and registered no objections.

The proposed street name change, if approved, will reflect the street name already used by the general public to refer to this stretch of roadway and will modify the necessary documents to make official the street name currently in use. This action will remedy a condition that, at the very least, is an inconvenience to the affected property owners, and at its worst may result in dire consequences. The Piqua Materials property located across the roadway is located outside of the city limits and the address assignment for this business will not be affected by the proposed change. Changing the street name will result in a change to the street name currently being used as the mailing address at 3 of the 4 affected properties.

FINANCIAL IMPACT:

The proposed street name change will have no fiscal impact on the City.

COMMUNITY IMPACT:

The proposed street name change will improve public health and safety and will have a positive effect on the surrounding property owners or the interest of the general public.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed street name change 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 Transportation chapters of the Plan It Piqua Comprehensive Plan document.

RESOLUTION NO. R-74-10

**A RESOLUTION ACCEPTING THE RESIGNATION
OF MICHAEL PERANDO AS A MEMBER OF THE
PARK BOARD**

WHEREAS, Michael Perando was appointed to the Park Board on March 2, 2009 by Resolution No. R-24-09 for a 5-year term to expire on March 4, 2014.

WHEREAS, Michael Perando submitted a letter of resignation to the Park Board on May 19, 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 Michael Perando as a member of the Park Board.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-75-10

A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT FORMULA ALLOCATION PROGRAM APPLICATION FOR FISCAL YEAR 2010

WHEREAS, the City of Piqua is a unit of government that possesses the legal authority to apply for Small Cities Community Development Block Grant funds available through the Ohio Department of Development, under the Federal Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the City of Piqua has housing and community development needs that can be improved and alleviated with this assistance; 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: This FY 2010 CDBG Formula Allocation Program application is hereby approved and the City Manager is hereby authorized and directed to submit the City's program application to the Ohio Department of Development, including all understandings and assurances therein.

SEC. 2: The City Manager is authorized to be the designated agent of the program in connection with the application and is authorized to execute all agreements in conjunction with the FY 2010 Program.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of June 15, 2010

For the Special Meeting of

For the Study Session of

TO: Fred Enderle, City Manager

FROM: William Lutz, Development Program Manager

SUBJECT: FY 2010 – Community Development Block Grant Formula
Allocation Program Application

PURPOSE:

The purpose of this resolution is to authorize the filing of the City of Piqua's Fiscal Year 2010 Community Development Block Grant Formula Allocation Program Application. For the Fiscal Year 2010 application, the City of Piqua is proposing to provide streetscaping to the 100 block of West Water Street on both the north and south sides of the street.

RECOMMENDATION:

City Staff recommends that the City Commission approves the filing of the application with the Ohio Department of Development.

BACKGROUND:

Each year, the City of Piqua receives an annual allocation of funding from the Ohio Department of Development for the administration of the Community Development Block Grant Formula Allocation Program. The Community Development Block Grant Formula Allocation Program, is a federal program in which municipalities and counties must use funds to either provide improvements to low to moderate income areas or to address areas of slum and blight.

Traditionally, the City of Piqua receives around \$100,000 each year for the administration of the program. The funding is dependent upon funding authorizations from the Federal Government, as well as other socio-economic factors that are determined by both the United States Department of Housing and Urban Development and the Ohio Department of Development. For 2010, the City of Piqua is in line to receive \$118,000, which is the largest amount of funds we have received through this program since at least 2005.

Funds are not only provided for projects, but grant funding also is provided to undertake fair housing initiatives and for administrative costs due to running the program. For 2010, 80% of the \$118,000, or \$94,400 will be provided for the streetscaping project. 15% of the \$118,000, or \$17,700 will be provided for the administrative costs of the program and 5% of the \$118,000, or \$5,900 will be provided for fair housing initiatives.

ALTERNATIVES:

City Commission may decide not to adopt the resolution, in which case, the City would not have the necessary time to prepare a new application by the required deadline of June 25. This would cause the City of Piqua to lose their annual allocation of \$118,000 through the Community Development Block Grant Program.

DISCUSSION:

After holding discussions with City Staff, it was determined that the most appropriate use for this year's Community Development Block Grant program was to "fill in" the 100 block of West Water Street with streetscape improvements. The improvements will match the current look and feel of other downtown streets in the City of Piqua, with the brick pavers, decorative lighting poles, decorative signage posts, benches and trash receptacles. The City of Piqua's Engineering Department has projected the cost of the project to be \$168,000. The additional funding needed for the project will be funded out of the Street Department. It should be noted that the timing of the project is advantageous to the community since the Ohio Department of Transportation has committed to resurface United States Route 36 (West Water Street) in the City of Piqua in 2011.

FINANCIAL IMPACT:

The Community Development Block Grant Formula Allocation Program has a positive financial impact on the community, through the grant, dollars are provided to the city to not only undertake a project that has a benefit to low to moderate income residents, it also provides financial resources to help pay for the administration of the program and to undertake necessary fair housing initiatives.

In particular for the FY 2010 Community Development Block Grant Formula Allocation Program, local funds will be necessary to complete the project. The City of Piqua's Engineering Department will need to allocate funds in and above the \$94,400 provided by the grant in order to complete the project.

COMMUNITY IMPACT:

The impact of the FY 2010 Community Development Block Grant Formula Allocation Program is expected to be positive within the community. Currently, the 200 block of West Water Street is "streetscaped" with brick pavers and decorative appurtenances that provide for a more aesthetically pleasing and more attractive physical environment. As widely known, the 100 block of West Water Street lacks these amenities and the FY 2010 Community Development Block Grant program plans to improve these conditions along West Water Street.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed FY 2010 Community Development Block Grant Formula Allocation Program is in compliance with many of the tenants of the city's comprehensive plan. Most notably, Objective 2 of the Transportation portion of the city's comprehensive plan is to "Improve the physical appearance of roads and streets to compliment the built environment". Through this program, that objective can be realized for this specific block. Additionally, the enhanced streetscaping will also help meet Objective 4: "Improve opportunities for

pedestrians and bicyclists". By providing more aesthetically pleasing environments, there will be a natural increase in pedestrian usage.

It should also be noted that the City can not have the current section of West Water Street resurfaced with the curb that is currently at the project location. To have the resurfacing occur with the current curb in place would cause major and dramatic drainage problems. Therefore, the curb will be replaced and it makes sense to complete the streetscaping at the same time.

RESOLUTION NO. R-76-10

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED CITY TAX BUDGET FOR MIAMI COUNTY FOR THE CALENDAR YEAR 2011 AND DRAFT APPROPRIATION ORDINANCE

WHEREAS, Section 5705.18 of the Revised Code requires that this Commission adopt a tax budget for the next succeeding year on or before July 15th; and

WHEREAS, Charter Section 49 requires the submission of the draft of an appropriation ordinance based upon said budget;

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 public hearing on the proposed city tax budget for Miami County for the year 2011 and draft appropriation ordinance shall be held at the next regular meeting of this Commission on July 6, 2010 at 7:30 P.M.; and

SEC. 2: The Commission Clerk is hereby directed to cause the publication of notice of said public hearing in the Piqua Daily Call;

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 15, 2010

TO: Fred Enderle, City Manager

FROM: Cynthia A. Holtzapple, Assistant City Manager & Finance Director

SUBJECT: Resolution R-76-10 - Fixing the Time and Place for a Public Hearing on the Proposed City Tax Budget for Miami County for the Calendar Year 2011 and Draft Appropriation Ordinance.

PURPOSE:

Approve the Resolution No. R-76-10 Fixing the Time and Place for a Public Hearing on the Proposed City Tax Budget for Miami County for the Calendar Year 2011 and Draft Appropriation Ordinance.

RECOMMENDATION:

I am requesting approval of Resolution No. R-76-10 Fixing the Time and Place for a Public Hearing on the Proposed City Tax Budget for Miami County for the Calendar Year 2011 and Draft Appropriation Ordinance.

BACKGROUND:

We are required to file the approved Resolution and County Tax Budget with our Miami County Budget Commission on or before July 20, 2010. We must first have this Resolution R-76-10 approved by our City Commission to allow us to properly advertise and conduct the public hearing.

ALTERNATIVES:

- 1) Approve Resolution No. R-76-10 - Fixing the Time and Place for a Public Hearing on the Proposed City Tax Budget for Miami County for the Calendar Year 2011 and Draft Appropriation Ordinance.
- 2) Do not approve the Resolution and be in violation of state and local laws.

DISCUSSION:

- 1) This alternative will allow for us to remain in compliance with all state and local laws in regards to filing our annual County Tax Budget.
- 2) This alternative is not recommended for the obvious reason of it being in violation of the law.

FINANCIAL IMPACT:

- 1) There is no direct financial impact to the City. We are not charged for the various methods of advertising including putting the public notice hearing in the newspaper, on our website and the notice which is hung in the lobby.
- 2) The City could face substantial fines if we choose to go with this alternative.

COMMUNITY IMPACT:

Once this Resolution is approved, there will be a public notice printed in our newspaper and hung in the lobby advising citizens of their right to attend the July 6th meeting in order to discuss this issue with the Commission and we will also notify them that the draft ordinance is available on our web site to view at any time.

CONFORMITY TO CITY PLANS & POLICIES:

Section 5705.18 of the Revised Code requires that this Commission adopt a tax budget for the next succeeding fiscal year and our local Charter Section 49 states that receipt of such draft ordinance must be acknowledged. We will begin to meet these requirements once this Resolution is approved.

RESOLUTION NO. R-77-10

**A RESOLUTION APPOINTING A MEMBER TO THE
DOWNTOWN DISTRICT DESIGN REVIEW BOARD**

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

SEC. 1: Brenda Vetter is hereby appointed to fill the unexpired term of Anna Baumeister as a member of the Downtown District Design Review Board for a term to expire on March 1, 2011 or until her successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

D. OTHER BUSINESS

June 15, 2010

➤ **Report on Mid-Year Budget Status**



CITY COMMISSION MEETING REPORT

For the Regular Meeting of June 15, 2010

TO: City Commission

FROM: Fred Enderle, City Manager

SUBJECT: Report on Mid-Year 2010 Budget status and review and acceptance of 2010 Budget adjustments.

PURPOSE:

The purpose of this memorandum is to outline the status of revenue and expense, focusing primarily on the General Fund; to review options for reducing expenditures for the balance of the budget year; and to concur in a budget adjustment plan

RECOMMENDATION:

Endorse 2010 Budget Adjustment plan.

BACKGROUND:

With the adoption of the 2010 Budget in December, 2009 staff had outlined and City Commission supported an approach that adopted a 2010 spending plan with steps for delaying capital purchases and holding certain vacated positions open during the first half of 2010; and closely monitoring first and second quarter revenues to better determine the availability for sufficient resources to fund the 2010 spending plan, maintain an adequate general fund balance, and move toward balancing the City budgets in the years to come.

Staff has followed the above approach in all Funds (General as well as Enterprise). In monitoring revenue and expenditures, Departments have for the most part been on track with their expenditure. Utilities, services and commodities such as fuel and supplies are at or somewhat below levels budgeted. Personnel costs (salaries, benefits and insurance) are lower than anticipated due to position vacancies and departments efforts to curb overtime use. As of May 31, 2010 major Funds are at the following percentage of budgeted expenditures:

General	37.8%
Power	36.8%
Streets	35.0%
Sanitation	33.7%
Water	25.1%
Wastewater	27.2%

On the revenue side of the equation revenues have been lagging behind in most Funds. No unanticipated revenues have been or are expected to be realized. Some grant revenue was budgeted, but expenditures were placed on hold pending receipt of funding, some funding has been realized and the expenditures will be made. Following is the current status of major Fund revenues, expressed as a percentage increase (decrease) from previous year time frame:

General	(3.9)%
Power	(3.8)%
Streets	(4.4)%
Sanitation	(0.03)%
Water	0.4%
Wastewater	3.7%

Of the six Funds the General Fund is of most concern. As of June 4, 2010 Income Tax revenue is lagging 14.5% behind last year at this time. This is of course is on top of the fact that 2009 income tax revenue was at a six year low (matching 2003 revenues). In addition, it is uncertain what the State of Ohio will do with local shared revenue given they are facing an \$8 billion deficit. The bottom line is, we do not foresee revenues rebounding from the current status.

In addition, to analyzing expenditures and revenue, we have to be concerned with the current fund balance in the General Fund. We are currently estimating a \$2.2 million net income deficit (revenues to expenditures) for the year (2010), which would mean a reduction in fund balance at year end to \$1.6 million. In simple terms, if current trends continue, which we anticipate, we would be out of fund balance by mid-year 2011. A situation we cannot allow to happen. Therefore, we need to reduce expenditure now to preserve as much fund balance as possible to help carry us through 2011 and beyond. Therefore, we are recommending \$1.2 million in reductions in General Fund expenditures in the 2010 Budget for the last half of the year.

ALTERNATIVES:

1. Endorse the recommended plan for reducing the 2010 Budget, in particular in the General Fund.
2. Do nothing, continue to monitor revenues and expenditures and address any concerns as they arise or in the 2011 Budget.
3. Provide alternative direction to staff.

DISCUSSION:

All department heads were provided target levels and asked to identifying areas to reduce the General Fund 2010 Budget by \$1.2 million and other funds as much as possible. Identifying additional revenues was not an option provided. Frankly, any potential new revenue source identified now would not produce much, if any, revenue in the current year. All non-mission critical spending was to be targeted for reduction. For example, training for anything other than maintaining required certifications, meeting legal or service mandates was to be trimmed; overtime for anything other than emergency situations, must have the prior approval of the City Manager; and departments were to identify where personnel costs could be trimmed. In previous reductions we have focus primarily on non-safety services; unfortunately we are at the point where Safety Services, which is 74% of the General Fund budget, must now be targeted for the largest percentage (74%) of the reductions needed. Other portions of the targeted \$1.2 million reductions included:

Parks & Recreation	6.78%
Income Tax	3.27%
Health	3.88%
Planning and Zoning	1.84%
NIT, Pro-Piqua	0.59%
Gen. Government	1.79%
City Commission	0.68%
Civil Service	0.14%
Partially GF Areas ¹	6.22%

¹ Includes: City Building, City Manager, Engineering, Finance, Purchasing, Law, Human Resources, Golf, Pool and Fort Piqua Plaza.

The above exercise resulted in some departments exceeding their target and some unable to meet targets. Following review of the initially identified cuts the following General Funds adjustments have been identified:

Personnel Changes ²	\$ 632,045
Health Insurance	\$ 179,615
Training	\$ 38,708
Special Programs/Operations	\$ 33,860
Capital Expenditures	\$ 307,764
Operations & Maintenance	\$ 3,779
Services	\$ 6,000
Total General Fund	\$ 1,201,771

Other Fund reductions total the following:

Utility Bill Office	\$ 6,549
Information Technology	\$ 16,145
Water	\$ 225,557
Wastewater	\$ 161,946
Power	\$ 273,611
Storm Water	\$ 70,000
Refuse	\$ 13,997

Specifics of personnel changes will be reviewed with Commission in executive session prior to the regular meeting and will be withheld from the public until Commission has concurred with the changes and affected employees have been properly notified.

FINANCIAL IMPACT:

The financial impact of the recommended reductions will reduce the Net Income/Deficit for the General Fund in 2010 to a deficit of \$1.0 million (versus \$2.2 million). Which in turn would boost the estimated year- end fund balance in the General Fund to \$2.8 million and give us the ability to balance the 2011 General Fund Budget if current economic conditions do not improve.

COMMUNITY IMPACT:

The impact to the community will be a reduction in service levels. Since 2007 we have reduced City staff levels 9% from 211 to 192. Further reductions will be required with this adjustment; thus, we simply will not be able to provide the same level of service as in the past. We will need to focus on base level services, addressing critical incident/problems immediately, but prioritizing non-critical issues to respond as time allows. Lines to pay utilities or taxes may be longer at times, responses to complaints about nuisances and/or follow ups to notices will take longer and/or those little extra things the Police and/or Fire department may do for people will no longer be possible.

CONFORMITY TO CITY PLANS & POLICIES:

The City will continue to conform to all plans and polices. As a result of reductions some plans or policies may need to be amended to reflect current conditions. Those plans and policies will be amended as appropriate as the need arises.

² Could include retirements, no replacement of vacancies, lay-offs, furloughs, wage reductions, overtime reductions, and other personnel changes depending on work unit bargaining status..