

REVISED 10-4-2010

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, OCTOBER 5, 2010
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION – Community Planning Month in the City of Piqua
Accepting – Mr. Chris Schmiesing – City Planner

A. CONSENT AGENDA

- a. APPROVAL OF MINUTES
Approval of the minutes from the September 21, 2010 Regular City Commission Meeting

B. NEW BUSINESS

- a. RES. NO. R-116-10
A Resolution authorizing the execution of a loan agreement with Morris Heating, Cooling and Comfort Systems, LLC, in the amount of \$45,000
- b. RES. NO. R-117-10
A Resolution approving the Fiscal Year ~~2009~~ **2010** Community Development Block Grant Tier One Downtown Revitalization Program application
- c. RES. NO. R-118-10
A Resolution of authorization to submit an application for Federal Safetea-Lu funds through the Miami Valley Regional Planning Commission
- d. RES. NO. R-119-10
A Resolution authorizing the assignment of a certain Canal Lease No. 21
- e. RES. NO. R-120-10
A Resolution authorizing legal counsel to settle two litigation matters

C. OTHER

- a. Street Levy Information – Ms. Amy Havenar
b. American Public Power Association-70th Anniversary of APPA (Video) – Mr. Ed Krieger
c. Monthly Reports – August 2010

D. ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday September 21, 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 Vogt, Martin, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of Minutes

Approval of the minutes from the September 7, 2010 Regular Piqua City Commission meeting.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that the minutes of the September 7, 2010 Regular Piqua City Commission meeting be approved. Voice vote, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

PRESENTATION – Homelessness Summit (Report to the Community)

Jim Vetter, President of the Southview Neighborhood Association, Gloria Riley from the Piqua Compassion Network, and Police Chief Bruce Jamison gave a brief overview of the problems, responses and action items facing the homeless in our community.

Commissioners asked several questions regarding ways people can contact someone if they are in need of help, the locations of the agencies in Piqua that are able to help with the problems the homeless people are facing.

Mayor Fess thanked Mr. Vetter, Ms. Riley, and Chief Jamison for doing such a wonderful job, and for all their work in putting together the program in Piqua.

NEW BUSINESS

ORD. NO. 27-10 (1st Reading)

An Emergency Ordinance to make Appropriations for the City of Piqua, Ohio for the year 2010

City Manager Enderle stated the budget is required to be presented in early November before all of the project timing and costs are known. Some of the projects expecting to be done last year will sometimes carryover into the next year. During the current fiscal year, unexpected expenses sometimes occur and this supplemental appropriation allows us to more accurately reflect these changes in our financial statements, and is something that is done every year at this time, said City Manager Enderle.

Commissioners asked several questions including information on the Forest Hill Mausoleum project, how grant money is distributed, Township contract funds, and the progress at the old hospital site on Park Avenue.

Public Comment

No one came forward to speak for or against Ordinance No. 27-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 27-10 be read fully and distinctly on three separate days be suspended. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay, None. Motion carried unanimously.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Ordinance No. 27-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 27-10 adopted.

RES. NO. R-107-10

A Resolution approving the tax rates for the City as determined by the Miami County Budget Commission

City Manager Enderle stated every year at this time we request approval of the certified tax rates to levy property tax on all general duplicates for 2010 to be collected in 2011, and this requires approval by the Commission. Certifications must be received by Miami County by October 1, 2010.

Public Comment

No one came forward to speak for or against Resolution No. R-107-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-107-10 be adopted. Voice vote, Aye: Wilson, Vogt, Terry, Martin, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-107-10 adopted.

RES. NO. R-108-10

A Resolution requesting preliminary legislation for ODOT to rehabilitate structure number MIA 36 11.32 located on US Route 36 approximately 0.44 miles west of Interstate Route 75

City Manager Enderle stated ODOT requires legislation from the local entity prior to commencement of work within the entity. Even though the bridge is located within the City, House Bill 67 states that the Director of Transportation is responsible for the construction, reconstruction, major maintenance and repair, and operation of all bridges located on the state highway system within a municipal corporation. ODOT will be responsible for all aspects of this project, with no City funds being spent, and the City Engineering Department will be in communication with ODOT throughout the planning and design phase and will keep the Commission apprised of any changes as the project approaches construction, said City Manager Enderle.

Public Comment

No one came forward to speak for or against Resolution No. R-108-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-108-10 be adopted. Voice vote, Aye: Martin, Wilson, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-108-10 adopted.

RES. NO. 109-10

A Resolution amending Resolution No. C-10147 in regards to Community Reinvestment

City Manager Enderle stated the community currently has seven Community Reinvestment Areas and this resolution amends Resolution No. C-10147 to amend the boundary of Community Reinvestment Area #5 to include the areas roughly bounded between US Route 36 (East Ash Street) and Garbry Road. These are primarily commercial and industrial areas and include the Miami Valley Centre Mall. Discussions with property owners in the area have indicated a willingness to undertake more investment if more incentives were available, said City Manager Enderle.

Public Comment

Peggy Henthorn, Miami Valley Centre Mall Manager came forward and gave a brief explanation on investing in the Mall, and stated she appreciates the cities help.

William Murphy, Assistant City Manager/Economic Development Director explained what a Community Reinvestment Area is and what it means to the City.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-109-10 be adopted. Voice vote, Aye: Vogt, Terry, Wilson, Martin, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-109-10 adopted.

RES. NO. R-110-10

A Resolution requesting authorization to issue a purchase order to Reynolds Inliner, LLC for the west interceptor sanitary sewer & siphon repair

City Manager Enderle stated this is a request to award the contract to Reynolds Inliner, LLC for the 36” West Interceptor Sewer Rehabilitation Project at a cost not to exceed \$318,683. This is a line that is a large contributor to the inflow and infiltration problem that we have in our sewage treatment plant. Lining this line will stop a lot of the extraneous water from getting into the plant. The estimate for this work was \$550,000 and we got an excellent bid on this at \$318,683.00, said City Manager Enderle.

Public Comment

No one came forward to speak for or against Resolution No. R-110-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-110-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-110-10 adopted.

RES. NO. R-111-10

A Resolution authorizing the City Manager to enter into a Public Safety Information Sharing Records System Agreement

City Manager Enderle stated this resolution would allow the City of Piqua to inter into a public records sharing system with Troy, Tipp City, Covington, and West Milton with the city’s share being approximately \$73,527.12 or (20.48% of the cost) and the second year of maintenance share of \$6,416.79.

Police Chief Jamison gave a brief overview of how the system will work and the benefits to the City of Piqua by sharing in the Public Safety Information Sharing Records System Agreement.

Public Comment

No one came forward to speak for or against Resolution No. R-111-10.

Moved by Commissioner Martin, seconded by Commissioner Wilson, that Resolution No. R-111-10 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-111-10 adopted.

RES. NO. R-112-10

A Resolution awarding a contract for the MIA-Washington Avenue resurfacing project to Barrett Paving Materials, Inc.

City Manager Enderle stated this would authorize the City of Piqua to award a contract to Barrett Paving Materials, Inc. for the resurfacing of Washington Avenue from North Street to Broadway (SR 66) for a total length of 0.91 miles. The resurfacing project will consist of profile milling and overlaying of the roadway with a new asphalt surface, and will include all new ADA compliant handicap ramps and pavement markings within the project limits, said City Manager Enderle. The Washington Avenue (0.91 miles) resurfacing project will be completed using 100% stimulus funds. The City of Piqua would

be responsible for paying 100% of any contingencies, if required, in excess of the \$206,937.10 contract price, stated City Manager Enderle.

Public Comment

No one came forward to speak for or against Resolution No. R-112-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-112-10 be adopted. Voice vote, Aye: Martin, Vogt, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-112-10 adopted.

RES. NO. R-113-10

A Resolution supporting the Fiscal-Year 2011 United States Environmental Protection Agency Brownfield Assessment Program Application

City Manager Enderle stated our community has many parcels that can be defined as a "Brownfield". Through this grant the City has the opportunity to apply for funding to perform Phase I and Phase II environmental assessments. Over the past three years, the City of Piqua has applied for the \$400,000 program and last year the City's application rated moderately high and hopes to be favorably reviewed again this year. This program is a highly competitive in which only about 20% of the applications are funded, said City Manager Enderle.

Public Comment

Brad Boehringer, Mound Street came forward and asked if someone would explain a "Brownfield".

Bill Murphy, Assistant City Manager/Economic Development Director explained a Brownfield is any parcel of land that is under-utilized that may or may not have environmental contamination. Mr. Murphy stated the ReDo Piqua Plan is available on the Piqua website for viewing, and it identifies twenty sites that had real or perceived challenges.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-113-10 be adopted. Voice vote, Aye: Vogt, Terry, Martin, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-113-10 adopted.

RES. NO. R-114-10

A Resolution requesting authorization to issue a purchase order to Morris Heating Cooling Electrical for the 2010 Mote Park Community Center Building Repairs Project

City Manager Enderle stated this would authorize Morris Heating Cooling Electrical to complete the much-needed repairs to the Mote Park Community Center Building. The project is completely funded by Community Development Block Grant (CDBG) at a cost not to exceed \$85,400. The repairs include removing all existing windows, exterior doors, and installing new furnaces and air conditioning units.

Public Comment

Jean Franz, Parkridge Place, came forward and stated she is very excited about the upcoming repairs to the Mote Park Community Center Building, and thanked all involved for helping to get the funds approved for the much needed repairs.

Commissioner Terry stated she is happy to see a local contractor doing the work at Mote Park, and asked if it would be possible for any part of the repairs to be done by the Neighborhood Association?

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-114-10 be adopted. Roll call, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-114-10 adopted.

RES. NO. R-115-10

A Resolution authorizing the payment of funds not to exceed \$219,955 to Brownfield Restoration Group, LLC for the work being completed in accordance with the Clean Ohio Assistance Fund Grant received by the Miami County Park District and certifying funds are available for the expenditure

City Manager Enderle stated this resolution is to certify that funds are available and authorizes the expenditure of \$219,955 to Brownfield Group, LLC for Phase II environmental assessment to be completed at the Piqua Power Plant located at 919 S. Main Street, and being funded through the Clean Ohio Assistance Fund. The Clean Ohio Assistance fund is a reimbursement program, and the Park District has requested the City of Piqua pay for the services and then request reimbursement from the State of Ohio through the Park District, said City Manager Enderle.

Mayor Fess inquired if it would be possible to offer tours of the Piqua Power Plant before the demolition begins, she feels a lot of citizens would like to see the inside of the plant and see how the power was generated before it is taken down. Power Systems Director Ed Krieger, stated he thought that it was a good idea and would work on putting something together.

Public Comment

No one came forward to speak for or against Resolution No. R-115-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-115-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-115-10 adopted.

PUBLIC COMMENT

Edna Stiefel, Boone Street, came forward and voiced her concern about the number of break-ins in the north end of town recently, and asked why the information was not getting in the Piqua Daily Call so residents would be aware of the situation.

Police Chief Jamison stated the Piqua Daily Call does not consider the Police Beat news and no longer publishes it. Citizens should contact the Police Department if they see or hear anything suspicious in their neighborhood and a Police Officer will check it out, said Chief Jamison. Mayor Fess stated they would look at other ways to get information out to the citizens in the future.

City Commission Comments

Commissioner Wilson stated the city has received a considerable amount of grant money and is glad to see it being utilized with over \$500,000 in grants at no cost to the city. Commissioner Wilson thanked Police Chief Jamison for his work on the Homelessness Summit, and helping to put together the information on the Public Safety Information Sharing Records System Agreement. The liner for the inceptor sewer has been a long-term problem and by taking care of this at this time it will save money in the long run, stated Commissioner Wilson.

Commissioner Wilson also reminded citizens of the "Stride & Ride" beginning at Riverside Drive and ending at Lock Nine Park on the Bike Path Saturday, September 25th beginning at 7:30 at Riverside Drive.

Commissioner Terry reminded citizens that on Saturday September 25th MainStreet Piqua is hosting Dancing in the Moonlight on Main Street from 5:00 P.M. – 9:00 P.M.

Commissioner Terry also stated there is a new program within the city called Save Your Local Economy Three Stores at a Time, “The Three Fifty Project” and asked citizens to patronize the locally owned business in Piqua.

Commissioner Vogt stated at the last Commission Meeting there was an item on the agenda concerning the Stormwater Mapping and he had several telephone calls regarding the money spent on that project. Commissioner Vogt gave a brief explanation on the use of the money and stated the money was taken out of the Stormwater Utility account fund, and that is all the money can be used for, it cannot be transferred into the General Fund or used for any other project.

Commissioner Martin inquired on the status of the pump house in Shawnee, is it close to being automatically functional.

City Engineer Amy Havenar explained the design consultant has ordered new hatches to put in and they will be in September 27th, and they have hired a local company to install them. Once these hatches are installed they will work with a local electrician to get all electronics up and running.

Commissioner Martin asked if it would be possible to get grant money for the blighted and slum areas that the city designated last year.

City Manager Enderle stated yes, that is the basis for the reason we designated those areas, we have applied for grants, including CHIP money, and we apply for grants whenever possible.

Commissioner Martin asked if the CDBG money received went to Mote Park for repairs. City Manager Enderle stated CDBG money is an annual allocation we get, but is based upon the levels of blight and poverty in the area not just one project.

Mayor Fess asked if the city has any funds available at this time.

Community Development Director Bill Lutz stated we have received a \$500,000 grant to be used over a two-year period, and there is a waiting list for those funds at this time.

Commissioner Martin asked if they used the One Call System recently to notify citizens about the water main break that occurred at the corner of Sunset & Covington Avenue on September 21, and if it was know what the cause was of the water main break.

Utility Director Dave Burtner gave a brief explanation on the reason for the water main break.

Commissioner Martin inquired as to what citizens can do if they encounter skunks, raccoons, possums and etc, in their yards. Health & Sanitation Director Amy Welker explained what citizens can do.

Mayor Fess stated she received a telephone call about numerous potholes on Commercial Street. City Manager Enderle stated it might be possible to mill and fill the street in the near future.

Mayor Fess stated on September 23rd, she would be presenting a proclamation to the Sunrise Center declaring Thursday September 23, 2010 as National Day Care Day in the City of Piqua.

Mayor Fess stated she is overwhelmed by the response of the citizens in support of the four City Commissioners, and thanked all who have either written or called to express their support.

Adjournment

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn into Executive Session for the purpose of "Considering pending or imminent litigation" at 8:56 P.M. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Executive Session. Voice vote, Aye: Martin, Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:50 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-116-10

**A RESOLUTION AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT
WITH MORRIS HEATING, COOLING AND COMFORT SYSTEMS, LLC, IN THE
AMOUNT OF \$45,000**

WHEREAS, on August 5, 2009, the City of Piqua was a recipient of a \$90,000 grant from the United States Department of Agriculture's Rural Business Enterprise Grant to establish a revolving loan fund for the purposes of increasing economic opportunities for industrial and commercial concerns within the City of Piqua; and

WHEREAS, the City of Piqua has received an application for a loan from the revolving loan fund from Morris Heating, Cooling and Comfort Systems, LLC; and

WHEREAS, the application has been deemed to be complete and is recommended for approval by the City Commission; and

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

SEC. 1: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to the terms of the loan, an amount not exceeding a total of \$45,000;

SEC. 2: The City shall submit and execute all necessary documentation with Morris, Heating, Cooling and Comfort Systems, LLC and the United States Department of Agriculture to facilitate the execution of the loan agreement;

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 October 5, 2010

TO: Fred Enderle, City Manager

FROM: William Lutz, Development Program Manager

SUBJECT: Approval of Loan Request from Morris Comfort Systems in the amount of \$45,000

PURPOSE:

The purpose of this resolution is to approve the request from Morris Comfort Systems in the amount of \$45,000 from the city's United States Department of Agriculture Economic Development Revolving Loan Fund.

RECOMMENDATION:

City Staff recommends that the City Commission adopt the resolution approving the loan to Morris Comfort Systems in the amount of \$45,000.

BACKGROUND:

In 2009, the City of Piqua received a \$90,000 grant from the United States Department of Agriculture, which provided initial funding for an Economic Development Revolving Loan Fund. The funding provided by the United States Department of Agriculture allowed for a great deal of flexibility on the eligible activities that the funding could be used for and also had broad criteria which allowed the funding to be used for more businesses in the community. The community has until February 2011 to expend the grant funds provided by the United States Department of Agriculture.

ALTERNATIVES:

1. Adopt the resolution approving the Loan to Morris Comfort Systems.
2. Do not adopt the resolution denying the loan.

DISCUSSION:

As previously stated, in 2009, the City of Piqua received a \$90,000 grant from the United States Department of Agriculture. The grant supports businesses that have fifty or fewer employees and gross revenues of less than \$1,000,000. The City has marketed the program through public access television programs, news releases, the city website and by mailing informational packets to local banks.

The program received an application from Morris Comfort Systems, a new start up company that is located here in Piqua. The company will sell and service geothermal

heating/cooling systems, outdoor awning units for residential and commercial applications and outdoor lighting systems.

The business has indicated that it needs funds through our program for business vehicles, tools, office equipment and fixtures; all of which are allowed through the United States Department of Agriculture. By 2013, the small business plans to employ up to nine individuals with a combined payroll of approximately \$525,000. At current tax rates, this new payroll equates to roughly an additional of \$9,188 of income tax revenue per year.

After conducting a preliminary review of Morris Comfort Systems' application package with the United States Department of Agriculture along with follow up conversations with Morris Comfort Systems, it has been determined by City Staff that a loan package of \$45,000 be offered to Morris Comfort Systems over a term of seven years at a 3% annual percentage rate. The loan will be secured by having liens and financing statements on all vehicles, fixtures and equipment purchased by the loan funds.

If City Commission decides not to adopt the resolution, Morris Comfort Systems would either have to rely on private sector support or Morris Comfort Systems may decide not to move forward with becoming established in the community.

FINANCIAL IMPACT:

There is no negative financial impact to adopt the resolution. The funds that are being used to support this loan are coming from grant-funded dollars that have already been committed for the city's use by the United States Department of Agriculture. Additionally, since this is a loan, the city will receive the payments from the loan directly. The loan is expected to generate \$4,946 in interest payments over the next seven years. These dollars can be loaned out in the future by the community for businesses that meet the general criteria established by the United States Department of Agriculture. In addition, the small business plans to employ up to nine individuals with a combined payroll of approximately \$525,000. At current tax rates, this new payroll equates to roughly an additional of \$9,188 of income tax revenue per year.

COMMUNITY IMPACT:

The impact of this program will be focused primarily on those businesses that take advantage of the program. The offering of incentives and programs to our business community provide the community with tools to help attract, retain and grow the businesses that are part of the community. Programs such as the United States Department of Agriculture Revolving Loan Fund are such tools that accomplish of the goals of economic development within the community.

CONFORMITY TO CITY PLANS & POLICIES:

This loan is in compliance with city plans and policies to provide for improved economic opportunities for the community and providing tangible support for the community's existing businesses.

RESOLUTION NO. R-117-10

A RESOLUTION APPROVING THE FISCAL YEAR ~~2009~~ 2010 COMMUNITY DEVELOPMENT BLOCK GRANT TIER ONE DOWNTOWN REVITALIZATION PROGRAM APPLICATION

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

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

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

SEC. 1. The Fiscal-Year 2010 Community Development Block Grant Tier One Downtown Revitalization Program 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. The approved activities are: Planning.

SEC. 2. The City Manager is to be the designated agent of the program in connection with the application and is authorized to execute all agreements in conjunction with the Fiscal-Year 2010 Community Development Block Grant Tier One Downtown Revitalization 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 **October 5, 2010**

TO: Fred Enderle, City Manager

FROM: William Lutz, Development Program Manager

SUBJECT: Ohio Department of Development Tier One Downtown
Revitalization Grant Request

PURPOSE:

The purpose of this resolution is to support the City's application for funding from the Ohio Department of Development's Tier One Downtown Revitalization Grant Program for the creation of a comprehensive downtown revitalization and development plan for the Riverfront Mill District area, roughly bounded by Wood Street, South Wayne Street, West Water Street, Spring Street and the Great Miami River.

RECOMMENDATION:

City Staff recommends that the City Commission adopt the resolution supporting the application for funding from the Ohio Department of Development.

BACKGROUND:

Each year, the Ohio Department of Development sets aside grant funding in the Community Development Block Grant for communities to apply for funding for planning activities. Applications are received on an on-going basis and require a \$1 for \$1 match in order to qualify. Additionally, communities can request no more than \$15,000.

ALTERNATIVES:

1. Adopt the Resolution authorizing the Tier One application for funding Riverfront planning activities.
2. Do not adopt the resolution, foregoing opportunity to apply for the Tier One funding.

DISCUSSION:

In 2010, the City adopted the ReDo: Redevelopment Opportunities plan which identified nearly twenty areas throughout the community for areas targeted for redevelopment. One of the areas identified was the Riverfront Mill District and over eleven strategies for redevelopment were presented in the plan. City staff believes that developing a comprehensive downtown development plan will help cohesively meld the eleven recommendations while providing a marketing plan for the district to present to potential developers and current property owners. Should City Commission decide not to adopt the resolution, the city would not have the opportunity to apply for these funds and would either have to delay implementation of the plan or find other funding sources for the plan.

FINANCIAL IMPACT:

The grant application does require a match. The City's request for \$23,500 demands that the city's match will be \$11,750. At this time, the City's Development Department has indicated that there are funds sufficient within the department's budget to meet the match requirements. Additionally, the increase revenue of \$11,750 through the grant for this project would have a positive impact for the community.

COMMUNITY IMPACT:

The impact of this program will be far reaching. At the completion of the program, the City of Piqua will have a clear strategy to communicate to current property owners and potential developers for the redevelopment of the Downtown Riverfront Mill District, which is at the heart of our community.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed program is in compliance with city plans and policies to provide for improved economic opportunities for the community and providing tangible support for the redevelopment for the community.

RESOLUTION NO. R-118-10

**A RESOLUTION OF AUTHORIZATION
TO SUBMIT AN APPLICATION FOR FEDERAL
SAFETEA-LU FUNDS THROUGH THE MIAMI
VALLEY REGIONAL PLANNING COMMISSION**

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects using MVRPC regionally controlled federal funds (STP, CMAQ or TE) for funding consideration in SFY 2016; and

WHEREAS, the City of Piqua has committed to a timely project development schedule; and

WHEREAS, the City of Piqua has committed the necessary resources to support the local cost portion of the project; and

WHEREAS, the following project will be submitted to MVRPC for TE funding consideration:

1. North Main Street Streetscape Project

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: Frederick E. Enderle, City Manager, is hereby authorized and directed to execute and file an application through the Miami Valley Regional Planning Commission as mentioned above and to provide all information and documentation required to become eligible for possible funding assistance;

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 October 5, 2010

TO: Fred Enderle, City Manager

FROM: Amy Havenar, City Engineer

SUBJECT: Request for Commission authorization to make application to the Miami Valley Regional Planning Commission (MVRPC) for federal funding.

PURPOSE:

Request for City Commission authorization to make application to the MVRPC for Transportation Enhancement (TE) funding for the North Main Street Streetscape Project.

RECOMMENDATION:

Approval of the Resolution to allow for submission of an application to the MVRPC for federal TE funding.

BACKGROUND:

The Miami Valley Regional Planning Commission is in the process of soliciting for new transportation projects using MVRPC regionally controlled federal funds (STP, CMAQ or TE). Funding is anticipated for availability in SFY 2016. The City of Piqua Development Team met and identified a project that would best meet the criteria established by the MVRPC for project selection.

The project identified for submission was the North Main Street Streetscape Project on North Main Street from Greene Street to Riverside Drive.

ALTERNATIVES:

- 1) Approve the Resolution to allow the City Manager to apply for federal funding for the North Main Street Streetscape Project.*
- 2) Do not approve the Resolution and do not submit an application for federal funding.*

DISCUSSION:

The funding source that the City will be applying for is the Transportation Enhancement (TE) funds. These funds are used for projects that enhance surface transportation by improving

cultural, historic, aesthetic and environmental aspects. Some examples of eligible projects are landscaping and other scenic beautification projects, provision of bicycle safety features, i.e., signed bike routes, separate paths, grade separations, parking/staging facilities, or bike safe drainage grates. These funds are not to be used for roadway reconstruction or resurfacing projects.

There are currently streetscape features on Main Street from Wood Street to Greene Street. The North Main Street Streetscape project would extend the streetscape design north to Riverside Drive to complete the streetscaping on the North Main Street Corridor.

The proposed streetscape features would be similar to those currently in place on Main Street, including new concrete sidewalk, brick pavers, decorative light poles, street signage, trash receptacles, tree grates and benches.

FINANCIAL IMPACT:

The Transportation Enhancement Program will provide up to 80% (federal) of the construction or implementation cost of a project. The maximum amount of TE funds available per project is \$300,000. The TE Funds can only be used for construction purposes; therefore, the City will be responsible for hiring an engineering consultant to complete the design and construction documents for the streetscape project. As part of the TE guidelines, the engineering/design costs cannot be credited toward the applicant's cost of the construction costs. If this project is approved for funding, the engineering design portion and the local match portion will be budgeted for beginning in 2014.

COMMUNITY IMPACT:

The streetscape improvements to this section will greatly enhance the aesthetics of one of the "gateways" into the City. The City of Piqua is proud of the downtown and all that it has to offer, and by extending the streetscape features to the north, this will extend the downtown atmosphere to the remaining businesses that border between Greene Street and Riverside Drive giving them the opportunity to enjoy new & improved infrastructure.

CONFORMITY TO CITY PLANS & POLICIES:

The common theme in the Plan It Piqua 2007 Comprehensive Plan Update was to improve the entrances to the City. North Main Street is definitely a major entrance to the City. The streetscaping of this portion will complete the improvements/enhancements to the North Main Street (CR 25-A) corridor all the way from downtown Piqua to Interstate Route 75. This project will also compliment the reconstruction improvements recently completed on the State Route 66 corridor.

RESOLUTION NO. R-119-10

**A RESOLUTION AUTHORIZING THE ASSIGNMENT
OF A CERTAIN CANAL LEASE NO. 21**

WHEREAS, the City of Piqua is the owner and holder, under lease from the State of Ohio of the abandoned canal property known as Canal Lease No. 21; and

WHEREAS, said canal land is legally described in Exhibit "A" attached hereto; and

WHEREAS, The Gathering Place has requested the assignment of said canal lease to their organization;

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

SEC. 1: The leasehold interests of all previous occupants of said canal land described in Exhibit "A", are hereby cancelled and terminated and the City Manager is hereby authorized to execute a lease (No. 21) for said canal land with The Gathering Place;

SEC. 2: The lessee shall be responsible for reimbursing the City for payments of property tax and all other expenses incurred peculiar to the usage of the lessee as attached hereto as Exhibit "A";

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 October 5, 2010

TO: Fred Enderle, City Manager
FROM: Cynthia A. Holtzapfle, Assistant City Manager & Finance Director
SUBJECT: Canal Lease # 21 Renewal

PURPOSE:

Approve the Resolution No. R-119-10 allowing the City Manager to enter into a renewal of Canal Lease # 21.

RECOMMENDATION:

I am requesting approval of Resolution No. R-119-10 allowing the City Manager to enter into a renewal of Canal Lease # 21.

BACKGROUND:

The City of Piqua is responsible to pay for the canal leases due to the State of Ohio semi-annually. The City of Piqua, in order to recoup these costs, enters into a lease agreement with the property owner for semi-annual payments. This is not a profit making scenario, we are simply breaking even by assessing the property owner the fees we are paying to the State on behalf of the property.

ALTERNATIVES:

- 1) Approve Resolution No. R-119-10 allowing the City Manager to enter into a renewal of Canal Lease # 21.
- 2) Do not approve the Resolution and lose a potential revenue source.

DISCUSSION:

- 1) This alternative will allow us to recoup the costs of the canal lease that The City of Piqua is required to pay to the State of Ohio.
- 2) This alternative will not allow us to collect money from the property owner. Therefore the City would have to bear the burden of this semi-annual payment with no possibility of recouping the cost from the property owner.

FINANCIAL IMPACT:

- 1) There is a direct financial impact to the City. This will allow us to collect the money from the property owner to reimburse us for the expense we must pay to the State of Ohio.

2) The City would lose out on a potential revenue source that has been in place for many years.

COMMUNITY IMPACT:

There have been canal leases in place with The State of Ohio and The City of Piqua since 1926. Property owners and The City of Piqua have also had these canal leases in place for many years. This process has generated income for The City to offset the expenses.

CONFORMITY TO CITY PLANS & POLICIES:

We are required to pass a Resolution in order to allow the City Manager to enter into a lease with the property owner.

LEASE # 21

This lease entered into in triplicate, this _____ day of _____, 2010, by the City of Piqua, State of Ohio, through its City Manager, who is hereby authorized by resolution duly passed by Commission of said City, and hereinafter known as the party of the first part, and The Gathering Place his/her heirs and assigns, hereinafter known as the party of the second part, witnesseth that,

Whereas, the said City of Piqua is the owner and holder, under lease from the State of Ohio, of the abandoned canal property, extending from the north to the south corporation line of said city, which lease is dated March 30, 1926, and

Whereas, the party of the second part is desirous of leasing from the party of the first part that portion of said lease hereinafter described, upon the terms, provisions, statements, limitations and conditions hereinafter named, to wit: Permission to occupy and use for business and residential purposes that portion of the abandoned Miami and Erie Canal Property located in the City of Piqua, Miami County, Ohio and described as follows;

Being all that portion of the Miami and Erie Canal; bounded on the north by south line of Greene Street; on the west by the west line of Miami and Erie Canal; on the south by a line drawn Westwardly from Station 7848 plus 51.8 (Buchanan's traverse line) and making an angle, from west to north of 89 degrees and 54 minutes; on the east by a line which is 11 ½ feet west along aforesaid south line from Station 7848 plus 51.8 (Buchanan's traverse line) 6.2 feet west of Station 7848 plus 20 (Buchanan's traverse line) and 6.62 feet west of Buchanan's traverse line, measured along the south line of Greene Street. Reserving therefrom a strip 12 feet wide off the west side.

All of the above described property is situate in the County of Miami, State of Ohio and in the City of Piqua.

For a more definite description of the above described property referenced is hereby made to plat number 173, S. A. Buchanan's Survey said plat being on file in the office of the Public Works at Columbus, Ohio.

The party of the second part agrees to pay as rent therefore the sum of Three hundred twenty-three dollars and fifty-seven cents (\$323.57) on a semi-annual basis for the years remaining period of the lease from the State of Ohio to the City of Piqua, prior to reappraisalment of said property by the state, after which time the party of the second part is to pay rent at the rate of six per cent per annum upon the reappraised value of all that part of the said premises which are embraced in this lease. The first payment of rent under this lease is to be made October 31, 2010 for 6 months rental there of and the subsequent payments shall be made on the 30th day of April and the 31st day of October of each year during the continuance of the lease.

The party of the first part leases to the party of the second part, his heirs and assigns said lands hereinbefore described, together with the privilege of the second party, his heirs and assigns, to occupy and use the same for business purposes under the conditions, restrictions and limitations herein provided

and subject to all the conditions and restrictions contained in the lease from the State of Ohio to the City of Piqua, dated March 30, 1926.

The party of the second part agrees to reimburse the part of the first part for real property taxes and other expenses incidental to this leasehold.

This lease is granted with the understanding and agreement that the same may be cancelled by the party of the first part whenever and at such time as the lease from the State of Ohio to the City of Piqua, above referred to, might be cancelled or is cancelled by the State of Ohio, in accordance with the provisions of said lease, that is, whenever the lands may be required for canal purposes by the State of Ohio, of the United States, or both.

This lease is also upon the understanding and agreement that no oil, gasoline or debris of any kind shall be thrown into or upon said premises, and the said second party shall be responsible for any damages resulting from the violations of the terms of this lease.

This lease is also granted and accepted with the understanding and agreement that it is to be subject to reappraisal whenever made by the State of Ohio. Said lands shall be so used and maintained at all times so as not to interfere with the maintenance and navigation of any part of the adjacent canal system of the State, and the party of the first part or its assigns or lessees may enter upon and use said lands for any purpose not inconsistent with the provision of this lease, and for the purpose of making such change and improvements as the party of the first part or its authorized agents may deem necessary.

This lease is granted with the further understanding and agreement that it is subject to all the conditions, stipulations, agreements and limitations expressed in the lease from the State of Ohio to the City of Piqua above mentioned, and also to be subject to approval of the proper officers of the State of Ohio.

In witness whereof, the party of the first part, by and through its City Manager, hereunto duly authorize by a resolution passed by Commission on the _____ day of _____, _____ and _____ the party of the second part, on the _____ day of _____, _____.

Signed in presence of:

THE CITY OF PIQUA, OHIO

By: _____
Frederick E. Enderle, City Manager

By: _____

RESOLUTION NO. R-120-10

**A RESOLUTION AUTHORIZING LEGAL COUNSEL
TO SETTLE TWO LITIGATION MATTERS**

WHEREAS, James Montgomery, a former city employee, filed a 2004 and a 2008 worker's compensation claim for knee injuries; and

WHEREAS, the 2004 and the 2008 claims were allowed but later additional allowances were denied; and

WHEREAS, James Montgomery appealed the Bureau of Worker's Compensation denials to the Common Pleas Court of Miami County where court mediation occurred; and

WHEREAS, legal counsel has advised it is in the best interest of the City to settle all claims.

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: Legal counsel is authorized to settle Miami County Common Pleas Case No. 10-398 and Case No. 10-196 in an amount not to exceed \$10,000.

SEC. 2: The Finance Director certifies and warrants that the funds are available.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION