

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, NOVEMBER 2, 2010
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PIQUA HEALTH BOARD MEETING

A. CONSENT AGENDA

- a. APPROVAL OF MINUTES
Approval of the minutes from the September 21, 2009 Piqua Health Board Meeting

B. NEW BUSINESS

- b. RES. NO. H-299 - (PUBLIC HEARING)
A Resolution modifying certain fees for services

C. ADJOURNMENT

REGULAR CITY COMMISSION MEETING

A. CONSENT AGENDA

- a. APPROVAL OF MINUTES
Approval of the minutes from the October 19, 2010 Regular City Commission Meeting

B. OLD BUSINESS

- a. ORD. NO. 28-10 (2nd Reading)
An Ordinance to authorize the annexation of land owned by the City of Piqua Municipal Corporation

C. NEW BUSINESS

- a. ORD. NO. 29-10 (1st Reading)
An Ordinance to repeal Section 94.25 of the Piqua Municipal Code
- b. ORD. NO. 30-10 (1st Reading)
An Ordinance to repeal Section 32.035 and 32.036 of the Piqua Municipal Code

- c. ORD. NO. 31-10 (1st Reading)
An Ordinance to modify Appendix Table A, Chapter 150 Building Regulations of the Piqua Code
- d. ORD. NO. 32-10 (1st Reading)
An Ordinance providing for the issuance and sale of \$55,953.49 of bonds in anticipation of the collection of special assessments to pay costs of construction in the year 2009, sidewalks, curbs and gutters on Riverside Drive (Phase I) with the necessary appurtenances thereto
- e. RES. NO. R-130-10
A Resolution awarding a contract for the purchase of a bobcat skid-steer loader for the Street Department
- f. RES. NO. R-131-10
A Resolution awarding a contract to TI Training Corp. in an amount not to exceed \$42,000 for a new firearms simulation system
- g. RES. NO. R-132-10
A Resolution requesting preliminary legislation for the painting of Bridge Structure 5500184 MIA IR 75 16.74

D. OTHER

- a. Economic Development Update – Mr. Bill Murphy
- b. Monthly Reports – September 2010

E. ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
HEALTH BOARD
SEPTEMBER 21, 2009
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 Hudson called the meeting to order. Also present were Commissioners Martin, Fess, Vogt, and Terry. Absent: None.

PIQUA HEALTH BOARD

Approval of Minutes

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the September 2, 2008 Piqua Health Board Meeting be approved. Voice vote, Aye: Martin, Hudson, Vogt, Fess, and Terry. Nay: None. Motion carried unanimously.

RES. NO. H-298

A Resolution modifying the amounts charged for certified copies of Birth and Death certificates

There was discussion on the current fees for certified copies of Birth & Death certificates; amount of the increase, and the portion the City of Piqua receives from the fees. It was stated the State of Ohio has mandated through passage of Ohio Revised Code 3705.24 an increase of \$5.00 in vital statistic fees for all birth and death certificates issued beginning October 16, 2009. The last increase was in 2005.

Moved by Commissioner Vogt, seconded by Commissioner Terry, to adopt Resolution No. H-298. Voice vote, Aye: Martin, Vogt, Terry, Fess, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution H-298 adopted.

Moved by Commissioner Terry, seconded by Commissioner Vogt, to adjourn from the Piqua Health Board at 8:25 P.M. Voice vote, Aye: Martin, Vogt, Terry, Fess, and Hudson. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. H-299

A RESOLUTION MODIFYING CERTAIN FEES
FOR SERVICES

BE IT RESOLVED by the Board of Health of the City of Piqua, Miami County, Ohio, the majority of all members concurring, that:

SEC. 1: Inspection, Permit, and licensing fees for the Piqua City Health Department shall be set as follows:

A. The license fees for food operations shall be as follows:

0-25,000 ft2	Commercial Fees	Non-Commercial Fees
Risk Level 1	\$160	\$80
Risk Level 2	\$180	\$90
Risk Level 3	\$340	\$170
Risk Level 4	\$420	\$210
25,000 ft2 +		
Risk Level 1	\$235	\$117.50
Risk Level 2	\$245	\$122.50
Risk Level 3	\$685	\$342.50
Risk Level 4	\$800	\$400
Mobile	\$90	
Temporary	\$10/day	
Vending	\$15.24	
Plan Review	30% of license fee	
Level I Cert.	\$25/person	

B. License fees for Public Swimming Pools and Spas shall be:

Public Pool	\$50
Public Spa	\$50
Special Use	\$50
Each additional	\$30

C. License fees for Tattoo and Body Piercing Operations shall be:

Tattoo operation	\$110
Body Piercing	\$110
Tattoo & Body Piercing	\$135

D. License fees for Manufactured Home Parks shall be:

50 sites or less	\$70
50+ sites	\$70 + \$3/site

Fees listed in A, B, C, and D above do not include any State portion of fees collected and remitted to the Ohio Department of Health, the Ohio Department of Agriculture, or any other agency as prescribed by law.

SEC 2: No licenses issued pursuant to this Resolution are transferable to any person not applying for said license.

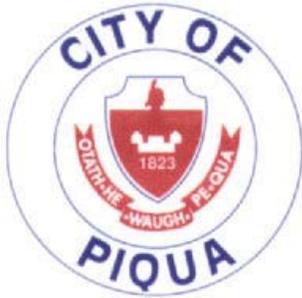
SEC 3: All previously adopted fees for the above programs are hereby repealed.

SEC 4: 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



BOARD OF HEALTH MEETING REPORT

For the Regular Meeting of November 2, 2010

TO: Fred Enderle, Health Commissioner
FROM: Amy Welker, Health & Sanitation Director
SUBJECT: Health Department Fees

PURPOSE:

To modify the fees charged by the Health Department for the food program, the swimming pool program, the tattoo program, and the manufactured home park program.

RECOMMENDATION:

Adopt the Resolution to make the fee modifications.

BACKGROUND:

One of the primary responsibilities of the Health Department is to administer the state mandated environmental health programs. These programs include the food service program, the public swimming pool program, the tattoo program, and the manufactured home park program. Each program requires operators to receive a license to operate and the licenser (health dept.) to perform inspections of the facilities. The intent of the programs is to prevent any public health outbreak or illness from the operation of these facilities.

The Health Department must follow a state prescribed assessment and cost methodology when setting the fees for each environmental health program. The State allows a health department to recoup its costs for running the programs. The State then also adds a charge to each license for their oversight costs, with the exception of the tattoo program. The State fees are as follows:

<u>Food Program:</u>	Commercial operation - \$28	Non-commercial - \$14
	Vending machine - \$6	
<u>Swimming Pools:</u>	Pool / spa - \$65	Additional - \$40
<u>Manufactured Home:</u>	<50 sites - \$79	>50 sites - \$132 (+ \$2.75)

For many years, the City of Piqua did not choose to adjust fees for the environmental health programs. As such, the current fees in some cases are below the State portion of the fee and are also far below industry standards when compared to other jurisdictions. The result has been that general fund dollars must support the operation of these programs. The last fee adjustments occurred as follows:

Food Program: 2008	Swimming Pools: 1991
Manufactured Home Parks: 1991	Tattoo: 1997



ALTERNATIVES:

1. Adopt the Resolution making the fee adjustments.
2. Do not adopt the Resolution and keep the fees the same.

DISCUSSION:

The State has a system in place to allow health districts to recoup their costs associated with administering the environmental health programs. This is one instance where the state has mandated that we do something but then has allowed for the funding to be in place; therefore not creating another unfunded mandate. It is the City's responsibility to then follow the system to recoup the funds.

All of the required cost methodology calculations have been completed for the 2011 licensing year. The result of the analysis is before the Board in this resolution. The fee adjustments proposed are not the maximum allowed by the State process. The fees proposed are intended to make reasonable adjustments without becoming a hardship on the licensees.

The Fee Comparison sheet attached will further highlight what the current Piqua fees are, the maximum allowed fees (calculated following the State Cost Methodology), the proposed adjustments, and a comparison to other jurisdictions. If you look at any given proposed fee and compare it to the Miami County fee, then you will see that we are still more cost efficient for the operators.

All licensed operations have been notified of the proposed changes.

FINANCIAL IMPACT:

The fee adjustments proposed are fair. Licensable business operations understand that license fees are a cost of doing business. The Piqua Health Department works diligently to provide good service for the license fees that are collected. The licensed businesses will see an increase to their license fees, but will still enjoy a deep discount compared to other jurisdictions.

All city departments are working to limit any unnecessary reliance on general fund dollars. The Health Department is empowered by the State to recoup these costs. This proposal is a balance between recouping costs and providing a fair license fee to vendors.

COMMUNITY IMPACT:

The community will continue to receive the benefit of good public health prevention efforts from the Health Department. The community may also benefit as more dollars can be spent on other projects and initiatives due to recouping costs.

CONFORMITY TO CITY PLANS & POLICIES:

The number one priority of the City of Piqua has been and will continue to be to focus on financial stability. This proposal is concurrent with this priority. The Health Department can off-set the use of general fund dollars by keeping pace with other jurisdictions when looking at cost recovery efforts.



Health Department Fee Comparison

Local fee only	Current Piqua City	Max allowed	Proposed 2011	Miami Co.	Clark Co.	Darke Co.
FOOD PROGRAM						
Commercial**						
FSO < 25000						
Risk Level 1	\$ 140.00	\$ 171.00	\$ 160.00	\$ 180.00	\$ 163.00	\$ 182.00
Risk Level 2	\$ 160.00	\$ 193.00	\$ 180.00	\$ 203.00	\$ 181.00	\$ 202.00
Risk Level 3	\$ 320.00	\$ 368.00	\$ 340.00	\$ 376.00	\$ 328.00	\$ 362.00
Risk Level 4	\$ 400.00	\$ 466.00	\$ 420.00	\$ 468.00	\$ 410.00	\$ 452.00
FSO > 25000						
Risk Level 1	\$ 215.00	\$ 247.00	\$ 235.00	\$ 255.00	\$ 227.00	\$ 252.00
Risk Level 2	\$ 225.00	\$ 260.00	\$ 245.00	\$ 266.00	\$ 238.00	\$ 263.00
Risk Level 3	\$ 650.00	\$ 919.00	\$ 685.00	\$ 898.00	\$ 790.00	\$ 866.00
Risk Level 4	\$ 750.00	\$ 975.00	\$ 800.00	\$ 954.00	\$ 836.00	\$ 917.00
Non-Commercial**						
FSO < 25000						
Risk Level 1	\$ 70.00	\$ 85.50	\$ 80.00	\$ 180.00	\$ 81.50	\$ 91.00
Risk Level 2	\$ 80.00	\$ 96.50	\$ 90.00	\$ 203.00	\$ 90.50	\$ 101.00
Risk Level 3	\$ 160.00	\$ 184.00	\$ 170.00	\$ 376.00	\$ 164.00	\$ 181.00
Risk Level 4	\$ 200.00	\$ 233.00	\$ 210.00	\$ 468.00	\$ 205.00	\$ 226.00
FSO > 25000						
Risk Level 1	\$ 107.50	\$ 123.50	\$ 117.50	\$ 255.00	\$ 113.50	\$ 126.00
Risk Level 2	\$ 112.50	\$ 130.00	\$ 122.50	\$ 266.00	\$ 119.00	\$ 131.50
Risk Level 3	\$ 325.00	\$ 459.50	\$ 342.50	\$ 898.00	\$ 395.00	\$ 433.00
Risk Level 4	\$ 375.00	\$ 487.50	\$ 400.00	\$ 954.00	\$ 418.00	\$ 458.50
Vending	\$ 15.24	\$ 15.86	\$ 15.24	\$ 28.46	\$ 17.85	\$ 23.48
Temporary Food	10.00/day	39.00/day	10.00/day	22.00/day	35.00/day	18.50/day
Mobiles	\$ 75.00	\$ 194.00	\$ 90.00	\$ 184.00	\$ 123.00	\$ 112.00
Swimming Pools						
Public Pool	\$ 25.00	\$ 120.00	\$ 50.00	\$ 250.00	\$ 300.00	\$ 305.00
Public Spa	\$ 25.00	\$ 120.00	\$ 50.00	\$ 250.00	\$ 300.00	\$ 305.00
Special Use	\$ 25.00	\$ 120.00	\$ 50.00	\$ 250.00	\$ 300.00	\$ 305.00
Each additional	\$ 25.00	\$ 120.00	\$ 30.00	\$ 150.00	\$ 90.00	\$ 91.00
Tattoo/Body Piercing						
Base Fee	\$ 100.00	\$ 133.00	\$ 110.00	\$ 250.00	\$ 100.00	\$ 290.00
Manufactured Home Parks						
Base fee 50 lots or less	\$ 60.00	\$ 85.00	\$ 70.00	\$ 200.00	\$ 145.00	\$ 275.00
Each lot over 50 plus	\$ 3.00		\$ 3.00	\$ 2.00	\$ 2.75	\$ 2.75
Plumbing						
Permits	\$ 30.00		\$ 35.00	\$ 35.00		\$ 40.00
Fixtures	\$ 8.00		\$ 10.00	\$ 15.00		\$ 12.50
sewer	\$ 30.00		\$ 35.00	\$ 40.00		\$ 57.50
water	\$ 30.00		\$ 35.00	\$ 40.00		\$ 57.50
Plan review	\$ 10.00		\$ 25.00	\$ 25.00		\$ 25.00
Master plumber	\$ 100.00		\$ 100.00	\$ 200.00		\$ 175.00
Journeyman	\$ 25.00		\$ 25.00	\$ 40.00		\$ 20.00

**MINUTES
PIQUA CITY COMMISSION
Tuesday October 19, 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

**PROCLAMATION – Family Month in the City of Piqua
Church of Jesus Christ of Latter-Day Saints
Accepting – President Mark Zelnick and Bishop Richard Cartwright**

Mayor Fess read the proclamation and presented it to President Mark Zelnick of the Church of Jesus Christ of Latter Days Saints. President Zelnick also presented Mayor Fess and the City of Piqua with an Appreciation Plaque from the Church.

RESIDENCE PRIDE AWARDS

- | | |
|-------------------------|----------------------------|
| ➤ 527 N. Downing Street | Lenny & Teresa DeCasseres |
| ➤ 1113 Nicklin Avenue | Matthew & Julie Barge |
| ➤ 1532 Garfield Street | Sylvester & Judith Cutcher |
| ➤ 901 Boone Street | Amy Robinson |
| ➤ 3229 Cherokee Drive | Chris & Valerie Lefeld |

Mayor Fess read the names of the Resident Pride Award winners while pictures of the homes were shown on the monitors in the Commission Chamber.

Consent Agenda

Approval of Minutes

Approval of the minutes from the October 5, 2010 Regular Piqua City Commission meeting

Moved by Commissioner Terry, seconded by Commissioner Wilson, that the minutes of the October 5, 2010 Regular Piqua City Commission meeting be approved. Voice vote, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

NEW BUSINESS

ORD. NO. 28-10 (1st Reading)

An Ordinance to authorize the annexation of land owned by the City of Piqua Municipal Corporation

City Manager Enderle stated the City of Piqua purchased a 1.353 acre property located contiguous to the existing City of Piqua corporation limits between Hemm Avenue and Statler Avenue. This property is a portion of the former railroad right-of-way that has been abandoned by the railroad and purchased by others. The Power System has purchased contiguous land inside the City of Piqua corporation limits and has requested the vacation of the alley right-of-way lying between these two tracts of land. The intent is to combine the two tracts and the vacated alley right-of-way into one parcel. The annexation of this parcel will allow the Power System to continue to move forward with plans to construct a new service center at this location. There are also two other Resolutions to follow on the agenda that are part of the plan for this annexation.

There was discussion on the time line of the annexation, and when the new service center would be built on the property. It was stated currently the Power System employees are in several different locations, and when the Power Plant is taken down in 2012 the plan is to build a new service center to house all of the employees and equipment in one location.

Public Comment

No one came forward to speak for or against Ordinance No. 28-10.

Ordinance No. 28-10 was given a First Reading.

RES. NO. R-121-10

A Resolution accepting the resignation of Debra Osborne as a member of the Park Board

City Manager Enderle stated this Resolution accepts the resignation of Debra Osborne as a member of the Park Board.

Public Comment

No one came forward to speak for or against Resolution No. R-121-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-121-10 be adopted. Voice vote, Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-121-10 adopted.

RES. NO. R-122-10

A Resolution appointing a member to the Park Board

City Manager Enderle stated this Resolution appoints Kevin Pryfogle to fill the unexpired term of Michael Perando as a member of the Park Board for a term to expire on March 4, 2014.

Public Comment

No one came forward to speak for or against Resolution No. R-122-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-122-10 be adopted. Voice vote, Aye: Martin, Wilson, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-122-10 adopted.

RES. NO. 123-10

A Resolution appointing a member to the Park Board

City Manager Enderle stated this Resolution appoints Steven Frazier to fill the unexpired term of Debra Osborne as a member of the Park Board for a term to expire on March 4, 2014.

Public Comment

No one came forward to speak for or against Resolution No. R-123-10

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-123-10 be adopted. Voice vote, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-123-10 adopted.

RES. NO. R-124-10

A Resolution appointing a member to the Board of Zoning Appeals

City Manager Enderle stated this Resolution appoints Shawn Hicks to fill the unexpired term of Rebecca Harrison as a member of the Board of Zoning Appeals for a term to expire on March 1, 2013.

Public Comment

No one came forward to speak for or against Resolution No. R-124-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-124-10 be adopted. Voice vote, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-124-10 adopted.

RES. NO. R-125-10

A Resolution appointing a member to the Tree Committee

City Manager Enderle stated this Resolution appoints Jean Franz to fill the unexpired term of Bradley Boehringer as member of the Tree Committee for a term to expire on March 1, 2012.

Public Comment

No one came forward to speak for or against Resolution No. R-125-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-125-10 be adopted. Voice vote, Aye: Martin, Terry, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-125-10 adopted.

Mayor Fess asked if all the vacancies have been filled on the various boards at this time? City Manager Enderle stated there is still one vacancy on the Diversity Committee, and applications are currently being accepted. Applications are available on the City website and in the Municipal Government Complex.

RES. NO. R-126-10

A Resolution authorizing the Law Director to petition the Board of County Commissioners of Miami County, Ohio for a change in the boundary line of Washington Township

City Manager Enderle stated this Resolution is a companion to Ordinance No. 28-10 previously reviewed that was given a first reading annexing the future power plant property into the City. The City of Piqua has an annexation agreement with Washington Township that requires whenever a piece of property is annexed into the City we petition the County Board to remove the annexed property from the Township boundary, said City Manager Enderle.

Commissioner Martin asked if this is the parcel of land in the Ordinance that was previously given a first reading, and should the Ordinance be approved first before taking any action on this Resolution? Law Director Wall explained this Resolution is written so it is contingent upon the annexation, and gives us the authority to proceed once the annexation goes through.

Public Comment

No one came forward to speak for or against Resolution No. R-126-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-126-10 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-126-10 adopted.

RES. NO. R-127-10

A Resolution of intent to vacate Public Right-of-Way

City Manager Enderle stated this Resolution would begin the process to vacate the alley that runs along the west side of the property; it is an alley that will not be necessary once the service center site is developed. The plan is to consolidate all of the land in the area into one parcel to make a more desirable development site. After approval from the City Commission it is then referred to the Planning Commission for review, and then will come back to the City Commission for final approval, said City Manager Enderle.

Public Comment

No one came forward to speak for or against Resolution No. R-127-10.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-127-10 be adopted. Roll call, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-127-10 adopted.

RES. NO. R-128-10

A Resolution authorizing a purchase order to SimplexGrinnell LP for the design and installation of a sprinkler system for the Fire Department

City Manager Enderle stated this Resolution authorizes a contract for the design and installation of a sprinkler system for the Fire Department Building. The Fire Department Complex is eighty-three years old and has two stories with 24/7 occupation of the facility. The living quarters are located on the second floor, and there is a partial basement under part of the office as well. The building will remain open for normal business and operational for emergency responses with the expected completion date to be March 15, 2011. This sprinkler system will help to ensure the safety of our firefighters, officers and staff, along with the equipment, vehicles and furnishings. The FEMA Grant asks for a 10% match of City funds and we have budgeted \$8,237 for this expense. The total bid amount is \$69,950.00 and has included a 10% contingency for unexpected cost overruns.

Commissioner Terry asked if the Fire Department Complex had a sprinkler system at this time? City Manager Enderle stated no, there has never been a sprinkler system in the Fire Department Complex, and this would be the first time one has been installed.

Public Comment

No one came forward to speak for or against Resolution No. R-128-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-128-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-128-10 adopted.

RES. NO. R-129-10

A Resolution approving the purchase of excess liability insurance

City Manager Enderle stated this Resolution awards the liability coverage for city dams, pollution and other items related to power to Associates Electric & Gas Insurance Services Limited. The city has carried liability insurance for over the last 20 years, and this resolution ensures adequate coverage for the City. This resolution includes the Swift Run Dam, Ziegler Road Dam, and the one behind the Power Plant.

Public Comment

No one came forward to speak for or against Resolution No. R-129-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-129-10 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-129-10 adopted.

OTHER

Street Levy Information – Ms. Amy Havenar

City Engineer Amy Havenar gave a brief presentation answering some of the questions being asked concerning the Street Renewal Levy on the ballot in November. Ms. Havenar stated the initial Street Levy was passed in 1990 with a renewal of the one-quarter percent Street Renewal Levy passed again in 2000, and this Street Renewal Levy would just be a renewal of the previous one-quarter percent, not an increase and will generate over a million dollars to the street fund. This is the same one-quarter percent levy that was passed twenty years ago, and we are still operating on the same amount. Currently some of the money being collected from this is being used for the reconstruction of Broadway Street, resurfacing various city streets, and the resurfacing of Washington Avenue will begin soon. The failure of this levy would require the Street Department to compete with Police, Fire and Parks for General Fund money. This levy is needed to obtain grant funds, since the city is required to have matching funds available when applying for these grants. It was stated at one time some of the Street Fund money was diverted and used on the Bike Path in 2003-2004, but was clarified that the money used for the Bike Path was not out of the same fund but out of the General Fund.

Commissioner Terry asked if Ms. Havenar would be attending the Meet the Candidate Night at the YWCA on October 27th. Ms. Havenar stated she would be in attendance to speak and answer questions concerning the ¼% Street Renewal Levy.

Commissioner Wilson commented the cost of street maintenance is high with the cost of resurfacing a street at \$31 a linear foot, and \$350 a linear foot for reconstruction of a street.

Mayor Fess thanked Ms. Havenar for her presentation.

2010 Street Repair Program – Mr. Doug Harter/Mr. Don Seeberger

Street Superintendent Doug Harter gave a brief power point update on the 2010 Patching Program that is being currently done in house at this time.

There was discussion and questions regarding the type of patching being used, the length of time the patching would last, how long it took to pave a block of street, and the cause of most of the potholes and cracking in the streets. It was stated patching can possibly last five to ten years depending on the street, normally it would take a half day to pave one block of street, and the main cause of the street problems is water getting into the cracks and causing the potholes.

Mr. Harter also gave a brief update on Commercial Street offering several different scenarios for the repair of the street. Patching can be done in either 12' width or 18' width sections, and can be done with either a Leveling Course in the 12' or 18' width or Full Depth in either a 12' or 18' width. Mr. Harter explained how the patching is done and the various options. Several questions were raised concerning the length of time and the depth of the patching would hold up, doing the 12' wide area versus the 18' wide section. It was stated that Commercial Street is up for reconstruction in 2014 and hopefully the patching would last until then.

Mayor Fess stated Roosevelt Manor (Senior Housing) is located directly in front of Commercial Street, and is concerned about the safety of the residents who use the street daily for their walks.

It was recommended, with all Commissioners in agreement to go forth with the Leveling Course of the 18' width at a total cost of \$16,200 as stated for Commercial Street at this time.

PUBLIC COMMENT

Tom Adkinson, 200 N. College Street, came forward stating he has had the opportunity to work with a number of municipal and governmental agencies. Mr. Adkinson shared some of his observations in dealing with the current city administration, specifically City Manager Fred Enderle, Mayor Lucy Fess, Cindy Holtzapple Finance Director/Assistant City Manager, Bill Murphy Economic Development Director/Assistant City Manager, Chris Schmiesing City Planner, Amy Welker Health & Sanitation Director, and Bill Lutz Community Development Director. Mr. Adkinson stated this is a quality team of people, doing a quality job for the City of Piqua by developing and implementing innovative programs, and thanked them for their leadership.

Mr. Adkinson stated he would like to encourage the citizens of Piqua to support the Street Renewal Levy citing it is very important to the infrastructure and the community.

Mayor Fess thanked Mr. Adkinson for his words of support.

Marilyn Halteman, County Club Road, representing the Circles of Hope came forward and gave a brief overview of their program. Ms. Halteman invited citizens to attend a meeting on Thursday, October 21 at 7:00 P.M. at the St. Johns Lutheran Church to learn more about the Circles of Hope program and to volunteer.

Edna Stiefel, Boone Street, came forward and thanked Police Chief Jamison for his help, and encouraged all citizens to watch the Police Report on APTA Channel 5.

Nancy Luce, Steinhilber Drive, President of Upper Valley Joint Vocational School, came forward and gave a brief overview of the services at the Piqua Library, and encouraged citizens to get out and vote for the Library Levy on November 2, 2010.

Ms. Luce also added a note of appreciation to the Commissioners, City Manager Fred Enderle, Bill Murphy, Chris Schmiesing and their staff for their willingness to work closely with UVJVS, and stated she appreciates their professionalism and leadership, their commitment to public service, and the support they provide.

Dan French, Sunset Drive, came forward and stated he attended the Regional Business Showcase on Tuesday, October 19th, held on the 4th floor of the Fort Piqua Plaza presented by the Piqua Chamber of Commerce. The speaker was Peter Lungo who presented a program on "The Ten Critical Points of Leadership". Mr. French further stated the Fort Piqua Plaza is a very important asset to the City of Piqua, and is a great source of Pride for the Community.

Brad Boehringer, Mound Street, came forward and voiced his concern over the comments/statements that are being made over the Recall of the City Commissioners.

Mayor Fess stated the Commission has done everything that they can to positively promote the City of Piqua, and will stay as professionally as they can and move forward and let the citizens of Piqua speak.

ADJOURNMENT TO EXECUTIVE SESSION

To consider the appointment, employment, dismissal, discipline or compensation of the City Manager

Adjournment

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

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Executive Session back into the Regular Piqua City Commission Meeting 9:25 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Martin, to issue a press release to delay the interview of candidates for the City Manager position until the results of the recall effort is known. The basis for the motion was fairness to the candidates and the process. Voice vote, Aye: Martin, Fess, Vogt, Terry, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner by Commissioner Wilson, to postpone City Manager Enderle's retirement date until the hiring process is complete for the next City Manager. City Manager Enderle was in agreement with the motion. Voice vote, Aye: Wilson, Vogt, Terry, Fess, and Martin. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:30 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

ORDINANCE NO. 28-10

AN ORDINANCE TO AUTHORIZE THE ANNEXATION OF LAND OWNED BY THE CITY OF PIQUA MUNICIPAL CORPORATION

WHEREAS, the city of Piqua owns territory contiguous to the limits of the municipal corporation, as described by Exhibit 'A' and shown in Exhibit 'B', hereinafter referred to as the subject property; and

WHEREAS, the city of Piqua desires to annex the subject property to combine the territory with an adjacent tract of land also owned by the city of Piqua; and

WHEREAS, Ohio Revised Code §§ 709.13 through 709.21 provide the process for the annexation of territory owned by a municipal corporation;

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: Pursuant to the process of annexation provided for by Ohio Revised Code §§ 709.13 through 709.21, this Commission hereby authorizes the annexation of the subject property.

SEC. 2: The City Manager shall execute the necessary annexation petition document.

SEC. 3: The Law Director shall prosecute the proceedings necessary to effect the annexation.

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

1st Reading 10-19-2010

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of October 19, 2010

TO: Fred Enderle, City Manager
FROM: Chris Schmiesing, City Planner
SUBJECT: Ordinance to authorize annexation of municipally owned territory

PURPOSE:

Approve an ordinance to authorize the annexation of a 1.353 acre tract of land owned by the city of Piqua.

RECOMMENDATION:

Approve the ordinance to authorize the law director to file an annexation petition with the County Commissioners and complete the process of annexing the subject property.

BACKGROUND:

The city of Piqua Municipal Power System has purchased a 1.353 acre property located contiguous to the existing city of Piqua corporation limits between Hemm Avenue and Statler Avenue. The subject property is a portion of the former railroad right-of-way that has since been abandoned by the railroad and purchased by others. The Power System has also purchased the contiguous land inside the city of Piqua corporation limits and has requested the vacation of the alley right-of-way lying between these two tracts. The intent is to combine the two tracts and the vacated alley right-of-way into one parcel. This will facilitate the planned construction of a new service center at this location.

ALTERNATIVES:

- 1) Approve ordinance to authorize the annexation and direct the law director to complete the annexation process.
- 2) Defeat the ordinance and deny the annexation request.

DISCUSSION:

The Ohio Revised Code includes an annexation process specific to municipally owned territory contiguous to the corporation limits. The process requires the municipal legislative authority to first approve the annexation by ordinance and then forward the annexation petition to the County Commission. Once received, the County Board of Commissioners are then required to enter upon the journal of the board a resolution granting the annexation. A draft copy of the annexation petition (less exhibits) is included with this report for reference.

In accordance the City of Piqua/Washington Township annexation agreement, the City Commission is also being asked to act on a separate resolution item that provides the Law Director with authorization to execute the proceedings required to exclude the territory from the township upon completion of the annexation.

FINANCIAL IMPACT:

SUBJECT: Ordinance to authorize annexation of municipally owned territory

The city of Piqua already owns the subject property and is responsible for the maintenance and upkeep of the parcel. Less the filing fee associated with submitting the annexation petition to the County, the annexation of this territory will have no fiscal impact on the City.

COMMUNITY IMPACT:

The annexation of this parcel will allow the Power System to continue to move forward with plans to construct a new service center at this location. The construction of these improvements will provide the Power System with a modern facility and enhance the delivery of power distribution services to the entire community.

CONFORMITY TO CITY PLANS & POLICIES:

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

DRAFT COPY

**PETITION FOR ANNEXATION
Municipal Corporation Annexation Procedure**

The City of Piqua, being the sole owner of the real estate in the territory hereinafter described (the "Property"), hereby petition for the annexation of the territory of the following described territory to the City of Piqua, Miami County, Ohio, pursuant to the process of annexation provided for by R.C. §§ 709.14, 709.15, and 709.16 .

Petitioner has attached hereto and makes a part of this petition an ordinance adopted by a majority of the members elected to the legislative authority of the municipal corporation, to authorize the annexation requested by this petition and direct the city law director to prosecute the proceedings necessary to effect it, as required by R.C. 709.14 (Exhibit "A").

The described territory is contiguous with the City of Piqua, Ohio. Petitioner has attached hereto and makes a part of this petition a legal description of the perimeter of the territory sought to be annexed, as required by R.C. 709.15 (Exhibit "B").

Petitioner has attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, as required by R.C. 709.15 (Exhibit "C").

Pursuant to the ordinance adopted by the municipal corporation (Exhibit A) Stacy Wall, Law Director, City of Piqua, 201 W. Water Street, Piqua, Ohio 45356, 937-778-2042, has been appointed agent for the undersigned Petitioner as required by R.C. 709.14, with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase, or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition..

Frederick E. Enderle, City Manager
City of Piqua, OHIO

Date

Exhibit 'A'

BRUMBAUGH ENGINEERING & SURVEYING, LLC
1105 SOUTH Miami St.
West Milton, Ohio 45383
937-698-3000

September 2, 2010

Description For Piqua Power System
(for a 1.353 Acre Tract for Incorporation into the City of Piqua from Washington Township)

Situate in the State of Ohio, Miami County, Washington Township, Section 20, Town 6, Range 6, and being part of the tract of land (former Piqua-Troy Branch Railroad Right of Way) as conveyed to the City of Piqua in Official Record ___ page ___ (all references to deed books refer to the Miami County Recorders office, Miami County, Ohio).

Commencing at an Iron Pin found which marks the Northeast corner of the City of Piqua Inlot 7541, said pin also being located on the South Right-of-Way line of Hemm Avenue (50' R/W);

Thence with said South Right-of-Way line of Hemm Avenue and the North line of Inlot 7541, N 89° 31' 11" W for a distance of 299.99 feet to an Iron Pin set on the west line of an alley (15' R/W), (All iron pins set are 5/8" x 30" rebar capped Brumbaugh E & S), said Iron Pin marking the **TRUE POINT OF BEGINNING**;

Thence with the west line of said alley for the following 3 calls:

(1) with the arc of a curve to the right for a distance of 56.55 feet whose radius is 5762.64 feet, Delta= 00°33'44", and whose long chord bears S 15°40'29" E for a distance of 56.55 feet to a Iron Pin set;

(2) S 15°23'36" E for a distance of 526.75 feet to an Iron Pin set;

(3) with the arc of a curve to the right for a distance of 231.94 feet whose radius is 2897.79 feet, Delta= 04°35'10", and whose long chord bears S 13°06'01" E for a distance of 231.88 feet to a Iron Pin set;

Thence making a new division line through said DP&L tract, S 88°12'32" W for a distance of 71.63 feet to an Iron Pin set on the East line of the 46.918 acre tract conveyed to Peggy Jo Hemm as recorded in Deed Book 590 page 110;

Thence with the East line of said Hemm tract the following 5 calls;

1) N 15°13'30" W for a distance of 142.13 feet to an Iron Pin set;

2) N 15°10'28" W for a distance of 248.00 feet to an Iron Pin set;

3) N 10°13'28" W for a distance of 131.10 feet to an Iron Pin set;

Exhibit 'A'

- 4) N 15°28'28" W for a distance of 235.50 feet to an Iron Pin set;
- 5) Thence N 18°49'28" W for a distance of 61.82 feet to an Iron Pin set;

Thence making a new division line through said DP&L tract, S 89°31'11" E for a distance 72.23 feet to the **TRUE POINT OF BEGINNING**. Containing 1.353 acres more or less, and being subject to all restrictions, easements, conditions and covenants, and legal highways of record.

The Basis of Bearing of the foregoing description is the centerline of the County Road 25-A, as recorded per Plat Book 12, page 79-c.

Description prepared according to survey drawing by Philip C. Brumbaugh filed in Volume Page ___ of Miami County Engineer's Record of Land Surveys.

Philip C. Brumbaugh
Ohio Reg. #5057

Exhibit 'B'

CITY OF PIQUA POWER SYSTEM ANNEXATION OF 1.353 ACRES INTO THE CITY OF PIQUA

ANNEXATION OF A 1.353 ACRE TRACT LOCATED IN SECTION 20, TOWN 6, RANGE 6, WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO TO THE CITY OF PIQUA AS ACQUIRED BY CITY OF PIQUA REFERENCE DEED O.R. PAGE AND AS SHOWN ON LAND SURVEY VOLUME 52 PAGE 164 OF THE MIAMI COUNTY RECORD OF LAND SURVEYS

VOLUME _____ PAGE _____
 MIAMI COUNTY RECORDER'S RECORD OF PLATS
 RECEIVED FOR RECORD THIS _____ DAY
 OF _____, 201____, AT _____ M.
 FILE # _____ FEE \$ _____
 MIAMI COUNTY RECORDER BY DEPUTY RECORDER

MIAMI COUNTY RECORDER BY DEPUTY RECORDER
 MIAMI COUNTY AUDITOR
 TRANSFERRED AND LOT NUMBERS ASSIGNED
 THIS _____ DAY OF _____, 201____
 MIAMI COUNTY AUDITOR
 BY DEPUTY AUDITOR

SEE ANNEXATION PROCEEDINGS RECORDED IN O.R. PAGE _____ DEPUTY
 MIAMI COUNTY RECORDER

MIAMI COUNTY ENGINEER
 THIS ANNEXATION PLAT REVIEWED AND APPROVED BY THE MIAMI COUNTY ENGINEER THIS _____ DAY OF _____, 20____
 JOHN F. EVANS RON WIDENER JOHN W. OBREN

DOUGLAS L. CHRISTIAN, MIAMI COUNTY ENGINEER
 PIQUA CITY COMMISSION
 AT A MEETING OF THE PIQUA CITY COMMISSION HELD AT _____ DAY OF _____, 20____ THIS ANNEXATION PLAT ACCEPTED AND APPROVED BY ORDINANCE NO. _____
 MAYOR CITY MANAGER
 CLERK

PROPERTY OWNER
 PRINTED
 WITNESS
 PRINTED

NOTARY PUBLIC(S)
 STATE OF OHIO, COUNTY OF _____, SS _____ DAY OF _____, 20____
 BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID, THE ABOVE SIGNED AND CAPTIONED INSTRUMENT HAS BEEN PRESENTED TO ME AND I HAVE ACKNOWLEDGED THE EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.
 NOTARY PUBLIC MY COMMISSIONS EXPIRES: _____

CURVE I	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C3	5762.84	56.55	56.55	S 15°40'29" E	0.3344	28.27
C4	2897.79	231.94	231.88	S 13°06'01" E	4°35'10"	116.03

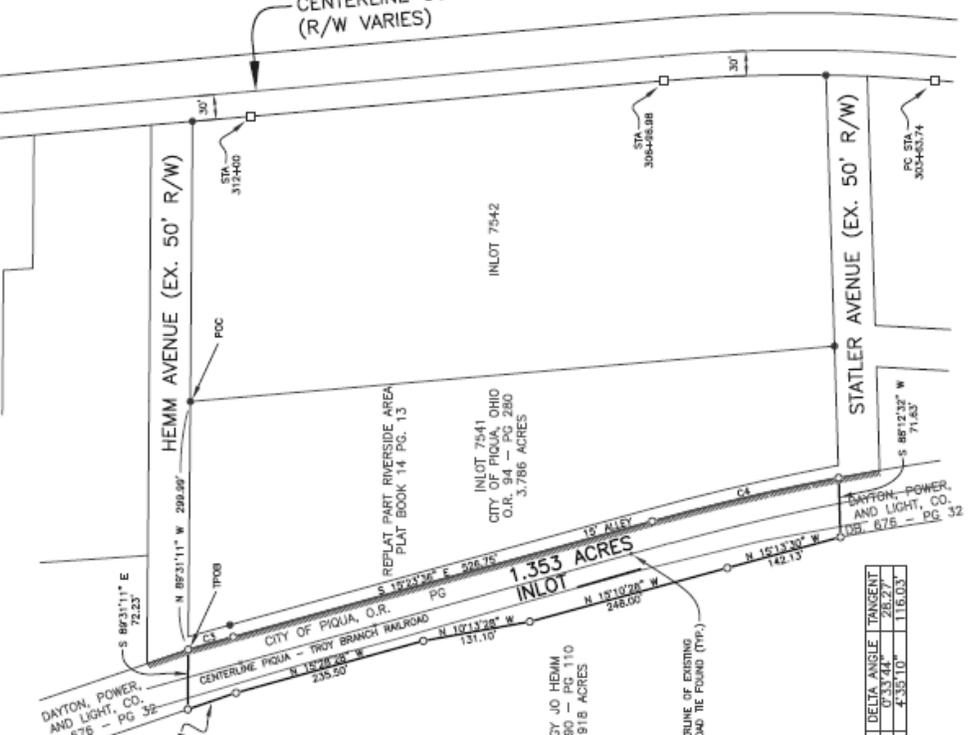


LEGEND:
 O 3/8" X 5/8" OD IRON PIN (FOUND) WITH YELLOW PLASTIC CAP STAMPED "BRUMBAUGH E&S"
 ● 5/8" IRON PIN FOUND UNLESS OTHERWISE NOTED
 □ CONCRETE HIGHWAY MONUMENT FOUND
 _____ EX. CITY OF PIQUA CORPORATION LINE

REFERENCES:
 SURVEYS:
 LAND SURVEY VOL. 52 PAGE 164 DEEDS AS REFERENCED HEREIN

BRUMBAUGH & S SURVEYING, LLC
 1105 SOUTH MIAMI STREET
 WEST MILTON, OHIO 45383
 PH (937) 698-3000
 FAX (937) 698-3928

ANNEXATION SURVEY FOR CITY OF PIQUA POWER SYSTEMS, MIAMI COUNTY
 - SEPTEMBER 2, 2010
 PHILIP C. BRUMBAUGH
 OHIO REGISTERED
 PROFESSIONAL SURVEYOR #9097



ORDINANCE NO. 29-10

**AN ORDINANCE TO REPEAL SECTION 94.25
OF THE PIQUA MUNICIPAL CODE**

WHEREAS, Section 94.25 of the Piqua Code is obsolete and the content is covered under other codes or laws; and

WHEREAS, Ohio Revised Code Chapter 3749 more completely defines and governs all public swimming pool operations, therefore:

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

SEC. 1: Piqua Code Section 94.25 is repealed with all language removed from the code as listed below with deletions lined out:

~~§ 94.25 INSPECTIONS AND LICENSING OF PUBLIC POOLS.~~

~~—(A)— For the purpose of this section, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.~~

~~— **BOARD OF HEALTH.** The Piqua Board of Health and its designated officers.~~

~~— **DIRECTOR.** The Director of the Department of Health or his or her authorized representative.~~

~~— **HEALTH DISTRICT.** The Piqua City Health District.~~

~~— **LICENSOR.** The Piqua Board of Health or the Director of the State Department of Health when acting under R.C. § 3749.07.~~

~~— **PERSON.** The state, any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.~~

~~— **PRIVATE RESIDENTIAL SWIMMING POOL.** Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their nonpaying guests.~~

~~— **PUBLIC BATHING AREA.** An impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.~~

~~— **PUBLIC SPA.** Any public swimming pool that is typically operated as a smaller, higher temperature pool for recreational or non-medical uses.~~

~~— **PUBLIC SWIMMING POOL.** Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use, but does not mean any public bathing area or private residential swimming pool.~~

~~— **SPECIAL USE POOL.** A public swimming pool containing flume slides, wave generating equipment, or other special features that necessitate different design and safety requirements. Special use pool does not include any water slide or wave generating pool at a public amusement area which is licensed and inspected by the Department of Agriculture pursuant to R.C. §§ 1711.50 to 1711.57.~~

~~— (B) — No person shall construct or install, or renovate or otherwise substantially alter, a public swimming pool, public spa, or special use pool after September 10, 1987, until plans for the pool or spa have been submitted to and approved by the Director of Health pursuant to R.C. § 3749.03.~~

~~— (C) — No person shall operate or maintain a public swimming pool, public spa or special use pool without a valid and current license issued by the Board of Health.~~

~~— (D) — Every person who intends to operate or maintain an existing public swimming pool, public spa, or special use pool shall, during the month of April of each year, apply to the Board of Health for a license to operate the pool or spa. Any person proposing to operate or maintain a new or otherwise unlicensed public swimming pool, public spa, or special use pool shall apply to the Board of Health at least 30 days prior to the intended start of operation of the pool or spa. Within 30 days of receipt of an application for licensure of a public swimming pool, public spa, or special use pool, the licensor shall process the application and either issue a license or otherwise respond to the applicant regarding the application.~~

~~— (E) — Each license issued shall be effective from the date of issuance until the last day of May of the following year at an annual fee of \$50. All fees shall be deposited in a “swimming pool fund” solely for the purpose of administering and enforcing R.C. Chapter 3749 and this section.~~

~~— (F) — No person shall operate or maintain a public swimming pool, public spa, or special use pool without a license issued by the Board of Health.~~

~~— (G) — The Board of Health may, in accordance with R.C. Chapter 119, refuse to grant a license or suspend or revoke any license issued to any person for failure to comply with the requirements of R.C. Chapter 3749, any of the rules adopted thereunder, or this section~~

~~— (H) — Prior to the issuance of an initial license and annually thereafter, the licensor shall inspect each public swimming pool, public spa, or special use pool in the city to~~

~~determine whether or not the pool or spa is in compliance with R.C. Chapter 3749, the rules adopted thereunder and this section. The licensor may, as he or she determines appropriate, inspect a public swimming pool, public spa, or special use pool at any other time. The licensor shall make the initial inspection within five days from the date of receipt of notification that the pool or spa is ready for operation and shall maintain a record of each inspection that he or she conducts for a period of a least five years on forms prescribed by the Director of Health.~~

~~(I) Whoever violates this section is guilty of a misdemeanor of the fourth degree.~~

SEC. 2: All other sections of Chapter 94 of the Piqua Municipal Code not amended or repealed herein shall remain in effect as is.

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



COMMISSION MEETING REPORT

For the Regular Meeting of November 2, 2010

TO: Fred Enderle, City Manager
FROM: Amy Welker, Health & Sanitation Director
SUBJECT: Piqua Code Section 94.25.

PURPOSE:

To remove obsolete language from the Piqua Code.

RECOMMENDATION:

Adopt the Ordinance to repeal the outdated code sections.

BACKGROUND:

This Ordinance is “house keeping” in nature. When doing research for other proposed legislation, this code section was found regarding swimming pool licenses and inspections. This code section dates back to the 1980’s. Since that time, the state has adopted extensive legislation that governs the topic of public swimming pools. The Health Department has been using the state legislation for many years. The items listed in the Piqua Code are covered under Ohio Revised Code Chapter 3749.

ALTERNATIVES:

1. Adopt the Ordinance repealing these sections.
2. Do not adopt the Ordinance and keep the code sections.

DISCUSSION:

The Health Department does license and inspect public swimming pools, but uses the Ohio Revised Code to guide the program. The Ohio code is reviewed and updated periodically thus it is more current and accurate. There is no need for this language to remain in the Piqua Code.

FINANCIAL IMPACT: None

COMMUNITY IMPACT:

The community will continue to receive the benefit of good public health prevention efforts from the Health Department. No impact will be noticeable.

CONFORMITY TO CITY PLANS & POLICIES:

Removing outdated code sections is more efficient and practical.



ORDINANCE NO. 30-10

**AN ORDINANCE TO REPEAL SECTION 32.035 AND 32.036
OF THE PIQUA MUNICIPAL CODE**

WHEREAS, Sections 32.035 and 32.036 of the Piqua Code are obsolete and the content is covered under other codes or laws; and

WHEREAS, food establishments as listed in Section 32.035 are no longer recognized in the Piqua Code; and

WHEREAS, the Ohio Uniform Food Safety Code, Ohio Revised Code section 3717 more completely defines and governs all food service operations, therefore:

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

SEC. 1: Piqua Code Sections 32.035 and 32.036 are repealed with all language removed from the code as listed below with deletions lined out:

~~§ 32.035 INSPECTION FEE.~~

~~—(A)— The annual inspection fee for food establishments of 2,500 square feet or less, and on mobile food establishments, shall be \$15.~~

~~—(B)— The annual inspection fee for food establishments of 2,500 square feet or more shall be \$25.~~

~~—(C)— The inspection fee for any food establishment which shall operate for a period of less than 30 days shall be \$5 per day. The maximum fee for such an establishment shall be \$15.~~

~~—(D)— No license issued to a food establishment shall be transferable.~~

~~(‘97 Code, § 32.17) (Ord. 47-74, passed 12-16-74; Am. Ord. 15-93, passed 4-5-93)~~

~~§ 32.036 TEMPORARY FOOD SERVICE LICENSE.~~

~~—(A)— **TEMPORARY FOOD SERVICE OPERATION** means any place, including any governmental operation, where meals or lunches, or portions thereof, are prepared or served for a consideration for a single event, in one location, for a period of not longer than five consecutive days, regardless of whether the meals, lunches, or portions, are to be consumed on or off the premises.~~

~~—(B)— The license fee for a temporary food service operation as defined herein, is hereby established as \$25, except that in the case of a temporary food service operation operated as follows.~~

~~——(1) By any nonprofit organization; the fee shall be \$3.~~

~~——(2) At Fountain Park during Independence Day celebrations, no license fee shall be assessed.~~

~~—(C)— If a license fee as prescribed by this section is not received by the licensor on or before the operation begins conduct of its food service operation during the licensing year, a penalty of 25% of any the fee shall be imposed and paid.~~

~~—(D)— The Board of Health may grant a hearing to a person and authorize, in specific cases, a variance from the requirements of these regulations as will not be contrary to the public interest, where the person shows that because of practical difficulties or other special conditions, their application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these regulations, or otherwise not be in the public interest.~~

~~—(E)— Whoever violates any provision of this section shall be guilty of a minor misdemeanor. Each and every violation of this section shall constitute a separate offense.~~

~~(‘97 Code, § 33.18) (Ord. 37-84, passed 8-20-84)~~

SEC. 2: All other sections of Chapter 32 of the Piqua Municipal Code not amended or repealed herein shall remain in effect as is.

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



COMMISSION MEETING REPORT

For the Regular Meeting of November 2, 2010

TO: Fred Enderle, City Manager
FROM: Amy Welker, Health & Sanitation Director
SUBJECT: Piqua Code Section 32.035 and 32.036.

PURPOSE:

To remove obsolete language from the Piqua Code.

RECOMMENDATION:

Adopt the Ordinance to repeal the outdated code sections.

BACKGROUND:

This Ordinance is “house keeping” in nature. When doing research for other proposed legislation, these code sections were found regarding inspection fees and temporary food licenses. These code sections date back to the 1980’s. Since that time, the state has adopted extensive legislation that governs the topic of food operation licensing and inspections. The Health Department has been using the state legislation for many years. The items listed in the Piqua Code are covered under the Ohio Uniform Food Safety Code.

ALTERNATIVES:

1. Adopt the Ordinance repealing these sections.
2. Do not adopt the Ordinance and keep the code sections.

DISCUSSION:

The Health Department does license and inspect food operations, but uses the Ohio Revised Code to guide the program. The Ohio code is reviewed and updated periodically thus it is more current and accurate. There is no need for this language to remain in the Piqua Code.

FINANCIAL IMPACT: None

COMMUNITY IMPACT:

The community will continue to receive the benefit of good public health prevention efforts from the Health Department. No impact will be noticeable.

CONFORMITY TO CITY PLANS & POLICIES:

Removing outdated code sections is more efficient and practical.



ORDINANCE NO. 31-10

**AN ORDINANCE TO MODIFY APPENDIX TABLE A, CHAPTER 150
BUILDING REGULATIONS OF THE PIQUA CODE.**

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

SEC. 1: Piqua Code Chapter 150 Appendix Table A shall be modified as follows with deletions lined out and additions underlined:

APPENDIX: TABLES

TABLE A: PERMIT FEE SCHEDULE

(A) All building permit fees, except those pertaining to plumbing, shall be established and collected by the Building Regulations Department in accordance with the fee schedules established within the Building Code.

(B) All plumbing permit fees and property maintenance fees shall be collected by the City Health Department at the rates established as follows:

Item	Fee
Plumbing	
Basic Permit	\$30 <u>\$35</u>
Plan Review: Residential	\$10 <u>\$25</u>
Plan Review: Commercial	\$.01/square foot (\$25 minimum)
Per fixture	\$8 <u>\$10</u>
Storm sewer service connection	\$20
Sanitary sewer service connection	\$30 <u>\$35</u>
Water service connection	\$30 <u>\$35</u>
Water heater replacement	\$20
Well installation	\$25
Special inspection	\$100
Property maintenance appeal	\$0
Property maintenance re-inspection fee	\$50, \$75, \$100

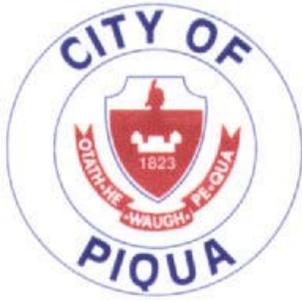
SEC. 2: All other sections of Chapter 150 of the Piqua Municipal Code not amended herein shall remain in effect as is.

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 November 2, 2010

TO: Fred Enderle, City Manager
FROM: Amy Welker, Health & Sanitation Director
SUBJECT: Plumbing Fees

PURPOSE:

To modify the fees charged by the Health Department for the plumbing program.

RECOMMENDATION:

Adopt the Ordinance to make the fee modifications.

BACKGROUND:

This Ordinance is a companion document to the Resolution before commission to modify the fees for environmental health programs. The Health Department must administer a plumbing program that effectively protects the public health. The department utilizes the resources of a certified plumbing inspector to monitor and ensure that plumbing systems are adequate according to state law. Proper plumbing systems are the building blocks for good hygiene and sanitary living and working environments.

The Department fees are used to cover the costs associated with operating the plumbing programs. This includes the issuance of plumbing permits, inspections, consultations, registrations, plan review, and administration. The current fees have been in effect since 2006.

ALTERNATIVES:

1. Adopt the Ordinance making the fee adjustments.
2. Do not adopt the Ordinance and keep the fees the same.

DISCUSSION:

The Health Department has a duty to administer the plumbing program. The department also has a duty to be fiscally responsible. As such, the department sets fees for programs that take into account the need to perform the required duties and the need to be fair and responsible to the customers. The fees proposed are intended to make reasonable adjustments without becoming a hardship on the businesses.

The Fee Comparison sheet attached will further highlight what the current Piqua fees are, the proposed adjustments, and a comparison to other jurisdictions.



FINANCIAL IMPACT:

The fee adjustments proposed are fair. Plumbing business operations understand that permit fees are a cost of doing business. The Piqua Health Department works diligently to provide good service for the permit fees that are collected. The businesses will see an increase to their permit fees, but will still enjoy a discount compared to other jurisdictions.

All city departments are working to limit any unnecessary reliance on general fund dollars. The Health Department is empowered by the State to recoup these costs. This proposal is a balance between recouping costs and providing a fair permit fee to vendors.

COMMUNITY IMPACT:

The community will continue to receive the benefit of good public health prevention efforts from the Health Department. The community may also benefit as more dollars can be spent on other projects and initiatives due to recouping costs.

CONFORMITY TO CITY PLANS & POLICIES:

The number one priority of the City of Piqua has been and will continue to be to focus on financial stability. This proposal is concurrent with this priority. The Health Department can off-set the use of general fund dollars by keeping pace with other jurisdictions when looking at cost recovery efforts.



Health Department Fee Comparison

Local fee only	Current Piqua City	Max allowed	Proposed 2011	Miami Co.	Clark Co.	Darke Co.
FOOD PROGRAM						
Commercial**						
FSO < 25000						
Risk Level 1	\$ 140.00	\$ 171.00	\$ 160.00	\$ 180.00	\$ 163.00	\$ 182.00
Risk Level 2	\$ 160.00	\$ 193.00	\$ 180.00	\$ 203.00	\$ 181.00	\$ 202.00
Risk Level 3	\$ 320.00	\$ 368.00	\$ 340.00	\$ 376.00	\$ 328.00	\$ 362.00
Risk Level 4	\$ 400.00	\$ 466.00	\$ 420.00	\$ 468.00	\$ 410.00	\$ 452.00
FSO > 25000						
Risk Level 1	\$ 215.00	\$ 247.00	\$ 235.00	\$ 255.00	\$ 227.00	\$ 252.00
Risk Level 2	\$ 225.00	\$ 260.00	\$ 245.00	\$ 266.00	\$ 238.00	\$ 263.00
Risk Level 3	\$ 650.00	\$ 919.00	\$ 685.00	\$ 898.00	\$ 790.00	\$ 866.00
Risk Level 4	\$ 750.00	\$ 975.00	\$ 800.00	\$ 954.00	\$ 836.00	\$ 917.00
Non-Commercial**						
FSO < 25000						
Risk Level 1	\$ 70.00	\$ 85.50	\$ 80.00	\$ 180.00	\$ 81.50	\$ 91.00
Risk Level 2	\$ 80.00	\$ 96.50	\$ 90.00	\$ 203.00	\$ 90.50	\$ 101.00
Risk Level 3	\$ 160.00	\$ 184.00	\$ 170.00	\$ 376.00	\$ 164.00	\$ 181.00
Risk Level 4	\$ 200.00	\$ 233.00	\$ 210.00	\$ 468.00	\$ 205.00	\$ 226.00
FSO > 25000						
Risk Level 1	\$ 107.50	\$ 123.50	\$ 117.50	\$ 255.00	\$ 113.50	\$ 126.00
Risk Level 2	\$ 112.50	\$ 130.00	\$ 122.50	\$ 266.00	\$ 119.00	\$ 131.50
Risk Level 3	\$ 325.00	\$ 459.50	\$ 342.50	\$ 898.00	\$ 395.00	\$ 433.00
Risk Level 4	\$ 375.00	\$ 487.50	\$ 400.00	\$ 954.00	\$ 418.00	\$ 458.50
Vending	\$ 15.24	\$ 15.86	\$ 15.24	\$ 28.46	\$ 17.85	\$ 23.48
Temporary Food	10.00/day	39.00/day	10.00/day	22.00/day	35.00/day	18.50/day
Mobiles	\$ 75.00	\$ 194.00	\$ 90.00	\$ 184.00	\$ 123.00	\$ 112.00
Swimming Pools						
Public Pool	\$ 25.00	\$ 120.00	\$ 50.00	\$ 250.00	\$ 300.00	\$ 305.00
Public Spa	\$ 25.00	\$ 120.00	\$ 50.00	\$ 250.00	\$ 300.00	\$ 305.00
Special Use	\$ 25.00	\$ 120.00	\$ 50.00	\$ 250.00	\$ 300.00	\$ 305.00
Each additional	\$ 25.00	\$ 120.00	\$ 30.00	\$ 150.00	\$ 90.00	\$ 91.00
Tattoo/Body Piercing						
Base Fee	\$ 100.00	\$ 133.00	\$ 110.00	\$ 250.00	\$ 100.00	\$ 290.00
Manufactured Home Parks						
Base fee 50 lots or less	\$ 60.00	\$ 85.00	\$ 70.00	\$ 200.00	\$ 145.00	\$ 275.00
Each lot over 50 plus	\$ 3.00		\$ 3.00	\$ 2.00	\$ 2.75	\$ 2.75
Plumbing						
Permits	\$ 30.00		\$ 35.00	\$ 35.00		\$ 40.00
Fixtures	\$ 8.00		\$ 10.00	\$ 15.00		\$ 12.50
sewer	\$ 30.00		\$ 35.00	\$ 40.00		\$ 57.50
water	\$ 30.00		\$ 35.00	\$ 40.00		\$ 57.50
Plan review	\$ 10.00		\$ 25.00	\$ 25.00		\$ 25.00
Master plumber	\$ 100.00		\$ 100.00	\$ 200.00		\$ 175.00
Journeyman	\$ 25.00		\$ 25.00	\$ 40.00		\$ 20.00

ORDINANCE NO. 32-10

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$55,953.49 OF BONDS IN ANTICIPATION OF THE COLLECTION OF SPECIAL ASSESSMENTS TO PAY COSTS OF CONSTRUCTION IN THE YEAR 2009, SIDEWALKS, CURBS AND GUTTERS ON RIVERSIDE DRIVE (PHASE I) WITH THE NECESSARY APPURTENANCES THERETO

WHEREAS, the Director of Finance as fiscal officer of this City, has certified to this Commission that the estimated life or usefulness of the improvement described in Section 1 is at least ten (10) years and the maximum maturity of the Bonds described in Section 1 is twenty (20) years;

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

SEC. 1: It is necessary to issue bonds of this City in the aggregate principal amount of \$55,953.49 (the Bonds) in anticipation of the collection of special assessments to pay cost of constructing in the year 2009, sidewalks, curbs and gutters on Riverside Drive Phase I with the necessary appurtenances thereto;

SEC. 2: The Bonds shall be issued in one lot and only as Bonds registered as to both principal and interest, in the denominations of one (1) at \$10,079.45, and four (4) at \$10,080.00, and one (1) at \$1,110.04, and four (4) at \$1,111.00 or any integral multiple thereof, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as of the fifteenth day of the month in which issued;

The Bonds shall bear interest at the rate of none percent (9%) per year (computed on a 360-day per year basis), payable on December 15 of each year (the Interest Payment Dates), commencing December 15, 2011, until the principal amount has been paid or provided for. If the Bonds are sold bearing a different rate of interest, the Bond shall bear that rate of interest as specified in the resolution of Commission providing for the award of the Bonds. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for, or if no interest has been paid or provided for, from their date;

The Bonds shall mature on December 15 of the years and in the principal amounts set forth opposite such years as follows:

2012	\$10,080.00
2013	\$10,080.00
2014	\$10,080.00
2015	\$10,080.00
2016	\$10,079.45
2017	\$1,111.00
2018	\$1,111.00
2019	\$1,111.00
2020	\$1,111.00
2021	\$1,110.04

ORDINANCE NO. 32-10

The Bonds shall express on their face the purpose for which they are issued and that they are issued pursuant to this ordinance.

SEC. 3: The Bonds shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the corporate seal of the City or a facsimile of that seal. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar (as defined in Section 4) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed, and delivered under, and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Department of Finance or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds;

SEC. 4: The Director of Finance of this City shall act as the authentication agent, bond registrar, transfer agent and paying agent for the Bonds (Bond Registrar). She shall perform the duties set forth in this ordinance;

SEC. 5: The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the Principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by that person's address appearing on the Bond Registrar (as defined in Section 6 below) at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date (the Record Date);

SEC 6: The Bonds are offered at par and any accrued interest to the Director of Finance, as officer in charge of the Bond Retirement Fund of the City. Bonds not purchased for the Bond Retirement Fund or for other funds of the City shall be advertised for public sale and sold in accordance with law and the provisions of this ordinance. The Director of Finance shall cause the Bonds to be prepared, and following their sale, shall have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the original purchaser upon payment of the purchase price;

SEC. 7: So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange, and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5 above, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person; neither the City or the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid;

ORDINANCE NO. 32-10

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer, the Bond Registrar shall complete, authenticate, and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

SEC. 8: The proceeds from the sale of the Bonds, except any premium and accrued interest, shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued and to retire the notes outstanding in anticipation of the Bonds. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund;

SEC. 9: All special assessments collected for the improvement described in Section 1, and any unexpended balance remaining in the improvement fund after the cost and expenses of that improvement have been paid, shall be used for the payment of the principal of and interest on the Bonds until paid in full and shall be used for no other purpose. In the event and to the extent that those special assessments are not collected, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the principal of and interest on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied, and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended, and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Bonds when and as the same falls due;

ORDINANCE NO. 32-10

SEC. 10: The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the Code). The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds, shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts and circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds;

The City covenants that it (a) will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or authorize to be taken any actions that would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, all in such manner and to the extent necessary to ensure such exclusion of that interest under the Code. The Director of Finance and other appropriate officers are authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to ensure such exclusion of that interest;

SEC. 11: The Clerk of this Commission is directed to deliver a certified copy of this ordinance to the County Auditor;

SEC. 12: This Commission determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds, in order to make them legal, valid, and binding, general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith, credit, and revenues of the City are pledged for the timely payment of the principal of and interest on the Bonds; and that no statutory or constitutional limitation of the indebtedness or taxation will have been exceeded in the issuance of the bonds;

SEC. 13: This Commission finds and determines that all formal actions of this Commission concerning and relating to the passage of this ordinance were taken in an open meeting of this Commission and that all deliberations of this Commission and of any committees that resulted in those formal actions, were in meetings open to the public in compliance with the law;

SEC. 14: 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 November 2, 2010

TO: Fred Enderle, City Manager

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

SUBJECT: Issuance and sale of bonds in anticipation of the collection of special assessments
Ordinance No. 32-10

PURPOSE:

Approve the Ordinance No. 32-10 determining the issuance and sale of bonds in anticipation of the collection of special assessments to pay costs of construction on Riverside Drive. This will restore the dollars to Street Construction Fund 103 for future use.

RECOMMENDATION:

I am requesting approval of Ordinance No. 32-10 determining the issuance and sale of bonds in anticipation of the collection of special assessments to pay costs of construction on Riverside Drive. This will restore the dollars to Street Construction Fund 103 for future use.

BACKGROUND:

The Street Construction Fund 103 originally paid for the Riverside Drive Construction Project. Property owner costs for constructing sidewalks, curbs, and gutters were then invoiced on January 15, 2010 with a due date of April 30, 2010. Resolution No. R-24-10 was approved by City Commission on September 7, 2010 to assess the unpaid reconstruction costs to the property owners' tax duplicate for five or ten years based on the property owners' choice. By issuing and selling these bonds the City will be able to restore the dollars to Street Construction Fund 103 for the reconstruction costs now and not have to wait for ten years. The original project cost \$120,290.02. We collected \$54,155.93 and the remaining amount of \$55,953.49 was assessed to the public by the county. The bonds are for \$55,953.49.

ALTERNATIVES:

- 1) Approve Ordinance No. 32-10 authorizing the issuance and sale of bonds in anticipation of the collection of special assessments for payment of the costs of construction on Riverside Drive.
- 2) Do not approve the Ordinance and not authorize the issuance and sale of bonds in anticipation of the collection of special assessments for payment of the construction costs on Riverside Drive impeding the flow of funds for future specially assessment construction projects.

DISCUSSION:

- 1) This alternative will allow us to return the amount that was assessed to the County to the Street Construction Fund 103 now instead of waiting for ten years for repayment.
- 2) This alternative is not recommended as we will have to wait for ten years to fully repay the Street Construction Fund 103 for the Riverside Dr. construction costs.

FINANCIAL IMPACT:

- 1) We will restore to Streets Construction Fund 103 the costs of the special assessments for the Riverside project.
- 2) We will recoup over 10 years to Streets Construction Fund 103 the costs of the special assessments for the Riverside project. This would impede future projects as the Street Fund would have to wait for the repayments.

COMMUNITY IMPACT:

The Riverside Drive reconstruction project was a public improvement where new sidewalks were installed, combination curb and gutter, drive approaches, new storm sewer, water main removal and new water service installations, new fire hydrants, roadway excavation, curb ramp installation, installation of aggregate base and asphaltic concrete, pavement signing and striping, and tree removals. The cost of the sidewalks, curbs and gutters, and drive approaches are the responsibility of the property owner. Some citizens chose to repay the city over a 5 or 10 year period, by issuing these bonds, funds can be more quickly available for other street projects.

CONFORMITY TO CITY PLANS & POLICIES:

The issuance of special assessments bonds by the city has routinely been done in the past so as to allow funds to be available for future street construction projects.

RESOLUTION NO. R-130-10

**A RESOLUTION AWARDING A CONTRACT FOR
THE PURCHASE OF A BOBCAT SKID-STEER
LOADER FOR THE STREET DEPARTMENT**

WHEREAS, the present operations of the City require the purchase of a Bobcat Skid-Steer Loader; and

WHEREAS, after solicitation by The Ohio Department of Administrative Services, bids were received through the State Cooperative Purchasing Program, resulting in the lowest, responsible bid from Bobcat of Lima, Inc.

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

SEC. 1: A contract for the purchase of a S300 Bobcat Skid-Steer Loader and attachments of a 24" Planer, High Flow, 24" Fast Cut Drum and 72" Sweeper from Bobcat of Lima, Inc. is hereby approved as the lowest, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director is hereby authorized to draw her warrants on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$49,882.

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 November 2, 2010

TO: Fred Enderle, City Manager
FROM: Doug Harter; Street & Parks Superintendent
SUBJECT: Street Department Skid Loader

PURPOSE:

Approve the Resolution authorizing the City Manager to enter into a contract with Bobcat of Lima, Inc. for the purchase of a Bobcat Skid Loader model S300 with attachments. This purchase is needed to replace the aging and unsafe H-031 Gehl 5635 Deluxe Skid Loader.

RECOMMENDATION:

Approve the Resolution authorizing the City Manager to enter into a contract with Bobcat of Lima, Inc. for the purchase of a Bobcat Skid Loader model S300 with attachments.

BACKGROUND:

The purchase of a new skid loader will replace H-031 Gehl 5635 Deluxe Skid Loader. H-031 was purchased in 1999, and is currently in poor condition. The Street Department has spent several thousand dollars over the past few years on maintenance and repairs. The steering has been adjusted in house by our employees and by Gehl mechanics and can no longer be adjusted. It is to the point that it has become a safety issue and can no longer be used. When put in the neutral position the machine continues to move, this has put some employees in harms way and has caused some very close calls of employees being injured.

The Street Department currently owns and operates a total of one (1) skid loader and it has performed to our complete satisfaction. However, this piece of equipment has become a safety issue and can no longer be used.

ALTERNATIVES:

- 1) Approve the Resolution awarding the contract for the purchase of a Bobcat Skid Loader S300.
- 2) Delay the replacement of H-031.
- 3) Do not approve the Resolution and provide staff with further direction

DISCUSSION:

The timely replacement of older and unsafe equipment will reduce maintenance costs, decrease equipment downtime and improve the overall efficiency of our operations. The approval of this Resolution will allow the Street Department to maintain the safety and reliability of the equipment fleet.

A possible alternative is to delay the replacement of H-031. This delay will mean that H-031 will be parked in the garage and not used due to safety concerns for the operator and employees that would be working close by. The impact of this will decrease the overall efficiency of our in-house paving operations. We use our skid loader for small milling jobs, and for removal of the millings, as this piece of equipment is small and can maneuver in tight spaces; as we are usually working in areas with parked cars, and the traveling public.

FINANCIAL IMPACT:

Included in the Street Department's 2010 budget is \$60,000 to replace both H-10 and H-11, which are Dodge pickup trucks. However, we feel it is more important at this time to use that money to replace the Gehl Skid Loader, as it is a vital piece of equipment to our in-house paving program. This Resolution has a not to exceed cost of \$49,882, which is below budget.

COMMUNITY IMPACT:

The approval of this Resolution will provide the Street Department with essential equipment, which is necessary in providing our community with excellent service and reliability.

CONFORMITY TO CITY PLANS & POLICIES:

Resolution R-13-10 was passed on January 19, 2010, which authorized the City of Piqua to participate in the State of Ohio Cooperative Purchasing Program. The quotes that we received from Bobcat of Lima, Inc. are Ohio STS-515 Contract. This resolution allows for the participation of the Ohio's Cooperative Purchasing Act. The Street Department has purchased vehicles utilizing this process in the past and has been completely satisfied with these purchases.

RESOLUTION NO. R-131-10

A RESOLUTION AWARDING A CONTRACT TO TI TRAINING CORP. IN AN AMOUNT NOT TO EXCEED \$42,000 FOR A NEW FIREARMS SIMULATION SYSTEM.

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 Commission hereby deems it necessary to purchase a firearms simulation system for our police department.

SEC. 2: A contract for said firearms simulation system is hereby awarded to Ti Training Corp. as the best, responsible proposer and the City Manager is hereby authorized to execute a contract with said proposer pursuant to contract specifications.

SEC. 3: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$42,000.

SEC. 4: 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 November 2, 2010

TO: Fred Enderle, City Manager
FROM: Bruce Jamison, Chief of Police
SUBJECT: Reference Resolution R-131-10

PURPOSE: Approve the resolution awarding a contract to Ti Training Corp. in an amount not to exceed \$42,000 for a new firearms simulation system.

RECOMMENDATION:

Approval of Resolution 131-10 authorizing the City Manager to enter into a contract with Ti Training Corp. in an amount not to exceed \$42,000 for a new firearms simulation system.

BACKGROUND:

When the bike path was constructed along the hydraulic canal in 2002, the police range which had been used for police firearms practice and mandatory qualifications since the 1960's was closed for safety considerations. For the past few years we have been using space in the city dump for live fire. Acquisition of new live fire facilities has been part of the long range plans of the city since at least 2003. We supplement live fire training with various simulation methods as well. But, the space at the dump provides limited possibilities despite the best efforts of a number of officers that have dedicated their own time and expenses to building better simulated environments.

We also were formerly a part of a consortium of cities that shared use of a firearms simulation system. When that system became unreliable, we shared the cost of renting one for a week with Sidney Police Department. That was rather expensive and inconvenient.

In April of 2009, the Police Department took advantage of special grant opportunities offered as part of the American Recovery & Reinvestment Act and applied for the Byrne Justice Assistance Grant (JAG). We were awarded the grant in September of 2009 for \$32,000 with a \$11,800 cash match. Our plan included the use of project income for our cash match, so no city funds would be needed.

As our cash match was going to be based on project income from multiple municipal, county, and educational sources, I began to get concerned that we would not be able to raise the income by the end of the grant cycle, which would then cause liability to fall on the city.

This was not an option, and this slowed our progress on other project activities while we contemplated the cash match problem.

The department then received a significant criminal forfeiture due to assistance we provided to several other agencies on a criminal matter. We decided to apply these funds to this project, and move forward with grant-related expenses. This change to the project has been approved by the State.

A collaboration board has been established with Edison State College and several other police agencies in Miami, Darke, Shelby, and Champaign Counties. A request for proposals was solicited and published, and members of the collaboration board were involved in reviewing the responses. We have selected a firearms simulation system from Ti Training Corporation which best meets the needs of this collaborative project.

More specifically, this project will place a firearms simulation system owned by the City of Piqua at Edison State College to be used at the convenience of the police department (24 hours per day) and the Edison Police Academy at no charge. Revenue will then be collected from other police agencies by the Edison staff. These revenues will be used for future maintenance and upgrades to the system.

ALTERNATIVES:

1. Approve the resolution awarding a contract to Ti Training Corp. in an amount not to exceed \$42,000 for a new firearms simulation system.
2. Do not approve the resolution, reject all bids and direct staff to rebid the project, notify the state that the awarded funds will not be used, and use city funds to complete the project.
3. Do not approve the Resolution and abandon the project.

DISCUSSION:

With the current revenue levels and necessary operation and maintenance expenses of the police department, it is not realistic to abandon the grant and pay this on our own. The prices received in this RFP are the most favorable possible, as the vendors were trying to bring their product in within the amount allocated by the grant and forfeiture (\$42,000) while remaining competitive with other bidders. I don't know of any jurisdiction that has paid less for this many features in a firearms simulation system.

By abandoning the entire project, we are losing out on meeting a long-term goal without affecting local tax collections. We also leave the police management staff with an incredible challenge in finding other means to train judgmental shooting considerations to the officers of the city's police department. Of course, this would be offset by the time that will need to be placed into implementing this project, but that benefit does not seem to outweigh the risk of failing to provide the training.

Approval of the resolution is the most efficient resolution to part of the problems long identified. The project approved by this resolution establishes equipment, location, and funding for judgmental firearms training of the police department, which is a critical, high-risk/low-frequency event very dependent on proper training.

FINANCIAL IMPACT:

Approval of this resolution will meet a need within the police department which has been recognized for many years. Despite long term planning to address this issue with city funds, the city has been unable to commit any funds to address this need other than some rental fees committed one year a number of years ago. The only financial impact to the city budget under this project plan would be monies that were received and are restricted for law enforcement uses.

COMMUNITY IMPACT:

The community and the officers sworn to protect it will be safer upon establishment of this project. While there is no replacement for live-fire practice, our training program benefits from a firearm simulation system with both marksmanship training and judgment-based decisions. Some people call the judgment-based scenarios “shoot/don’t shoot.”

Simulated fire can assist with marksmanship when the student needs the repetition of learning a new habit. This can get very expensive with ammunition prices. A simulator lets the student hone a new skill prior to using it in live-fire environment.

Simulated fire is much safer than live fire when practicing judgment scenarios. And, even simulated ammunition can be painful when used in a training environment.

The community will benefit from a higher quality police academy program and also from outside agencies traveling to the city to use the system. While in town, the users will hopefully buy a meal or gas.

CONFORMITY TO CITY PLANS & POLICIES:

Adoption of this ordinance is consistent with long-range planning by this city under three different police administrations over the past seven years. It provides flexibility in a training model that will also minimize overtime costs associated with the same training conducted outside of the city.

Supplementing our limited live-fire training opportunities with training on a firearms simulation system is a responsible intermediate effort as we continue to seek a long-term solution to the lack of a firing range, which continues to be a goal of this department. Partnerships formed through the use of this system may yield future collaborations as many departments seek to establish safe locations for establishment of live-fire ranges.

Respectfully Submitted,

Bruce A. Jamison, CLEE
Chief of Police

RESOLUTION NO. R-132-10

A RESOLUTION REQUESTING PRELIMINARY LEGISLATION FOR THE PAINTING OF BRIDGE STRUCTURE 5500184 MIA IR 75 16.74

WHEREAS, the Ohio Department of Transportation requests preliminary legislation for the painting of the structural steel on Bridge Structure File Number 5500184 MIA US 11.72 intersecting MIA IR 75 16.74, in the City of Piqua, Miami County, Ohio.

SEC. 1: Project Description

WHEREAS, the State has identified the need for the described project:

This project proposes the painting of the structural steel on Bridge Structure File Number 5500184 MIA US 11.72 intersecting MIA IR 75 16.74, in the City of Piqua, Miami County, Ohio. Said project improvement further identified as **D07 BR Painting FY 11.**

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.2: Consent Statement

Being in the public interest, the LPA (City of Piqua) gives consent to the Director of Transportation in the above-described project as follows:

SEC. 3: Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The LPA (City of Piqua) has no obligation for costs for the project as described in Section I. ODOT will provide all Federal-aid and State funds as set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the LPA also agrees to pay One-Hundred (100%) of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the City.

The City shall adjust any existing castings, as require, with City forces.

SEC. 4: Utilities and Right-Of-Way Statement

The LPA agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and

Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SEC. 5: Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for such maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SEC. 6: Authority to Sign

The City Manager of the City of Piqua is hereby empowered on behalf of the City of Piqua to enter into agreements with the Director of Transportation necessary to complete the above-described project.

SEC. 7: 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 November 2, 2010

TO: Fred Enderle, City Manager

FROM: Amy Havenar, City Engineer

SUBJECT: Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the painting of the structural steel fascia beams on the US 36 Bridges (E. Ash Street) over Interstate Route 75 (IR-75).

PURPOSE:

Approve the resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation (ODOT) for the painting of the structural steel fascia beams on the US 36 Bridges over IR- 75 in both directions.

RECOMMENDATION:

Approval of the Resolution to allow for ODOT to continue with the programming of this project.

BACKGROUND:

This project will compliment the improvements that are currently underway on the US 36 (E. Ash Street) Bridge redecking project. The current project was designed around reusing the existing structural steel beams with the pouring of a new concrete deck. There were no provisions for painting of the bridge beams in the original design.

ALTERNATIVES:

- 1) Approve Resolution to allow the City Manager to enter into an agreement with ODOT.*
- 2) Do not approve the Resolution and have ODOT abandon the bridge beam painting project.*

DISCUSSION:

At the time the E. Ash Street Bridge redecking project was being designed, the City requested that ODOT include the painting of the bridge fascia beams as a part of the project. However, ODOT informed the City that they did not have the money to have the bridge beams painted

as a part of the project. The only painting improvements were to be to the bolted splice retrofits so that they would match the existing bridge beams.

However, after continued discussions between ODOT and City personnel, ODOT informed the City that they would be able to include the painting of the fascia beams in both directions on the US 36 bridges as a part of a separate multi-county bridge painting project that ODOT will be letting in the summer of 2011.

Chris Schmiesing, City Planner, and myself have met with ODOT representatives to discuss the proposed bridge beam color. It was decided upon a light beige/tan color for the fascia beams, which will be the same color as the concrete sealer that is being applied to the bridges. The proposed color selection was also presented to the City of Piqua Planning Commission for their approval at their September 2010 meeting.

FINANCIAL IMPACT:

There is no financial participation required of the City for the completion of this project.

COMMUNITY IMPACT:

The painting of the bridge fascia beams will greatly improve the aesthetics of one of the main gateways into the City of Piqua. These improvements will coincide with the new landscaping features in the interchange as well as compliment the proposed enhancements incorporated into the E. Ash St. Reconstruction project schedule for construction in the fall of 2011.

CONFORMITY TO CITY PLANS & POLICIES:

This area was identified as on the main gateways to the City of Piqua in the Plan It Piqua 2007 Comprehensive Plan Update. The common theme in the Comprehensive Plan Update was to improve the gateways to the City. This project will allow for just that.

The bridge beam color scheme was presented to the City of Piqua Planning Commission for their recommendation at their September 2010 meeting. The final bridge beam color was selected based upon the Planning Commission's recommendation and that of the Landscape Architect that prepared the plans for the US 36/I-75 interchange beautification project.