

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, NOVEMBER 16, 2010
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

REGULAR CITY COMMISSION MEETING

A. CONSENT AGENDA

- a. APPROVAL OF MINUTES
Approval of the minutes from the November 2, 2010 Regular City Commission Meeting

B. OLD BUSINESS

- a. ORD. NO. 28-10 (3rd Reading)
An Ordinance to authorize the annexation of land owned by the City of Piqua Municipal Corporation
- b. ORD. NO. 29-10 (2nd Reading)
An Ordinance to repeal Section 94.25 of the Piqua Municipal Code
- c. ORD. NO. 30-10 (2nd Reading)
An Ordinance to repeal Section 32.035 and 32.036 of the Piqua Municipal Code
- d. ORD. NO. 31-10-Amended (2nd Reading)
An Ordinance to modify Appendix Table A, Chapter 150 Building Regulations of the Piqua Code
- e. ORD. NO. 32-10 (2nd 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

C. NEW BUSINESS

- a. ORD. NO. 33-10 (1st Reading)
An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2011

- b. ORD. NO. 34-10 (1st Reading)
An Ordinance repealing Schedule A-1 of Chapter 33 of the Piqua Code and adopting a new Schedule A-1 of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees
- c. RES. NO. R-133-10
A Resolution awarding a contract for the purchase of a refuse packer for the Sanitation Department
- d. RES. NO. R-134-10
A Resolution authorizing a purchase order to Breathing Air Systems, Inc. to purchase a breathing air supply trailer for the Fire Department
- e. RES. NO. R-135-10
A Resolution authorizing the execution of a loan agreement with Quint Creative Group, LLC, in the amount of \$45,000
- f. RES. NO. R-136-10
A Resolution authorizing the City Manager to execute an agreement with the Trustees of Washington Township to furnish Emergency Ambulance Service and Fire Protection
- g. RES. NO. R-137-10
A Resolution amending the purchase order to Barrett Paving Materials, Inc. as the primary Supplier, and Valley Asphalt Corporation as the secondary supplier of hot mix for the 2010 Street and Alley Maintenance program
- h. RES. NO. R-138-10
A Resolution authorizing the City Manager to contract with the Miami County Public Defender Commission

D. ADJOURNMENT TO EXECUTIVE SESSION

- a. To consider pending or imminent litigation

E. ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday November 2, 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.

PIQUA HEALTH BOARD

Consent Agenda

Approval of Minutes

Approval of the minutes from the September 21, 2009 Piqua Health Board Meeting

Moved by Commissioner Martin, seconded by Commissioner Terry, that the minutes of the September 21, 2009 Piqua Health Board Meeting be approved. Voice vote, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

NEW BUSINESS

RES. NO. H-299 (PUBLIC HEARING)

A Resolution modifying certain fees for services

Health and Sanitation Director Amy Welker explained each Health Department is required to do a cost analysis each year and are only permitted to recoup certain costs. These fee charges include the food program, the swimming pool program, the tattoo program, and the manufactured home park program.

For many years, the City of Piqua did not choose to adjust fees for the environmental programs, and now are below the State portion of the fee and far below industry standards when compared to other jurisdictions. The result has been that the General Fund dollars support the operation of these programs.

Commissioner Wilson stated that it would be more costly to turn this over to Miami County than to continue to operate our own Health Department.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that the Resolution No. H-299 be approved. Voice vote, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. H-299 adopted.

Adjournment

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Piqua Health Board Meeting. 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

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of Minutes

Approval of the minutes from the October 19, 2010 Regular Piqua City Commission meeting

Moved by Commissioner Terry, seconded by Commissioner Wilson, that the minutes of the October 19, 2010 Regular Piqua City Commission meeting be approved. Voice vote, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 28-10 (2nd Reading)

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

City Manager Enderle stated this is the second reading for Ordinance No. 28-10.

Public Comment

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

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

NEW BUSINESS

ORD. NO. 29-10 (1ST Reading)

An Ordinance to repeal Section 94.25 of the Piqua Municipal Code

City Manager Enderle stated this is a housekeeping item.

Health and Sanitation Director Amy Welker explained this code section has not been updated recently and the state has adopted extensive legislation that governs the topic of swimming pools. The Health Department does license and inspect public swimming pools, but uses the Ohio Revised Code. The Ohio Code is reviewed and update periodically and is more current and accurate. The items listed in the Piqua Code are covered under the Ohio Revised Code Chapter 3749, so there is no need for this language to remain in the Piqua Code.

Public Comment

No one came forward to speak for or against Ordinance No. 29-10

Ordinance No. 29-10 was given a first reading.

ORD. NO. 30-10 (1ST Reading)

An Ordinance to repeal Section 32.035 and 32.036 of the Piqua Municipal Code

City Manager Enderle stated this is also a housekeeping item. The Health Department uses the Ohio Code and the code is reviewed and update periodically and is more current and accurate. The items listed in the Piqua Code are covered under the Ohio Uniform Food Safety Code, so there is no need for this language to remain in the Piqua Code.

Commissioner Martin asked if there is anything in the Code Book referencing the code section being removed and the State Code being followed.

Law Director Wall explained if the information is not listed in the Piqua Code than the State Code applies. After the code section is repealed it no longer listed in the Piqua Code.

Public Comment

No one came forward to speak for or against Ordinance No. 30-10

Ordinance No. 30-10 was given a first reading.

ORD. NO. 31-10 (1st Reading)

An Ordinance to modify Appendix Table A, Chapter 150 Building Regulations of the Piqua Code

City Manager Enderle stated this is a companion to the Health Resolution to modify the fees for environmental health programs. The current fees have been in effect since 2006, and the new fee adjustments are fair. This proposal is a balance between recouping costs and providing a fair permit fee to vendors, said City Manager Enderle.

Commissioner Martin inquired as to possibly raising the Plan Review Commercial Fee from \$25 minimum to \$50 minimum. There was discussion on raising the fee for Commercial accounts.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to amend Ordinance No. 31-10 to raise the Plan Review Minimum Fee for a Commercial Permit from \$25.00 to **\$50.00**. Voice vote: Aye: Vogt, Martin, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Ordinance No. 31-10 was amended.

Public Comment

No one came forward to speak for or against Ordinance No. 31-10

Amended Ordinance No. 31-10 was given a first reading, as amended.

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 1) with the necessary appurtenances thereto

Finance Director Cynthia Holtzapple stated the Street Construction Fund 103 originally paid for the Riverside Drive Construction Project and the property owners were invoiced on January 15, 2010 with invoices due on April 30, 2010. The City Commission approved Resolution No. R-24-10 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 the Street Reconstruction Fund 103 for the reconstruction costs and not have to wait ten years. The original project cost is \$120,290.02 and the city collected \$54,155.93 and the remaining amount of \$55,953.49 was assessed to the public by the county, and the complete bond total is \$55,953.49.

Public Comment

No one came forward to speak for or against Ordinance No. 32-10

Ordinance No. 32-10 was given a first reading.

RES. NO. R-130-10

A Resolution awarding a contract for the purchase of a bobcat skid-steer loader for the Street Department

City Manager Enderle stated this Resolution replaces the H-031 Giehl 5635 Deluxe Skid Loader purchased in 1999. The Street Department has spent several thousand dollars over the past few years on maintenance and repairs, and it has become a safety issue and can no longer be used.

Commissioner Martin inquired about the equipment and its use. Assistant Street Superintendent Don Seeberger explained how the equipment is utilized, and need for it.

Public Comment

No one came forward to speak for or against Resolution No. R-130-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-130-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-130-10 adopted.

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

City Manager Enderle stated this Resolution awards a contract to TI Training Corp. for a new firearms simulation system for the Police Department in an amount not to exceed \$42,000.

Police Chief Jamison stated in April of 2009, the Police Department received a grant for \$32,000 with an \$11,800 cash match, and then the department received a significant criminal forfeiture due to assistance provided to Miami, Darke, Shelby, and Champaign Counties. A request for proposals was solicited and published and a firearms simulation system was selected from Ti Training Corporation. 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 and the Edison Police Academy at no charge. Revenue will be collected from other police agencies by the Edison staff to be used for future maintenance and upgrades to the system, said Police Chief Jamison.

Public Comment

No one came forward to speak for or against Resolution No. R-131-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-131-10 be adopted. Roll call, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-131-10 adopted.

RES. NO. 132-10

A Resolution requesting preliminary legislation for the painting of Bridge Structure 5500184 MIA IR 15.74

City Manager Enderle stated this would compliment the improvements that are currently underway on the US 36 (E. Ash Street) Bridge redecking project with no costs to the city.

City Engineer Amy Havenar explained the bridge will be painted a light beige/tan color, which will be the same color as the concrete sealer being applied to the bridge, and a black PVC coated fence will also be installed. The proposed color selection for the bridge was also presented to the City of Piqua Planning Commission for their approval at their September 2010 meeting, said Ms. Havenar.

Public Comment

No one came forward to speak for or against Resolution No. R-132-10

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-132-10 be adopted. Voice vote, Aye: Fess, Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-132-10 adopted.

OTHER

Economic Development Update – Mr. Bill Murphy

Assistant City Manager/Economic Development Director Bill Murphy gave a brief update on Economic Development in the City of Piqua. Mr. Murphy explained the interest and development opportunities that have been explored this year so far. The State of Ohio has sent about twenty-five leads to the City of Piqua this year so far, but a lot of them have been long term leads, stated Mr. Murphy.

Mayor Fess stated she was very happy that Trupointe chose Piqua to locate in, citing they have a total of 500 employees in Indiana and Ohio. Mayor Fess also asked Mr. Murphy how Piqua is promoted. Mr. Murphy explained how they promote Piqua, and stated that Economic Development is a team sport, taking a lot of various ideas and concepts and putting them altogether. Businesses want to hear about all the good things happening in the city where they live, work and play.

Mayor Fess thanked Mr. Murphy for his update, and stated he is working very hard to promote the City of Piqua on a daily basis

Monthly Reports – September 2010

Monthly Reports for September 2010 were accepted.

PUBLIC COMMENT

Scott Fine, North Street came forward and voiced his concern over a problem he was having with the Miami County Court System and the City of Piqua on a legal matter concerning a Property Maintenance Violation he received. He continued by stating the City is wasting taxpayer's money by taking him to court again.

Law Director Wall explained the situation, and the City of Piqua's part in the Property Maintenance Violation. Mr. Fine further stated he would like an answer at the next City Commission meeting on his questions. Mayor Fess stated she would look into his concerns and determine if there is a problem.

Commissioner Wilson stated he recently attend the Piqua Education Foundation Banquet where Sandy Cox was honored as Teacher of the Year. The Foundation has given out 147 Scholarships to Piqua students in the past four years totaling over \$203,000. This is just one of many positive things happening in the City of Piqua, said Commissioner Wilson.

Commissioner Martin inquired as to the status of the updates to the Grow Piqua Now Website, and asked about the progress on the Shawnee Pump Station.

Mr. Murphy stated the new Grow Piqua Now website is set to be launched on December 1, 2010. City Engineer Amy Havenar gave a brief update on the progress of the Shawnee Pump Station.

Mayor Fess commented on how nice Commercial Street is looking, stating it is a great improvement to the area.

Adjournment

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

B. OLD BUSINESS

November 11, 2010

- **Ord. No. 28-10 (3rd Reading)**
- **Ord. No. 29-10 (2nd Reading)**
- **Ord. No. 30-10 (2nd Reading)**
- **Ord. No. 31-10 (2nd Reading)**
- **Ord. No. 32-10 (2nd Reading)**

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

2nd Reading 11-02-2010

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.

SUBJECT: Ordinance to authorize annexation of municipally owned territory

FINANCIAL IMPACT:

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, TOWNSHIP 6, RANGE 6, WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO TO THE CITY OF PIQUA AS ACQUIRED BY CITY OF PIQUA, REFERENCE MADE O.R. PAGE AND AS SHOWN ON LAND SURVEY VOLUME 52 PAGE 184 OF THE MIAMI COUNTY RECORD OF LAND SURVEYS

SEE ANNEXATION PROCEEDINGS RECORDED IN O.R. PAGE DEPUTY

MIAMI COUNTY RECORDER

MIAMI COUNTY COMMISSIONERS AT A MEETING OF THE MIAMI COUNTY COMMISSIONERS HELD THIS DAY OF 20 THIS PLAT WAS APPROVED FOR ANNEXATION BY RESOLUTION

JOHN T. EVANS RON BURDNER JOHN W. ORREN

MIAMI COUNTY ENGINEER THIS ANNEXATION PLAT REVIEWED AND APPROVED BY THE MIAMI COUNTY ENGINEER THIS DAY OF 20

DOUGLAS L. CHRISTIAN, MIAMI COUNTY ENGINEER

PIQUA CITY COMMISSION AT A MEETING OF THE PIQUA CITY COMMISSION HELD THIS DAY OF 20 THIS ANNEXATION PLAT ACCEPTED AND APPROVED BY ORDINANCE NO.

MAYOR CITY MANAGER

CLERK

CONSENT TO ANNEXATION IN THE UNDERSIGNED, BEING ALL THE OWNERS AND MANAGERS OF THE PROPERTY HEREIN REFERRED TO, VOLUNTARILY GRANT OUR CONSENT TO AND REQUEST THIS ANNEXATION TO BE APPROVED:

WITNESS PROPERTY OWNER

PRINTED

WITNESS

PRINTED

NOTARY PUBLIC(S) OF THE COUNTY OF MIAMI COUNTY, OHIO, DO HEREBY CERTIFY THAT ON THIS DAY OF 20 A.F.S. BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF OHIO, PERSONALLY APPEARED THE ABOVE SIGNED WHO ACKNOWLEDGED THE EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLICS MIAMI COUNTY EXPIRES

CORRECTION	DATE	BY	REASON

VOLUME PAGE
MIAMI COUNTY RECORDER'S RECORD OF PLATS
RECORDED FOR RECORD THIS DAY
AT
FILE # AT FEE \$
BY DEPUTY RECORDER

MIAMI COUNTY AUDITOR
TRANSFERRED AND LOT NUMBERS ASSIGNED
THIS DAY OF 201

MIAMI COUNTY AUDITOR

BY DEPUTY AUDITOR

GRAPHIC SCALE IN FEET
1" = 2100'

LEGEND:
BASS OF BEARING IS THE COURSE OF THE
COUNTY ROAD 25-A AS RECORDED IN THE
CENTENNIAL SURVEY PLAT 14, PAGE 70-C.

LEGEND:
20" X 8" OR 4" X 8" OR 4" X 8" (CONCRETE) WITH
YELLOW PLASTIC CAP STAKES
5/8" IRON FOR FOUND UNLESS OTHERWISE NOTED

CONCRETE MONUMENT FOUND
EX. CITY OF PIQUA CORPORATION LINE

REFERENCES:

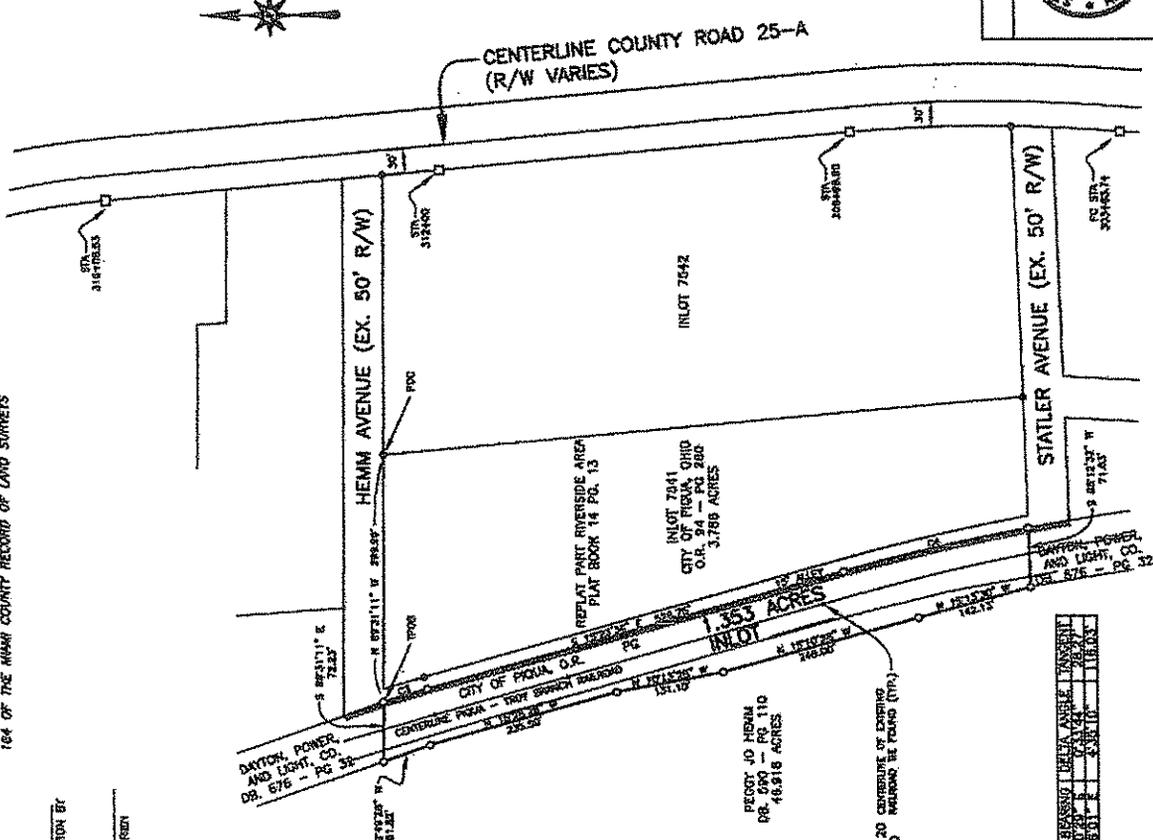
SURVEYS:
LAND SURVEY VOL. 52 PAGE 184
AS REFERENCED HEREIN

PHILIP C. BRUMBAUGH
PROFESSIONAL SURVEYOR #8087

LAND SURVEY FOR CITY OF PIQUA POWER SYSTEM, MIAMI COUNTY
SEPTEMBER 2, 2010



BRUMBAUGH & ASSOCIATES, LLC
1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PH. (937) 698-3000
FAX (937) 698-3820



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 licenser 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 licenser 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.

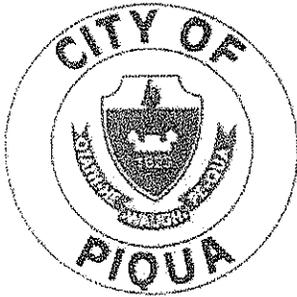
SEC. 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 11-02-2010

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.

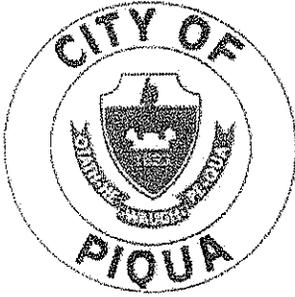
SEC. 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 11-02-2010

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 \$50 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.

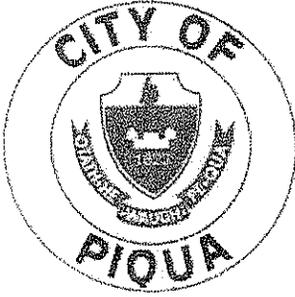
SEC. 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 11-02-2010 (Amended)

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, SIDE-WALKS, 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 nine 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 issues 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 of 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.

1st Reading 11-02-2010

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.

C. NEW BUSINESS

November 11, 2010

- **Ord. No. 33-10 (1st Reading)**
- **Ord. No. 34-10 (1st Reading)**
- **Res. No. R-133-10**
- **Res. No. R-134-10**
- **Res. No. R-135-10**
- **Res. No. R-136-10**
- **Res. No. R-137-10**
- **Res. No. R-138-10**

ORDINANCE NO. 33-10
AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2011

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: That there be appropriated from the GENERAL FUND (001)

<u>ACCOUNT</u>	<u>2011 APPROPRIATIONS</u>
<u>City Building</u>	
Personal Services/Administrative Support	\$0
Operation and Maintenance	\$112,885
Allocated Expenses	(\$19,055)
TOTAL	\$93,830
<u>City Commission</u>	
Personal Services/Administrative Support	\$34,045
Operation and Maintenance	\$67,285
TOTAL	\$101,330
<u>City Manager</u>	
Personal Services/Administrative Support	\$293,134
Operation and Maintenance	\$28,560
Allocated Expenses	(\$235,480)
TOTAL	\$86,214
<u>Engineering</u>	
Personal Services/Administrative Support	\$330,476
Operation and Maintenance	\$29,452
Allocated Expenses	(\$293,053)
TOTAL	\$66,875
<u>Finance</u>	
Personal Services/Administrative Support	\$467,915
Operation and Maintenance	\$42,469
Allocated Expenses	(\$353,492)
TOTAL	\$156,892
<u>Health</u>	
Personal Services/Administrative Support	\$254,255
Operation and Maintenance	\$97,728
Non Government/Transfers/Refunds	\$100
TOTAL	\$352,083
<u>Law</u>	
Personal Services/Administrative Support	\$186,956
Operation and Maintenance	\$16,756
Allocated Expenses	(\$121,412)
TOTAL	\$82,300
<u>Planning & Zoning</u>	
Personal Services/Administrative Support	\$170,846
Operation and Maintenance	\$16,920
Non Government/Transfers/Refunds	\$100
TOTAL	\$187,866
<u>General Government</u>	
Operation and Maintenance	\$220,330
Non Government/Transfers/Refunds	\$100
TOTAL	\$220,430
<u>Human Resources</u>	
Personal Services/Administrative Support	\$163,908
Operation and Maintenance	\$13,690
Allocated Expenses	(\$152,219)
TOTAL	\$25,379

<u>Purchasing</u>	
Personal Services/Administrative Support	\$69,963
Operation and Maintenance	\$5,071
Allocated Expenses	<u>(\$73,233)</u>
TOTAL	\$1,801
<u>Income Tax</u>	
Personal Services/Administrative Support	\$169,289
Operation and Maintenance	<u>\$199,540</u>
TOTAL	\$368,829
<u>Transfers</u>	
Transfer to NIT Fund 104	\$23,988
Transfer to Parks Fund 105	\$200,000
Transfer to Safety Fund 106	\$3,550,000
Transfer to Forest Hill Mausoleum Fund 110	\$3,920
Transfer to Pro Piqua Fund 128	\$45,000
Transfer to Hotel Debt Service Fund 252	\$347,427
Transfer to Golf 409	\$238,000
Transfer to Ft. Piqua Plaza 410	\$150,855
Transfer to Swimming Pool Fund 415	<u>\$26,792</u>
TOTAL	\$4,585,982
TOTAL GENERAL FUND	\$6,329,811
SEC. 2:	That there be appropriated from the STREET DEPARTMENT FUND (101)
Personal Services/Administrative Support	\$833,253
Operation and Maintenance	\$1,175,328
Capital Outlay (including labor)	<u>\$40,892</u>
TOTAL	\$2,049,473
SEC. 3:	That there be appropriated from the STREET INCOME TAX FUND (103)
Operation and Maintenance	\$325,975
Capital Outlay (including labor)	\$2,427,589
Non Government/Transfers/Refunds	<u>\$97,368</u>
TOTAL	\$2,850,932
SEC. 4:	That there be appropriated from the NEIGHBORHOOD IMPROVEMENT TEAM FUND (104)
Personal Services/Administrative Support	\$7,360
Operation and Maintenance	<u>\$16,628</u>
TOTAL	\$23,988
SEC. 5:	That there be appropriated from the PARK AND RECREATION FUND (105)
Personal Services/Administrative Support	\$325,819
Operation and Maintenance	\$164,143
Capital Outlay (including labor)	\$100,194
Non Government/Transfers/Refunds	<u>\$200</u>
TOTAL	\$590,356
SEC. 6:	That there be appropriated from the PUBLIC SAFETY FUND (106)
<u>009 Fire Department</u>	
Personal Services/Administrative Support	\$2,986,555
Operation and Maintenance	\$389,398
Capital Outlay (including labor)	\$161,677
Non Government/Transfers/Refunds	<u>\$69,035</u>
TOTAL	\$3,606,665
<u>014 Police Department</u>	
Personal Services/Administrative Support	\$3,446,858
Operation and Maintenance	\$547,521
Capital Outlay (including labor)	\$45,500
Non-Government/Transfers/Refunds	<u>\$16,816</u>
TOTAL	\$4,056,695
TOTAL PUBLIC SAFETY	\$7,663,360

SEC. 7:	That there be appropriated from the D.U.I. EDUCATIONAL FUND (109)	
Operation & Maintenance		<u>\$9,000</u>
TOTAL		\$9,000
SEC. 8:	That there be appropriated from the FOREST HILL MAUSOLEUM FUND (110)	
Operation & Maintenance		<u>\$3,920</u>
TOTAL		\$3,920
SEC.9:	That there be appropriated from the MANDATORY DRUG FINE FUND (111)	
Operation and Maintenance		<u>\$2,600</u>
TOTAL		\$2,600
SEC. 10:	That there be appropriated from the CHIP 2010 FUND (112)	
Operation and Maintenance		<u>\$494,700</u>
TOTAL		\$494,700
SEC. 11:	That there be appropriated from the RENEW PIQUA FUND (114)	
Operation and Maintenance		<u>\$6,000</u>
TOTAL		\$6,000
SEC. 12:	That there be appropriated from the C.H.I.P. PROGRAM INCOME FUND (119)	
Operation and Maintenance		<u>\$10,064</u>
TOTAL		\$10,064
SEC. 13:	That there be appropriated from the POLICE AUXILIARY FUND (120)	
Operation & Maintenance		<u>\$2,625</u>
TOTAL		\$2,625
SEC. 14:	That there be appropriated from the COMMUNITY DEVELOPMENT BLOCK GRANT FUND (122)	
Operation and Maintenance		<u>\$123,900</u>
TOTAL		\$123,900
SEC. 15:	That there be appropriated from the WORKER'S COMP FUND (124)	
Personal Services/Administrative Support		<u>\$300,000</u>
TOTAL		\$300,000
SEC. 16:	That there be appropriated from the INSURANCE RESERVE FUND (125)	
Operation & Maintenance		<u>\$350,000</u>
TOTAL		\$350,000
SEC. 17:	That there be appropriated from the DEMOLITION DEFENSE FUND (126)	
Non Government/Transfers/Refunds		<u>\$35,000</u>
TOTAL		\$35,000
SEC. 18:	That there be appropriated from the ENTERPRISE ZONE APPLICATION FUND (127)	
Operation & Maintenance		<u>\$450</u>
TOTAL		\$450
SEC. 19:	That there be appropriated from the PRO PIQUA FUND (128)	
Operation and Maintenance		<u>\$45,000</u>
TOTAL		\$45,000

SEC. 20:	That there be appropriated from the REVOLVING LOAN FUND (130)	
	Operation and Maintenance	<u>\$20,250</u>
TOTAL		\$20,250
SEC. 21:	That there be appropriated from the BROWNFIELD EPA GRANT (131)	
	Operation and Maintenance	<u>\$400,000</u>
TOTAL		\$400,000
SEC. 22:	That there be appropriated from the COMMUNITY DEVELOPMENT FUND (135)	
	Personal Services/Administrative Support	\$220,779
	Operation and Maintenance	\$79,757
	Allocated Expenses	<u>(\$300,536)</u>
TOTAL		\$0
SEC. 23:	That there be appropriated from the DOWNTOWN REVITALIZATION (GENERAL BUSINESS) FUND (137)	
	Operation and Maintenance	<u>\$200,000</u>
TOTAL		\$200,000
SEC. 24:	That there be appropriated from the FEMA FUND (139)	
	Personal Services/Administrative Support	<u>\$20,000</u>
TOTAL		\$20,000
SEC. 25:	That there be appropriated from the ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (141)	
	Operation and Maintenance	<u>\$200,000</u>
TOTAL		\$200,000
SEC. 26:	That there be appropriated from the AGRICULTURAL REVOLVING LOAN FUND (142)	
	Operation and Maintenance	<u>\$250</u>
TOTAL		\$250
SEC. 27:	That there be appropriated from the CLEAN OHIO ASSISTANCE FUND DEMOLITION (144)	
	Operation and Maintenance	<u>\$3,000,000</u>
TOTAL		\$3,000,000
SEC. 28:	That there be appropriated from the SPECIAL ASSESSMENT DEBT SERVICE FUND (202)	
	Operation and Maintenance	\$69,355
	Non Government/Transfers/Refunds	<u>\$29,612</u>
TOTAL		\$98,967
SEC. 29:	That there be appropriated from the OWDA-1995 LOAN WASTEWATER DEBT SERVICE FUND (210)	
	Non Government/Transfers/Refunds	<u>\$506,537</u>
TOTAL		\$506,537
SEC. 30:	That there be appropriated from the SIB 25A NOTE '08 FUND (216)	
	Non Government/Transfers/Refunds	<u>\$173,755</u>
TOTAL		\$173,755

SEC. 31:	That there be appropriated from the SWIMMING POOL DEBT SERVICE FUND (221)	
Non Government/Transfers/Refunds		<u>\$8,408</u>
TOTAL		\$8,408
SEC. 32:	That there be appropriated from the ELECTRIC G O BONDS DEBT SERVICE FUND (238)	
Non Government/Transfers/Refunds		<u>\$406,752</u>
TOTAL		\$406,752
SEC. 33:	That there be appropriated from the GOLF COURSE EXPANSION G.O. BONDS DEBT SERVICE FUND (243)	
Non Government/Transfers/Refunds		<u>\$166,745</u>
TOTAL		\$166,745
SEC. 34:	That there be appropriated from the PFDP PENSION G. O. BONDS DEBT SERVICE FUND (249)	
Non Government/Transfers/Refunds		<u>\$38,438</u>
TOTAL		\$38,438
SEC. 35:	That there be appropriated from the WATER TOWER DEBT SERVICE FUND (250)	
Non Government/Transfers/Refunds		<u>\$132,822</u>
TOTAL		\$132,822
SEC. 36:	That there be appropriated from the WATER TOWER DEBT SERVICE FUND 2006 (251)	
Non Government/Transfers/Refunds		<u>\$14,350</u>
TOTAL		\$14,350
SEC. 37:	That there be appropriated from the HOTEL CONSTRUCTION DEBT SERVICE FUND (252)	
Non Government/Transfers/Refunds		<u>\$348,160</u>
TOTAL		\$348,160
SEC. 38:	That there be appropriated from the INFORMATION TECHNOLOGY '08 G.O. DEBT SERVICE FUND (253)	
Non Government/Transfers/Refunds		<u>\$31,578</u>
TOTAL		\$31,578
SEC. 39:	That there be appropriated from the EQUALIZATION TANK '08 NOTE (OWDA) DEBT SERVICE FUND (254)	
Non Government/Transfers/Refunds		<u>\$303,392</u>
TOTAL		\$303,392
SEC. 40:	That there be appropriated from the FIRE EQUIPMENT '08 G.O. NOTE FUND (255)	
Non/Government/Transfers/Refunds		<u>\$47,650</u>
TOTAL		\$47,650
SEC. 41:	That there be appropriated from the SWIMMING POOL CONSTRUCTION FUND (323)	
Non Government/Transfers/Refunds		<u>\$5</u>
TOTAL		\$5

SEC. 42: That there be appropriated from the POWER SYSTEM FUND (401)

Personal Services/Administrative Support	\$2,182,204
Operation and Maintenance	\$21,360,172
Capital Outlay (including labor)	\$2,545,948
Overhead Transfers	(\$270,000)
Non Government/Transfers/Refunds	\$353,352

TOTAL \$26,171,676

SEC. 43: That there be appropriated from the WATER SYSTEM FUND (403)

Personal Services/Administrative Support	\$1,165,551
Operation and Maintenance	\$1,495,396
Capital Outlay (including labor)	\$1,562,192
Non Government/Transfers/Refunds	\$147,116

TOTAL \$4,370,255

SEC. 44: That there be appropriated from the WASTEWATER SYSTEM FUND (404)

Personal Services/Administrative Support	\$1,088,460
Operation and Maintenance	\$1,481,602
Capital Outlay (including labor)	\$153,221
Non Government/Transfers/Refunds	\$706,834

TOTAL \$3,430,117

SEC. 45: That there be appropriated from the GARBAGE AND REFUSE FUND (405)

Personal Services/Administrative Support	\$521,027
Operation and Maintenance	\$1,189,137
Capital Outlay (including labor)	\$0

TOTAL \$1,710,164

SEC. 46: That there be appropriated from the CITY INCOME TAX
ADMINISTRATION FUND (407)

Non Government/Transfers/Refunds	\$7,450,000
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TOTAL \$7,450,000

SEC. 47: That there be appropriated from the INFORMATION TECHNOLOGY
FUND (408)

Personal Services/Administrative Support	\$267,848
Operation and Maintenance	\$210,725
Capital Outlay (including labor)	\$415,000
Non Government/Transfers/Refunds	\$16,011

TOTAL \$909,584

SEC. 48: That there be appropriated from the GOLF COURSE FUND (409)

Personal Services/Administrative Support	\$242,168
Operation and Maintenance	\$356,708
Capital Outlay (including labor)	\$122,000
Non Government/Transfers/Refunds	\$163,306

TOTAL \$884,182

SEC. 49: That there be appropriated from the FORT PIQUA PLAZA FUND (410)

Operation & Maintenance	\$236,416
Non Government/Transfers/Refunds	\$3,000

TOTAL \$239,416

SEC. 50: That there be appropriated from the STORMWATER UTILITY FUND (411)

Personal Services/Administrative Support	\$267,563
Operation and Maintenance	\$205,411
Capital Outlay (including labor)	\$343,200

TOTAL \$816,174

SEC. 51: That there be appropriated from the METER READERS FUND (412)

Personal Services/Administrative Support	\$238,175
Operation and Maintenance	\$28,018
Allocated Expenses	<u>(\$266,193)</u>
TOTAL	\$0

SEC. 52: That there be appropriated from the UTILITIES BUSINESS OFFICE FUND (413)

Personal Services/Administrative Support	\$459,571
Operation and Maintenance	\$385,900
Allocated Expenses	<u>(\$845,471)</u>
TOTAL	\$0

SEC. 53: That there be appropriated from the SWIMMING POOL FUND (415)

Operation and Maintenance	\$18,717
Non Government/Transfers/Refunds	<u>\$8,075</u>
TOTAL	\$26,792

SEC. 54: That there be appropriated from the ELECTRIC METER DEPOSIT FUND (603)

Non Government/Transfers/Refunds	<u>\$210,000</u>
TOTAL	\$210,000

SEC. 55: That there be appropriated from the WATER METER DEPOSIT FUND (604)

Non Government/Transfers/Refunds	<u>\$75,000</u>
TOTAL	\$75,000

SEC. 56: That there be appropriated from the UNCLAIMED TRUST FUND (606)

Non Government/Transfers/Refunds	<u>\$1,000</u>
TOTAL	\$1,000

SEC. 57: That there be appropriated from the CONSERVANCY FUND (611)

Operation and Maintenance	<u>\$46,700</u>
TOTAL	\$46,700

SEC. 58: That there be appropriated from the CITY HEALTH INSURANCE FUND (614)

Personal Services/Administrative Support	
Operation and Maintenance	\$2,582,500
Non Government/Transfers/Refunds	<u>\$330,000</u>
TOTAL	\$2,912,500

SEC. 59: That there be appropriated from the EMPLOYEE FLEXIBLE SPENDING FUND (615)

Administrative Support	<u>\$185,000</u>
TOTAL	\$185,000

SEC. 60: That there be appropriated from the WEED CUTTING FUND (735)

Operation and Maintenance	<u>\$20,000</u>
TOTAL	\$20,000

SEC. 61: That the sums appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2011. Future commitments representing encumbrances of fund balance or future receipts will be appropriated in the future year when those services or goods are rendered to the city.

SEC. 62: That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.

SEC. 63: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2011 when passed and legally contracted for in conformity by law.

SEC. 64: That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed \$1,000,000 in the aggregate nor extend past December 31, 2011; except those that are to be reimbursed by federal or state grant programs that were previously approved by this Commission.

SEC. 65: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 34-10

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

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

SEC. 1: Schedule A-1 of Chapter 33 of the Piqua Code, as adopted by Ordinance No. 21-10, is hereby repealed; and

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of November 16, 2010

Date: November 11, 2010

TO: Fred Enderle, City Manager
FROM: Elaine G. Barton, Human Resources Director
SUBJECT: Revise Schedule A-1 (Temporary, Seasonal, and Part-time Employees)

PURPOSE:

1. *Adopt the ordinance revising Chapter 33- Schedule A-1 increasing the minimum wage rate from \$7.30 per hour to \$7.40 per hour.*

RECOMMENDATION:

Adopt Ordinance No. 34-10 to increase the wages of certain temporary, seasonal, and part-time employees.

BACKGROUND:

On January 1, 2011, the minimum wage rate in the State of Ohio will be increased from \$7.30 per hour to \$7.40 per hour. There are several positions included on Schedule A-1 that are currently at \$7.30 per hour. Passage of this ordinance will put the City in compliance with state law.

ALTERNATIVES:

- 1) Adopt Ordinance No. 34-10 increasing the wage rates of certain temporary, seasonal, and part-time employees to the minimum wage rate to take effect on January 1, 2011.
- 2) Do not adopt the Ordinance and be out of compliance with state law.

DISCUSSION:

The increase to the minimum wage rate will amount to a ten cent per hour increase for approximately fourteen positions. The majority of these positions will not be filled in the 2011 budget.

FINANCIAL IMPACT:

As the majority of the positions affected will not be filled in 2011, the increase in the wage rate will be minimal. However, it has been accounted for in the 2011 calendar year budget.

Schedule A-1
November 16, 2010

COMMUNITY IMPACT:

N/A

CONFORMITY TO CITY PLANS & POLICIES:

The City will be in compliance with the State of Ohio minimum wage rate requirement.

CLASSIFICATION/ TITLE	HOURLY RATE	
CLERK TYPIST (CO-OP STUDENT)	7.40	
CITY CLERK*	7.40	
CLERK TYPIST A	7.40	
CLERK TYPIST B	7.42	
RECORDS & DATA ENTRY CLERK	7.52	
ACCOUNT CLERK*	9.94	
SECRETARY I*	10.24	
SECRETARY II*	11.82	
ADMINISTRATIVE SECRETARY*	15.52	
ENGINEERING CO-OP I (STUDENT)	9.48	
ENGINEERING CO-OP II (STUDENT)	10.33	
ENGINEERING CO-OP III (STUDENT)	11.13	
ENGINEERING CO-OP IV (STUDENT)	11.97	
PLANNING TECHNICIAN	16.48	
INTERNS	7.40 to 12.36	
PARKING CONTROL OFFICER	7.92	
ANIMAL CONTROL OFFICER	7.40	
POWER DISTRIBUTION STOREKEEPER	15.45	
PLUMBING INSPECTOR	19.10	
CONSTRUCTION INSPECTOR	19.10	
PUBLIC HEALTH NURSE	19.10	
STREET SWEEPER	10.00	
LABORER A	7.42	
LABORER B	8.26	
LABORER C	9.18	
CUSTODIAN	7.40	
REFUSE COLLECTOR	7.40	
MAINTENANCE WORKER	7.40	
STREET DEPT. MAINTENANCE SUPV.	9.91	
SEASONAL GOLF COURSE MAINT. LABORER A	7.42	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER B	8.26	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER C	9.18	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER A	7.40	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER B	7.40	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER C	7.45	plus free golf**
GOLF COURSE CLUBHOUSE ATTENDANT	7.42	plus free golf**
CART/RANGE ATTENDANT	7.40	plus free golf**
FOOD SERVICE ATTENDANT (GOLF)	7.40	plus free golf**
LIFEGUARD A	7.40	
LIFEGUARD B	7.40	
LIFEGUARD C	7.45	
TICKET WINDOW ATTENDANT A	7.40	
TICKET WINDOW ATTENDANT B	7.40	
HEAD TICKET WINDOW ATTEND. A	7.45	
HEAD TICKET WINDOW ATTEND. B	7.83	
RECREATION LEADER	7.79	
RECREATION ASSISTANT	7.40	
SPORTS INSTRUCTOR	8.53 to 17.06	
DANCE/FITNESS INSTRUCTOR	8.53 to 17.06	
POOL MANAGER	524.45	WEEKLY RATE
ASSISTANT POOL MANAGER A	362.35	WEEKLY RATE
ASSISTANT POOL MANAGER B	379.65	WEEKLY RATE
HEAD LIFE GUARD A	312.91	WEEKLY RATE
HEAD LIFE GUARD B	330.22	WEEKLY RATE
ASSISTANT LAW DIRECTOR	823.40	WEEKLY RATE

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

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



Department of Commerce

Division of Industrial Compliance
& Labor

Ted Strickland, Governor
Kimberly A. Zurz, Director

2011 Ohio Minimum Wage

The 2011 Ohio Minimum Wage is as follows:

- \$7.40 per hour for non-tipped employees
- \$3.70 per hour for tipped employees (plus tips)

The Ohio Minimum Wage is \$7.25 per hour (tied to the federal minimum wage) for:

- Those employees whose employers gross \$271,000 or less per year
- 14 & 15 year olds

RESOLUTION NO. R-133-10

**A RESOLUTION AWARDING A CONTRACT FOR
THE PURCHASE OF A REFUSE PACKER FOR THE
SANITATION DEPARTMENT**

WHEREAS, the present operations of the City require the purchase of a Refuse Packer; and

WHEREAS, bids were received after advertisement for a refuse packer, resulting in the lowest, responsible bid from Waste Removal Equipment.

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 Refuse Packer from Waste Removal Equipment 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.

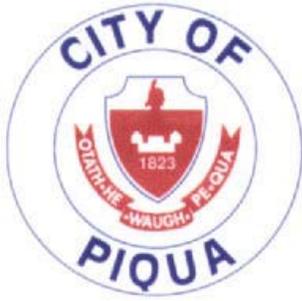
SEC. 2: The Finance Director is hereby authorized to draw her warrants on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$43,902.

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 16, 2010

TO: Fred Enderle, City Manager
FROM: Amy Welker, Health & Sanitation Director
SUBJECT: Sanitation Department packer replacement

PURPOSE: To award a bid for the replacement of the packer component on refuse truck T-33.

RECOMMENDATION: Adopt the resolution awarding the contract to Waste Removal Equipment as the lowest and best bidder.

BACKGROUND: The Sanitation Department had originally budgeted \$119,000 to purchase a new refuse truck and packer in 2010. In light of the current economic conditions, the purchase was delayed until mid-year. In an effort to further save on capital expenditures it was decided to explore the option of replacing a packer body on T-33 instead of replacing an entire truck. The capital expenditure was reduced to an estimated \$70,000 as a result.

T-33 was purchased in 2004 with a Loadmaster packer unit. This type of packer unit was never used by the city before. Over the years, this particular packer has experienced multiple problems and does not meet the needs of the department in terms of capacity capabilities. A new packer unit would increase the efficiency of the department by meeting the high demands for durability and increased capacity.

ALTERNATIVES:

1. Adopt the Resolution awarding the contract.
2. Do not adopt the Resolution.
3. Provide direction to staff to proceed in another manner.

DISCUSSION:

The entire operation of the Sanitation department is dependent on the truck fleet. The department staff has done a great job in maintaining the truck fleet by being conscientious of maintenance schedules and doing minor repairs in house. The department has delayed the purchase of new trucks several times over the last five years in an effort to cut expenses. This request is yet another cost savings plan the department wishes to implement. While the department will need to replace trucks in the future, this expenditure will delay a replacement at this time.

The packer to be replaced has had maintenance problems and does not perform to the level of the other vehicles in the fleet. The truck itself, meaning the cab and chassis, has performed adequately and has the ability to continue to function meeting our needs for many years. By replacing this packer unit, the entire fleet will be operating at full capacity enabling the staff to perform efficiently.

FINANCIAL IMPACT:

The city received five bids from four different companies. The lowest and best bid that would meet our needs was determined to be the bid from Waste Removal Equipment for a New Way Cobra 20 packer at a cost of \$43,902. This was a very competitive bid process with the next lowest bid coming in at \$45,346.

The original 2010 capital budget for this project was \$119,000 for a complete truck replacement. That estimate was lowered to \$70,000 to only replace this packer unit. The favorable bid price will result in an additional savings of \$26,098 for the department.

COMMUNITY IMPACT:

The community will continue to receive outstanding service from the Sanitation department. The department will operate more efficiently as a result of this purchase.

CONFORMITY TO CITY PLANS & POLICIES:

This purchase is in line with the Capital Improvement Plan for the Sanitation Department. This purchase also meets the city's goal to be fiscally responsible.



Sanitation Dept. Packer Body IFB # 1028
 Bid Opening October 25, 2010 at 2:00 p.m.

	Waste Removal Equipment Mantua, OH	UCS Waste Equipment Co. Dayton, OH	Waste Removal Equipment Mantua, OH	McNeilus Truck Fairfield, OH	Kann Manufacturing Corp Guttenberg, IA
Packer Body Make	New Way	E-Z Pack	New Way	McNeilus	Kann
Packer Body Model	Cobra 20	G-300	Cobra 25	20 yard rear loader	Packmaster
Total Price	\$ 43,902.00	\$ 45,346.00	\$ 45,984.00	\$ 46,691.00	\$ 50,532.00
Delivery time	60-90 days	45-60 days	60-90 days	90 days	60 days

RESOLUTION NO. R-134-10

**A RESOLUTION AUTHORIZING A PURCHASE ORDER TO
BREATHING AIR SYSTEMS, INC. TO PURCHASE A
BREATHING AIR SUPPLY TRAILER FOR THE FIRE
DEPARTMENT**

WHEREAS, the Piqua Fire Department desires to purchase a breathing air supply trailer;

WHEREAS, the City of Piqua provided for the purchase in the 2010 budget appropriations, but with the order being placed late in the year, the trailer will not be received until 2011. Those funds will be reappropriated into the 2011 budget;

WHEREAS, on April 30, 2010, the City of Piqua was awarded grant funding from the AFG, Assistance to Firefighters Grant, for purchasing a breathing air supply trailer in accordance with the grant application; and

WHEREAS, the above described grant allocates funds for the purchase of a breathing air supply trailer for the Piqua Fire Department;

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

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

SEC. 1: A purchase order is hereby authorized to Breathing Air Systems, Inc. for the purchase of a breathing air supply trailer pursuant to the bid specifications;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$42,800.00;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of November 16, 2010

TO: Fred Enderle, City Manager
FROM: Fire Chief Mike Rindler
SUBJECT: Design & Construction of a Breathing Air Supply Trailer.

PURPOSE:

Approve the Resolution No. R-134-10 authorizing a contract for the design and construction of a breathing air supply trailer.

RECOMMENDATION:

I am requesting approval of Resolution No. R-134-10 authorizing a contract for the design and construction of the breathing air supply trailer by Breathing Air systems, Reynoldsburg, Ohio.

BACKGROUND:

Our staff obtained a FEMA grant in the amount of \$42,800. for the design and construction of a breathing air supply trailer. The Fire Department's current trailer is 25 years old. We expect the delivery date to be by March 31, 2011. This trailer system will help to ensure the safe refilling of our high pressure SCBA bottles in the field.

ALTERNATIVES:

- 1) Approve Resolution No. R-134-10 authorizing a contract for the design and construction breathing air supply trailer.
- 2) Do not approve the Resolution and lose out on the grant funds available to us while also jeopardizing the opportunity to increase our safety while filling high pressure SCBA bottles in the field.

DISCUSSION:

- 1) This alternative will allow for us to expand our safety options for the employees and update equipment with a fully enclosed and fully lighted environment.
- 2) The alternative for not acquiring this piece of equipment would be using 25 year old equipment that is not fully enclosed to guard against cylinder failure. Firefighters would also be without adequate night operation lighting.

FINANCIAL IMPACT:

- 1) The FEMA grant calls for a 10% match of City funds. We have budgeted \$4,280.00 for this expense.
- 2) The City would lose out on a \$42,800.00 benefit if we choose to go with this alternative.

COMMUNITY IMPACT:

The Community would benefit by obtaining an advanced piece of equipment providing a safer operating environment to extend the ability of prolonged firefighting operations.

CONFORMITY TO CITY PLANS & POLICIES:

The acquisition of the air trailer would allow for field operations to be conducted for a multitude of emergency situations that would require the use of SCBA's (Self Contained Breathing Apparatus).

IFB # 1026 Breathing Air Supply Trailer
 Bid opening October 22, 2010 at 2:00 p.m.

	Breathing Air Systems Reynoldsburg, OH	Breathing Air Systems Reynoldsburg, OH	Breathing Air Systems Reynoldsburg, OH	Midway Trailer Sales St. Mary's, OH
1. Cascade	\$ 13,600.00			
2. Fill Station and Control Panel	\$ 6,600.00			
3. Trailer	\$ 10,900.00			\$ 5,150.00
Total cost of trailer	\$ 31,100.00			
4. Options				
High Pressure Booster Pump	\$ 7,000.00			
SCBA Cylinder storage & transfer rack	\$ 3,000.00			
Honda EU21000IA Generator	\$ 1,600.00			
12v battery maintainer	\$ 100.00			
Total cost of trailer with options	\$ 42,800.00	\$ 36,907.00	\$ 38,907.00	
		Includes 9 cylinders Star70 Delux	Includes 12 cylinders Star100 Delux	

RESOLUTION NO. R-135-10

**A RESOLUTION AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT
WITH QUINT CREATIVE GROUP, LLC, IN THE AMOUNT OF \$45,000**

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

WHEREAS, the City of Piqua has received an application for a loan from the revolving loan fund from Quint Creative Group, LLC; and

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

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

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

SEC. 2: The City shall submit and execute all necessary documentation with Quint Creative Group, LLC and the United States Department of Agriculture to facilitate the execution of the loan agreement;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of November 16, 2010

TO: Fred Enderle, City Manager

FROM: William Lutz, Development Program Manager

SUBJECT: Approval of Loan Request from Quint Creative Group in the amount of \$45,000

PURPOSE:

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

RECOMMENDATION:

City Staff recommends that the City Commission adopt the resolution approving the loan to Quint Creative Group in the amount of \$45,000.

BACKGROUND:

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

ALTERNATIVES:

1. Adopt the resolution approving the Loan to Quint Creative Group.
2. Do not adopt the resolution denying the loan.

DISCUSSION:

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

The program received an application from Quint Creative Group, a business that was established in 2009, but was an outgrowth of Quint Custom Signs, a local business that has had a community presence for over ten years in the City of Piqua.

The business has indicated that it needs funds through our program for the purchases of a Computer Numerically Control (CNC) Machine. The machine will help the small business by performing more of their graphic arts production in house rather than needing to contract this work to other providers. By 2013, the small business plans to have a payroll of approximately \$70,000. At current tax rates, this new payroll equates to roughly an additional of \$1,225 of income tax revenue per year.

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

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

FINANCIAL IMPACT:

There is no negative financial impact to adopt the resolution. The funds that are being used to support this loan are coming from grant-funded dollars that have already been committed for the city's use by the United States Department of Agriculture. Additionally, since this is a loan, the city will receive the payments from the loan directly. The loan is expected to generate \$4,946 in interest payments over the next seven years. These dollars can be loaned out in the future by the community for businesses that meet the general criteria established by the United States Department of Agriculture. In addition, the small business plans to have a payroll of approximately \$70,000. At current tax rates, this new payroll equates to roughly an additional of \$1,225 of income tax revenue per year.

COMMUNITY IMPACT:

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

CONFORMITY TO CITY PLANS & POLICIES:

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

RESOLUTION NO. R-136-10

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AGREEMENT WITH THE TRUSTEES
OF WASHINGTON TOWNSHIP TO FURNISH EMERGENCY
AMBULANCE SERVICE AND FIRE PROTECTION**

WHEREAS, the Trustees of Washington Township have requested that the City of Piqua, Ohio, furnish emergency ambulance service and fire protection to the inhabitants of said Township; and

WHEREAS, the City of Piqua agrees to provide fire and emergency ambulance service for a five (5) year period commencing with the date of execution of the attached agreement in substantially this form (Exhibit "A"), for which the Township agrees to pay pursuant to the attached schedule (Exhibit "A"); and

WHEREAS, Section 505.44 of the Ohio Revised Code provides for the furnishing of said service;

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

SEC. 1: The City Manager is hereby authorized and directed to execute an agreement in substantially this form with the Trustees of Washington Township, Miami County, Ohio, for emergency ambulance service and fire protection to the inhabitants of said Township, a copy of which is attached hereto as Exhibit "A";

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of November 16, 2010

TO: City Commission

FROM: Fred Enderle, City Manager

SUBJECT: Resolution R-136-10: authorization for City Manager to execute a fire and emergency ambulance service agreement with Washington Township.

PURPOSE:

Request for City Commission authorization to execute a new 5-year fire and emergency ambulance service agreement with Washington Township.

RECOMMENDATION:

Approval of the Resolution to allow for continuation of fire and EMS service to Washington Township.

BACKGROUND:

The City has provided fire and EMS service to the two adjoining Townships since 1973. Our previous contract with Washington Township was a three (3) year contract running from March 1, 2007 to February 28, 2010. In January of 2010 the City and Township executed a contract extension to September 30, 2010 to provide additional time to negotiate new terms for a renewed contract.

Because Springcreek Township required seeking a fire & EMS levy on the November 2, 2010 ballot, and the two agreements have the same formula for calculating base fees, the Administration agreed to continue providing EMS and fire service under a memorandum of understanding through the balance of 2010.

ALTERNATIVES:

- 1) Approve the Resolution authorizing the City Manager to execute the 5-year contract with Washington Township.
- 2) Do not approve the Resolution and provide further direction.

DISCUSSION:

Over time, the EMS and fire service agreements with Washington and Springcreek Townships have diminished in value to the City. The 2007 contract provided service to Washington Township at an annual fee of \$60,260 and Springcreek at an annual fee of \$59,775. Given the percentage of total Piqua Fire Department runs to Washington Township (3.03%) and Springcreek Township (4.04%) the contract were inequitable to the City and Washington Township. While the average cost of a run to the City of Piqua was \$1,162 the cost to Washington Township was \$634 and Springcreek Township \$474.

The new contract is based on the average cost per run of the Piqua Fire Department of \$1,094 and a level of service that provides Washington Township the following:

1. Emergency Ambulance Service at the same service level (and priority) as resident of the City of Piqua; and
2. Fire service that provides a response of one piece of fire apparatus and two firefighters; and also provides that City of Piqua fire service calls will take precedence over Washington Township calls.

Given that Washington Township will pay the same rate per run as the City, adjusted for the above-described level of service, the agreement is equitable to all.

By straight calculation of the new formula Washington Township's new rate would be \$85,332. However, because the large difference from the 2007-2010 rate (about \$25,000) the agreement provides annual rate adjustments to bring the Township up to the full rate in January 2014. The contract also provides for a Township 5-year option for renewal at 3% annual adjustments. The annual rates are as follows:

Initial 5 year Agreement Rate Adjustment Schedule:

Year	Annual Rate	increase from previous year
2010	\$ 62,068	
2011	\$ 67,884	\$ 5,816
2012	\$ 73,700	\$ 5,816
2013	\$ 79,516	\$ 5,816
2014	\$ 85,332	\$ 5,816

5 year Option for renewal at 3% annual adjustment:

Year	Annual Rate	% increase from previous year
2015	\$ 87,892	3%
2016	\$ 90,529	3%
2017	\$ 93,245	3%
2018	\$ 96,042	3%
2019	\$ 98,923	3%

FINANCIAL IMPACT:

The financial impact to the City is total revenue of \$368,500 over the initial five-year term of the agreement. The agreement is also more equitable for the City, based on both the City and Township paying the same cost per run \$1,094.

COMMUNITY IMPACT:

Community impact will be occasions when a squad will be occupied with an EMS call outside the City, while the remaining squad is also on a call, it may necessitate calling in additional resources. However, this situation exists now, and has for a number of years, under past agreements with the adjoining townships.

CONFORMITY TO CITY PLANS & POLICIES:

Fire and emergency ambulance service to the adjoining townships has been a planned budgeted activity of the City for over 37 years. It has been a long unwritten policy of the City to provide assistance to neighboring communities where the City is able to do so.

**FIRE AND EMERGENCY AMBULANCE SERVICE
WASHINGTON TOWNSHIP**

This Agreement is made and entered into this ____ day of November, 2010, by and between the City of Piqua, acting by and through the City Manager ("City") and Washington Township, by and through the Washington Township Trustees ("Washington Township").

The City agrees to provide fire and emergency ambulance service described below for a period of five (5) years commencing with the date of execution of this agreement, for which the Township agrees to pay pursuant to the following schedule:

- I. Total payment of \$62,068 for the contract year September 1, 2010 through December 31, 2011 are as follows:
 - a. \$20,690 Due September 1, 2010 and paid pursuant to the Memorandum of Understanding dated on August 31, 2010.

- II. Total payment of \$67,884 for the contract year January 1, 2011 through December 31, 2011 are as follows:
 - a. \$33,942 Due on January 31, 2011.
 - b. \$33,942 Due on July 31, 2011

- III. Total payment of \$73,700 for the contract year January 1, 2012 through December 31, 2012 are as follows:
 - a. \$36,850 Due on January 31, 2012.
 - b. \$36,850 Due on July 31, 2012

- IV. Total payment of \$79,516 for the contract year January 1, 2013 through December 31, 2013 are as follows:
 - a. \$39,758 Due on January 31, 2014.
 - b. \$39,758 Due on July 31, 2014

- V. Total payment of \$85,332 for the contract year January 1, 2014 through December 31, 2014 are as follows:
 - a. \$42,666 Due on January 31, 2014.
 - b. \$42,666 Dune on July 31, 2014.

A. Scope of Services

The fire protection and emergency ambulance service, which the City shall provide in response to calls for emergency assistance shall consist of such equipment and personnel as in the Piqua Fire Chief, or his designee's, discretion shall appear warranted, expect that the City shall respond to structure fires with no less than one piece of fire apparatus and two firefighters. It is expressly understood by the City and the Township

that, notwithstanding any of the foregoing terms, fire calls within the City of Piqua shall take precedence and have priority over all fire calls within the Township. Said precedence and priority applies to the availability of fire apparatus and personnel. Emergency ambulance service shall be handled in the City's normal priority of emergency medical service calls.

Nothing in this is agreement shall be construed or interpreted to deny the City any statutory exemption from liability for personal and/or property damage occurring during a response to, or actions taken at a call for emergency assistance in the Township, and it is expressly agreed by parties hereto, that the City shall not be liable for damages of whatever nature to the Township or any of its inhabitants for failure to respond to any call for emergency assistance, or for lack of speed in responding to any such call for any insufficiency of apparatus, inadequacy of operating apparatus, failure to extinguish any fire, or for any cause whatsoever in carrying out this Agreement.

B. Option for Renewal

The term of this Agreement shall be for five (5) years with an option for renewal by the Township, under the same terms for an additional five (5) years with 3% annual rate adjustments as follows:

<u>Year</u>	<u>Annual Rate</u>
2015	\$87,892
2016	\$90,529
2017	\$93,245
2018	\$96,042
2019	\$98,923

C. Termination

Either party may terminate this agreement, at the end of any contract year, by giving written notice to the other party at least six (6) months in advance of the end of any one contract year.

D. EMS Billing

The City shall administer and transfer all funds, net of fees and expenses, received from Med3000, or any other third party administrator contract for EMS billing, to Washington Township for billing within the Township within fifteen (15) days following month end.

E. Entirety

This Agreement, except as noted herein, shall govern and all verbal discussions, representations or promises concerning the terms of this Agreement shall be of no force and effect. If there is any conflict between the terms of this Agreement and any of the other documents that are referred to herein, this Agreement governs.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

F. Notice

Any notice shall be served upon the following:

City Manager
City of Piqua
201 W. Water Street
Piqua, OH 45356

Washington Township Trustees
Township Building
520 S. College St.
PO Box 232
Piqua, OH 45356

G. Amendments

Any modification to this Agreement shall be in writing and mutually agreed to by both parties or shall have no effect.

The parties enter into this Agreement this _____ day of November , 2010,
as executed and witnessed in accordance with the below signatures.

City of Piqua
By:

Washington Township Trustees
By:

City Manager, Frederick E. Enderle

Trustee Ed McMaken

Witness:

Trustee Paul Holfinger

Approved as to Form:

Approved as to form:

Stacy M. Wall, City Law Director
City of Piqua

Counsel for Washington
Township Trustees

RESOLUTION NO. R-137-10

**A RESOLUTION AMENDING THE PURCHASE ORDER TO
BARRETT PAVING MATERIALS, INC. AS THE PRIMARY SUPPLIER, AND
VALLEY ASPHALT CORPORATION AS THE SECONDARY SUPPLIER OF HOT
MIX FOR THE 2010 STREET AND ALLEY MAINTENANCE PROGRAM**

WHEREAS, by Resolution No. R-48-10 passed on April 6, 2010 this Commission awarded the original contract for the 2010 Street and Alley Maintenance Program; and;

WHEREAS, it is necessary to amend the purchase order to Barrett Paving Materials, Inc. as the primary supplier, and Valley Asphalt Corporation as the secondary supplier of hot mix for the 2010 Street and Alley Maintenance Program.

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: Change Order No. 1, which increases the original contract price of \$80,000 by \$35,000 (totaling \$115,000) as additional payment to Barrett Paving Materials Inc. as the primary supplier, and/or Valley Asphalt Corporation as the secondary supplier of hot mix for the 2010 Street and Alley Maintenance Program is hereby approved.

SEC. 2: The Finance Director is hereby authorized to draw her warrant on the appropriate account of the City Treasury in payment according to this Resolution.

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 Nov. 16th

TO: Fred Enderle, City Manager
FROM: Doug Harter, Street & Parks Superintendent
SUBJECT: Approval of Resolution to purchase asphalt.

PURPOSE:

- 1. Approve the Resolution authorizing the City Manager to amend the purchase order with Barrett Paving Materials, Inc. to purchase asphalt, at a price not to exceed \$115,000.*
- 2. Approve Valley Asphalt Corporation as the secondary bidder, should Barrett Paving Materials not be able to supply what we need.*

RECOMMENDATION:

Approve Resolution No. R-137-10 allowing the City Manager to increase the purchase order \$35,000 with Barrett Paving Materials, Inc. for the purchase of asphalt; with Valley Asphalt Corporation being the secondary bid should Barrett not be able to supply what we need. The resolution should be not to exceed \$115,000.

BACKGROUND:

The Purchasing Agent went out for asphalt bids, sending specs to several companies. Unfortunately the specs sent to Valley Asphalt Corporation were sent to the wrong address and they missed the bid deadline. Advice was sought from the law director and we were informed that we could not accept their bid, but could use them as a secondary alternative. The bid from Barrett Paving Materials is \$60.00 per ton; it is the same for Valley Asphalt Corporation.

It is important to have a secondary alternative due to the problems we had getting asphalt from Barrett Paving Materials last year. Their plant only has one hopper, which means they can only produce one type of asphalt at a time, so if they are making base course and we need a finish course, we have to delay our project. This happened to us several times last year

because they produce what the larger contractors need. Also, if their plant breaks down we are at their mercy as to when we can work.

ALTERNATIVES:

- 1. Do not approve the Resolution, which in turn would mean the end of in-house paving for 2010.*
- 2. Approve the Resolution and allow for the Street Department to continue with the in-house paving as long as the weather permits.*

DISCUSSION:

In 2009 Commission directed the City Manager to have the Street department become more involved in patching and paving local streets. The program was successful, and positives were noticed by the City and its residence. On April 6, 2010, City Commission approved a resolution authoring the purchase of asphalt from Barrett Paving Materials and/or Valley Asphalt Corporation in an amount not to exceed \$80,000.

However, as per the direction from the City Commission, Commercial Street was added to the in-house paving list. With the additional cost of Commercial Street (\$22,474), which was not figured into the original price, and the unusual good weather for this time of year, this Resolution is needed to continue our in-house paving program for 2010.

FINANCIAL IMPACT:

The money has already been budgeted and approved. The financial impact is only positive, as it is cheaper for the City to handle smaller local streets and patches in house as compared to hiring a contractor.

COMMUNITY IMPACT:

This will improve the streets throughout the city, and will continue to shed positive light as to the cities aggressive approach to rectifying problems. Citizens like to see their tax dollars being used in their neighborhoods, and the positive feedback we gain by doing this rolls over and helps us gain their support on other projects.

CONFORMITY TO CITY PLANS & POLICIES:

This was a Commission directive in 2009, and should continue for years to come. We made great strides last year, and will continue to improve upon that success.

RESOLUTION NO. R-138-10

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO CONTRACT WITH THE MIAMI COUNTY PUBLIC
DEFENDER COMMISSION**

WHEREAS, the City recognizes its responsibility to provide legal services to indigents charged with loss-of-liberty offenses under the Piqua Code; and

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

SEC. 1: The proposed contract by and between the City of Piqua and the Miami County Public Defender Commission commencing January 1, 2011 and shall terminate on December 31, 2011 is hereby approved;

SEC. 2: The Finance Director is hereby authorized and directed to draw three warrants on the appropriate account of the city treasury in the total amount of \$20, 341.13 consisting of three installments according to Section 2 of said contract;

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

CONTRACT FOR COUNTY PUBLIC DEFENDER SERVICES
TO MUNICIPAL CORPORATIONS

AGREEMENT

THIS AGREEMENT entered into between the Miami County Public Defender Commission hereinafter called the "Commission" and the City of Piqua, Ohio, hereinafter called the "City".

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with loss of liberty offense in its Municipal Court; and

WHEREAS, the City in furtherance of the execution of its legal responsibilities, desires that the legal services of the Commission be delivered to the City's indigent citizens and others so situated:

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. Scope of Work.

The Commission shall in a satisfactory and proper manner under the terms and conditions contained herein, perform the following services:

Provide legal counsel to indigent persons charged with loss of liberty offenses under, by or through, the Codified Ordinances of the City of Piqua, Ohio and the Ohio Revised Code. The within representation shall include such cases filed in the Miami County Municipal Court, and/or Miami County Common Pleas Court, and Miami County Juvenile Court.

2. Compensation.

The City shall pay to the Commission a sum not to exceed Twenty Thousand Three Hundred Forty One Dollars and Thirteen Cents (\$20,341.13), which shall constitute full and complete payment for all the Commission's services during the term of this contract. Said sum shall be paid in the following manner: One Third of this contract, to wit, Six Thousand Seven Hundred Eighty Dollars and Thirty Seven Cents (\$6,780.37) shall be paid upon the execution of this contract; thereafter Commission shall be paid the balance in two equal payments of one third of the contract price, the first of said payments at the expiration of the first four (4) months of the term of this contract in the amount of Six Thousand Seven Hundred Eighty Dollars and Thirty Eight Cents (\$6780.38), and the second at the expiration of the first eight (8) months of this contract

in the same amount of Six Thousand Seven Hundred Eighty Dollars and Thirty Eight Cents (\$6780.38).

3. Term of Service.

The duration of this contract shall be for one (1) year commencing January 1, 2011, and shall terminate on December 31, 2011.

4. Non-Assignments.

The Commission shall not assign all or any part of this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld.

5. Termination.

If the Commission shall fail to fulfill in a reasonable timely and proper manner its obligations under this Agreement, or if the Commission shall substantially violate any of the covenants, agreements or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Commission of such termination and specifying an effective date thereof at least sixty (60) days before the effective date of said termination. Termination by the City shall not constitute a waiver of any other right or remedy it may have at law or in equity for breach of this Agreement by the Commission.

6. Amendments.

All amendments to this Agreement agreed upon by the parties shall be in writing and made a part of this Agreement.

7. Anti-Discrimination.

There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex or national origin. This provision shall apply to but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, raises of pay or other forms of compensation, and selection for training including apprenticeship. The Commission shall insert a similar provision in any sub-contract for services covered by this Agreement.

8. Conflicts.

Commission covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement. No members of, nor delegates to, the Congress of the United States of America, and no resident Commissioner shall share in any part hereof or any benefits to arise herefrom.

9. Indigent Eligibility Standards

In determining the indigent status of all individuals receiving representation pursuant to this agreement, all applicable standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the Ohio Public Defender will be followed.

10. Verification of Contract Amount

Payment by the municipality, whether by contractual amount or a fee schedule, does not exceed the fee schedule in effect and adopted by the county commissioners of the said herein county wherein the municipal corporation is located.

IN WITNESS WHEREOF, the Parties have hereunto set their hands this _____ day of _____, 20____.

APPROVED AS TO FORM:

MIAMI COUNTY PUBLIC
DEFENDER ASSOCIATION

BY _____
OHIO PUBLIC DEFENDER
COMMISSION

BY _____
JOHN COTNER
CHAIRMAN

CITY OF PIQUA, OHIO

BY _____

D. OTHER BUSINESS

JULY 6, 2010

- **Monthly Reports for May 2010**
- **Economic Development Update**