

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, JUNE 7, 2011
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
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 May 11, 2011 Piqua City Commission Special Meeting and the minutes from the Regular Piqua City Commission Meeting of May 17, 2011

B. OLD BUSINESS

a. ORD. NO 3-11 (2nd Reading)

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

b. ORD. NO. 4-11 (2nd Reading)

An Ordinance amending Section 154.019 Floodplain District of the Code of Ordinances and enacting and adopting Chapter 155: Floodplain Regulations of the Code of Ordinance for the City of Piqua

C. NEW BUSINESS

a. RES. NO. R-69-11

A Resolution fixing the time and place for a Public Hearing on the proposed City Tax budget for Miami County for the calendar year 2012 and draft Appropriation Ordinance

b. RES. NO. R-70-11

A Resolution authorizing the sale of City owned real estate

c. RES. NO. R-71-11

A Resolution to approve the form and authorize the execution of a Power Sales Contract with American Municipal Power, Inc. and taking other actions in connection therewith regarding participation in the AMP Fremont Energy Center

d. RES. NO. R-72-11

A Resolution awarding a contract to L. J. DeWeese Co. Inc. for the Water Street Streetscape Improvement Project

- e. RES. NO. R-73-11
A Resolution authorizing a purchase order to Miami Valley Risk Management Association for purchase of insurance

D. OTHER

- a. Monthly Reports – April 2011

E. ADJOURNMENT TO EXECUTIVE SESSION

- a. To consider the purchase or sale of property for public purposes.

**PIQUA CITY COMMISSION
SPECIAL MEETING-EXECUTIVE SESSION
ADMINISTRATIVE CONFERENCE ROOM
WEDNESDAY, MAY 11, 2011
11:00 A.M.
201 W. WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

Mayor Fess called the Special Meeting-Executive Session to order at 11:00 A.M.

Purpose of the Special Meeting-Executive Session is to consider the appointment, employment, dismissal, discipline or compensation of the City Manager.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to move into Executive Session at 11:00 A.M. Voice vote, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously.

Adjournment

Moved by Commissioner Terry, seconded by Commissioner Martin, to adjourn from the Executive Session and the Special Meeting at 11:55 A.M. Voice vote, Aye: Martin, Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
Tuesday May 17, 2011
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Vogt, Martin, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

PRESENTATION:

Proclamation Honoring Piqua Kiwanis 75th Anniversary – Mrs. Peggy Henthorn

Mayor Fess read the proclamation and presented it to Mark Reedy accepting on behalf of the Piqua Kiwanis Club.

Proclamation – Emerald Ash Borer Awareness Week – Mr. Bob Graeser

Mayor Fess read the proclamation and presented it to Mr. Graeser.

Proclamation – Police Week in the City of Piqua – Police Chief Bruce Jamison

Mayor Fess read the proclamation and presented it to Police Chief Jamison.

Police Chief Jamison gave a brief overview of the three Police Officers who lost their lives in the line of duty in City of Piqua.

Residence Pride Awards

- | | |
|-----------------------|----------------------------------|
| • 500 N. Wayne Street | Reed Mote Staley Insurance, Inc. |
| • 617 Cherry Street | Dan & Diane Beaver |
| • 821 Boone Street | Jim & Malinda Williams |
| • 614 N. Wayne Street | Jim & Joan Stover |
| • 611 Cherry Street | Bill & Vicky Beckstedt |

Mayor Fess read the names of the homeowners as picture of the properties were shown. Mayor Fess thanked all the winners for maintaining their properties and showing pride in our community.

Consent Agenda

Approval of Minutes

Approval of the minutes from the April 15, 2011 Piqua City Commission Special Meeting, and the minutes from the Regular Piqua City Commission Meeting of April 19, 2011.

Moved by Commissioner Martin, seconded by Commissioner Terry, that the minutes of the Piqua City Commission Special Meeting of April 15, 2011, and the Regular Piqua City Commission Meeting of April 19, 2011 be approved. Voice vote, Aye: Wilson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

NEW BUSINESS

ORD. NO. 3-11

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

City Manager Enderle stated Ordinance No. 3-11 would adopt the 2010 supplement to the Code of Ordinances.

Public Comment

No one came forward to speak for or against Ordinance No. 3-11.

Ordinance No. 3-11 was given a first reading.

ORD. NO. 4-11

An Ordinance amending Chapter 154.019 Floodplain District of the Code of Ordinances and enacting and adopting Chapter 155: Floodplain Regulations of the Code of Ordinance for the City of Piqua

City Manager Enderle stated this Ordinance would amend Chapter 154.019 Floodplain District and adopt Chapter 155: Floodplain Regulations and will replace the previous 70's-80's maps.

City Planner Chris Schmiesing gave a brief overview of the changes that would take place in the Floodplain Regulations, and stated the need for the updates at this time.

Public Comment

Joe Drapp, Park Avenue, came forward and inquired if the Miami County Conservancy would make any changes with the new Floodplain information? Mr. Schmiesing explained the process.

After a brief discussion Ordinance No. 4-11 was given a first reading.

RES. NO. R-60-11

A Resolution accepting the resignation of Barbara Miller as a member of the Community Diversity Committee

City Manager Enderle stated Resolution No. R-60-11 is a Resolution accepting the resignation of Barbara Miller as a member of the Community Diversity Committee

Public Comment

No one came forward to speak for or against Resolution No. R-60-11 at this time.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-60-11 be adopted. Voice vote, Aye: Fess, Wilson, Terry, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-60-11 adopted.

RES. NO. R-61-11

A Resolution appointing a member to the Community Diversity Committee

City Manager Enderle stated this resolution would appoint Roger Hartley to fill the unexpired term of Barbara Miller as a member of the Community Diversity Committee for a term to expire on March 1, 2012.

Public Comment

No one came forward to speak for or against Resolution No. R-61-11

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-61-11 be adopted. Voice vote, Aye: Martin, Terry, Wilson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-61-11 adopted.

RES. NO. R-62-11

A Resolution accepting the resignation of William Shinall as a member of the Golf Advisory Board

City Manager Enderle stated Resolution No. R-62-11 is a Resolution accepting the resignation of William Shinall as a member of the Golf Advisory Board.

Public Comment

No one came forward to speak for or against Resolution No. R-62-11

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-62-11 be adopted. Voice vote, Aye: Martin, Terry, Wilson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-62-11 adopted.

RES. NO. R-63-11

A Resolution amending the contract with Kleingers & Associates for the engineering design on the County Road 25-A Phase II Reconstruction Project

City Manager Enderle stated this Resolution is a request to amend the contract with Kleingers & Associates for engineering design of the County Road 25-A Phase II Reconstruction Project. The County Road 25-A Reconstruction Project is scheduled for 2013 and will consist of the reconstruction of County Road 25-A from Country Club Road to Looney Road and will include new asphalt pavement, curb & gutter, sidewalks, and new storm sewer, said City Manager Enderle.

The amendment to the current contract will add and additional \$28,210 to the original contract of \$103,000 bringing the total contract to \$131,210 with a 15% contingency. A total of \$80,000 was budgeted in the 103 Budget for 2011, but the entire contract cost will not be recognized in 2011, as the design will extend into 2012, said City Manager Enderle.

Several questions were asked concerning the reason Choice One did not complete the drawings. City Manager Enderle explained the reasons. It was mentioned that the City should withhold funds, but City Manager Enderle stated that was not an option at this time because the city could lose the state funding if the project was delayed, but it was stated the city would pursue the funds.

Public Comment

No one came forward to speak for or against Resolution No. R-63-11

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-63-11 be adopted. Roll call, Aye: Terry, Fess, Martin, and Wilson. Nay: Vogt. Motion carried on a 4-1 vote. Mayor Fess declared Resolution No. R-63-11 adopted.

RES. NO. R-64-11

A Resolution requesting final authorization for the pavement planing and resurfacing of US Route 36 and State Route 185 within the City of Piqua

City Manager Enderle stated this resolution would authorize the City Manager to enter into a contract with the Ohio Department of Transportation (ODOT) for the pavement planing and resurfacing of US Route 36 from Downing Street to Spring Street and on State Route 185 from Washington Avenue to Spring Street. The City Commission passed a Resolution on September 7, 2010 authorizing the City Manager to enter into Preliminary Legislation with ODOT so they could

begin programming the US Route 36/SR 185 Paving Project within the City of Piqua. ODOT has the plans and specifications complete and they are now ready to go out for bid on this project.

The City of Piqua will be required to contribute 20% of the total construction cost which has been estimated by ODOT to be \$464,200. The City's share would be \$98,840 (20%) and ODOT paying the remaining \$371,360 (80%). ODOT's original estimate for the project was \$600,000; therefore the 2011 budget includes a total of \$120,000 for this project.

This project will be completed in conjunction with the proposed streetscaping project in the 100 block of W. Water Street between Main Street and Wayne Street. The City has secured a Community Development Block Grant (CDBG) for the streetscape improvements in 2011 and the resurfacing, said City Manager Enderle.

Public Comment

No one came forward to speak for or against Resolution No. R-64-11

Moved by Commissioner Martin, seconded by Commissioner Wilson, that Resolution No. R-64-11 be adopted. Roll call, Aye: Wilson, Martin, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-64-11 adopted.

RES. NO. R-65-11

A Resolution awarding a contract to Hume Supply, Inc. for the 2011 Sidewalk ADA compliance program

City Manager Enderle stated this Resolution is authorization to award a contract to Hume Supply, Inc. for the 2011 Sidewalk ADA Compliance Program with a total cost not to exceed \$68,000. Six bids were received and Hume Supply was the lowest at \$61,109.00. The project will consist of the replacement/installation of new ADA compliant handicap ramps at the intersections which will be resurfaced on W. Water Street from Spring Street to Downing Street and SR 185 from Spring Street to Washington Avenue, said City Manager Enderle.

Public Comment

No one came forward to speak for or against Resolution No. R-65-11

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-65-11 be adopted. Roll call, Aye: Vogt, Terry, Martin, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-65-11 adopted

RES. NO. 66-11

A Resolution appointing a member to the Golf Advisory Board

City Manager Enderle stated this Resolution appoints James D. Denson to fill the unexpired term of William Shinall as a member of the Golf Advisory Board for a term to expire on March 1, 2013.

Public Comment

No one came forward to speak for or against Resolution No. R-66-11

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-66-11 be adopted. Voice vote, Aye: Martin, Terry, Wilson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-66-11 adopted.

RES. NO. 67-11

A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Fountain Park, Hardman Field and Hance Pavilion to the Piqua Fourth of July Association

City Manager Enderle stated this Resolution authorizes the City Manager to permit the Piqua Fourth of July Association to use the Hance Pavilion, Hardman Field, the Fountain Park volleyball courts and the part of Fountain Park between (and including) the hardball diamond and the dining hall on the Fourth of July, 2011.

There was discussion of the issuance of insurance and who would be responsible for any damages or accidents in the park.

Public Comment

Albert Fleddeman, Harney Drive Treasurer of the Fourth of July Association came forward and explained how the insurance policy was prepared and what it covered.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-67-11 be adopted. Roll call, Aye: Martin, Vogt, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-67-11 adopted.

RES. NO. R-68-11

A Resolution for the employment of Frederick E. Enderle as City Manager

City Manager Enderle explained his current retirement date is May 31, 2011 and this resolution approves an agreement that allows him to continue service to the City of Piqua through July 2011 at the same rate of pay he was earning as of May 31, 2011. City Manager Enderle also gave a brief overview of the contract terms and reason for the contract.

Mayor Fess further explained the reason the Commission has asked City Manager Enderle to extend his contract. Mayor Fess further explained the Commission had to go back to square one and go out to find a suitable replacement, and hopefully will be able to have someone in place by the end of July. Mayor Fess thanked City Manager Enderle for staying on while they continue to find his replacement.

Human Resource Director Elaine Barton explained how the City Manager search is being conducted and gave the timeline they plan to follow in searching for the new City Manager.

Mayor Fess explained they had received sixty applications for the position the first round and explained how they narrowed them down to the eight they considered, and finally down to the two they chose to bring in to interview face to face.

Public Comment

Bob Bloom, Union Shelby Road, representing the Piqua Fire Firefighters congratulated City Manager Enderle on his retirement. Mr. Bloom asked if the agreement was an open-ended agreement or is the July 31, 2011 a firm date?

Mayor Fess stated the July 31, 2011 is a firm date, but if we have to the option is there to ask Mr. Enderle to stay on a little longer if necessary.

Mr. Bloom inquired as to the two positions of Assistant City Manager that are in place at this time, and would it be possible for one of them to act as City Manager?

Mayor Fess explained the reasons for not appointing one of the Assistant City Managers at this time.

Commissioner Vogt stated the last time the City went through a City Manager search the city appointed Larry Wolke from Troy as an Interim City Manager for a year.

Moved by Commissioner Wilson, seconded by Commissioner Vogt, that Resolution No. R-68-11 be adopted. Roll call, Aye: Wilson, Martin, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-68-11 adopted.

OTHER

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

Mr. Murphy gave a brief update on Economic Development and the activity that has taken place in the last month.

Street Department Update – Mr. Doug Harter, Street Department Superintendent

Mr. Harter gave a brief update on several projects being done in the Street Department. Potholes are the main complaint Mr. Harter stated, from January 2011 to date there are 558 pot holes, from March 1 to date there have been 186 complaints received thru the E-Gov System, with 136 having been filled so far with an additional 30 in progress, and 14 waiting to be filled. Mr. Harter showed a short video on the durapatch process. There was discussion on how the Street Department determines the process for the pothole repairs, and it was stated if the pothole is 3 inches or deeper it will be repaired within 48 hours. Mr. Harter explained how citizens can log on to the E-Gov on the City website to inform the Street Department where the potholes are located, and citizens can also contact the Street Department at 937-778-2090.

Mayor Fess inquired as to when the paving would begin on Park Avenue and Broadway. City Engineer Amy Havenar stated the resolution for paving St Rt. 185 was approved at this meeting and Mr. Harter and his crew will begin doing preliminary patchwork before ODOT begins paving. Mayor Fess inquired as to when the Ash Street paving would begin; Ms. Havenar stated the bids would go out in the fall for this project.

Monthly Reports – March 2011

Monthly Reports for March 2011 were accepted.

PUBLIC COMMENT

Deron Yingst, Adams Street, came forward and inquired what the status is on locating a new tenant for the Fort Piqua Plaza restaurant. City Manager Enderle stated they did not receive any proposals for locating a restaurant there, but did receive an expression of interest from two different investment groups that may be willing to put together an investment team that will attract someone to operate or manage it.

Mayor Fess asked if it would be helpful to get input from the community as to what type of restaurant they would support in that location. If anyone has any thoughts please contact the City Managers Office, Bill Murphy or their Commissioner, or send an email. City Manager Enderle stated to just let them know the type of restaurant they would like to see go in there, not a particular restaurant.

Joe Drapp, Park Avenue, stated he recently took a tour of the old Atomic Reactor, and asked if it would be possible to give a tour to the two young students that wrote an article on the Atomic Reactor? Mayor Fess stated Mr. Drapp should contact Ed Krieger about setting up a tour.

Kathleen Klenk, of the Salvation Army, stated they are beginning their 16th year for the Summer Feeding Program. There are seven locations throughout the community, the ages are from seven years to sixteen years of age and the program will run for fifty-three days beginning June 6th through August 18th.

There are several organizations helping to raise funds for the program. Mayor Fess inquired as to the number of children that were fed last year. Ms. Klenk stated approximately 7000 children were given lunches last year. Mayor Fess thanked the Salvation Army for providing this program for the community.

Bruce Soifer, Town & Country Furniture, W. Water Street came forward and asked the Commission to consider the small businesses in town, and asked that they consider keeping the parking in front of their store when looking at the Water Street Landscaping Project. Mayor Fess thanked Mr. Soifer for bringing his concern to their attention.

Lorna Swisher, MainStreet Piqua, came forward and encouraged citizens to attend the 17th Taste of the Arts Festival being held in downtown Piqua on May 20, from 5:00 P.M. – 9:00 P.M. There is something for everyone and this is a unique event for the community, stated Ms. Swisher.

Commissioner Wilson stated recycling is up with the March tonnage being about 125 tons, and asked citizens to continue recycling.

Commissioner Wilson thanked all who participated in the City Wide Clean up and thanked Susie's Big Dipper for providing lunch.

Commissioner Wilson also thanked everyone who helps put together the 17th Annual Taste of the Arts; stating it is one of the highlights of the year.

Commissioner Terry thanked the volunteers that helped with the City Cleanup, and stated the North Parks has participated two weeks in a row. The North Parks Neighborhood will be mulching the trees on the Nicklin Avenue Boulevard if the mulch is available from the City the weekend of May 21st and invited citizens to come out and help.

Commissioner Terry stated she wanted to thank the person who left the article on her doorstep regarding the Eagle and the fountain on Nicklin Avenue. Commissioner Terry thanked all who helped to plant the beautiful flowers in the planter's downtown, and also congratulated the Residence Pride winners citing three of them are from the Fourth Ward. The Piqua Art Show is open in conjunction with the Taste of the Arts and is located on the second floor of the Apple Tree Gallery.

Commissioner Vogt encouraged citizens to attend the Taste of the Arts May 20th, 2011.

Commissioner Vogt mentioned the Proclamation on National Peace Officers Week, stating the three Police Officers who made the ultimate sacrifice in the line of duty were very special men.

Commissioner Martin thanked all the volunteers who helped with the City Cleanup and encouraged citizens to attend the Taste of the Arts.

Commissioner Martin stated they had another water issue in Shawnee, but the Pumps turned on like they were supposed to and took care of the situation.

Mayor Fess recognized a local Boy Scout Robert Haney in attendance that is working on his citizenship badge.

Mayor Fess stated she was at Piqua Manor recently to present a proclamation in honor of Nursing Home Week and enjoyed the ice cream social while she was there.

Mayor Fess congratulated Piqua Kiwanis on their 75th Anniversary stating they do so much for the community.

Mayor Fess also thanked all the volunteers who came out and participated in the cleanup.

Mayor Fess thanked Hartzell Propeller for their generous offer to fund three students to work for the City of Piqua in the Parks, Golf and Health departments. Due to the budget constraints the city was not going to be able to hire as many summer students this year, and Hartzell Propeller stepped up and stated they were not going to need as many students this year, and would pay the wages for three students to work for the City of Piqua.

Mayor Fess encouraged citizens to attend the Taste of the Arts on Friday, May 20th from 5:00 to 9:00 P.M.

Adjournment

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua Commission meeting at 9:15 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 3-11

**AN ORDINANCE ENACTING AND ADOPTING A
SUPPLEMENT TO THE CODE OF ORDINANCES
FOR THE CITY OF PIQUA**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2010 supplement to the Code of Ordinances of the City of Piqua, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this City of Piqua; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the Ohio Code; and

WHEREAS, it is the intent of the Piqua City Commission to accept these updated sections in accordance with the changes of the law of the State of Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the City of Piqua and for the immediate preservation of the public peace, health, safety and general welfare of the City of Piqua that this ordinance take effect at an early date.

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

SEC 1: That the 2010 supplement to the Code of Ordinances of the City of Piqua as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, is hereby adopted by reference as is set out in its entirety.

SEC. 2: Such supplement shall be deemed published as of the day of its adoption and approval by the Piqua City Commission and the Clerk of Commission is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk of Commission.

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

1st Reading 5-17-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 04-11

**AN ORDINANCE AMENDING § 154.019 FLOODPLAIN DISTRICT
OF THE CODE OF ORDINANCES AND ENACTING AND ADOPTING
CHAPTER 155: FLOODPLAIN REGULATIONS OF THE CODE OF ORDINANCES FOR THE
CITY OF PIQUA**

WHEREAS, the City of Piqua, Ohio participates in the National Flood Insurance Program (NFIP) to ensure property owners and residents within the community have access to flood insurance; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has completed a map modernization project resulting in the updating of the Flood Insurance Rate Map (FIRM) applicable to the City of Piqua and Miami County, Ohio; and

WHEREAS, Ohio communities participating in the NFIP are required to adopt and maintain floodplain regulations in accordance with the minimum standards set forth by the Ohio Department of Natural Resources (ODNR); and

WHEREAS, the ODNR has provided the City of Piqua with an updated set of model floodplain regulations to be adopted by the August 2, 2011 effective date of the updated FIRM; and

WHEREAS, the City of Piqua Planning Commission advertised the date, time and location of a public hearing to consider a request to amend the existing § 154.019 FLOODPLAIN DISTRICT, as shown in Exhibit A included herewith, and to consider the adoption of CHAPTER 155: FLOODPLAIN REGULATIONS, as shown in Exhibit B included herewith, and

WHEREAS, the City of Piqua Planning Commission conducted a public hearing and recommended the adoption of Exhibit A and Exhibit B included herewith; and

WHEREAS, the Piqua City Commission has studied this item and deemed the proposed amendment and adoption necessary and appropriate to preserve and promote the public health, safety and general welfare of the City of Piqua.

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

SEC 1: That the proposed amendment to § 154.019 FLOODPLAIN DISTRICT of the Code of Ordinances, as shown in Exhibit A included herewith, is hereby adopted, and all remaining sections of Chapter 154 not amended through this ordinance shall remain in effect as is.

SEC 2: That Chapter 155: FLOODPLAIN REGULATIONS of the Piqua Code of Ordinances, as shown in Exhibit B included herewith, is hereby enacted and adopted.

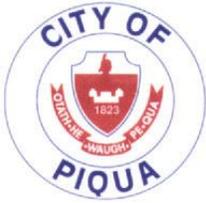
SEC 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 5-17-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of May 17, 2011

TO: Fred Enderle, City Manager
FROM: Chris Schmiesing, City Planner

SUBJECT: Adoption of Floodplain Regulations per requirements of National Flood Insurance Program update of Flood Insurance Rate Map (FIRM)

PURPOSE:

Approve an ordinance to amend Zoning chapter section 154.019 Floodplain District and adopt chapter 155 Floodplain Regulations.

RECOMMENDATION:

Approve the Ordinance to amend the existing Floodplain District code language in the Zoning Code to reference the proposed floodplain regulations, and adopt the proposed Floodplain Regulations as Chapter 155 of the Land Use section of the City of Piqua Code of Ordinances.

BACKGROUND:

FEMA has undertaken a flood map modernization project to create new FIRM (Flood Insurance Rate Maps) using digital mapping technology and modern analysis techniques to more accurately define the limits of *Special Flood Hazard Areas* (100-year floodplain) and identify *Other Flood Prone Areas*. The mapping produced as a result of this effort will replace 1970's and 80's mapping that lacks the detail necessary to relate the designated flood areas to parcel lines or physical features located on the ground.

Over the past 16 months FEMA consultants, in cooperation with ODNR officials, have completed map updates affecting the state of Ohio, and in particular Miami County. Following the Miami County preliminary map update release in March of 2010 FEMA conducted a workshop at the Miami County Safety Building to explain the project purpose and process to local officials and the general public. Following the workshop a 90-day appeal period was advertised and the public was invited to submit formal appeals or general comments concerning the preliminary mapping designating flood plain areas throughout the county. With reference to the mapping of the Piqua area, there were very minor changes to the existing floodplain boundaries. There were no appeals or comments submitted concerning the Piqua area, less the comments offered by this office concerning incorrect city limit boundaries and other minor labeling errors shown on the preliminary mapping.

ALTERNATIVES:

- 1) Approve Ordinance to authorize amending the affected code section and adoption of the new Floodplain Regulations chapter.
- 2) Defeat the Ordinance to reject the proposed code amendment and adoption of Floodplain Regulations, and discontinue Piqua's participation in the National Flood Insurance Program.

DISCUSSION:

On February 2, 2011 FEMA provided the city of Piqua with notification of the *final flood elevations* as determined by the FIRM update project. With this notice, known as the Letter of Final Determination (LFD), comes an obligation on the part of local communities participating in the National Flood Insurance Program (NFIP) – Piqua has participated in the NFIP since its inception in the early 70's – to adopt the most current model floodplain management regulations developed by the State in which the community is located. In Ohio, the ODNR is the agency responsible for the development of the model floodplain management regulations. To ensure the local

communities participating in the program properly adopt the model regulations ODNR held a workshop to explain the adoption process requirements. As outlined by ODNR, the process requires that communities adopt the regulations within 6 months from the date of the LFD to avoid being suspended from the NFIP. Suspension from the program – even if only for brief period – will have an adverse impact on the premium rates paid, and the availability of flood insurance secured, by local property owners participating in the program. Because ODNR and FEMA are also required to review and approve regulations adopted by each community prior to the 6 month deadline date, the actual deadline for returning the executed ordinance and supporting paperwork to ODNR is really only 5 months, which is the end of June 2011.

In accordance with proper procedures for introducing and adopting an amendment to the land use codes, the floodplain regulations were first provided to the Planning Commission at their April 12, 2011 meeting. Recognizing the significance of the proposed code amendments the Planning Commission concurred with staff's recommendation to delay action on the item until the following meeting to allow for a public comment period and provide the Planning Commission members ample time to study the proposed regulations. A press release announcing the proposed code amendments and inviting public review and comment was sent to the local media, and the press release and a link to the proposed code revisions were also made available on the City of Piqua website. At the May 10, 2011 Planning Commission meeting, the Planning Commission held a public hearing to discuss the proposed floodplain regulations and receive public comment. Hearing no comments at the public hearing, and having received no public comments prior to the meeting, the Planning Commission chose to move forward with acting on this item. In doing so the Planning Commission acknowledged the following:

- To remain in compliance with the NFIP requirements, the model floodplain regulations provided by ODNR need to be adopted as is, and that any modification or change to the model language provided by ODNR may cause ODNR and FEMA to reject the adopted standards and jeopardize the community's standing in the NFIP; and,
- Because Piqua's zoning floodplain standards previously restricted new building construction and improvements to existing structures within the floodplain, the new model floodplain regulations present virtually no change in how the standards will impact the affected land owners within our community.

As a result of their findings the Planning Commission unanimously recommended approval of the proposed code amendments and the adoption of the floodplain regulations as presented.

FINANCIAL IMPACT:

By adopting, maintaining, and enforcing responsible floodplain regulations, the community is promoting and protecting the public's health, safety, and welfare, and lessening the likelihood of there being personal property damage or public health issues during high water events that may necessitate a response from public works or safety service operations funded by the City.

COMMUNITY IMPACT:

Approval of the floodplain regulations will preserve floodways and designated floodplain areas and ensure the continuation of flood protection best practices within the community.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed code amendments are consistent and compatible with all adopted City plans and policies, including the Goal, Principles, and Objectives and Strategies outlined in the Land Use and Natural Environment chapters of the Plan It Piqua Comprehensive Plan document.

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Exhibit A

§ 154.019 F FLOODPLAIN DISTRICT.

(A) *Intent.* ~~This To define an overlay district that~~ is comprised of those lands within the city that are subject to ~~inundation by the a 1% annual chance flood or greater chance of flooding in any given year,~~ as designated by the Federal ~~Emergency Management Agency, Flood Insurance Rate Maps for Miami County, Ohio, Administration, U.S. Department of Housing and Urban Development,~~ under the National Flood Insurance Program (NFIP). The official Flood Insurance Rate Map (FIRM) ~~effective August 2, 2011 dated November 9, 1979,~~ and any revisions thereto are adopted by reference and declared to be a part of this chapter.

(B) *Boundaries.* The boundaries of this district shall consist of those areas of special flood hazard ~~areas (SHFAs), designated as zone A on the FIRM map, dated November 9, 1979, other applicable Miami County FIRM maps and special flood hazard areas as indicated on U.S. Department of Agriculture, Soil Conservation Service (SCS) studies,~~ and shall be indicated on the Official Zoning Map of the city. ~~The requirements of the overlay district shall be applicable to all lots or portions of lots within the overlay district boundaries regardless of any underlying zoning designation that may also apply to the lot or portions of lots affected.~~

(C) *Use and Development Standards.* ~~All use or development of lands located within the overlay district shall be subject to all provisions included in Chapter 155 – Floodplain Regulations.~~

~~*Permitted principal uses.* The following uses are permitted in the F Floodplain District.~~

~~— (1) — Agriculture and gardening.~~

~~— (2) — Swimming pools.~~

~~— (3) — Public or private recreation facilities including parks, playgrounds, golf courses, boat docks and driving ranges.~~

~~— (D) — *Prohibited uses.* Structures for human habitation.~~

~~— (E) — *Parking requirements.* Parking within the F Floodplain District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.~~

~~— (F) — *Sign regulations.* Signs within the F Floodplain District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.~~

~~— (G) — *Height and area regulations.* The maximum and minimum lot requirements within the F Floodplain District shall be as set forth below.~~

~~— (1) — *General requirements.*~~

Minimum lot area	None
Minimum lot frontage	60 feet
Minimum front yard setback	30 feet
Minimum side yard setback	30 feet

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Minimum rear yard setback	30 feet
Maximum height	35 feet

~~—— (2) — *Improvement.* Structures existing prior to the effective date of this chapter may not be improved or repaired to 50% or more of the structure's existing market value, unless the structure is brought to compliance with NFIP standards, such as elevation or floodproofing.~~

(Ord. 16-99, passed 7-6-99) [Penalty, see § 154.999](#)

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Exhibit B

CHAPTER 155: FLOODPLAIN REGULATIONS

SECTION 1.0: GENERAL PROVISIONS

1.1 Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Piqua, State of Ohio, does ordain as follows:

1.2 Findings of Fact

The City of Piqua has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

1.3 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and

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- L. Meet community participation requirements of the National Flood Insurance Program.

1.4 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

1.5 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Piqua as identified in Section 1.6, including any additional areas of special flood hazard annexed by City of Piqua.

1.6 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and / or maps are adopted:

- A. *Flood Insurance Study Miami County, Ohio and Incorporated Areas and Flood Insurance Rate Map Miami County, Ohio and Incorporated Areas* both effective August 2, 2011.
- B. Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Piqua as required by Section 4.3 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Municipal Government Complex at 201 West Water Street Piqua, Ohio.

1.7 Abrogation and Greater Restrictions

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These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

1.8 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.
Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

1.9 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Piqua, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1.10 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

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SECTION 2.0: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor

See "Lowest Floor."

Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

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Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM)

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS)

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The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation

The Flood Protection Elevation, or FPE, is the base flood elevation plus one [1] foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

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Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Manufactured home park

As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the

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purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction

Structures for which the "start of construction" commenced on or after the initial effective date of the City of Piqua Flood Insurance Rate Map, November 9, 1979, and includes any subsequent improvements to such structures.

Person

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect

A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

Registered Professional Engineer

A person registered as a professional engineer under Chapter 4733 of the Revised Code.

Registered Professional Surveyor

A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

Special Flood Hazard Area

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance

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Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure that is considered "new construction,"
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance

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A grant of relief from the standards of these regulations consistent with the variance conditions herein.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

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SECTION 3.0: ADMINISTRATION

3.1 Designation of the Floodplain Administrator

The City Planner is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

3.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

3.3 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

3.4 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special

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flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - 1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 - 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
 - 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 4.9(C).
 - 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
 - 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
 - 6. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 4.3.
- F. A floodplain development permit application fee set by the schedule of fees adopted by the City of Piqua.

3.5 Review and Approval of a Floodplain Development Permit Application

A. Review

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1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

3.6 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

3.7 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- B. For all development activities subject to the standards of Section 3.10(A), a Letter of Map Revision.

3.8 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted

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thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 5 of these regulations.

3.9 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

3.10 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Piqua flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.

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2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.10(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.10(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of the City of Piqua, and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Piqua have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Piqua Flood Insurance Rate Map accurately represent the City of Piqua boundaries, include within such notification a copy of a map of the City of Piqua suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Piqua has assumed or relinquished floodplain management regulatory authority.

3.11 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

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- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 - 1. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, *etc.*) shall prevail.

3.12 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist

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with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

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SECTION 4.0: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6 or 3.11(A):

4.1 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Piqua are allowed provided they meet the provisions of these regulations.

B. Prohibited Uses

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
2. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
3. Both residential and nonresidential structures are prohibited within the special flood hazard areas as established in Section 1.6 or 3.11(A).

4.2 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

4.3 Subdivisions and Large Developments

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

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- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

4.4 Residential Structures

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.
- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - 2. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a

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historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.

- H. In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

4.5 Nonresidential Structures

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (A) – (C) and (E) – (H).
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).
- C. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

4.6 Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4(E)(3);

4.7 Recreational Vehicles

Recreational vehicles must meet at least one of the following standards:

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- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must meet all standards of Section 4.4.

4.8 Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

4.9 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 3.10(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the Mayor of City of Piqua and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

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2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 4.9(A)(2), items (a) and (c)-(e).

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Piqua specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.10(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

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SECTION 5.0: APPEALS AND VARIANCES

5.1 Appeals Board Established

- A. The City of Piqua Board of Zoning Appeals is hereby appointed to serve as the Appeals Board as established by City Code.
- B. Records of the Appeals Board shall be kept and filed in Municipal Government Complex at 201 West Water Street Piqua, Ohio.

5.2 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

5.3 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 20 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

5.4 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

- 1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- 2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use;

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location of the floodplain; description of the variance sought; and reason for the variance request.

3. All applications for a variance shall be accompanied by a variance application fee set by the schedule of fees adopted by the City of Piqua .

B. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

C. Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(B)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.5 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

5.6 Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Miami County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

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SECTION 6.0: ENFORCEMENT

6.1 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

6.2 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

6.3 Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Piqua. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Piqua from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Piqua shall prosecute any violation of these regulations in accordance with the penalties stated herein.

RESOLUTION NO. R-69-11

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED CITY TAX BUDGET FOR MIAMI COUNTY FOR THE CALENDAR YEAR 2012 AND DRAFT APPROPRIATION ORDINANCE

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

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

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

SEC. 1: A public hearing on the proposed city tax budget for Miami County for the year 2012 and draft appropriation ordinance shall be held at the next regular meeting of this Commission on June 21, 2011 at 7:30 P.M.; and

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of June 7, 2011

TO: Fred Enderle, City Manager

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

SUBJECT: Resolution R-69-11 - Fixing the Time and Place for a Public Hearing on the Proposed City Tax Budget for Miami County for the Calendar Year 2012 and Draft Appropriation Ordinance.

PURPOSE:

Approve the Resolution No. R-69-11 Fixing the Time and Place for a Public Hearing on the Proposed City Tax Budget for Miami County for the Calendar Year 2012 and Draft Appropriation Ordinance.

RECOMMENDATION:

I am requesting approval of Resolution No. R-69-11 Fixing the Time and Place for a Public Hearing on the Proposed City Tax Budget for Miami County for the Calendar Year 2012 and Draft Appropriation Ordinance.

BACKGROUND:

We are required to file the approved Resolution and County Tax Budget with our Miami County Budget Commission on or before July 20, 2011. We must first have this Resolution R-69-11 approved by our City Commission to allow us to properly advertise and conduct the public hearing.

ALTERNATIVES:

- 1) Approve Resolution No. R-69-11 - Fixing the Time and Place for a Public Hearing on the Proposed City Tax Budget for Miami County for the Calendar Year 2012 and Draft Appropriation Ordinance.
- 2) Do not approve the Resolution and be in violation of state and local laws.

DISCUSSION:

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

FINANCIAL IMPACT:

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

COMMUNITY IMPACT:

Once this Resolution is approved, there will be a public notice printed in our newspaper and hung in the lobby advising citizens of their right to attend the June 21st meeting in order to discuss this issue with the Commission and we will also notify them that the draft ordinance is available on our web site to view at any time.

CONFORMITY TO CITY PLANS & POLICIES:

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

RESOLUTION NO. R-70-11

A RESOLUTION AUTHORIZING THE SALE OF CITY OWNED REAL ESTATE

WHEREAS, the City of Piqua owns a certain portion of the real estate known as Part of Inlot 95, further described as set forth in Exhibit "A" attached hereto; and

WHEREAS, the subject property is no longer of use to the city; and

WHEREAS, the adjacent property owner has expressed an interest in purchasing the subject property to combine the tract with the adjacent parcel; and

WHEREAS, the prospective buyer and the city have agreed to terms and conditions for the purchase/sale of the property; and

WHEREAS, in the sound judgment of the City Manager the sale of the subject property would be in the best interest of the city; and

WHEREAS, City of Piqua Code of Ordinances section 34.36 requires this Commission to pass a resolution authorizing the sale of the subject property;

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 to sell the portion of the real estate known as Part of Inlot 95, further described as set forth in Exhibit "A"

SEC. 2: The terms and conditions of the sale shall be as set forth in the executed Development Agreement attached hereto as Exhibit "A".

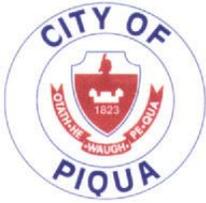
SEC. 3: The property as described in Exhibit "A" is no longer of use to the City and the Development Agreement as attached benefits the City in ensuring proper improvements.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of June 7, 2011

TO: Fred Enderle, City Manager
FROM: Chris Schmiesing, City Planner
SUBJECT: Sale of a Portion of City Owned Property on W. Water Street

PURPOSE:

Approve a resolution to allow for the sale of a portion of city owned property located on the north side of W. Water Street between Wayne and Downing Streets.

RECOMMENDATION:

Approve the Resolution to allow the sale of the subject property to the adjacent property owner in accordance with section 34.36 of the City of Piqua Code of Ordinances.

BACKGROUND:

Early in 2011 the design consultant working for the Schafer Investments Ltd. contacted the Development Department regarding an improvement project being planned for the Marathon fuel station and convenience store located at 226 W. Water Street. The project presented focused on demolishing the existing building to make way for the construction of a new building that would be repositioned to maximize the lot area available and allow for a modest increase in the floor area of the building. While the proposed improvements were geared toward better serving the convenience store business experienced at this location, the proposed partial redevelopment of site continued to provide very little off street parking for customers. This prompted Development Department staff to examine the adjacent public parking facility to determine whether all of the land area being occupied by the public parking facility was essential to the parking facility use. It was determined that the existing maneuvering lane in the center of the parking facility is currently 16 feet wider than what is typical and necessary for the type of perpendicular parking stalls serviced by this maneuvering lane. Meaning there is 16 feet of unnecessary pavement being maintained to support the parking lot use of this parcel. With this in mind, Development Department staff worked with the Schafer Investments Ltd. design consultant to explore alternative site layouts for the 226 W. Water Street improvements that could capitalize on the potential availability of an additional 16 feet of lot width that perhaps could be secured from the adjacent city owned property.

ALTERNATIVES:

- 1) Approve Resolution to authorize the sale of the land in accordance with section 34.36 of the City of Piqua Code of Ordinances.
- 2) Defeat the Resolution to reject the proposed sale of the land and deny the adjacent property owner the opportunity to redevelop the site in manner that significantly enhances the functionality and quality of the proposed improvements.

DISCUSSION:

Discussions between the Development Department staff and the Schafer investments Ltd. design consultant concluded that utilization of 16 feet of the neighboring city owned property would allow for a site layout that significantly enhances the site improvements as follows:

- Available off-street parking spaces would increase from 4 to 7 and access to the parking stalls would be greatly improved.

SUBJECT: Sale of a Portion of City Owned Property on W. Water Street

- A cross connection between the fuel station/convenience store site and the public parking facility, and a consolidation of the Water Street curb cuts into one drive opening, will improve on-site traffic circulation and the traffic flow within the adjacent public right of way.
- The dumpster enclosure can be relocated from the public parking area and from public view to a less visible location behind the new building.

Other improvements planned as part of the upgrades to this site include new curbing at the perimeter of the pavement areas, new landscaping treatments, and enhanced pedestrian access to the building from the public sidewalk.

The public parking facility will continue to operate as it currently exists, only the position of the western parking stalls will shift 15 feet to the east. In addition, the proposed cross connection between the two lots will result in the elimination of 3 – 2 hour public parking spaces. Field observations of this parking facility revealed the 2 hour spaces currently receive virtually no use. It is believed the subject 20 minute parking space designations are left over from when the main entrance to City Hall and the Police Department were located along Water Street.

FINANCIAL IMPACT:

By approving the sale of this portion of city owned property, the City will reduce maintenance obligations realize a one-time financial benefit from land that is not needed to maintain the public parking lot use found at this location. The agreed upon purchase price of \$6,500 for the 0.031 acre tract is equal to 120% of the Miami County Auditor’s appraised land value for the subject property when calculated using just the subject portion of the property. The development agreement obligates the buyer to cover all cost related to necessary surveys and closing cost. In addition, the development agreement includes a provision requiring the buyer to provide a performance guarantee bond to insure the work will be completed.

COMMUNITY IMPACT:

Approval of this item will provide the adjacent property owner with the opportunity to expand the scope of the improvements planned for this location and result in a significant investment that will enhance the delivery of the essential services offered to the community by this business.

CONFORMITY TO CITY PLANS & POLICIES:

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

RESOLUTION - EXHIBIT A

CITY OF PIQUA AND SCHAFER INVESTMENTS LTD DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made and entered into this 24th day of May, 2011, by and between the CITY OF PIQUA, OHIO, a municipal corporation, ("City") and SCHAFER INVESTMENTS LTD, ("Buyer").

RECITALS:

- A. Buyer desires to acquire from the City approximately 0.031 acre of real property located on W. Water Street in Piqua, Ohio, as more fully shown on Exhibit 'A' attached hereto (hereinafter referred to as the "Property") for purposes of combining the Property with adjacent real property owned by Buyer for the purpose of accommodating proposed construction improvements related to the expansion of the convenience store and off street parking located on the adjacent real property located at 226 W. Water Street in Piqua, Ohio, as more fully shown on Exhibit 'A' attached hereto (hereinafter referred to as the "Adjacent Property"), with said improvement as more fully shown on Exhibit 'B' attached hereto (hereinafter referred to as the "Project").
- B. Buyer and City have mutual concerns and interests in connection with the planning and development of the Property.
- C. The location and scope of the Project as it relates to the right of way, utility, drainage, zoning, and other applicable standards require careful coordination and planning of the Project in advance of the construction phase.
- D. Buyer and City have examined certain issues to be included in this Agreement and as listed below. These items address specific development issues and shall be binding upon the parties through the completion of the construction of the Project.

NOW, THEREFORE, in consideration of the terms and conditions of this Agreement, the parties hereto agree as follows:

1. Purchase Price. The Buyer and City agree to a purchase price of six thousand five hundred dollars (\$6,500.00) for the Property.
2. Survey and Replat of Property. The Buyer shall secure the professional services required to prepare prior to the conveyance of the property, the proper and necessary surveys and legal instruments for acceptance by the appropriate entity. This work shall include but not be limited to, the preparation of a legal description for the Property, preparation of a Replat drawing of the Property and Adjacent Property, and the survey work and instruments necessary to

RESOLUTION - EXHIBIT A

CITY OF PIQUA AND SCHAFFER INVESTMENTS LTD DEVELOPMENT AGREEMENT

properly establish a cross easement providing the combined Property and Adjacent Property with ingress/egress permissions across the public parking facility located on the north side of the 200 block of West Water Street in Piqua, Ohio to access the drive/curb opening servicing said public parking facility.

3. Demolition and Construction of Improvements. The Buyer shall make Project improvements causing alterations to the existing conditions found on the Property, Adjacent Property, and Public Right of Way, in conformance with the applicable zoning, building, public right of way regulations, and other applicable standards, said Project improvements to be as shown on Exhibit 'B' and include but not be limited to:

(a) Demolition, preparation, installation, construction and maintenance of topsoil, seeding and mulching, plantings, building, fence, pavement, curbing, pavement markings, traffic control signage, drainage and utility service infrastructure, and any other materials or work necessary and incidental to the Project.

(b) Removal and replacement of the Adjacent Property Water Street drive/curb opening curbing, brick pavers, and sidewalk improvements to eliminate the drive/curb opening and restore the improvements to match the adjacent public sidewalk grade and alignment.

4. Securement of Permits. The Buyer shall make application for and submit the information necessary to secure the permits and approvals needed to proceed with the construction of the Project, with said applications and submittals to be filed within 120 days from the execution date of this Agreement.

5. Performance Guarantee. Project improvements to be completed without undue delay, recognizing an estimated completion date of not later than November 30, 2011. In the event the Buyer, successors, or assignors elects to abandon the Project without attempting to secure the necessary approvals, or in the event the necessary approvals to proceed with the Project have been secured and the Buyer, successors, or assignors otherwise fail to commence with the work on the Project by September 1, 2011 (except for causes or circumstances beyond the reasonable control of Buyer), the Buyer will reimburse the City the cost of all expenses incurred, including labor and materials, to complete the work necessary to restore the Property, Adjacent Property,

RESOLUTION - EXHIBIT A

**CITY OF PIQUA AND SCHAFER INVESTMENTS LTD
DEVELOPMENT AGREEMENT**

and Public Right of Way to the condition and ownership status existing prior to the execution of this agreement.

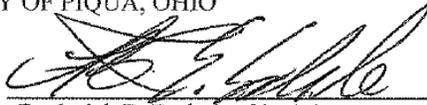
6. Authorization of Sale. Both parties acknowledge and understand that the final sale of the Property, and the purchase price and terms agreed hereto, and all of Buyer's obligations hereunder, are contingent upon and subject to receiving the approval of the Piqua, Ohio City Commission after complying with all City ordinances and regulations. Upon the completion of the sale transaction it shall be the responsibility of the Buyer to record the deed and to complete any and all filing of documents necessary and required to formally consummate the transfer of the Property.

7. Complete Agreement. The parties hereto agree that the provisions of this Agreement and the Attachments constitute the entire agreement between the City and the Buyer in regard to the issues contained herein. With respect to any subject or matter not specifically referred to or covered in this Agreement, applicable law, including the laws, ordinances, and regulations of the City, as determined by the appropriate legislative authority, shall prevail.

IN WITNESS WHEREOF, the City and the Prospective Buyer have executed this Agreement as of the date and year first above written.

CITY OF PIQUA, OHIO

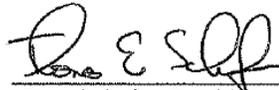
By:



Frederick E. Enderle, City Manager
City of Piqua

SCHAFER INVESTMENTS LTD

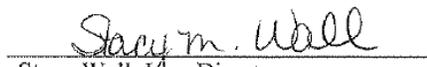
By:



Tom Schafer, President

Approved as to form

By:

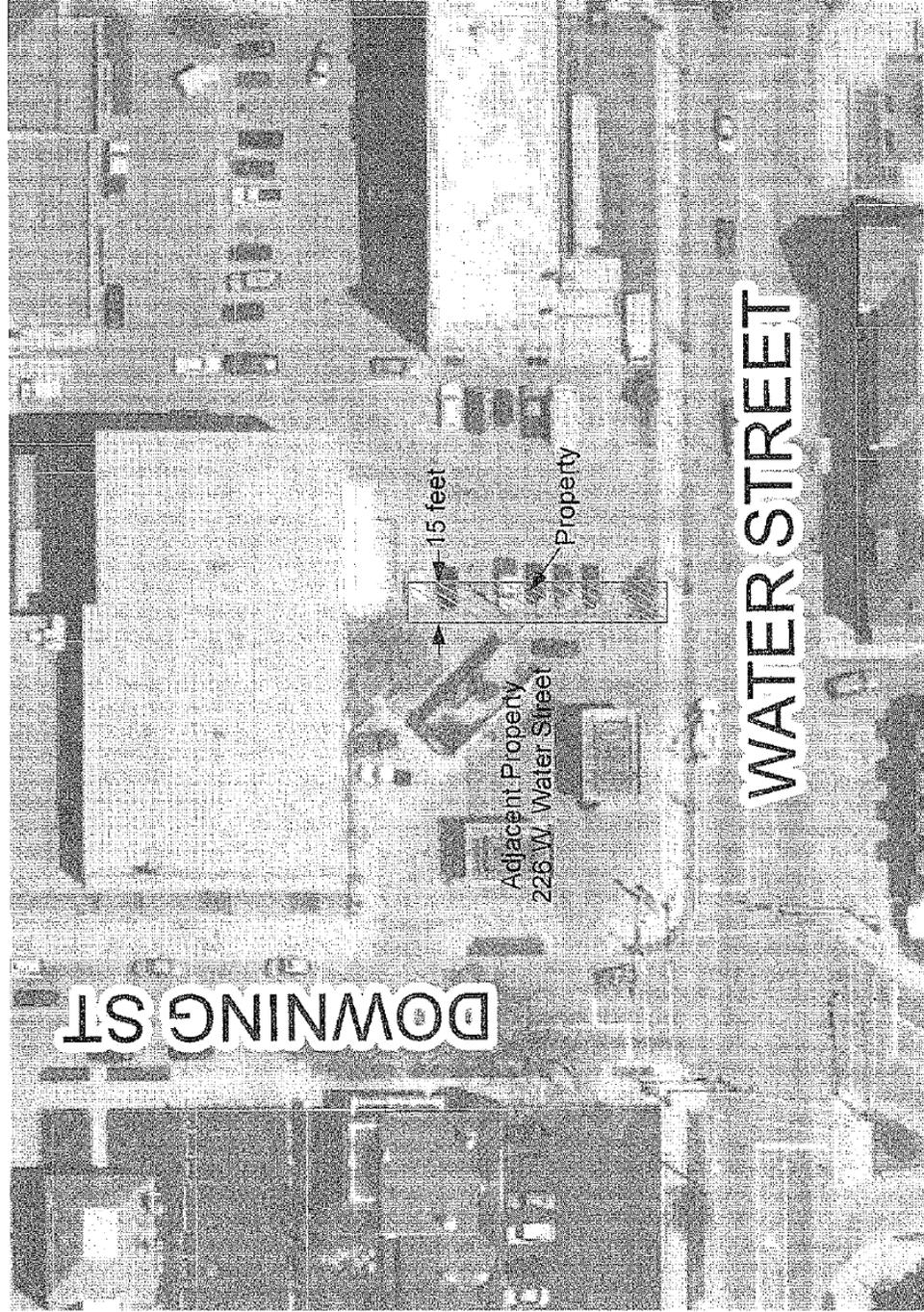


Stacy Wall, Law Director
City of Piqua

RESOLUTION - EXHIBIT A

CITY OF PIQUA AND SCHAFER INVESTMENTS LTD
DEVELOPMENT AGREEMENT

Exhibit A



RESOLUTION NO. R-71-11

**A RESOLUTION TO APPROVE THE FORM AND
AUTHORIZE THE EXECUTION OF A POWER SALES CONTRACT WITH
AMERICAN MUNICIPAL POWER, INC. AND
TAKING OTHER ACTIONS IN CONNECTION THEREWITH
REGARDING PARTICIPATION IN THE
AMP FREMONT ENERGY CENTER**

WHEREAS, the City of Piqua, Ohio (“hereinafter Municipality”) owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to do so in the future, economical and reliable power and energy from, or arranged by, American Municipal Power, Inc. (hereinafter “AMP”), of which Municipality is a Member; and

WHEREAS, Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly, endeavors to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to its customers; and

WHEREAS, it is efficient and economical to act jointly in such regard; and

WHEREAS, AMP is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of its Members, such Members, including the Municipality, being, and to be, political subdivisions of their respective states that operate electric systems in, as of the date of adoption hereof, Kentucky, Michigan, Ohio, Pennsylvania, Virginia and West Virginia; and

WHEREAS, each of the Members owns and operates its electric system for the benefit of its customers; and

WHEREAS, certain of the Members, including the Municipality, have determined it requires additional, long-term sources of reliable, environmentally sound and reasonably priced electric capacity and energy and has requested that AMP arrange for the same; and

WHEREAS, in furtherance of such purpose, Municipality, along with other Members (collectively “Participants”) request and AMP agrees and intends to finance, construct, operate and own up to a one hundred percent (100%), and in any case not less than an eighty percent (80%), undivided ownership interest, in the Fremont Energy Center having an expected net rated electric generating capacity of approximately seven hundred seven megawatts (707 MW), to be known collectively as the American Municipal Power Fremont Energy Center (as hereinafter defined, “AMP Fremont Energy Center”); and

WHEREAS, AMP has resolved, in accordance herewith, to develop, including, as appropriate, the financing, acquisition, construction, ownership and operation of, and arrangements for the acquisition, , financing, payment and prepayment of fuel for, its ownership interest in the AMP Fremont Energy Center as (the “Project”) well as other arrangements related thereto, which AMP and, in certain cases, the Participants, deem necessary to enable AMP to fulfill its obligations hereunder to sell and transmit, or otherwise make available, electric capacity and energy to the Participants pursuant to the Fremont Energy Center Power Sales Contract (hereinafter “PSC”); and

WHEREAS, in order to obtain such sources of electric capacity and energy, the Participants are willing to pay AMP for their respective rights to such electric capacity and energy and transmission service at rates that are sufficient, but only sufficient, to enable AMP to (i) recover all costs and expenses incurred with respect to, and arrangements for the acquisition, financing, payment and prepayment of fuel for, the Project as set forth herein, all other Power Sales Contract Resources obtained by AMP to supplement the Project, and related service arrangements undertaken by AMP to enable it to fulfill its obligations hereunder, and (ii) recover any other expenditures or revenues authorized hereunder; and

WHEREAS, AMP has investigated both a self-build of a natural gas combined cycle project as well as the acquisition of one of several existing natural gas combined cycle projects either operating or in various stages of construction; and

WHEREAS, AMP and certain Members have determined that the purchase of the nearly complete Fremont Energy Center from FirstEnergy is the best option for AMP Members; and

WHEREAS, because the expected in service date of the Fremont Energy Center is on or about January 1, 2012, certain Participants may need to have AMP rearrange their current power supply portfolio by selling certain already purchased power, principally for 2012 through 2015, into the market (“Buy-Out”) and finance the cost of such transaction pursuant to the PSC.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF PIQUA, MIAMI COUNTY, OHIO, THE MAJORITY OF ALL MEMBERS ELECTED THERETO CONCURRING THAT:

SECTION 1. That the PSC between Municipality and AMP, substantially in the form on file with the Clerk of Commission, including Appendices thereto is approved, and the City Manager of Municipality is hereby authorized to execute and deliver such Power Sales Contract, with such changes as the City Manager may approve as neither inconsistent with this Resolution nor materially detrimental to the Municipality, his or her execution of the PSC to be conclusive evidence of such approval.

SECTION 2. That the City Manager or his designee of this Municipality, is hereby authorized to acquire on behalf of the Municipality, as a Participant, as defined in the PSC, Power Sales Contract Resources (hereinafter “PSCR Share”), as defined in the PSC, without bid, from AMP and to execute and deliver any and all documents necessary to become a Participant in the AMP Fremont Energy Center project pursuant to the conditions set forth herein and in the PSC and to carry out its obligations thereunder and to arrange for the Buy-Out of any excess power and energy currently under contract with AMP as the City Manager or his designee of this Municipality deems in the best interests of the Municipality.

SECTION 3. That it is further acknowledged and understood that because the Participants will finalize the precise PSCR Share to be acquired by each Participant electing to enter into the PSC after all such Participants execute and deliver the PSC, the City Manager or his designee of this Municipality, in connection with the execution and delivery of the PSC, is authorized and directed to determine and acquire Municipality’s PSCR Share (not taking into account the Step-Up as defined in the PSC), of up to a nominal amount of 11279 kilowatts, after consultation with AMP and the other Participants regarding the PSCR Share available pursuant to said PSC, such PSCR Share to be set forth in Appendix A of the PSC, such determination as to such PSCR Share being conclusively evidenced by the adoption of Appendix A to the PSC, as authorized therein.

SECTION 4. That the City Manager or his designee of this Municipality, as a part of such officer's official duties, is hereby appointed as Municipality's representative for any meetings or determinations of the Participants or the Participants Committee pursuant to the PSC and is authorized and directed, acting for, in the name of and on behalf of this Municipality, to vote Municipality's PSCR Share with regard to any determinations regarding the AMP Fremont Energy Center project as set forth in the PSC.

SECTION 5. That the City Manager may appoint, in writing from time to time as necessary, another representative of the Municipality as his or her alternate to carry out the duties set forth in Section 4 hereof.

SECTION 6. That it is found and determined that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION 7. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 8. That this Resolution shall take effect at the earliest date allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

AMP Fremont Energy Center Natural Gas Combined Cycle Facility



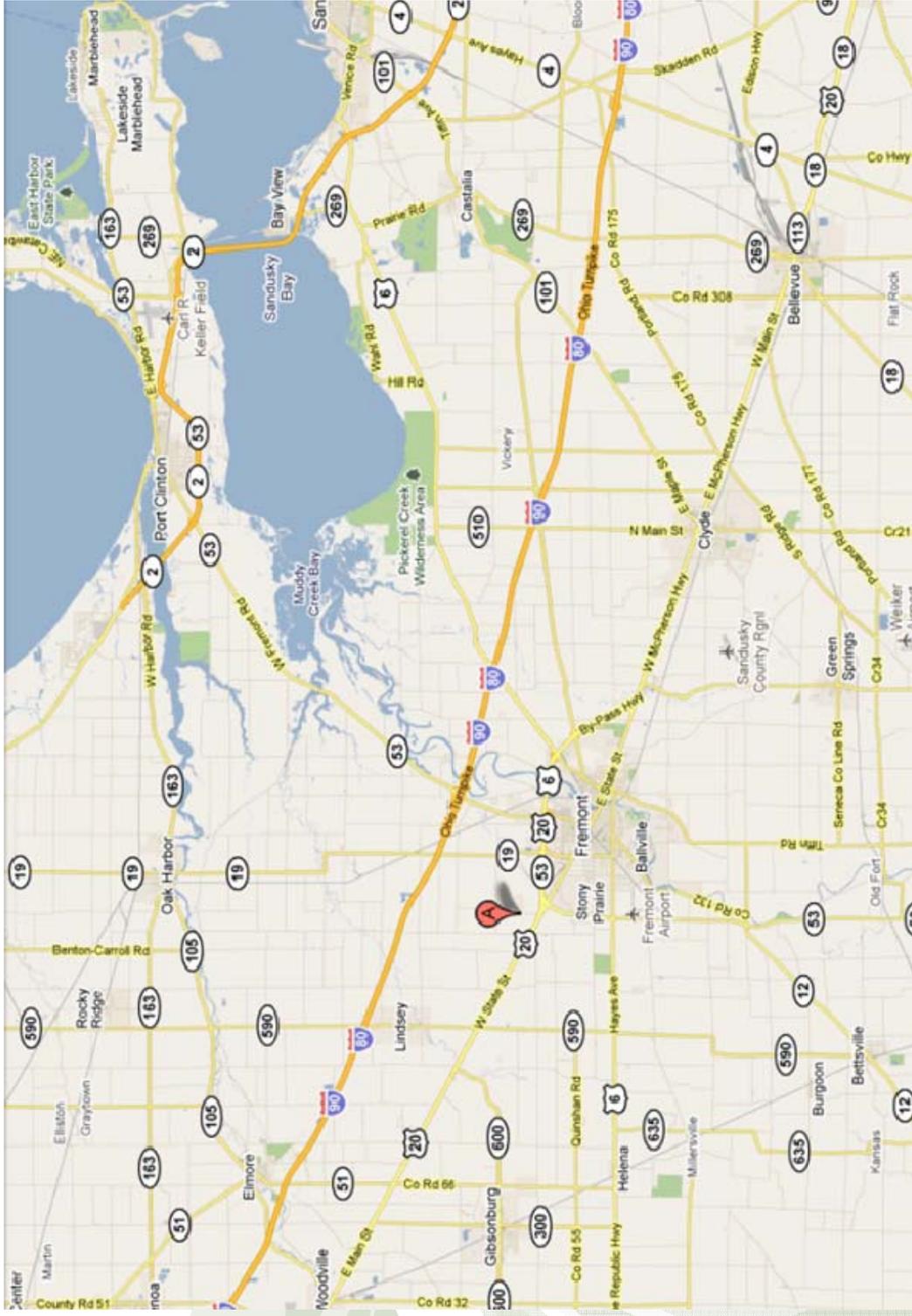
Piqua City Commission Meeting

June 7, 2011



Sawvel
AND ASSOCIATES, INC.
Consultants and Engineers

Map of Fremont



Background

- First Energy Entered into a Definitive Agreement to Sell the Fremont Energy Center to American Municipal Power for \$485 Million on March 11, 2011
- The Agreed to Purchase Price is significantly below the Cost of Constructing a Similar Sized Combined Cycle Generating Facility
- Opportunity to Purchase Capacity and Energy from Fremont Energy Center Beginning January 1, 2012
- The City Needs Capacity and Energy Resources

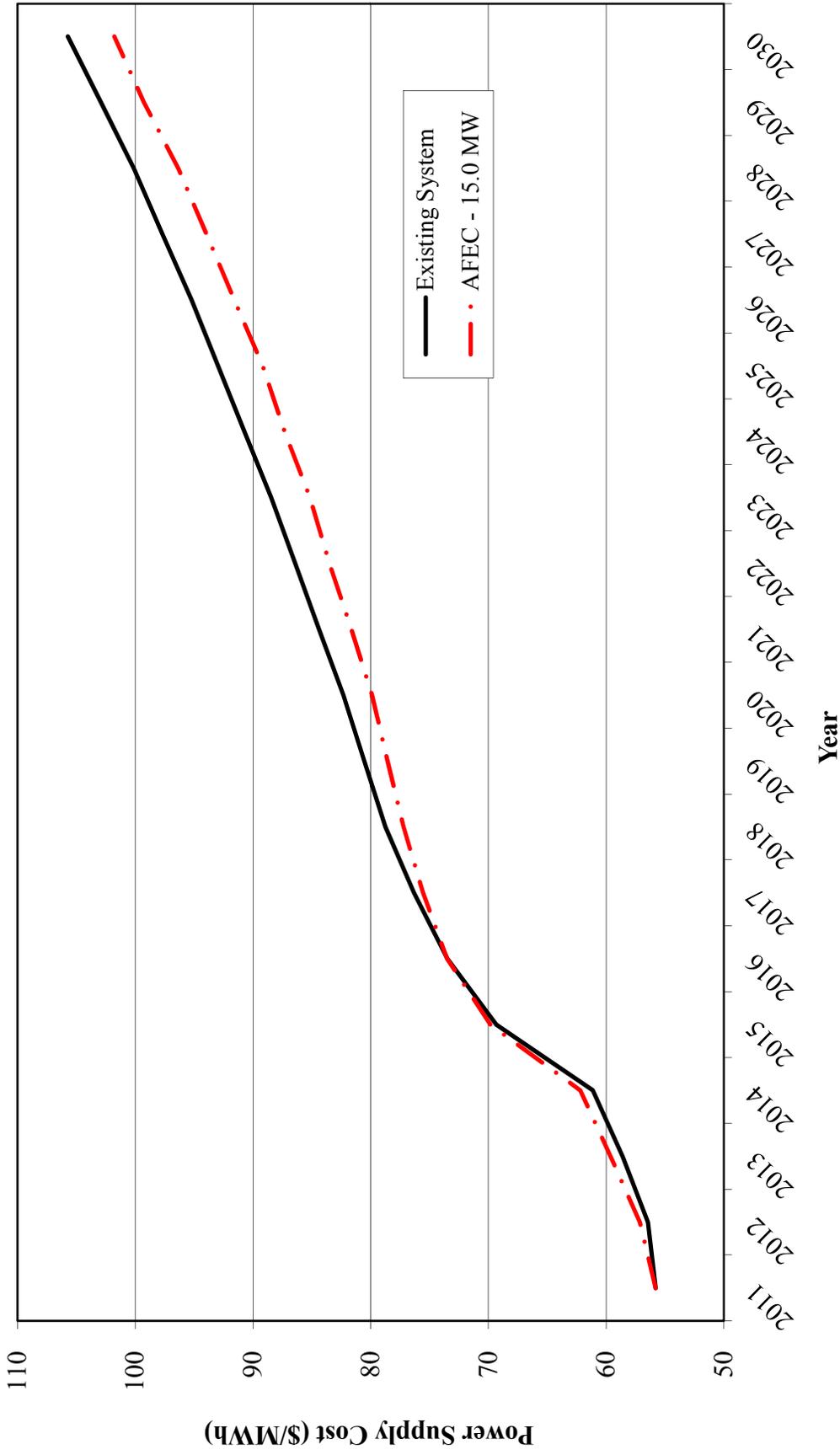
AFEC Project Overview

- Located Near Fremont, Ohio
- Summer Capacity = 657 MW
 - Two 180 MW (net) Gas Turbines
 - One 360 MW (net) Steam Turbine
 - HRSGs with Duct Firing
- Finish Construction December 31, 2011
- Commercial Operation Date: January 1, 2012

Power Sales Contract Provisions

- Power Sales Agreement for Life of the Project (35 Years)
- Project Financing for 30 Years
- Project Costs are Municipal O&M Expense
- Municipal to Pledge Rates to Cover Costs
- A Committee of Participants will have Both Decision Making and Advisory Roles

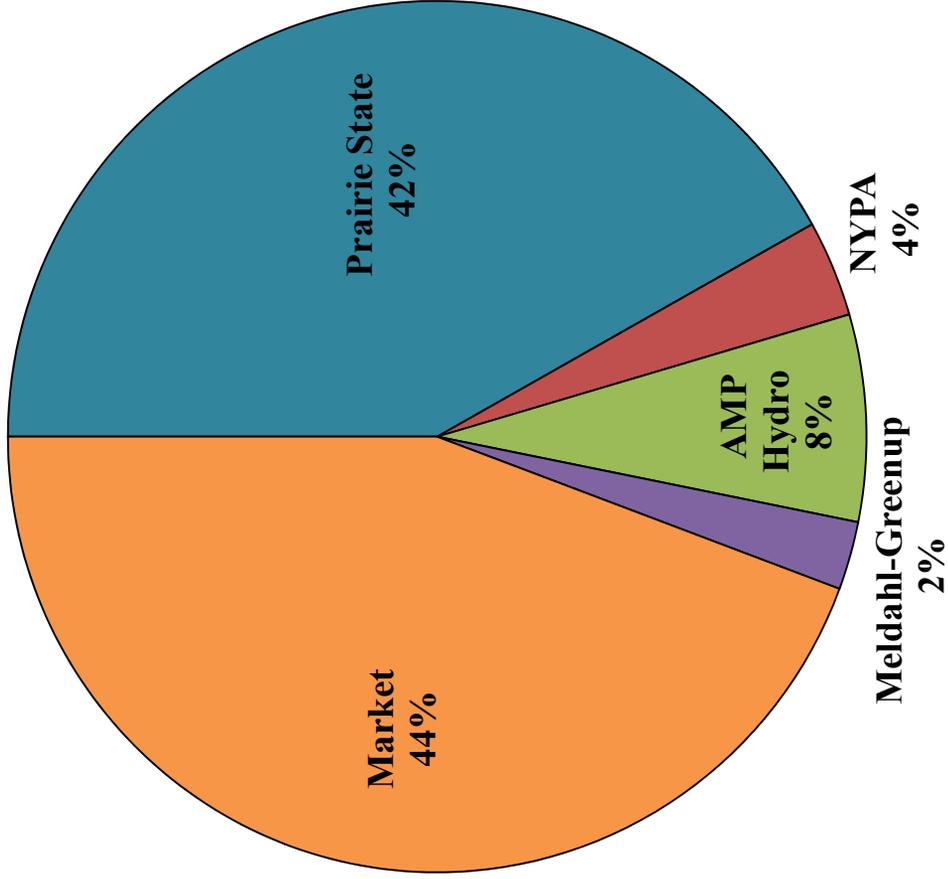
Summary of Power Supply Costs



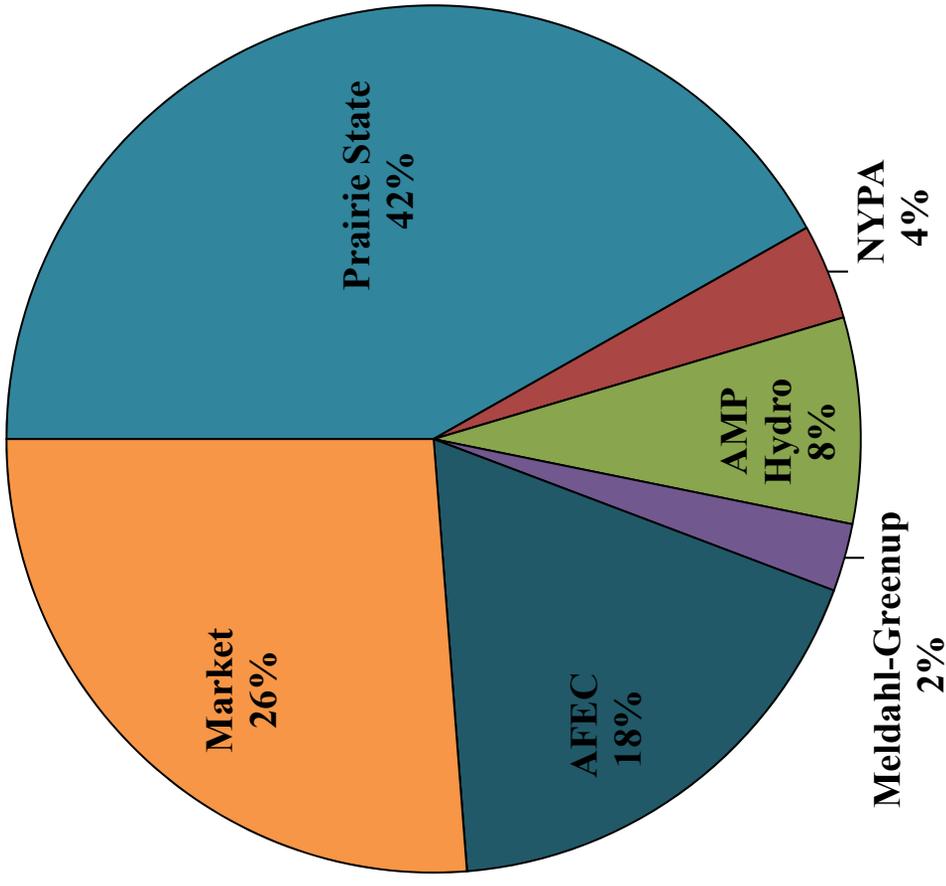
Existing	56	56	59	61	69	73	73	76	76	77	79	81	82	84	86	88	91	93	95	98	100	103	106
AFEC 15 MW	56	57	60	62	70	73	76	76	77	79	79	81	82	82	84	85	87	89	92	94	96	99	102

2015 Energy Mix w/ AFEC 15 MW

Existing System



With AFEC



RESOLUTION NO. R-72-11

**A RESOLUTION AWARDING A CONTRACT TO
L.J. DEWEESE CO. INC. FOR THE WATER STREET
STREETSCAPE IMPROVEMENT PROJECT**

WHEREAS, on January 4, 2011, this Commission passed Resolution No. R-2-11 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the Water Street Streetscape Improvement Project; and

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 contract is hereby approved with L.J. DeWeese Co. Inc as the lowest, responsible bidder for the Water Street Streetscape Improvement Project 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 from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$259,000.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of June 7, 2011

TO: Fred Enderle, City Manager
FROM: Amy Havenar, City Engineer
SUBJECT: Award of contract for the Water Street Streetscape Project

PURPOSE:

Request for City Commission authorization to award a contract to L.J. DeWeese Co., Inc. for the Water Street Streetscape Project. Total cost not to exceed \$259,000.

RECOMMENDATION:

Approval of the Resolution to allow for the completion of the Water Street Streetscape Project.

BACKGROUND:

On May 31, 2011, three bids were received for the Water Street Streetscape Project and they are as follows:

Contractor	Base Bid + Alternate Bids
L.J. DeWeese Company, Inc.	\$258,127.60
R.B. Jergens Contractors, Inc.	\$262,879.20
CK Excavating	\$283,849.00

ALTERNATIVES:

- 1) Approve the Resolution to award a contract to L. J. DeWeese Co., Inc.*
- 2) Do not approve the Resolution and do not complete the Water Street Streetscape Project.*

DISCUSSION:

This project will consist of the removal and replacement of sidewalk, curbing, street signs, and light poles and the installation of brick pavers, benches, trash receptacles and other streetscape amenities on Water Street between Main Street and Wayne Street. The project will also include the installation of bio-retention areas to address the storm water quality and quantity issues.

Once this project is complete, ODOT will proceed with their repaving project which includes this block of W. Water Street.

As part of this resolution, we also recommend awarding both of the alternate bids. The base bid includes a quantity to fill in a basement area underneath the sidewalk with lean concrete fill. However, this will be contingent upon the property owner having some items removed from the basement area concurrent with the streetscape work. If the property owner cannot coordinate the removal work to occur within the timeframe allotted in the project schedule, Alternative Bid No. 1 will need to be completed. Alternative Bid No. 1 will install new I beams and a steel deck in which the concrete sidewalk can be placed directly on to. This would keep the basement area as usable space for the property owner and is consistent with what was done on the previous streetscape projects in which the basements needed to remain.

The streetscape project as currently designed has an approved pavement marking plan that the City will provide to ODOT so that ODOT can install the pavement markings as per our plan at the completion of their resurfacing project. The proposed pavement marking layout is the same as the layout that currently exists on the roadway, including the same parking configuration that is in place now.

FINANCIAL IMPACT:

The construction of this project is being funded in part by the Community Development Block Grant Formula Allocation Program.

This project received \$94,400 for the FY 2010 Community Development Block Grant Formula Allocation Program. The Engineer's Estimate for this project was \$240,000.

As stated above, if the property owner can work within the project schedule to have their items removed from the basement, we will non-perform Alternate Bid No. 1 which will result in \$23,320 not being performed as a part of the overall contract price of \$259,000.

COMMUNITY IMPACT:

This project will match the current look and feel of other downtown streets in the City and will "fill in" the 100 block of West Water Street with the streetscape improvements as the blocks directly east and west of this project have completed streetscape features. The community has stressed the importance of improving the appearance of the City. The streetscaping of this roadway and the subsequent resurfacing of the roadway will greatly enhance the aesthetics and the drivability of these streets.

CONFORMITY TO CITY PLANS & POLICIES:

Objective 2 of the Transportation portion of the Plan It Piqua 2007 Comprehensive Plan Update is to "Improve the physical appearance of roads and streets to compliment the built environment". Through this program, that objective can be realized for this specific block. Additionally, the enhanced streetscaping will also help meet Objective 4: "Improve opportunities for pedestrians and bicyclists". ODOT's subsequent street resurfacing of this area will also add to improving the physical appearance of the streets.

RESOLUTION NO. R-73-11

**A RESOLUTION AUTHORIZING A PURCHASE ORDER
TO MIAMI VALLEY RISK MANAGEMENT
ASSOCIATION FOR PURCHASE OF INSURANCE**

WHEREAS, on January 22, 2002, this Commission passed Resolution No. R-16-02 awarding a contract to Miami Valley Risk Management Association, Inc. for the purpose of entering into a risk management pool for property and liability insurance; and

WHEREAS, it is the desire of the City of Piqua to continue participation in the risk management pool in calendar year 2011 through the Miami Valley Risk Management Association; and

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

SEC. 1: A purchase order is hereby authorized for a not to exceed amount of \$276,214 to Miami Valley Risk Management Association for property and liability insurance.

SEC. 2: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasure in payment for said services in the not to exceed amount of \$276,214.00

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