

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, JANUARY 17, 2012
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION

WESTERN OHIO TV CONSORTIUM –MS. JENNIFER WELKER

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. **APPROVAL OF MINUTES**

Approval of the minutes from the January 3, 2012 Regular Piqua City Commission Meeting

NEW BUSINESS

2. **ORD. NO. 2-12** (1st Reading)

An Ordinance to vacate a public right of way

3. **RES. NO. R-7-12**

A Resolution authorizing the sale of city owned real estate

4. **RES. NO. R-8-12**

A Resolution authorizing an application to the Ohio Department of Natural Resources for funds from the Recreational Trail Program for the restoration of portions of the Great Miami River Recreational Trail

5. **RES. NO. R-9-12**

A Resolution authorizing an application to the Ohio Department of Natural Resources for funds from the Natureworks Program for improvements to the Piqua Municipal Swimming Pool

6. **RES. NO. R-10-12**

A Resolution appointing a member to the Board of Zoning Appeals as the Planning Commission Representative

OTHER BUSINESS

7. Monthly Reports

PUBLIC COMMENT

(This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.)

COMMISSIONERS COMMENT

ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday January 3, 2012
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.

OATH OF OFFICE

FIRST WARD COMMISSIONER – JOHN MARTIN

OATH OF OFFICE

SECOND WARD COMMISSIONER - WILLIAM VOGT

OATH OF OFFICE

FIFTH WARD COMMISSIONER – LUCINDA L. FESS

OATH OF OFFICE

MAYOR – LUCINDA L. FESS

Law Director Stacy Wall administered the Oath of Office for City Commissioner to John Martin, William Vogt, and Lucinda L. Fess, and the Oath of Office of Mayor to Lucinda L. Fess.

Moved by Commissioner Martin, seconded by Commissioner Wilson to appoint William Vogt as Vice Mayor. Voice vote, Aye: Martin, Wilson, Terry, Vogt, and Fess. Nay, None. Motion carried unanimously.

Law Director Wall administered the Oath of Office of Vice Mayor to William Vogt.

REGULAR CITY COMMISSION MEETING

Approval of the minutes from the December 20, 2011 Regular Piqua City Commission Meeting. Moved by Commissioner Martin, seconded by Commissioner Wilson, that the minutes of the Regular Piqua City Commission Meeting of December 20, 2011 be approved. Voice vote, Aye: Fess, Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

Old Business

ORD. No. 19-11 (2nd Reading)

An Ordinance amending Section 77.01 – Traffic Schedules adopted of Chapter 77 – Traffic Code

City Manager Huff stated Ordinance No. 19-11 was added to the amended agenda. This amends Chapter 77 of the Piqua Municipal Code and adopts design standards, which includes Speed Limits based on the Ohio Revised Code.

Public Comment

No one came forward to speak for or against Ordinance No. 19-11.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that the rule requiring Ordinance No. 19-11 be read fully and distinctly on three separate days be suspended. Roll call, Aye: Fess, Martin, Vogt, Terry, and Wilson. Nay: None.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Ordinance No. 19-11 be adopted. Roll call, Aye: None. Nay: Martin, Fess, Wilson, Vogt, and Terry. Motion carried unanimously.

Mayor Fess then declared Ordinance No. 19-11 defeated.

Mayor Fess further explained the reason for the defeat of Ordinance 19-11 stating there was not enough time with the holidays to gather all the information needed. The Commission has asked the City Manager and the Law Director to put together another ordinance since the current one was troublesome to some of the Commissioners. The Commission would like the new ordinance to clearly state what the Commission intends to do with the lowering of the speed limits.

City Manager Huff stated discussion of the Speed Limits would be on the January 12, 2012 City Commission Work Session which is open to the public.

NEW BUSINESS

ORD. NO. 1-12 (1st Reading)

An Ordinance amending Sections 154.026 of the City of Piqua Code of Ordinances to include animal grooming as Special Use in the Central Business District

City Planner Chris Schmiesing explained the occupant at 423 N. Main Street would like to operate an Animal Grooming business in the Central Business District, and currently the CBD Zoning does not allow for this type of business. This Ordinance would allow Animal Grooming to be considered as a "Special Use" within the Central Business District zoning designation. Mr. Schmiesing stated he has spoken with MainStreet Piqua and they are in support of the proposed amendment. The Planning Commission at their December 13, 2011 meeting also approved this amendment. No calls or comments were received regarding the amendment to Section 154.026 to include Animal Grooming as a Special Use in the Central Business District. The applicant's next step is to go to the Planning Commission to request a Special Use Permit to operate the Dog Grooming Salon in the Central Business District.

Public Comment

No one came forward to speak for or against Ordinance No. 1-12

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the rule requiring Ordinance No. 1-12 be read on three separate days be suspended. Roll call, Aye: Fess, Martin, Vogt, Terry, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Wilson, that Ordinance No. 1-12 be adopted. Roll call, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 1-12 adopted.

RES. NO. R-2-12

A Resolution authorizing the City Purchasing Analyst to advertise for bids to make certain purchases during the year 2012

City Manager Huff stated Resolution No. R-2-12 authorizes the Purchasing Analyst to advertise for bids for various items and materials for the year 2012.

Commissioner Martin asked if the state bid prices would be considered on several of the items. Finance Director Holtzapple stated yes they would check the State prices, and the Purchasing Analyst will look at several co-op groups also.

Public Comment

No one came forward to speak for or against Resolution No. R-2-12.

Moved by Commissioner Terry, seconded by Commissioner Martin, to adopt Resolution No. R-2-12. Roll call, Aye: Martin, Vogt, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-2-12 adopted.

RES. NO. R-3-12

A Resolution endorsing the preferred future land use scenarios of Going Places – an Integrated Land Use Vision for the Miami Valley Region

City Planner Chris Schmiesing stated included in the Commission packet there was a copy of the Concentrated Development Vision that was prepared by the Miami Valley Regional Planning Commission that relates to the Going Places initiative. The Miami Valley Regional Planning Commission has asked that member agencies adopt resolutions endorsing the Concentrated Development Vision. The Going Places project is geared towards looking at land use in a regional context as it relates to the transportation needs of the region, stated Mr. Schmiesing. Martin Kim, Planning Director from Miami Valley Regional Planning Commission attended the Piqua Planning Commission Meeting and gave a lengthy presentation and answered various questions about the plan. The Planning Commissions primary concern was how does this relate to Piqua. It was stated that this plan would not have any jurisdiction or authority over land use activities in the City of Piqua. This plan is a tool that would be available to its member agencies for reference when making local land use decisions, stated Mr. Schmiesing. If the Miami Valley Regional Planning Commission Board of Directors would adopt this document, there would be a set of policies that would relate to how they administer the funding for transportation projects throughout the region. A representative from each of the member agencies sits on that Board so we would have a voice in the policy making process. The Piqua Planning Commission unanimously recommended approving a resolution of support that notes the local comprehensive plan will remain the guiding document for all local land use decisions, stated Mr. Schmiesing.

Mayor Fess stated she is was not a proponent of the plan and asked if it would effect any funding the City of Piqua might receive. Mr. Schmiesing stated there would be no effect on the funding; this plan does not have anything to do with funding. There was discussion of the effect it would have on City of Piqua's economic development in the future.

Commissioner Vogt stated he sits on the Miami Valley Regional Planning Commission Board and heard the same concerns at their meeting from several other cities. Mr. Kim was able to give a very good explanation on the need for this type of plan. This is just a suggestive plan, stated Commissioner Vogt.

Mayor Fess asked if when the Policy is in place would it have to come back to the City Commission for approval? Mr. Schmiesing stated any policies would come from the Miami Valley Regional Planning Commission Board, which we have representation on and would not have to come back to the City Commission.

Public Comment

No one came forward to speak for or against Resolution No. R-3-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-3-12 be adopted. Roll call, Aye: Vogt, Terry, Fess, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-3-12 adopted.

RES. NO. R-4-12

A Resolution awarding a contract to Brownstown Electric Supply for the purchase of two S & C Intellirupter Pulseclosers for the Power System

City Manager Huff stated Resolution No. R-4-12 approves the purchase of two S & C Intellirupter Pulsecloseres for the Power System; further stating this item has been approved by the Energy Board.

Ed Krieger, Power Systems Director explained how the Intellirupter Pulseclosers work; further stating they were included in the 2012 Budget. This is the latest technology and is very customer friendly with plans to install one unit in the Jackson Tube area, and to install a second unit to protect the downtown area.

Mayor Fess asked how this would work when there is an outage? Mr. Krieger explained the process when an outage occurs, further stating we are getting a very good payback with these new units.

Public Comment

No one came forward to speak for or against Resolution No. R-4-12

Commissioner Wilson asked if we put both of these in and one of them fails what happens? Mr. Krieger explained we could install fuses. This would help the minor outages that we had downtown last year, said Commissioner Wilson.

Commissioner Vogt stated this is one reason why our Power System is rated number one, because we are so proactive rather than reactive on our infrastructure and we are one step ahead all of the time.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-4-12 adopted. Roll call, Aye: Terry, Martin, Vogt, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-4-12 adopted.

RES. NO. R-5-12

A Resolution amending the Employment Agreement with the City Manager

City Manager Huff stated this is an amendment to the current employment agreement, which provides for an interim housing "supplement". Because of the terminology, the supplement is considered income and taxable. The request will amend the employment agreement to change the wording from "supplement" to "reimbursement" for tax purposes only.

Public Comment

No one came forward to speak for or against Resolution No. R-5-12.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-5-12 be adopted. Roll call, Aye: Fess, Wilson, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-5-12 adopted.

RES. NO. R-6-12

A Resolution authorizing a purchase order to Miami Valley Risk Management Association for purchase of insurance

City Manager Huff stated this year the premium for the Miami Valley Risk Management Association insurance is higher than the 2011 premium due to the City having over a million dollar claim in 2011. This caused a 20% increase in the property coverage, but there was a decrease in the 2011 premium due partially to a credit, and the 2011 premium was still \$315,950 just a little under the \$321.935 for 2012.

Commissioner Martin inquired if this was just for catastrophic coverage or for all coverage. Law Director Wall stated it was for all coverage.

Commissioner Terry inquired about the reason for the rates going up in 2012. Law Director Wall explained the reason for the increase in the premium for 2012.

Public Comment

No one came forward to speak for or against Resolution No. R-6-12

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-6-12 be adopted. Roll call, Aye: Wilson, Martin, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-6-12 adopted.

Public Comment

New Paragraph Listed

"This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office."

Mayor Fess read the above paragraph listed on the January 3, 2012 Agenda face sheet under Public Comment, giving a brief explanation for it, and asking citizens to cooperate in the future. Mayor Fess stated the City Commission will hold a Work Session the second Thursday of each month open to the public with various topics being discussed. Mayor Fess explained citizens should contact the City Managers Office for more information or contact their City Commissioner.

Joe Francis, Parkway Drive, came forward stating he was offended by a comment that was made by the gentleman that conducted the interview with City Manager Huff recently he viewed on Channel 5, WOTVC. The comment concerned the new school buildings and the negative attitude of certain citizens that are always negative on everything in Piqua. Mr. Francis felt that was not appropriate for the interviewer to have made that comment.

Commissioner Wilson congratulated Commissioners Vogt, Martin, and Fess on their appointments, further stating he would like to see more citizens get involved in the process in future elections.

Commissioner Terry announced the YWCA will host the annual Martin Luther King Celebration on Monday, January 16, 2012 from 1:00 P.M. – 2:00 P.M. This is a community event celebrating the life of Martin Luther King with a focus on the Freedom Riders, and encouraged citizens to attend.

Commissioner Vogt stated the YWCA Martin Luther King Celebration is a very nice program with great speakers, and encourage citizens to attend.

Commissioner Vogt thanked all the citizens who supported the City Commissioners, and asked for their continued support.

Commissioner Martin stated there are several openings on some of the Boards and Committees, and asked citizens to get involved to help make Piqua a better place to work and live.

Mayor Fess wished everyone a Happy New Year. There is a lot to be excited about in this New Year with the new City Manager coming on board. City Manager Huff is a very positive individual who has already initiated some very good programs, and we have a lot to look forward to in the future. Economic Development Director Bill Murphy is working very hard on Economic Development and will see some new activity in the future. Finance Director Cindy Holtzapple has done a great job with the finances and the budget is looking good for this year. Mayor Fess asked citizens to bear with them to help bring the community together. Mayor Fess further stated she is very encouraged about the new City Manager and the work he has done so far, and is looking forward to working with him in 2012.

City Manager Huff stated there are two new programs that citizens can sign up for on the City of Piqua website. One is the "INVOLVE" Program, which stands for "Interested Neighbors Volunteering Valuable Energy", and the other is the Piqua Government Academy that is scheduled to begin on April 4, 2012. Additional information is available on both of these new programs on the Piqua website at www.Piquaoh.org. or by contacting the City Managers Office.

City Manager Huff congratulated Finance Director Cindy Holtzapple and the Finance Department on the completion of the new Software as the City went "live" today.

Adjournment to Executive Session

To consider the purchase or sale of property for public purposes

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn into Executive Session at 8:28 P.M. Roll call, Aye: Fess, Martin, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously.

Adjournment

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Executive Session at 9:17 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adjourn from the Regular Piqua City Commission Meeting at 9:18 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

Lucinda L. Fess, Mayor

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



ORDINANCE NO. 2-12

AN ORDINANCE TO VACATE A PUBLIC RIGHT OF WAY

WHEREAS, pursuant to Piqua Charter Section 98, the City Commission adopted Resolution No. 134-11 declaring its intent to vacate portions of platted public right of way known as Bassett Avenue and Statler Avenue, as described in Exhibit "A" attached hereto; and

WHEREAS, a notice of the declaration of intent to vacate the subject right of way was served to the abutting property owners and published in the local newspaper; and

WHEREAS, the notice of the declaration of intent stated the time and place at which objections could be presented before the Planning Commission; and

WHEREAS, the Planning Commission met at in open session and took public comment regarding the proposed public right of way vacation; and

WHEREAS, the Planning Commission after hearing the item and considering the public comments received and information provided, recommended approving the vacation of portions of platted public right of way known as Bassett Avenue and Statler Avenue, as described in Exhibit "A" attached hereto; and

WHEREAS, pursuant to Piqua Charter Section 98, vacation of public right of way must be adopted by Ordinance by this Commission;

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

SEC. 1: This Commission hereby takes the action necessary to authorize and approve the vacation of portions of platted public right of way known as Bassett Avenue and Statler Avenue, as described in Exhibit "A" attached hereto.

SEC. 2: The City Manager shall cause the affected portion of right of way to be vacated and all appropriate and necessary legal instruments supporting such action to be properly recorded.

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	1/17/2012			
REPORT TITLE	Bassett and Statler Avenue Right of Way Vacation			
SUBMITTED BY	Name & Title: Chris Schmiesing, City Planner			
	Department: Development Department			
MEETING TYPE	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Work Session	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION	<input checked="" type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> 3 rd Reading	
	Ordinance #: 2-12		Resolution #:	
APPROVALS/REVIEWS	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: Planning Commission	
BACKGROUND (Includes description, background, and justification)	The property owners adjacent to the affected right of way have determined that they would prefer the subject right of way be vacated. The petitioners propose to maintain access to and from the affected properties from public right of way and or establish any ingress/egress easement as may be necessary. The Statler Avenue portion of right of way is unimproved and the existing pavement improvements in the Bassett Avenue right of way are in poor condition. There will also be a utility easement maintained over the existing water main in this right of way. The primary land use in this area is light industrial and no further development of this area is anticipated.			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	0		
	Expenditure \$:	0		
	Source of Funds:	0		
	Narrative:	The City will no longer be obligated to provide maintenance services for this portion of right of way.		
OPTIONS (Include Deny Approval Option)	1.	Approve the Ordinance and allow right of way to be vacated.		
	2.	Defeat the Ordinance and reject the right of way vacation petition.		
	3.			
	4.			
PROJECT TIMELINE	Dec 14 2011 - Planning Commission public hearing (PC recommended approval contingent upon ingress/egress and utility easements being provided)			

	Jan 17, 2012 - City Commission 1 st reading of Ordinance Feb 7, 2012 - City Commission 2 nd reading of Ordinance Feb 21, 2012 - City Commission 3 rd reading of Ordinance
STAFF RECOMMENDATION	Staff recommends approval of this item.

EXHIBIT A

CITY OF PIQUA, OHIO

APPLICATION FOR VACATION OF PUBLIC RIGHT-OF-WAY

- 1. Applicant's Name LARRY & SUE KINNISON Phone # 773-5916
Applicant's Address 2 KESTREL CT. PIQUA, OH 45356
- 2. Owner's Name LARRY & SUE KINNISON Phone # 773-5916
- 3. Type of legal interest held by applicant WARRANTY DEED D.B. 674-13
- 4. Location of Public Right-Of-Way Vacation request BASSETT AVENUE FROM STATLER AVENUE SOUTH TO TERMINUS AT INLOT 12AB, STATLER AVENUE FROM CENTER LINE OF BASSETT AVENUE WEST TO D.P.&L PROPERTY (FORMERLY RAILROAD RIGHT OF WAY LINE)
- 5. Describe the reason for the requested Vacation of Public Right-Of-Way

THESE PORTIONS OF STATLER AND BASSETT AVENUES ARE NO LONGER REQUIRED FOR PUBLIC ACCESS AND VACATION WOULD BE IN BEST INTEREST OF BOTH THE CITY AND ADJUTING OWNERS.

6. Property owners adjacent to Right-Of-Way to be vacated.

NAME	ADDRESS	SIGNATURE
<u>LARRY & SUE KINNISON</u>	<u>2 KESTREL CT. (HOME)</u>	<u>Larry Kinnison</u> <u>Sue Kinnison</u>
<u>JOHN & CAROL GASTON</u>	<u>8075 GRANDVIEW COLINA, OH</u>	<u>[Signature]</u>
<u>CITY OF PIQUA</u>	_____	<u>[Signature]</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Applicant _____ Date _____

*****OFFICE USE ONLY*****

\$100.00 Fee Paid CWS

Date Fee Paid 10-27-2011

Receipt No. _____

Res. No. _____

EXHIBIT A

VACATION OF PARTS STATLER AVENUE AND BASSETT AVENUE
CITY OF PIQUA, MIAMI COUNTY, OHIO

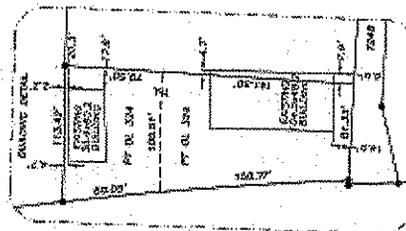
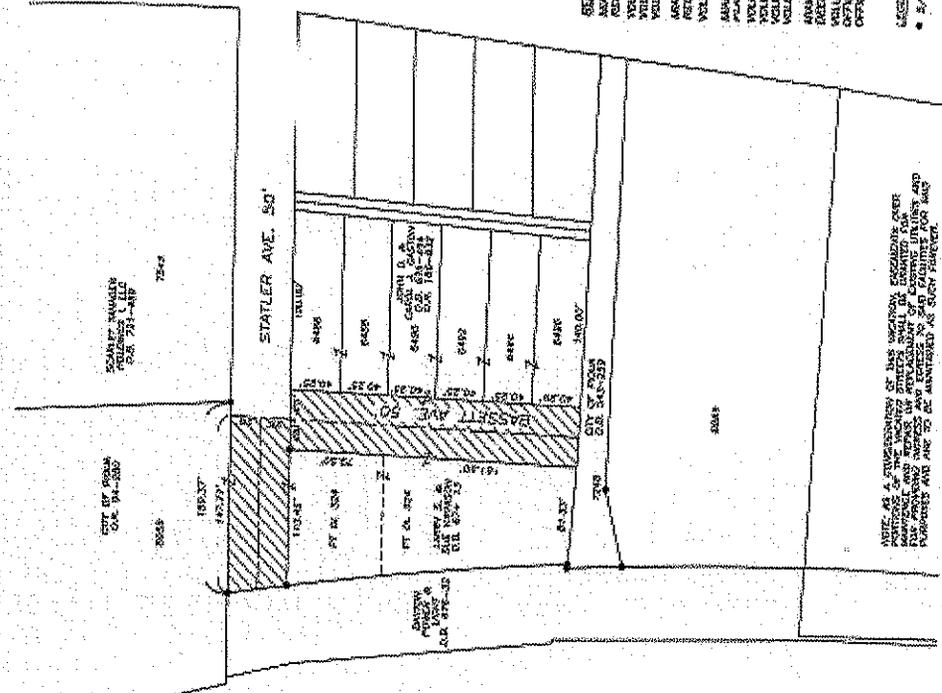
PLAT BOOK _____ PAGE _____
MIAMI COUNTY RECORDS RECORD OF PLATS
RECEIVED FOR RECORD THIS _____ DAY
OF _____ AT _____ M.
FILE # _____
FEE \$ _____
MIAMI COUNTY RECORDER BY DEPUTY RECORDER
MIAMI COUNTY AUDITOR
APPROVED AND TRANSCRIBED _____ 20____
MIAMI COUNTY AUDITOR BY DEPUTY AUDITOR

CITY OF PIQUA, PLANNING COMMISSION
ACCEPTED AND APPROVED BY THE PLANNING COMMISSION
OF THE CITY OF PIQUA, OHIO
THIS _____ DAY OF _____ 20____

CITY OF PIQUA, COMMISSIONERS
ACCEPTED AND APPROVED BY THE COMMISSIONERS OF
THE CITY OF PIQUA, OHIO
THIS _____ DAY OF _____ 20____
CONVENEANCE # _____

MAYOR _____ CLERK _____

REFERENCES
MIAMI COUNTY ENGINEERS
RECORDS OF LOT SURVEYS:
VOLUME 13, PAGE 7
VOLUME 13, PAGE 8
VOLUME 13, PAGE 9
VOLUME 13, PAGE 10
VOLUME 13, PAGE 11
VOLUME 13, PAGE 12
VOLUME 13, PAGE 13
VOLUME 13, PAGE 14
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VOLUME 13, PAGE 99
VOLUME 13, PAGE 100



NOTE: AS A CONDITION OF THIS VACATION, EXISTING CURB
POSTING AND TRAFFIC CONTROL DEVICES SHALL BE
REMOVED AND TRAFFIC CONTROL DEVICES SHALL BE
PURCHASED AND ARE TO BE MAINTAINED AS SUCH HEREON.

Professional Engineer Seal for David S. Brundage, P.E., No. 10574, State of Ohio. The seal includes the text 'DAVID S. BRUNDAGE, P.E.', 'NO. 10574', 'STATE OF OHIO', and 'PROFESSIONAL ENGINEER'. It also contains the text 'I hereby certify that the above is a true and correct copy of the original as filed in my office on this _____ day of _____, 20____'.

RESOLUTION NO. R-7-12

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 Inlot 7248, 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 Inlot 7248, 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

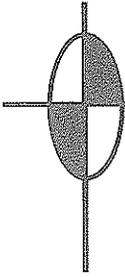


Commission Agenda Staff Report

MEETING DATE	1/17/2012		
REPORT TITLE	KB Machine & Tool Inc Purchase of City Owned Property		
SUBMITTED BY	Name & Title: Chris Schmiesing, City Planner		
	Department: Development Department		
MEETING TYPE	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Work Session	<input type="checkbox"/> Special <input type="checkbox"/> Retreat
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
ORDINANCE/RESOLUTION	<input checked="" type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> 3 rd Reading
	Ordinance #:		Resolution #: R-7-12
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: City Commission
BACKGROUND (Includes description, background, and justification)	The property owner adjacent to the affected property desires to acquire the subject lot. The pavement improvements located on his property are in poor condition and not essential to the local transportation network. A utility easement will be maintained over the existing water main located within this property. The primary land use in this area is light industrial and no further development of this area is anticipated. Acquisition of this property will allow for the further expansion and improvement of the parking lot and drive facilities incidental to the business located adjacent to the subject property.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	0	
	Expenditure \$:	0	
	Source of Funds:	0	
	Narrative:	The City will no longer be obligated to provide maintenance services for the improvements located on this property.	
OPTIONS (Include Deny Approval Option)	1.	Approve the Resolution and allow for the sale of this property.	
	2.	Defeat the Resolution and deny the sale of this property.	
	3.		
	4.		
PROJECT TIMELINE	Jan 3, 2012 - City Commission Executive Session Jan 17, 2012 - City Commission consideration of Resolution		

STAFF RECOMMENDATION

Staff recommends approval of this item.



K B MACHINE & TOOL INC.

P.O. Box 426, 1500 S. Main, Piqua, Ohio 45356
Phone 937-773-1624 FAX 937-773-0842

Tools • Fixtures • Jigs • Gages • Dies
Special Machines • Production Machining

OCTOBER 7, 2011

CHRIS SCHMIESING
CITY OF PIQUA
210 WEST WATER STREET
PIQUA, OHIO 45356

RE: PURCHASE OF INLOT 7248

CHRIS:

SEVERAL WEEKS AGO I MET WITH YOU, LARRY KINNISON, JOHN GASTON, AND GREGG BROOKHART TO DISCUSS THE FOLLOWING ISSUES:

- (1) VACATION OF PORTIONS OF BASSET AND STATLER AVENUES AS HY-LIGHTED ON THE ATTACHED TAX MAP.
- (2) POSSIBLE ACQUISITION OF A PORTION OF THE ABANDONED PIQUA-TROY BRANCH RAILROAD CURRENTLY IN THE COUNTY NORTH AND SOUTH OF THE AREA RECENTLY PURCHASED BY THE CITY.
- (3) POSSIBILITY OF MY PURCHASE OF INLOT 7248 FROM THE CITY OF PIQUA AS SHOWN ON ATTACHED MAP.

GREGG AND TOM ZECHMAN ARE CURRENTLY FINALIZING A VACATION PLAT FOR PORTIONS OF BASSET AND STATLER AVENUE WHICH THEY ANTICIPATE SUBMITTING TO YOUR OFFICE WITHIN THE NEXT WEEK OR TWO, ALONG WITH A VACATION APPLICATION AND \$100.00 FEE.

MIKE HEMM HAS DECIDED TO PURCHASE THE REMAINING SECTION OF THE ABANDONED RAILROAD RIGHT OF WAY SOUTH OF HEMM ROAD AND NORTH AND SOUTH OF THE CITY'S RECENTLY PURCHASED TRACT. MIKE'S EXISTING PROPERTY IS IN THE UNINCORPORATED AREA, SO HIS PURCHASES WILL REMAIN OUTSIDE PIQUA'S CORPORATION LIMITS. GREGG AND TOM HAVE COMPLETED THE SURVEY FOR MIKE AND IT SHOULD BE FILED WITH THE COUNTY IN A FEW DAYS.

IN REFERENCE TO ITEM 3 ABOVE, I AM NOW RESPECTFULLY REQUESTING THAT THE CITY OF PIQUA GIVE CONSIDERATION TO THE SALE OF INLOT 7248 TO ME. SHOULD SAID SALE BE APPROVED AT A PRICE AGREED UPON BY BOTH PARTIES, I WILL HAVE GREGG AND TOM REPLAT INLOTS 7248 AND 8869 INTO ONE NEW INLOT. IN ADDITION, THEY WILL BE REPLATTING ALL OF GASTON'S PROPERTY INTO ONE NEW LOT (INCLUDING HALF OF VACATED BASSET AVENUE), AND KINNISON'S PROPERTY WILL BE REPLATTED INTO TWO NEW LOTS WHICH WILL ALSO INCLUDE HALF OF VACATED BASSET AND STATLER AVENUE, EASEMENT WILL BE PROVIDED FOR ANY EXISTING UTILITES.

THANKS FOR YOUR CONSIDERATION OF MY REQUEST TO PURCHASE INLOT 7298. PLEASE ADVISE ME WHAT I NEED TO DO NEXT.

YOURS TRULY,


KENNETH BRICKER

RECEIVED

OCT 29 2011

CITY OF PIQUA
DEVELOPMENT OFFICE

SURVEY REFERENCES

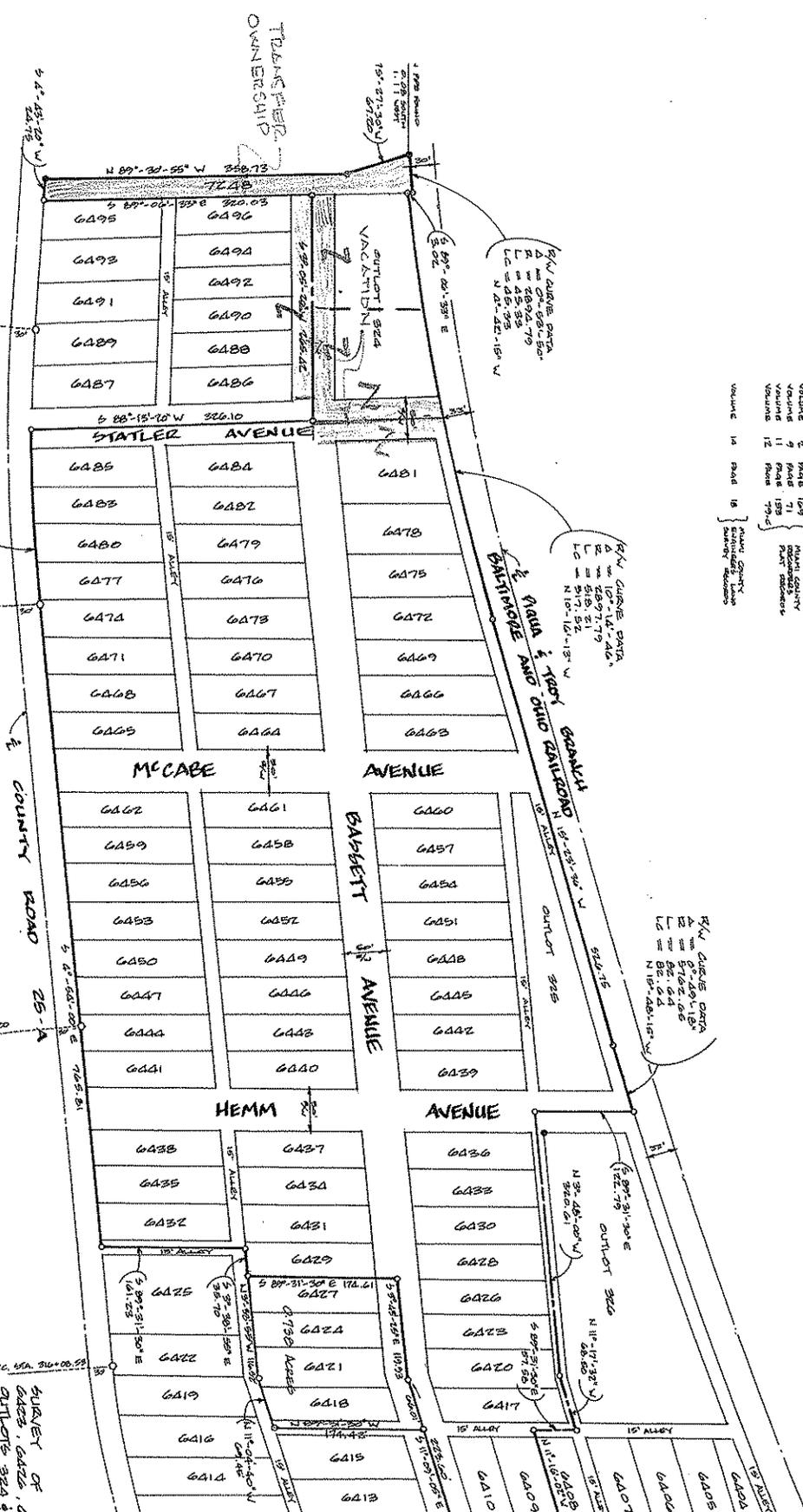
Volume 10	Page 16	Miami County Record
Volume 12	Page 102	
Volume 13	Page 1	Miami County Record
Volume 14	Page 37	
Volume 15	Page 36	Miami County Record
Volume 16	Page 139	
Volume 17	Page 109	Miami County Record
Volume 18	Page 71	
Volume 19	Page 133	Miami County Record
Volume 20	Page 79-8	

LEGEND

- 1924 Plat Reissue
- 1924 Plat Set
- ✕ Railroad Spruce Row
- ✕ Railroad Spruce Row
- Highway Encroachment

TOTAL ACRES

15,259 Acres Previous Survey
 0,738 Acres Lots 6418, 6421, 6425
15,997 Acres Total



R/L CURVE DATA
 Δ = 6'-23"-8.04"
 R = 192.71'
 L = 221.83'
 Δ = 5'-15"-90.00"
 R = 117.11'
 L = 117.11'

R/L CURVE DATA
 Δ = 10'-14"-46"
 R = 289.17'
 L = 318.21'
 Δ = 10'-16"-18"
 R = 289.17'
 L = 318.21'

R/L CURVE DATA
 Δ = 6'-49"-1.81"
 R = 57.62.165
 L = 62.64
 Δ = 15'-48"-1.67"
 R = 157.48.167"
 L = 174.81.167"

NOTES:
 SURVEY OF LOTS 6418, 6421, 6424 AND 6427, 0.738 ACRES TOTAL, APPROX NOV. 5, 1922
 Michael W. Cozant
 Registered Surveyor



RESOLUTION - EXHIBIT A

CITY OF PIQUA AND KENNETH BRICKER, OWNER OPERATOR OF KB MACHINE & TOOL, INC. INTENT TO PURCHASE AGREEMENT

This Intent to Purchase Agreement ("Agreement") is made and entered into this 23 day of November, 2011, by and between the **CITY OF PIQUA, OHIO, a municipal corporation**, ("City") and **KENNETH BRICKER, owner of KB Machine & Tool, Inc.** ("Buyer").

RECITALS:

- A. Buyer desires to acquire from the City approximately 0.254 acres of real property located on S. Main Street in Piqua, Ohio, known as Inlot 7248, and 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 maintaining the existing use of and improvements to the subject properties as it relates to the existing driveway improvements on the Property supporting the KB Machine & Tool improvements on the adjacent property located at 1500 S. Main Street in Piqua, Ohio, as more fully shown on Exhibit 'A' attached hereto.
- B. The City desires to maintain a utility easement over the existing utility infrastructure located on, under, or above the Property and the Buyer and City have mutual concerns and interests in connection with the Property.
- C. Buyer and City have examined certain issues to be included in this Agreement and as listed below. These items address specific issues and shall be binding upon the parties through the completion of the purchase agreement and transfer of ownership of the Property.

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 three-thousand dollars (\$3,000.00) 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 properly establish the necessary utility easement and combine the Property and adjacent property.

RESOLUTION - EXHIBIT A

**CITY OF PIQUA AND
KENNETH BRICKER, OWNER OPERATOR OF KB MACHINE & TOOL, INC.
INTENT TO PURCHASE AGREEMENT**

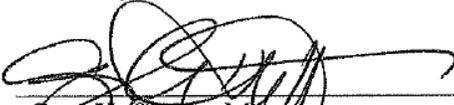
3. Condition and Maintenance. Buyer agrees to accept Property as is and assumes responsibility for the maintenance and up keep of the Property conditions.
4. Authorization of Sale. Both parties acknowledge and understand that the final sale of the Property, and the purchase price and terms agreed hereto, 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.
5. 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

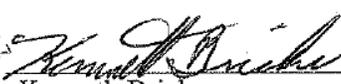
SCHAFFER INVESTMENTS LTD

By:



Gary Huff, City Manager
City of Piqua

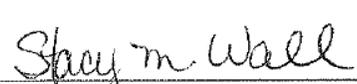
By:



Kenneth Bricker
KB Machine & Tool, Inc.

Approved as to form

By:



Stacy Wall, Law Director
City of Piqua

RESOLUTION - EXHIBIT A

CITY OF PIQUA AND
KENNETH BRICKER, OWNER OPERATOR OF KB MACHINE & TOOL, INC.
INTENT TO PURCHASE AGREEMENT



Page 12/48

RESOLUTION NO. R-8-12

A RESOLUTION AUTHORIZING AN APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR FUNDS FROM THE RECREATIONAL TRAIL PROGRAM FOR THE RESTORATION OF PORTIONS OF THE GREAT MIAMI RIVER RECREATIONAL TRAIL

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the Recreational Trails Program (RTP), and

WHEREAS, the City of Piqua desires financial assistance for public recreation purposes, through the Recreational Trails Program (RTP),

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

SEC. 1: That the City of Piqua approves filing an application for Recreational Trails Program assistance.

SEC. 2: That William Lutz, Development Program Manager, is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

SEC. 3: That the City of Piqua does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Recreational Trails Program.

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



Commission Agenda Staff Report

MEETING DATE	January 17, 2012			
REPORT TITLE	Grant Application to Recreational Trail Program - Restoration of Great Miami River Recreational Trail			
SUBMITTED BY	Name & Title: William Lutz, Development Program Manager Department: Development			
MEETING TYPE	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Work Session	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION	<input checked="" type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> 3 rd Reading	
	Ordinance #:		Resolution #: R-8-12	
APPROVALS/REVIEWS	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: City Engineer	
BACKGROUND (Includes description, background, and justification)	The grant will provide \$150,000 for restoration activity on the Great Miami River Recreational Trail on a 2,000 foot section located between Ash Street and North Main Street. The grant requires a 25% match, meaning that the city must commit \$50,000 in funds for the project.			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$50,000		
	Expenditure \$:	\$50,000		
	Source of Funds:	Streets and Parks Operating Funds		
	Narrative:	In reviewing this grant announcement, the City Engineer indicated that that required matching funds are available for this program from the streets and parks operating fund.		
OPTIONS (Include Deny Approval Option)	1.	Approve Resolution - This will cause the community to commit \$50,000, if the grant is awarded, and receive a grant of \$150,000 in order to make necessary improvements to the trail.		
	2.	Deny Resolution and Continue Work - The commission may choose to deny the resolution and use local funds to repair the trail.		
	3.	Deny Resolution and take no action - The commission may choose to deny the resolution and take no action on trail repairs at this time.		
	4.			
PROJECT TIMELINE	Applications are due February 1, 2012 with award announcements expected by			

	September 1, 2012. The City will have fifteen months to complete the project.
STAFF RECOMMENDATION	Staff would recommend that the City Commission adopt the resolution.

RESOLUTION NO. R-9-12

A RESOLUTION AUTHORIZING AN APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR FUNDS FROM THE NATUREWORKS PROGRAM FOR IMPROVEMENTS TO PIQUA MUNICIPAL SWIMMING POOL

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the NatureWorks Program, and

WHEREAS, the City of Piqua desires financial assistance for public recreation purposes, through the NatureWorks Program,

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

SEC. 1: That the City of Piqua approves filing an application for NatureWorks Program assistance.

SEC. 2: That William Lutz, Development Program Manager, is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

SEC. 3: That the City of Piqua does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the NatureWorks Program.

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



Commission Agenda Staff Report

MEETING DATE	January 17, 2012			
REPORT TITLE	Grant Request to NatureWorks Program - Swimming Pool Enhancements			
SUBMITTED BY	Name & Title: William Lutz, Development Program Manager			
	Department: Development			
MEETING TYPE	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Work Session	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION	<input checked="" type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> 3 rd Reading	
	Ordinance #:		Resolution #: R-9-12	
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: Street Superintendent	
BACKGROUND (Includes description, background, and justification)	Each year, the Ohio Department of Natural Resources allocates certain funds for each county through the NatureWorks Program. For 2012, just over \$18,000 is available in funding. After discussing the grant with the City Manager and Street Superintendent, it was decided to request the county's entire allocation for enhancements at our community swimming pool.			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$6,076		
	Expenditure \$:	\$6,076		
	Source of Funds:	Streets and Parks Operating Funds		
	Narrative:	In reviewing this grant announcement, the Street Superintendent indicated that that required matching funds are available for this program from the streets and parks operating fund, which is \$6,076, or 25% of the total project costs. The remaining funds (\$18,227) will be covered by the grant.		
OPTIONS (Include Deny Approval Option)	1.	Approve Resolution - This will cause the community to commit \$6,076, if the grant is awarded, and receive a grant of \$18,227 in order to make necessary improvements to the trail.		
	2.	Deny Resolution and Continue Work - The commission may choose to deny the resolution and use local funds to complete improvement.		
	3.	Deny Resolution and take no action - The commission may choose to deny the resolution and take no action at the pool at this time.		

	4.	
PROJECT TIMELINE	Applications are due February 1, 2012 with award announcements expected by September 1, 2012. The City will have twelve months to complete the project.	
STAFF RECOMMENDATION	Staff would recommend that the City Commission adopt the resolution.	

RESOLUTION NO. R-10-12

**A RESOLUTION APPOINTING A MEMBER TO THE BOARD
OF ZONING APPEALS AS THE PLANNING COMMISSION
REPRESENTATIVE**

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: Mike Taylor is hereby appointed as a member of the Board of Zoning Appeals as the Planning Commission representative. This term will expire on January 1, 2013 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION