

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, FEBRUARY 7, 2012  
7:30 P.M. – COMMISSION CHAMBER – 2<sup>nd</sup> FLOOR  
201 WEST WATER STREET  
PIQUA, OHIO 45356**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENTATION:**

**PIQUA COMPASSION NETWORK – MS. ANN HOOVER / MR. ANDY MONNIN**

**REGULAR CITY COMMISSION MEETING**

**CONSENT AGENDA**

1. **APPROVAL OF MINUTES**

Approval of the minutes from the January 17, 2012 Regular Piqua City Commission meeting and the Worksession minutes from January 12, 2012.

**OLD BUSINESS**

2. **ORD. NO. 2-12** (2<sup>nd</sup> Reading)

An Ordinance to vacate a public right of way

**NEW BUSINESS**

3. **ORD. NO. 3-12** (1<sup>st</sup> Reading)

An Ordinance amending Chapter 34 of the Piqua Municipal Code to reflect City Procedure and changes in the Ohio Revised Code

4. **ORD. NO. 4-12** (1<sup>st</sup> Reading)

An Ordinance amending Section 77.01 – Traffic Schedules Adopted, Schedule I of the Piqua Code, relating to Speed Limits

5. **RES. NO. R-11-12**

A Resolution awarding a contract for the purchase of transformers for the Power System

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

A Resolution requesting authorization to purchase the real property and building(s) located at 515 E. Ash Street

7. **RES. NO. R-13-12**

A Resolution of Appreciation for the public service of Allen Dock as a City Employee

8. **RES. NO. R-14-12**

A Resolution amending the agreement with the Ohio Department of Transportation for the US 36 (E. Ash Street) reconstruction project

9. RES. NO. R-15-12

A Resolution requesting preliminary legislation for the pavement planing and resurfacing on State Route 185 within the City of Piqua

10. RES. NO. R-16-12

A Resolution requesting authorization to enter into an agreement with LJB, Inc. for the Engineering Design for the Commercial Street Corridor Bike Route project

**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.)

**CITY MANAGER'S REPORT**

- a. Economic Development Update – Mr. Bill Murphy
- b. Engineering & Public Works Department Update – Ms. Amy Havenar

**COMMISSIONERS COMMENT**

**ADJOURNMENT TO EXECUTIVE SESSION**

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

**ADJOURNMENT**

**MINUTES**  
**PIQUA CITY COMMISSION**  
**Tuesday January 17, 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. Vice Mayor Vogt called the meeting to order. Also present were Commissioners Martin, Terry, and Wilson. Absent: Mayor Fess.

Moved by Commissioner Martin, seconded by Commissioner Terry, to excuse Mayor Fess from the January 17, 2012 Piqua City Commission Meeting. Voice vote, Aye: Martin, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously.

**PRESENTATION**

**Western Ohio TV Consortium – Executive Director Ms. Jennifer Welker**

WOTVC Board Member Chip Hare came forward and provided a brief background and overview of the Western Ohio TV Consortium. The Consortium consist of representative from the City of Piqua, Piqua City Schools, Upper Valley Career Center, Piqua Library, and Edison Community College. The WOTVC studio is located in Edison Community College. Mr. Hare stated he would be remiss if he did not mention the time and energy that Jan Koon, retired Program Director, put forth in the beginning years helping to launch the former APTA local access channel.

Mr. Hare stated he wanted to shake up things a little and asked all in attendance to stand up and participate in doing the “Y.M.C.A.” dance to the music of the Village People. Mr. Hare said he just wanted to show the Commission how far WOTVC has come, and how they are continuing to grow as they move forward into other communities around the Piqua area.

Ms. Welker gave a update on the Western Ohio TV Consortium on the work-in-progress at the new studio located in Edison Community College. Ms. Welker stated a lot of changes have occurred in the last 6 months, including receiving funding from various organizations and foundations. Ms. Welker said WOTVC has been able to purchase cameras, microphones, a light kit, and a duplicator with the help of several of the local foundations.

Ms. Welker further stated she is very pleased with the response from the community as a whole, as they have been able to get out into the community and develop partnerships with some of the local business along with providing them with programming and some in-kind video needs. Ms. Welker stated she couldn't take all the credit as this has been a community effort, but with out the volunteers this would not possible. Piqua High School students are providing the school programs, Upper Valley Career Center students worked with the designing of the new logo, and camera operators Joe Teach and Doug Fosnight. Russ Welker has been writing a lot of the music and donated a library of royalty free music that is used with some of the programs. Ms. Welker further stated, more importantly she wanted to thank Ryan Cool who has been with her every step of the way since she started in August of 2011. Ryan has given countless hours and has been producing and editing the shows you are seeing now. If you had the opportunity to see the 911 Program we have Ryan to thank for providing the editing and titling on this, and was the first WOTVC program. Ryan is also providing training for the volunteers and getting them familiar with the equipment. You are only as good as the people you surround yourself with, and is very pleased with the volunteers who have stepped up to help her, stated Ms. Welker.

Ms. Welker shared a video of some of the various programs and features that WOTVC has been able to produce, and includes a clip from a documentary produced for Hartzell Fan. Hartzell Fan was so pleased with the quality of the documentary they ordered 350 copies to give to their employees. WOTVC held their first Workshop for volunteers in November of 2011 on the use of the camera equipment. We are planning on holding quarterly workshops in the future for volunteers to be able to come in and see the studio and get hands on training to help with the programs. Currently WOTVC is airing approximately thirty programs a month and are looking forward to providing more in the future. Anyone interested in volunteering should contact Jennifer Welker at 937-381-1546 for more information.

## **REGULAR CITY COMMISSION MEETING**

Approval of the minutes from the January 3, 2012 Regular Piqua City Commission Meeting. Moved by Commissioner Martin, seconded by Commissioner Terry, that the minutes of the Regular Piqua City Commission Meeting of January 3, 2012 be approved. Roll call, Aye: Wilson, Martin, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously.

### **NEW BUSINESS**

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

An Ordinance to vacate a public right of way

City Planner Chris Schmiesing explained Ordinance No. 2-12 is a request by three adjacent property owners to vacate a portion of a public right of way located at Bassett and Statler Avenue. Mr. Schmiesing gave a brief overview showing several slides indicting the area to be vacated. The petitioners propose to maintain access to and from the affected properties by establishing an easement for ingress/egress. A utility easement will be maintained over the existing water main in the right of way. At the January 10 2012 Planning Commission Public Hearing the Planning Commission recommended approval contingent upon ingress/egress and utility easements being provided stated Mr. Schmiesing.

#### **Public Comment**

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

Ordinance No. 2-12 was given a first reading.

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

A Resolution authorizing the sale of city owned real estate

City Planner Chris Schmiesing stated Kenneth Bricker; owner of KB Machine & Tool Inc. would like to purchase this property from the City of Piqua. Mr. Bricker owns the adjacent property and would like to acquire this lot for future expansion and improvements to the parking lot and drive facilities incidental to his business. Mr. Bricker stated he would maintain a utility easement over the existing water main located within his property as part of the agreement. This property serves no purpose to the city at this time and staff recommends the sale of the property.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-7-12.

Moved by Commissioner Martin, seconded by Commissioner Terry, to adopt Resolution No. R-7-12. Roll call, Aye: Wilson, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously. Vice Mayor Vogt then declared Resolution No. R-7-12 adopted.

#### **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

City Manager Huff stated Resolution No. R-8-12 authorizes an application to the Ohio Department of Natural Resources for a grant. The grant would provide \$150,000 for restoration activity along the Great Miami River Recreational Trail. This is 2,000-foot section located between Ash Street and North Main Street. The grant requires a 25% match from the city and will commit \$50,000 in

funds for the project. The matching funds are available for this program from the streets and parks operating fund.

Commissioner Martin asked the reason for the restoration at this time. City Manager Huff replied quite a bit of the Recreational Trail has been extensively damaged due to the high water covering and destroying the area over the last year. Mr. Martin asked if there was anything that could be done in the future to prevent the high water from damaging the trail. Economic Development Director Bill Murphy explained the grant money will cover the repair of the pavement and the shoreline, but is not sure if there is anything that can be done to prevent the problem due to the location of the bike path.

Commissioner Terry encouraged the City to apply for the funds through the Ohio Department of Natural Resources. The city is responsible for maintaining the trail and it is to our advantage to apply for these funds.

Commissioner Wilson stated the grant is for \$150,000 and the city is required to pay 25% matching funds but \$50,000 is not the correct amount, why this amount? Mr. Murphy explained this is a \$200,000 project and \$50,000 is the city's portion with the \$150,000 coming from the Ohio Department of Natural Resources grant for a total of \$200,000.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-8-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-8-12 be adopted. Roll call, Aye: Terry, Martin, Vogt, and Wilson. Nay: None. Motion carried unanimously. Vice Mayor Vogt then declared Resolution No. R-8-12 adopted.

#### **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

City Manager Huff stated each year the Ohio Department of Natural Resources allocates certain funds for each county through the NatureWorks Program, and there is over \$18,000 available in funding for the year 2012. The city decided to request the county's entire allocation for enhancements to the community swimming pool, and our matching funds would be a little over \$6,000, said City Manager Huff.

Vice Mayor Vogt asked what are the funds going to be used for at the pool? City Manager Huff stated right now we just have to get the funds first then we will decide what repairs we can do with the amount of money received.

Commissioner Wilson inquired if it would be possible to provide some type of shade; several people have stated it is very hot to sit without any shade when you are not in the water. City Manager Huff stated they would look into providing some type of shade.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-9-12

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-4-12 be adopted. Roll call, Aye: Martin, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously. Vice Mayor Vogt then declared Resolution No. R-9-12 adopted.

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

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

City Manager Huff stated Resolution No. R-10-12 appoints Mike Taylor to the Board of Zoning Appeals as the Planning Commission Representative.

### **Public Comment**

No one came forward to speak for or against Resolution No. R-10-12.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-10-12 be adopted. Roll call, Aye: Martin, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously. Vice Mayor Vogt then declared Resolution No. R-10-12 adopted.

### **Monthly Reports**

Monthly Reports for December 2011 were presented and accepted.

### **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."

No one came forward to speak.

### **Commissioners Comment**

Commissioner Wilson stated the recycling total is up from last year and we still have the December 2011 totals to come in. 1100 tons were collected in 2010, and without the December totals we have collected 1318 tons so far. Commissioner Wilson reminded citizens they need to continue recycling and if they need recycling bins they can be picked up in the Health Department.

Commissioner Wilson announced the Monthly Work Commission Sessions are held on the second Thursday of each month at 7: 30 in the Commission Chambers. The last work session there were quite a few interesting topics and had a lot of good interaction and comments. Quite a few new citizens were in attendance and Commissioner Wilson encouraged citizens to come and participate in the next work session.

Commissioner Martin also encouraged citizens to come and participate in the Monthly Commission Work Sessions. These meetings are in a more casual setting and citizens can provide their input and comments.

Vice Mayor Vogt stated he attended the Martin Luther King Celebration held on Monday, January 16, 2012 and thanked the YWCA for hosting the very impressive program. Judge Walter Rice was the guest speaker and is one of the most interesting speakers he has every heard.

Vice Mayor Vogt also reminded citizens to keep up the good work by recycling, stating he uses a 32-gallon can he purchased from Ace Hardware.

City Manager Huff stated there are a quite a number of open seats available on various Boards and Committees and encouraged citizens to apply for these seats. Applications are available on the City website at [www.Piquaoh.org](http://www.Piquaoh.org) or can be picked up in the City Managers office. Citizens can fill out the applications on line and submit them to apply.

City Manager Huff reminded Commissioners of the City Commission Coffee hosted by the Human Resources Department on January 18, 2012 at 9:00 A.M.

Commissioner Wilson stated if you have a question on what any particular Board or Committee seat involves you can contact the City Managers office, or anyone on the Commission for more information.

Vice Mayor Vogt asked if there are any types of permits that can be obtained on line yet? City Manager Huff stated this is something they are working on and should be available in the near future.

**Adjournment**

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Regular Piqua City Commission Meeting at 8:15 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

\_\_\_\_\_  
William D. Vogt, Vice Mayor

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



**MINUTES**  
**PIQUA CITY COMMISSION WORK SESSION**  
**January 12, 2012**  
**7:30 P.M.**  
**201 WEST WATER STREET**  
**PIQUA, OHIO 45356**

Piqua City Commission met in a Work Session at 7:30 P.M. in the Commission Chambers in the Municipal Government Complex, 201 W. Water Street. Vice Mayor Vogt called the meeting to order at 7:30 P.M. Also present were Commissioners Wilson, Martin, and Terry. Absent: Mayor Fess. Also present Directors and Managers, Chris Schmiesing, Dave Burtner, Don Freisthler, Cynthia Holtzapple, Amy Welker, Stacy Wall, Police Chief Bruce Jamison, and City Manager Gary Huff. Numerous citizens were also in attendance.

**Work Session Discussion**

**Safe Routes to School Program**

City Planner Chris Schmiesing gave a brief power point presentation on the Safe Routes to School Program. The SRTS programs are sustained efforts by parents, schools, community leaders, local, state, and federal governments to improve the health and well-being of children by enabling and encouraging them to walk and bicycle to school. Mr. Schmiesing explained the health benefits and the environmental impacts of the SRTS program. This is 100% funded by the Federal Government and the eligible applicants include state, local, and regional agencies, including non-profit organizations, along with infrastructure and non-infrastructure projects. Mr. Schmiesing explained the 12 steps included in the Safe Travel Plan (STP) guidelines. There are four targeted buildings in the program and they include Washington School, Wilder Intermediate School, Bennett Intermediate School, and Piqua Junior High School. Mr. Schmiesing explained the timeline since the inception of the program in April of 2009. In October 2011 the STP acceptance letter was received making Piqua eligible to apply for up to \$500,000 in funds for infrastructure, and \$100,000 for non-infrastructure projects. On January 5, 2012 the SRTS committee identified the priorities. The application is due on March 2, 2012 and the applicants will be notified on April 30, 2012 of the results.

Several questions were asked, will Piqua Catholic Schools be included in the plan, and if "Walking Buses" were included. Mr. Schmiesing stated Piqua Catholic Schools are included and this plan would be a benefit to the community as a whole. The term "Walking Buses" was explained as a group of parents who meet and walk the students to school together as a group. This also includes a "Bike Train" which is done similar to the "Walking Buses". The use of Safety Patrols was mentioned and wondered if they were included in the funding. Police Chief Jamison explained there were some training issues with the program, stating the Miami County AAA previously backed it. Commissioner Martin asked if Springcreek School is included. Mr. Schmiesing explained.

**Golf Course Fees**

City Manager Huff stated he was providing a brief informal update on the Golf Course Fees.

Golf fees will not be increased this year; there are plans for marketing other events at the Golf Course. New membership options will also be available along with the implementation of

weekday membership and group discount rates being offered. The plan is to try and attract new players to the course, and bring back some of the players who have left for other courses.

Commissioner Wilson inquired if they have had any of the players offer their opinions on what they would like to see at the course, or what type of services they would like to have, or any other suggestions or information regarding the Club House or other things they would like to see implemented? City Manager Huff stated he was told several of the greens are in need of repair or maintenance, and mentioned several of the local area organizations have stated they are considering helping with improvements to the Club House. It was mentioned that the Golf Course has lost some business to other local courses over the last few years. City Manager Huff stated he and Economic Development Director/Assistant City Manager Bill Murphy have spoken with the Chamber of Commerce on ways to utilize the Golf Course for other events, and are getting a lot of good feedback on it. Commissioner Wilson asked if the Golf Course had the necessary facilities and services needed to be able to accommodate other venues. Commissioner Martin asked if it would be possible to provide a feedback card to all of the players to receive their input on what that would like to see at the course in the future. City Manager Huff stated that is something we can certainly look into doing.

### **Speed Limit and Parking on Park Avenue**

City Manager Huff stated he would like to hear from the City Commissioners on the direction they would like to proceed with on this issue.

City Planner Chris Schmiesing gave a power point presentation beginning by explaining the terminology used in the report. Intersection Sight Distance (ISD) and Stopping Sight Distance (SSD). The existing data evaluation was gathered from public records, citizen observations/comments, available studies and accident reports. Mr. Schmiesing explained the difference between the stopping distance from a side street at 25 MPH and 35 MPH. Slides were shown of existing intersections on Park Avenue at the intersections of Madison, Lincoln, Virginia, and Walker where there is less than 100 feet. Mr. Schmiesing stated the ISD recommended sight distance conditions are to be 160-200 feet of parking restriction on each of the four corners. Typical ISD recommends sight distance conditions results in the elimination of 6 to 8 parking spaces on each of the four corner intersection as indicated on the slide. In 1993 a study was completed on the Park Avenue, State Route 185 and some of the same issues were brought up at that time, including the speed limit and the parking restrictions. In 2000 the city addressed other issues on Washington Avenue involving speed limits.

Commissioner Terry stated she could see problems with eliminating parking spaces on Park Avenue at this time. Commissioner Wilson stated he would like to get more information on removing 1 space at each corner and reducing the speed limit to 25 MPH if possible first. Commissioner Terry stated she had previously lived on a corner on Park Avenue and stated the vehicles are quite a bit larger now than they were back then. There was a lengthy discussion concerning various aspects of removing parking spaces and reducing the speed limit on Park Avenue. It was noted there are a lot of shrubs and bushes at the corners of the intersections that need to be addressed. It was also mentioned to possibly look city-wide at all of the intersections for site problems, and was this something that could be done in house, and if not what could be done. City Manager Huff stated he would look into the items brought up and bring the information back to the Commission at a future work session.

Russ Fashner, Forest Avenue, expressed his opinion on making the changes to the speed limit on Park Avenue, and inquired if there is any type of reports on accidents on Park Avenue available?

Several suggestions were made regarding the speed limit on Park Avenue, 25 MPH from Washington Avenue and Park going east, 35 MPH the rest of the way on Park Avenue. Another is Washington Avenue east be 25 MPH and removing 1 parking space. Commissioner Martin stated he is not in favor of moving six parking spaces at this time. It was noted that Clark Avenue has some of the same problems, and the lowering of the speed limit on Washington Avenue seemed to help eliminate some of the problems there.

Brad Boehringer, Mound Street, voiced his opinion on the speed limit issue on Park Avenue.

Jim Cruse, Co. Rd. 25-A voiced his opinion on the previous study stating there have been a lot of changes since that study was completed. Mr. Cruse voiced his concern about the 35 MPH speed limit on top of the hill in regards to safety issues due to the fact there is a school located at Park and Sunset.

Mr. Fashner voiced his concern about the 35 MPH speed limit on Park Avenue, stating there is still a lot of truck traffic on Park Avenue.

City Manager Huff stated he would like to have some direction on what the Commission would like to do, and will speak with each of the Commissioners to get this done.

### **Vicious Animals – Part 1**

Police Chief Bruce Jamison stated after the vicious attack of a local resident by several pit bulls the city decided to look at the current vicious animal ordinance. Chief Jamison gave a brief update on the current ordinances, state laws and current practices by the Health Department, Miami County Animal Shelter, and the Police Department concerning vicious animals. Ordinances include: Piqua City Ordinance No. 90.28, Ohio Revised Code Chapter 955.11 Dangerous and Vicious Dogs- includes as vicious “belongs to a breed that is commonly known as a pit bull dog”. Vicious dogs are a hot topic in other cities also stated Chief Jamison citing several other cities are enacting new regulations and laws on vicious animals. One of the concerns is if the ordinance should be breed specific or non specific. Certain breeds are labeled vicious but other animals can also become just as vicious, thus the reason for the discussion of the breed specific versus the non-specific, stated Chief Jamison.

Health & Sanitation Director Amy Welker provided various statistics including the number of dog bites from 2000 – 2011, which included over 600 bites. Part of the problem is that on the bite report the breed is not always specified, or is just listed as a mix with an average of 52 bites per year. Chief Jamison stated the Police Department received over 1300 animal complaints in 2011 including barking dogs and animal bites. Chief Jamison stated he reviews all of the bite reports, and only 5 dogs were declared vicious in 2011. There is no legislation that we could have had in place to prevent the incident with the Piqua resident in 2011, the animals resided outside the city limits and came into town.

Ms. Welker stated the Health Department only gets involved when a bite occurs, and contracts with the Miami County Animal Shelter. The Miami County Animal Shelter has 4694 dogs licensed at this time. Several questions were raised including how many dogs are there in Piqua that are considered vicious dogs. Chief Jamison stated at this time there are no vicious dogs in Piqua, but at one time there were 5 and they are no longer in town. The incident with the Piqua resident prompted the City to look into the vicious dog ordinance more thoroughly. The criteria for labeling a dog “vicious” was explained by Chief Jamison, and he further stated he has spoken with the Law Director on the need to possibly update our ordinance to include the owner being

required to carry insurance for keeping a vicious dog. There was discussion on breed specific versus the non-specific breed, and whether or not to go by the individual incident rather than just a dog bite or an attack. The trouble when this happens is that you are taking a beloved family pet away, stated Chief Jamison. Law Director Stacy Wall stated it is the really the owner's responsibility not the dogs when an incident occurs, and owner must take that responsibility as a go owner. Some question was raised over the need for notification of the neighborhood where a vicious dog is living in the area, and the procedures that occur when someone is bitten.

Commissioner Vogt commented there are also a number of wild animals such as coyotes, skunks, and raccoons living in the city, what can be done about them? City Manager Huff stated the Department of Agriculture is responsible for wild animals and is contacted as needed. Ms. Welker stated dog rabies has almost been eliminated with only one case being reported last year, and that report resulted from a dog coming in contact with a raccoon that was infected with rabies.

### **Power Plant Dam Chronology**

City Manager Huff stated there have been a lot of questions raised on what is going to happen to the Dam. At this time there are no plans to take the dam down as they are looking at various solutions.

City Planner Chris Schmiesing provided a brief power point overview of the Low Dam Modification, citing the current dam was built in 1937. In 2009 the Ohio Department of Natural Resources conducted a study. Findings from this study concluded the gates in the dam are obsolete and are in need of repairs, along with a high maintenance cost for the dam. Discussions to date include the Power Plant Urban Waterfront Redevelopment, OEPA Presentation to CAC, Application for a 319 Grant to study the feasibility of the dam, and conversations with the US Army Corp of Engineers regarding the dam.

Vice Mayor Vogt read a letter received from Jerry D. Lanich, a former Piqua resident now residing in Hamilton Ohio, encouraging the City to keep the dam in place. Vice Mayor Vogt also read a letter received from David Vogt a former Piqua resident and member of Piqua Boat & Ski Club residing in Florida. Mr. Vogt is also in favor of keeping the dam. Several members of the Piqua Boat & Ski Club were in attendance and asked several questions involving the dam and voiced their opinion on the fate of the dam in the future.

Power Systems Director Ed Krieger commented the EPA has stated the Great Miami River in this area is one the best rivers in Ohio. Mr. Krieger explained the benefits of keeping the dam, along with the cost of maintaining the gates that are a problem at this time.

Brad Boehringer asked several questions concerning the depth of the water surrounding the dam.

City Manager Huff stated this was just an informational update on the dam and nothing has been decided at this time.

### **Fluoride in City Water**

City Manager Huff stated this is an important issue that was brought up by the City Commission.

Water Department Superintendent Don Freisthler gave a brief power point presentation on the pros and cons of water fluoridation in the City of Piqua. The key is to keep the action level below

1.5 mg/l, currently the maximum contaminant level is at 4 mg/L and the action level is at 2 mg/L. The US EPA is currently reviewing the maximum contaminant level and it is expected to be reduced, the current range the city is required to maintain is .8 –1.3 with the new range expected to be .7 – 12. There were questions concerning the amount of fluoride in other things such as toothpaste, are there any home water purification systems that take the fluoride out of the water. Several comments were brought up including that once fluoride is introduced into the water it must be continued, and the reason for lowering the level is the amount of fluoride that is in toothpaste may be causing concern for getting to much fluoride. The comments were explained.

City Manager Huff thanked everyone for attending stating he hoped the information presented was informative and helpful. If anyone has any other questions or they would like more information regarding the issues discussed City Manager Huff asked them to contact him.

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the City Commission Work Session at 9:40 P.M. Voice vote, Aye: Terry, Wilson, Martin, and Vogt. Nay, None.

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WILLIAM D. VOGT, VICE MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION

EXHIBIT A

**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.

EXHIBIT A

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

**1<sup>st</sup> Reading – 01-17-2012**

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	1/17/2012			
<b>REPORT TITLE</b>	Bassett and Statler Avenue Right of Way Vacation			
<b>SUBMITTED BY</b>	Name & Title: Chris Schmiesing, City Planner			
	Department: Development Department			
<b>MEETING TYPE</b>	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Work Session	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading	
	Ordinance #: 2-12		Resolution #:	
<b>APPROVALS/REVIEWS</b>	<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	
<b>BACKGROUND</b> (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.			
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	0		
	Expenditure \$:	0		
	Source of Funds:	0		
	<b>Narrative:</b>	The City will no longer be obligated to provide maintenance services for this portion of right of way.		
<b>OPTIONS</b> (Include <i>Deny Approval Option</i> )	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.			
<b>PROJECT TIMELINE</b>	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 <sup>st</sup> reading of Ordinance Feb 7, 2012 - City Commission 2 <sup>nd</sup> reading of Ordinance Feb 21, 2012 - City Commission 3 <sup>rd</sup> reading of Ordinance
<b>STAFF RECOMMENDATION</b>	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 72AB, 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 &amp; SUE KINNISON</u>	<u>2 KESTREL CT. (Home)</u>	<u>Larry Kinnison Sue Kinnison</u>
<u>JOHN &amp; CAROL GASTON</u>	<u>8075 GRANDVIEW</u> <u>CELINA, OH</u>	<u>John Gaston</u>
<u>CITY OF PIQUA</u>	_____	<u>Carol Gaston</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

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

\$100.00 Fee Paid CWS

Date Fee Paid 10-21-2011

Receipt No. \_\_\_\_\_

Res. No. \_\_\_\_\_



## ORDINANCE NO. 3-12

### AN ORDINANCE AMENDING CHAPTER 34 OF THE PIQUA MUNICIPAL CODE TO REFLECT CITY PROCEDURE AND CHANGES IN THE OHIO REVISED CODE

WHEREAS, the City of Piqua Municipal Code Chapter 34 regulates the purchase of supplies and disposal of property and references the Ohio Revised Code, which has been amended; and

WHEREAS, currently the City of Piqua requests verification of tax liens from a successful bidder and thus Section 34.18 of the Municipal Code is obsolete by exempting an added protection to the City.

NOW THEREFORE, BE IT ORDAINED BY the Piqua City Commission, a majority of its members concurring that:

SECTION 1. That the City of Piqua hereby amends Chapter 34 of the Piqua Municipal Code as set forth below: (proposed language is underlined and language to be deleted is struck)

#### **§ 34.01 CONTRACTS FOR PUBLIC WORKS AND IMPROVEMENTS.**

(A) Contracts for public works and improvements shall be awarded to the lowest responsible bidder within a reasonable time after advertisement for bids has been published at least once in a newspaper of general circulation in the city containing a reservation that the City Manager shall have the power to reject all bids and advertise again. The City Manager may reject all bids and advertise again, but shall not be required to do so, even when the lowest bid exceeds the engineer's estimate by 10% or more.

(B) The City Manager shall determine the appropriate specifications and bidding requirements not otherwise provided in the city code. Such determination shall be to the exclusion and preemption of R.C. Chapters 9 and 153, which are hereby rendered inapplicable to all public works and improvements in the city except for R.C. 5719.042 and where otherwise specified within Chapter 34 of the Municipal Code.

#### **PURCHASE OF SUPPLIES**

#### **§ 34.15 PAYMENT FOR SUPPLIES AND EQUIPMENT.**

Whenever articles, commodities, supplies, materials, or equipment are purchased and delivered to the storerooms or warehouses of the city in anticipation of requisitions from the several departments, divisions, and it is impracticable at the time of delivery to apportion the cost thereof or any part of the cost to the several departments, divisions, and offices, payment shall be made from the city storeroom fund of the Department of Purchases and Supplies, to be repaid by the several departments, divisions, and offices as they receive the supplies upon a requisition.

#### **§ 34.16 ESTIMATES AND SUMMARY; AVAILABLE EQUIPMENT.**

At the beginning of each year, and at such other times as contracts for supplies are to be let, the director of each administrative office shall submit to the Director of Finance an estimate of all articles, commodities, supplies, equipment, and materials anticipated to be needed by that department or office for its regular operation during the year. This estimate shall specify the quantity and character of each item needed. All estimates shall be transmitted to the Purchasing Agent, who shall prepare a summary statement which shows the total quantity estimates required by all departments and offices of each item of such articles, commodities, supplies, equipment, and materials. The estimates and the summary shall also show the amount of all articles, commodities, supplies, equipment, and materials estimated to be on hand or in stock in the departments and offices or in the city storerooms or warehouses, and the net quantity which it will be necessary or advisable to purchase during the ensuing year. The estimates and the summary shall also show the quantity, character, and estimated value of all articles, commodities, supplies, equipment, and materials or other property on hand in the several departments or in the storerooms and warehouses of the city, which are no longer usable or needed and which may be disposed of by the City as specified herein in Chapter 34 of the Municipal Code.

#### **§ 34.17 PURCHASING CONTRACTS; BIDS.**

At such times after the passage of the annual appropriation ordinance or after any preliminary appropriation ordinance has passed in accordance with sections 49 or 50 of the Charter, bids for purchase contracts covering all or any part of the requirements of such articles, commodities, supplies, materials, services, and equipment as the city may need during the year shall be received with or without advertising or otherwise as will permit which most benefit the city.

#### **~~§ 34.18 APPLICATION OF REVISED CODE.~~**

~~—The provisions of R.C. § 5719.042 shall have no application to any contract governed by this chapter.~~

#### **§ 34.19 PUBLICATION OF BIDS; EXCEPTIONS.**

No purchase of goods, supplies, or services in excess of \$25,000 shall be made until and unless advertisement for bids has been published at least once, not less than 48 hours before the opening of bids, in a newspaper of general circulation in the city, all subject to section 46 of the Charter. However, advertisement shall not be required when:

- (A) Purchases are made by contract established pursuant to § 34.17;
- (B) In unforeseen emergencies, delay would result in the interruption of or detriment to the delivery of public services, as determined by the City Manager;
- (C) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the city and the only source of supply is limited to a single supplier;
- (D) The purchase is from the federal or state government or agency thereof, or from any political subdivision;

(E) In the sound judgment of the Purchasing Agent, subject to approval of the City Manager, advertisement for bids for any specific purchase would not be of any material benefit to the city.

(F) The purchase consists of professional services for which no possible specifications for bids can be drawn, subject to approval by the City Commission.

(G) The purchase is from a joint purchasing program where the equipment, material, supply or service being purchased was obtained through a competitive sealed bidding process or a competitive sealed proposal process.

#### **§ 34.20 EQUIPMENT HAVING STANDARD SPECIFICATIONS.**

In advertising for bids for the furnishing of articles, commodities, supplies, materials, or equipment for which standard specifications have been adopted, it shall be sufficient to refer thereto by the general trade name and by citing the appropriate standard specification or specifications, and by stating that standard specifications may be examined at the office of the Purchasing Agent. The Purchasing Agent may require bidders to submit samples with their bids in cases in which it is practicable to do so.

#### **§ 34.21 REQUISITIONS; FURNISHING ITEMS.**

(A) Requisitions for articles, commodities, supplies, materials, or equipment by any department or office shall be addressed to the Purchasing Agent, approved by the director of the department or the head of the office, and if the department or office has available a sufficient appropriation balance in excess of all unpaid obligations sufficient to pay for the supply the Purchasing Agent shall either furnish the items requisitioned from the storerooms or warehouses of the city, procure them by purchase under a purchase contract previously made, or procure them by purchases in the market.

(B) Whenever any office or division of the city requires supplies or equipment which another office or division of the city is able to furnish, suitable requisition may be made, and the supplies or equipment may be furnished. In such cases bids need not be obtained. Apportionate charges and credits shall be made to accounts affected by this transaction.

#### **§ 34.22 LOCAL PREFERENCE PURCHASING PROGRAM.**

(A) *Definitions.*

(1) **COMMODITIES.** Goods that can be purchased from a manufacturer or their representative and which are purchased by the city in amounts greater than the amounts required to be bid in the Charter.

(2) **NON-PROFESSIONAL SERVICES.** Janitorial and general maintenance service orders including those for fleet management, buildings, and mowing. In addition, city printing services would be included in this category. Any prevailing wage project would not be considered part of this definition.

(3) **CITY BIDDER/SUPPLIER.** A corporation, sole proprietorship, partnership, or joint venture who maintains a place of business within the corporate limits of the city as now established, or as hereafter established in the manner provided by law, and has filed or paid a payroll or earnings tax to the city in the most recent tax quarter. When proof of situs is required, the city bidder/supplier shall authorize the Department of Income Tax to release the necessary information.

(B) *Local preference.* In awarding purchase orders for commodities and non-professional services, the city may grant a local preference to city bidder/supplier within the city. In determining the lowest responsible bidder or supplier, a 5% local preference on all local bids exceeding the lowest, responsible, non-city bidder/supplier bids may be computed on the amount of the low bid meeting specifications by a non-city bidder/supplier. The preference may be applied up to a maximum of 5%, but not to exceed \$10,000.

(C) *Ties.*

(1) Ties between city bidder/supplier and one or more non-city bidder/supplier(s) meeting specifications shall be broken in favor of the city bidder/supplier.

(2) Ties between two or more city bidder/suppliers(s) meeting specifications will be broken through a coin toss method until the winner remains.

(D) *City Manager authorization.* The City Manager or his or her designee may promulgate rules and regulations to implement this section provided they are not inconsistent with the expressed provisions of this section.

(E) *Savings.* This section may be subject to the application of the laws of the state or the United States of America which may preempt all or a portion of this section.

(F) *Local preference certification and waiver form.*

(1) This section provides for a local preference in the purchase of commodities and non-professional services by the city.

(2) The rules and regulations adopted by the city of the administration of this section require that bidders claiming local preference complete the following form for each bid. Failure to properly complete and return this form may result in not being qualified to receive preference under this section.

PREFERENCE CLAIMED – City Bidder/Supplier

BUSINESS NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

TELEPHONE NO.: \_\_\_\_\_ FAX NO.: \_\_\_\_\_

FEDERAL I.D. NO.: \_\_\_\_\_

If incorporated. If a sole proprietorship, use Social Security Number of owner.

TESTIMONY AND AUTHORIZATION

The undersigned, on behalf of the aforementioned business concern, hereby authorizes the City of Piqua Department of Income Tax to provide proof of status pursuant to the Ordinance to the City of Piqua Department of Purchasing. In so doing, I authorize the Department of Income Tax to disclose such records as may be necessary to establish qualifications for local preference as required by the Ordinance or any subsequent rules and regulations adopted in the administration of the Ordinance. I, on behalf of the aforementioned business concern, hereby release the City of Piqua and its officers, employees, or agents from any and all liability for the disclosure of any information establishing these qualifications. I further attest to the fact that the business concern is physically located within the Corporate limits and boundaries of the City of Piqua, Ohio. By affixing my signature to this form, I also attest that I am a duly authorized agent of the aforementioned business concern.

\_\_\_\_\_  
Type or Print Agent Name                      Agent Signature

\_\_\_\_\_  
Date

**§ 34.23 JOINT PURCHASING PROGRAM.**

(A) The City Manager is hereby authorized to participate in any joint purchasing program operated by or through a national or state association of political subdivisions in which the city is eligible for membership.

(B) Acquisitions of equipment, material, supplies, or services, through participation in joint purchasing program under division (A) of this section, is exempt from any advertisement and competitive bidding requirements otherwise required by law, if the contract in question was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state.

(C) The City Manager is hereby authorized to agree in the name of the City of Piqua to directly pay the vendor, under each such joint purchasing program contract in which it participates, for items it receives pursuant to the contract, and that the City Manager does hereby agree to directly pay the vendor.

(D) If the expenditure of funds for the purchase of equipment, material, supplies, or services under the proposal available through participation in a joint purchasing program exceeds the amount specified by ordinance for which such purchases or services may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance.

## **SALE OF PROPERTY**

### **§ 34.31 SALE AND DISPOSAL OF PROPERTY.**

Under the power of local self-government conferred upon cities by Article IV of the Ohio Constitution and as a charter municipality under Article XVII of that Constitution, the City of Piqua has established the procedures described in this chapter for disposal of real and/or personal property interests, including money, in its possession. The custodial care of any such property interest and its disposal under this chapter shall be deemed to constitute a governmental function.

### **§ 34.32 PERISHABLE FOOD, FLAMMABLES, EXPLOSIVES, AND OTHER HAZARDOUS MATERIALS.**

(A) If personal property which has been lost, mislaid, abandoned or stolen comes into the possession of the city, and if it is solid food or is a beverage (collectively referred to as "food") of such a nature that it will spoil if not used almost immediately ("perishable food"), the procedures of this section shall be followed instead of any other procedures described elsewhere in this chapter.

(B) If the city does not know the name or address of the owner of the perishable food, the city may proceed at once to use that food itself or may dispose of it by gift or other transfer to any person or entity, including but not limited to any non-profit organization, or may dispose of it as worthless rubbish.

(C) If the name or address of the owner of the perishable food is known, the city shall make an attempt to give telephone notification to the owner that the perishable food has been left in the possession of the city. If the city is not successful in giving such notice after three attempts within 24 hours or if the property is not taken away by the owners within 24 hours after the notice attempt concluded (or whatever lesser number of hours may be reasonable for notice and/or removal, based on the perishable nature of the food), the city may use that food itself or may dispose of it by gift or other transfer to any person or entity, including but not limited to any non-profit organization, or may dispose of it as worthless rubbish.

(D) The procedures listed in § 34.32 (A), (B), and (C) shall apply to flammables, explosives and/or other hazardous materials coming into the possession of the city.

### **§ 34.33 OPTIONAL PROCEDURE UNDER STATE STATUTE.**

Personal property which has been lost, mislaid, abandoned or stolen and which has come into the possession of this city may be disposed by the city on the basis of an application for disposal of property filed with the municipal court of this county under R.C. §§ 2981.11 - .13 ~~2933.41~~, as those that statutes may be revised and/or renumbered from time to time. In the alternative, this charter city may dispose of such property under other sections of this chapter, and/or such written internal control policy adopted relative to property approved by the Chief of Police without necessity of any court order or judicial proceeding.

**§ 34.34 PROPERTY FOUND BY EMPLOYEES BELONGS TO THE CITY.**

If personal property is found by an employee of this city during the course of his or her employment, that employee shall have a duty to deliver the property into the custody of this city; and any rights which might otherwise accrue to the finder of such property shall thereafter be deemed to belong exclusively to this city.

**§ 34.35 SALE OR DISPOSAL OF SCRAP AND PERSONAL PROPERTY.**

(A) **PERSONAL PROPERTY NOT NEEDED FOR PUBLIC PURPOSES.** Personal property, other than scrap, which is not needed for any of the departments of the city, may be disposed of as follows:

(1) By sale by sealed bid to the highest and best bidder, following notice on the city website and the public access station at least ten business days prior to the opening of bids.

(2) By live public auction.

(3) By internet auction. Notice of internet auction will be posted on the city website at least five calendar days prior to commencement of bidding.

(4) By sale, donation or agreement to another government jurisdiction without the requirement of competitive bidding.

(5) By trade-in for credit at the time of the purchase of replacement property, provided that trade-in value is established separately from the purchase price of the replacement property, and can be verified to represent fair market value for the traded property.

(6) By destruction upon the determination by the City Manager that the surplus property must be destroyed for public safety reasons.

(7) By donation to an appropriate charitable organization with the approval of the City Manager. No property shall be donated to the benefit of any private individual, private company or for-profit organization.

(B) **COMPUTER EQUIPMENT.** If the personal property is computer equipment which, in the judgment of the IT Director with approval of the City Manager, has no market value because of its age and/or obsolescence, the Purchasing Agent may dispose of such equipment as most beneficial to the City, including donation to a non-profit organization or by discarding such equipment.

(C) **SCRAP.** Personal property that has become unsuitable for use or personal property that has been condemned as useless by the City Manager or his or her designee shall be sold by the purchasing agent for the best price obtainable without advertising for bids.

(D) Any property donated shall be done so by written agreement that includes the proper release language as approved by the Law Director and the acceptance of the property in an “as is” condition.

#### **§ 34.36 SALE OR LEASE OF CITY REAL ESTATE.**

No real estate belonging to the city shall be sold or leased except in pursuance of a resolution passed by a majority vote of all members of the City Commission. This resolution shall contain the following.

- (A) The reason for selling or leasing the real estate;
- (B) Description of the real estate to be sold or leased;

(C) When real estate is to be leased or sold by the city to the United States Government; the State of Ohio (including any department or agency thereof) any political subdivision of the state; any nonprofit corporation, association, or organization; or any specific person or persons, firm or corporation if, in the sound judgment of the City Manager, the sale or lease would be in the best interest of the city, no advertising for bids shall be required, if the resolution provided for in this section so states.

#### **§ 34.37 ADVERTISEMENT; REPORTING OF BIDS.**

(A) Except for sales or leases provided for in division (C) of this section, when real estate is to be leased or sold by the city, the resolution provided for in § 34.36 shall be advertised, together with all pertinent matters, as in the case of other purchases and sales.

(B) The City Manager shall report to the Commission all bids received in the matter of the lease or sale of real estate, and shall take such action thereon as may be directed and authorized by ordinances of the City Commission. The City Manager shall sign all conveyances for the sale or leasing of real estate of the city.

(C) When real estate is to be leased or sold by the city to the United States Government, the state (including any department or agency thereof), any political subdivision of the state or to any nonprofit corporation, association, or organization, no advertising for bids shall be required if the resolution provided for in § 34.36 so states.

#### **§ 34.38 DISPOSITION OF UNCLAIMED PROPERTY.**

(A) Property that is abandoned and unclaimed for 90 days after being taken into custody by the city may be sold by the Chief of Police at public auction after giving due notice thereof by advertisement published weekly for three consecutive weeks. The Chief of Police may have the proceeds from this auction, in full or part, deposited into the Law Enforcement Trust Fund.

(B) In the alternative, the city may keep the property, or the Chief of Police may contribute proceeds, in full or part, from the auction (see division (A)) to a recognized citizens reward program for use exclusively for the payment of rewards or the Chief of Police may contribute the

property to one or more public or nonprofit agencies (provided no part of the net income inures to the benefit of any private agency's shareholder or individual and no substantial part of the agency's activities consist of promulgating propaganda or otherwise attempting to influence legislation or to one or more organizations satisfying IRC 501(c)(3) or (c)(19).

(C) This section shall not apply to property required for disposition pursuant to R.C. §2981.01 et seq. or other similar sections of the *Revised Code*, except as provided otherwise in this chapter.

(D) Bicycles that are abandoned and unclaimed for 60 days and have no value may be destroyed or otherwise disposed of by the Chief of Police without public sale.

(E) The Chief of Police or his/her designee shall determine any claimant's rights to possession of the abandoned or unclaimed property. If the claimant is dissatisfied with the decision of the Chief of Police or his or her designee, he or she may appeal the decision to the City Manager or his designee within 7 days of the decision. The City Manager and/or his or her designee shall hold a hearing within 14 days of receipt of the notice of appeal. The decision of the City Manager shall be final.

#### **§ 34.39 DISPOSITION OF REAL AND PERSONAL PROPERTY WHICH HAS BEEN SEIZED BY AND/OR FORFEITED TO THE CITY.**

(A) A person loses any right he or she may have to possession of property, which was the subject of an offense, was used in a conspiracy or attempt to commit an offense, or was used in the commission of an offense (other than a traffic violation) if the person was a conspirator, accomplice, or offender with regard to the particular offense. In addition, a person loses any right he or she may have had to possession of property when, on the basis of the nature of the property or the circumstances involved, it is unlawful for him or her to acquire or possess it. Any such property shall be deemed to have been forfeited to the city.

(B) Forfeited property in the custody of the city may be disposed of on the basis of an Application for Disposal of Property filed with the Municipal Court of this county under R.C. §§ ~~2933.44~~ 2981.11 - .12. In the alternative, this charter city may use any of the following procedures of disposal of such forfeited property, without necessity of any court order or judicial proceedings:

(1) Drugs of abuse, as defined in Ohio statutes, shall be destroyed, or placed in the custody of the Secretary of the Treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

(2) Alcoholic beverages, as defined in Ohio statutes, shall be destroyed, or placed in the custody of the Ohio Department of Liquor Control for disposal.

(3) Firearms and dangerous ordnance suitable for police work may be retained by the city as its property for law enforcement purposes. All other firearms shall be disposed of under §34.33 and §34.38 above.

(4) Obscene materials shall be destroyed.

(5) Any other item of personal or real property forfeited under any law of the United States or the State of Ohio or ordinance of this city may be retained by the city for its own use. If not so retained and if the optional procedure of disposal under state statute is not used (see division (B) of this section) the property shall be disposed of under § 34.33 or § 34.38 above.

**§ 34.40 REIMBURSEMENT OF CITY EXPENSES.**

The right of any owner or finder to claim possession of property pursuant to this chapter shall be conditioned upon reimbursement to the city by that person of all direct expenses incurred by the city for advertising, mailing of notices and for any transportation and storage fees paid to third persons in connection with the property involved.

**LAND REUTILIZATION PROGRAM**

**§ 34.50 LAND REUTILIZATION PROGRAM ESTABLISHED.**

(A) The City of Piqua hereby adopts the procedures set forth in R.C. Chapter 5722.

(B) The proper city officials are hereby authorized to take all necessary and proper actions to adopt and implement the procedures set forth in R.C. Chapter 5722 and the City Manager is directed to promulgate rules to set up a selection review committee, to delineate property selection and documentation criteria, to establish maintenance and reporting requirements, and to determine the length of time the city may own property for the program.

(C) The Clerk of Commission is hereby directed to transmit certified copies of this section to the County Auditor, the County Treasurer and the County Prosecutor, as provided in R.C. § 5722.02.

SECTION 2. All other sections of Chapter 34 of the Piqua Municipal Code not amended herein shall remain in effect as is.

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CITY COMMISSION CLERK



## Commission Agenda Staff Report

<b>MEETING DATE</b>	February 7, 2012			
<b>REPORT TITLE</b>	AN ORDINANCE AMENDING CHAPTER 34 OF THE PIQUA MUNICIPAL CODE TO REFLECT CITY PROCEDURE AND CHANGES IN THE OHIO REVISED CODE			
<b>SUBMITTED BY</b>	Name & Title: Stacy Wall, Law Director			
	Department: Law			
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b> ( )	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading	
	Ordinance #: 3-12		Resolution #:	
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> Department Head		<input type="checkbox"/> ACM - Finance	
	<input type="checkbox"/> ACM - Development		<input checked="" type="checkbox"/> Law Director	
	<input type="checkbox"/> City Manager		<input type="checkbox"/> Other:	
<b>BACKGROUND</b> (Includes description, background, and justification)	Chapter 34 establishes the procedures for bids and forfeiture of property. The State repealed the forfeiture law and rewrote it and thus the majority of changes in the Ordinance are simply updating the sections to the correct state statute. The one other change in the Ordinance is to delete Section 34.18. This section makes specific reference to exempt a state statute from application to the City. After review, this statute adds protection to the City so the exemption is being repealed.			
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	N/A		
	Expenditure \$:	N/A		
	Source of Funds:	N/A		
	<b>Narrative:</b>			
<b>OPTIONS</b> (Include <i>Deny Approval Option</i> )	1.	To have three readings and approve the amendments.		
	2.	To not approve the ordinance and the code would not conform to state law.		
	3.	To suggest alternative amendments to the Ordinance.		
	4.			
<b>PROJECT TIMELINE</b>	The relevant code sections were repealed and new sections were enacted so the changes are needed immediately to comply with state law.			

<b>STAFF RECOMMENDATION</b>	To approve the Ordinance. It is also requested that you waive the three reading rule so that the Municipal Code be in compliance with the State law changes. The amendment would also allow the City greater flexibility on document collection for projects put out to bid.
<b>SUPPLEMENTAL INFORMATION</b> (List all attached documents)	

**ORDINANCE NO. 4-12**

**AN ORDINANCE AMENDING SECTION 77.01 – TRAFFIC SCHEDULES  
ADOPTED, SCHEDULE I OF THE PIQUA CODE, RELATING TO SPEED  
LIMITS**

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: Section 77.01 of the Piqua Code, Schedule I - SPEED LIMITS, is hereby amended to revise the following:

**PARK AVENUE (Marymont to Broadway) - 25 MPH**  
**BROADWAY (Park Avenue to W. Ash Street) – 25 MPH**  
**W. ASH STREET (Broadway to N. Downing Street) – 25 MPH**

These changes will take effect within thirty (30) days after the approval of this Ordinance.

SEC. 2: Section 77.01 of the Piqua Code, Schedule I Speed Limits, as previously adopted and amended, is hereby amended to revise speed limits;

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	February 7, 2012		
<b>REPORT TITLE</b> <small>(Should match resolution/ordinance title)</small>	An ordinance amending Section 77.01 – Traffic Schedules Adopted, Schedule I of the Piqua Code, relating to speed limits.		
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, City Engineer		
	Department: Engineering		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading
	Ordinance #: Ord. No. 4-12		Resolution #:
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
<b>BACKGROUND</b> <small>(Includes description, background, and justification)</small>	With the rerouting of SR 185, there was much discussion within the community as to whether the speed limit should be lowered to 25 mph, or whether it should remain 35 mph on the sections of roadway that were once SR 185. After numerous public meetings to discuss this topic, City Commission has directed City Staff to lower the speed limit to 25 mph on the following sections of roadway: Park Avenue between Marymont Drive and Broadway, Broadway between Park Avenue and W. Ash Street, and W. Ash Street between Broadway and N. Downing Street. The portion of Park Avenue between Marymont Drive and Sunset Drive will remain 35 mph as per City Commissions direction.		
<b>BUDGETING AND FINANCIAL IMPACT</b> <small>(Includes project costs and funding sources)</small>	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:		
	<b>Narrative:</b>	There will be no financial impact to the City with making this change in the speed limit.	
<b>OPTIONS</b> <small>(Include Deny /Approval Option)</small>	1.	Approve the ordinance to amend Schedule 73.10 of the Piqua Code relating to Speed Limits with changing the speed limit on sections of Park Avenue, Broadway, and W. Ash Street.	
	2.	Do not approve the ordinance and keep the speed limit on sections of Park Avenue, Broadway, and W. Ash Street at the current posted speed limit of 35 mph.	
<b>PROJECT TIMELINE</b>	This work would be completed immediately after City Commission approval of the ordinance.		

**RESOLUTION NO. R-11-12**

**A RESOLUTION AWARDED A CONTRACT  
FOR THE PURCHASE OF TRANSFORMERS  
FOR THE POWER SYSTEM**

WHEREAS, the present operations of the City require the purchase of transformers for the Power System; 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: Contract with Ermco for the purchase of twenty-seven (27) transformers are hereby approved as the lowest, responsible bidders for said 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 \$114,452.

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	Feb. 7, 2012			
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	A Resolution awarding a contract for the purchase of transformers for the Power System			
<b>SUBMITTED BY</b>	Name & Title: Nick Berger, Electrical Engineer			
	Department: Power System			
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading	
	Ordinance #:		Resolution #: R-11-12	
<b>APPROVALS/REVIEWS</b>	<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 checked="" type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: Energy Board	
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>Each year the Power System solicits bids to replenish inventory. Bids were received from five vendors for transformers of various sizes, voltages, and quantities on January 9, 2012. As is our standard procedure, the bids were evaluated on a present value basis for the total cost to own and operate over a twenty-five year expected life. This evaluation considers not only the initial cost but also the operational cost associated with the transformer core and winding losses.</p> <p>The lowest and best bids were received from Brownstown and Ermco. Ermco was the successful bidder for twenty-seven transformers totaling \$114,452. The Power System is requesting authorization to purchase twenty-seven transformers from Ermco for a not to exceed price of \$114,452. In addition, a Purchase Order will be issued to Brownstown for fifteen GE transformers totaling \$15,801.</p>			
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$150,000		
	Expenditure \$:	\$114,452		
	Source of Funds:	401-000-190-1900		
	<b>Narrative:</b>	Included in the 2012 Power System budget is \$150,000 for distribution transformer purchases. Resolution No. R-11-12 has a not to exceed price of \$114,452, which is below budget.		

<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve Resolution No. R-11-12 awarding a contract for the purchase of twenty-seven transformers for the power system at a cost not to exceed \$114,452.
	2.	Revise the quantity of transformers to order.
	3.	Do not approve the Resolution and provide staff with further direction
	4.	
<b>PROJECT TIMELINE</b>	Delivery will be made within 8 weeks after receipt of order	
<b>STAFF RECOMMENDATION</b>	Approve the Resolution No. R-11-12 awarding Ermco a contract for the purchase of a total of twenty-seven (27) transformers.	
<b>ATTACHMENTS</b>	Exhibit A – Evaluated bid results	

# 2012 Transformer Summary

Item No.	Size KVA	Conventional or Pad-Mount	1 or 3 Phase	Primary Voltage	Secondary Voltage	Vendor	Manufacturer	Purchase Price	Qty	Cost
1	25	Conventional	1	2400/4160 X 7620/13200 Wye	120/240	Ermco	Ermco	\$ 1,083.00	15	\$ 16,245.00
3	25	Conventional	1	2400/4160 X 7620/13200 Wye	240/480	Ermco	Ermco	\$ 1,067.00	3	\$ 3,201.00
4	25	Conventional	1	7620/13200 Wye	277/480	Ermco	Ermco	\$ 969.00	3	\$ 2,907.00
8	75	Pad-Mount	3	7620/13200 Wye	120/208	Ermco	Ermco	\$ 5,432.00	2	\$ 10,864.00
9	300	Pad-Mount	3	2400/4160 X 7620/13200 Wye	277/480	Ermco	Ermco	\$ 9,436.00	1	\$ 9,436.00
10	1000	Pad-Mount	3	7620/13200 Wye	277/480	Ermco	Ermco	\$18,569.00	1	\$ 18,569.00
11	1500	Pad-Mount	3	7620/13200 Wye	277/480	Ermco	Ermco	\$21,770.00	1	\$ 21,770.00
12	2500	Pad-Mount	3	7620/13200 Wye	277/480	Ermco	Ermco	\$31,460.00	1	\$ 31,460.00

Total 27 \$ 114,452.00

*Piqua Power System  
Transformer Bid Results*

Date: 1/10/2012

Evaluated By: Nick Berger

Size: 25 KVA

Primary Voltage:

Secondary Voltage:

2400/4160 X 7620/13200 X  
7620/13200 \_\_\_\_\_

120/240 X  
120/208 \_\_\_\_\_  
277/480 \_\_\_\_\_  
240/480 \_\_\_\_\_  
2400/4160 \_\_\_\_\_

*Transformer Type:*

Conventional X

Padmount \_\_\_\_\_

Single Phase X

Three Phase \_\_\_\_\_

Quantity: 15

	<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
1	ERMCO	ERMCO	\$1,083.00	\$2,416.55
2	Pepco	GE	\$956.00	\$2,658.35
3	Brownstown	GE	\$1,039.00	\$2,741.35
4	Wesco	ABB	\$1,130.00	\$2,748.69
5	PLS	Howard	\$1,480.00	\$2,931.45

*Lowest and Best Bid:*

Vendor: **ERMCO**

Total Cost: **\$16,245.00**

*Piqua Power System  
Transformer Bid Results*

Date: 1/10/2012

Evaluated By: Nick Berger

Size: 25 KVA

Primary Voltage:

Secondary Voltage:

2400/4160 X 7620/13200 X  
7620/13200 \_\_\_\_\_

120/240 \_\_\_\_\_  
120/208 \_\_\_\_\_  
277/480 \_\_\_\_\_  
240/480 X  
2400/4160 \_\_\_\_\_

*Transformer Type:*

Conventional X

Padmount \_\_\_\_\_

Single Phase X

Three Phase \_\_\_\_\_

Quantity: 3

	<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
1	ERMCO	ERMCO	\$1,067.00	\$2,400.43
2	Pepco	GE	\$985.00	\$2,675.92
3	Wesco	ABB	\$1,110.00	\$2,812.32
4	Brownstown	GE	\$1,166.00	\$2,856.92
5	PLS	Howard	\$1,510.00	\$2,915.78

*Lowest and Best Bid:*

Vendor: ERMCO

Total Cost: \$3,201.00

*Piqua Power System  
Transformer Bid Results*

Date: 1/10/2012

Evaluated By: Nick Berger

Size: 25 KVA

Primary Voltage:

Secondary Voltage:

2400/4160 X 7620/13200 \_\_\_\_\_  
7620/13200 X

120/240 \_\_\_\_\_  
120/208 \_\_\_\_\_  
277/480 X  
240/480 \_\_\_\_\_  
2400/4160 \_\_\_\_\_

*Transformer Type:*

Conventional X

Padmount \_\_\_\_\_

Single Phase X

Three Phase \_\_\_\_\_

Quantity: 3

	<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
1	ERMCO	ERMCO	\$969.00	\$2,203.72
2	PLS	Howard	\$911.00	\$2,385.12
3	Wesco	ABB	\$736.00	\$2,426.90
4	Pepco	GE	\$773.00	\$2,513.38
5	Brownstown	GE	\$969.00	\$2,709.38

*Lowest and Best Bid:*

Vendor: **ERMCO**

Total Cost: **\$2,907.00**

*Piqua Power System  
Transformer Bid Results*

Date: 1/10/2012

Evaluated By: Nick Berger

Size: 75 KVA

Primary Voltage:

Secondary Voltage:

2400/4160 X 7620/13200  
7620/13200 X

120/240  
120/208 X  
277/480  
240/480  
2400/4160

*Transformer Type:*

Conventional \_\_\_\_\_

Padmount X

Single Phase \_\_\_\_\_

Three Phase X

Quantity: 2

	<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
1	ERMCO	ERMCO	\$5,432.00	\$9,215.86
2	PLS	Howard	\$5,370.00	\$9,655.42
3	Brownstown	GE	\$5,719.00	\$10,004.42
4	Wesco	ABB	\$4,896.00	\$10,242.68
5	Pepco	GE	\$5,403.00	\$10,536.65

*Lowest and Best Bid:*

Vendor: **ERMCO**

Total Cost: **\$10,864.00**

*Piqua Power System  
Transformer Bid Results*

Date: 1/10/2012

Evaluated By: Nick Berger

Size: 300 KVA

Primary Voltage:

Secondary Voltage:

2400/4160 X 7620/13200 X  
7620/13200 \_\_\_\_\_

120/240 \_\_\_\_\_  
120/208 \_\_\_\_\_  
277/480 X  
240/480 \_\_\_\_\_  
2400/4160 \_\_\_\_\_

*Transformer Type:*

Conventional \_\_\_\_\_

Padmount X

Single Phase \_\_\_\_\_

Three Phase X

Quantity: 1

	<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
1	ERMCO	ERMCO	\$9,436.00	\$19,925.59
2	PLS	Howard	\$11,200.00	\$22,426.93
3	Brownstown	GE	\$11,878.00	\$23,104.93
4	Pepco	GE	\$10,052.00	\$24,989.88
5	Wesco	ABB	\$10,319.00	\$26,328.78

*Lowest and Best Bid:*

Vendor: **ERMCO**

Total Cost: **\$9,436.00**

*Piqua Power System  
Transformer Bid Results*

Date: 1/10/2012

Evaluated By: Nick Berger

Size: 1000 KVA

Primary Voltage:

Secondary Voltage:

2400/4160 X 7620/13200 \_\_\_\_\_  
7620/13200 X

120/240 \_\_\_\_\_  
120/208 \_\_\_\_\_  
277/480 X  
240/480 \_\_\_\_\_  
2400/4160 \_\_\_\_\_

*Transformer Type:*

Conventional \_\_\_\_\_

Padmount X

Single Phase \_\_\_\_\_

Three Phase X

Quantity: 1

	<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
1	ERMCO	ERMCO	\$18,569.00	\$48,383.81
2	Wesco	ABB	\$17,326.00	\$49,578.54
3	PLS	Howard	\$18,460.00	\$50,997.13
4	Brownstown	GE	\$18,932.00	\$51,469.13
5	Pepco	GE	\$14,225.00	\$56,934.84

*Lowest and Best Bid:*

Vendor: **ERMCO**

Total Cost: **\$18,569.00**

*Piqua Power System  
Transformer Bid Results*

Date: 1/10/2012

Evaluated By: Nick Berger

Size: 1500 KVA

Primary Voltage:

Secondary Voltage:

2400/4160 X 7620/13200  
7620/13200 X

120/240  
120/208  
277/480 X  
240/480  
2400/4160

*Transformer Type:*

Conventional           

Padmount   X  

Single Phase           

Three Phase   X  

Quantity:   1  

	<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
1	ERMCO	ERMCO	\$21,770.00	\$66,613.98
2	Wesco	ABB	\$21,189.00	\$68,403.96
3	Brownstown	GE	\$32,743.00	\$70,494.99
4	Pepco	GE	\$20,328.00	\$75,979.58
5	PLS	Howard	\$26,689.00	\$77,673.71

*Lowest and Best Bid:*

Vendor: ERMCO

Total Cost: \$21,770.00

*Piqua Power System  
Transformer Bid Results*

Date: 1/10/2012

Evaluated By: Nick Berger

Size: 2500 KVA

Primary Voltage:

Secondary Voltage:

2400/4160 X 7620/13200 \_\_\_\_\_  
7620/13200 X

120/240 \_\_\_\_\_  
120/208 \_\_\_\_\_  
277/480 X  
240/480 \_\_\_\_\_  
2400/4160 \_\_\_\_\_

*Transformer Type:*

Conventional \_\_\_\_\_

Padmount X

Single Phase \_\_\_\_\_

Three Phase X

Quantity: 1

	<i>Vendor</i>	<i>Manufacturer</i>	<i>Purchase Price</i>	<i>Evaluated Cost</i>
1	ERMCO	ERMCO	\$31,460.00	\$98,025.59
2	PLS	Howard	\$38,700.00	\$110,367.85
3	Brownstown	GE	\$39,579.00	\$111,246.85
4	Wesco	ABB	\$31,459.00	\$111,671.34
5	Pepco	GE	\$34,582.00	\$128,322.86

*Lowest and Best Bid:*

Vendor: ERMCO

Total Cost: \$31,460.00

**RESOLUTION NO. R-12-12**

**A RESOLUTION REQUESTING AUTHORIZATION TO  
PURCHASE THE REAL PROPERTY AND BUILDING(S)  
LOCATED AT 515 E. ASH STREET**

WHEREAS, the City of Piqua desires to complete a reconstruction project on E. Ash Street (US Route 36) from Spring Street to the river bridge; and

WHEREAS, it will be necessary to acquire right-of-way for the reconstruction project; and

WHEREAS, the City of Piqua is responsible for 100% of the cost of right-of-way acquisition on the E. Ash Reconstruction Project, in accordance with its agreement with ODOT; and

WHEREAS, the value of the property has been established in strict conformance with federal highway administration guidelines; and

WHEREAS, the property owners have agreed to the purchase price and are willing to execute any necessary documents for the purchase.

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 pay for the said real property and building(s) located at 515 E. Ash Street, Parcel No. N44-056510, to Billy and Christine Bryant, in the amount not to exceed \$120,000, which includes relocation and moving expenses as required by ODOT guidelines.

SEC. 2: The said amount of \$120,000 is the gross amount, inclusive of the \$19,000 already paid by the City of Piqua for the right-of-way pursuant to Resolution R-96-11 and the Miami County Common Pleas Judgment issued November 4, 2011, in Case No. 11-582.

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	February 7, 2012		
<b>REPORT TITLE</b> <small>(Should match resolution/ordinance title)</small>	A resolution requesting authorization to purchase the real property and building(s) located at 515 E. Ash Street.		
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, City Engineer		
	Department: Engineering		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading
	Ordinance #:		Resolution #: Res. No. R-12-12
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
<b>BACKGROUND</b> <small>(Includes description, background, and justification)</small>	<p>Throughout 2011, the City of Piqua and our Right-of-Way Consultant, O.R. Colan, worked with Billy &amp; Christine Bryant of 515 E. Ash Street on the acquisition of this parcel to continue with the E. Ash Street Reconstruction Project. While the negotiations started with only acquiring the right-of-way at fair market value, the City also made an offer to the property owner to purchase the entire property as the property owner has approached the City on numerous occasions in the years past requesting that the City purchase this property.</p> <p>In August of 2011, after numerous failed attempts to successfully negotiate the property acquisition at 515 E. Ash Street, the City commenced with appropriation proceedings for the right-of-way only at 515 E. Ash Street.</p> <p>In November of 2011, the City was granted immediate possession of, and access to the right-of-way of the parcel based upon the value of the property taken and the damages set at \$19,000. Since that time, Mr. Bryant has contacted the City requesting that the City purchase the entire property, and not just the right-of-way.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> <small>(Includes project costs and funding sources)</small>	Budgeted \$:	\$83,000	
	Expenditure \$:	\$73,327.37 + relocation benefits & moving expenses if applicable. Maximum Estimated Expenditure = \$120,000.	
	Source of Funds:	Local	
	<b>Narrative:</b>	The total legislation amount for the purchase of this property is based off of an estimate at this time that we feel would be the	

		<p>maximum amount of benefits owed to the property owner. However, once our consultant begins the relocation process, it may become evident that there are only minimal benefits due to the property owner other than the agreed upon purchase price.</p> <p>The City has already paid the property owner \$19,000 of the right-of-way, therefore, this amount will be deducted off of the total purchase price. The City has funds available in the 103 Fund (8831 – Land and Right-of-Way Account) to cover the additional costs should we have to pay the property owner the entire \$120,000, which is highly unlikely. The City’s right-of-way Consultant, O.R. Colan, will work with the property owner to determine any relocation benefits and moving expenses, if applicable, to ensure compliance with the Federal Uniform Relocation Act.</p> <p>The City has contacted ODOT about incorporating the demolition of this structure into the E. Ash Street Reconstruction Project.</p>
<p><b>OPTIONS</b> (Include Deny /Approval Option)</p>	<p>1. 2. 3. 4.</p>	<p>Approve the Resolution to purchase the real property and building(s) located at 515 E. Ash Street.</p> <p>Do not approve the Resolution and the structure located at 515 E. Ash Street will remain.</p>
<p><b>PROJECT TIMELINE</b></p>	<p>The contractor anticipates starting construction on the E. Ash Street Reconstruction project the end of February, weather dependent.</p>	
<p><b>STAFF RECOMMENDATION</b></p>	<p>Approval of the Resolution to allow for the purchase of real property and building(s) located at 515 E. Ash Street.</p>	
<p><b>ATTACHMENTS</b></p>	<p>Purchase Contract</p>	

**CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY**  
WITH BUILDING(S)

PARCEL(S): 32 WD  
MIA-36-10.77

This Agreement is by and between the City of Piqua ["Purchaser"] and Billy J. Bryant & Christine Bryant, Husband and Wife ["Seller"]; "Seller" includes all of the foregoing named persons or entities]. Purchaser and Seller are referred to collectively in this Agreement as "Parties."

In consideration of the mutual promises, agreements and covenants herein contained, the Parties contract as follows:

**1. Price and Consideration**

Purchaser shall pay to Seller the sum of \$73,327.37, which sum shall constitute the entire amount of compensation due Seller for: (a) the real property to be conveyed, including all fixtures; (b) any and all damages to any residual lands of Seller; (c) Seller's covenants set forth herein; (d) any and all supplemental instruments reasonably necessary to transfer the title of the subject property.

Seller shall be exclusively responsible for all delinquent taxes and assessments, including penalties and interest, and for all other real estate taxes and assessments that are a lien as of the date on which this Agreement closes. The taxes and assessments for the current calendar year shall be prorated on an estimated basis to the date of acquisition of title or date of possession, whichever is earlier in time. Seller shall be responsible for any and all future installments of any special assessments levied and assessed against the real property, whether or not any such special assessment has been certified to the county auditor for collection, provided that such installments of special assessments shall be a lien on the subject real property as of the date of transfer of title. Purchaser may withhold in escrow a sufficient amount of the purchase money to satisfy the foregoing items to be paid by Seller; any balance remaining after such taxes, assessments, etc., are discharged shall be paid to Seller and any deficiency shall be the responsibility of Seller.

**2. Estate Sold and Deed to Transfer**

Seller, upon fulfillment of all the obligations and terms of this Agreement, shall sell and convey to Purchaser, its successors and assigns, the property which is more particularly described in Exhibit A attached hereto and by this reference incorporated herein, together with all the appurtenances and hereditaments thereunto belonging and with all buildings and improvements now located thereon, and all fixtures of every nature now attached to or used with said land, buildings and improvements including, but not limited to, all heating, hot water, air conditioning, plumbing, attached electrical fixtures with bulbs or tubes, window shades, venetian blinds, curtain and traverse rods, awnings, storm and screen sashes and doors, and shrubbery and trees.

If the rights, titles and estates described in Exhibit A constitute the fee simple in, to and of the real property, then such sale and conveyance by Seller shall be by a good and sufficient general warranty deed with, if applicable, full release of dower. In the event the rights, titles, and estates described in Exhibit A constitute something less than the fee simple of the real property, then such sale and conveyance by Seller shall be by a good and sufficient deed or other instrument regularly and ordinarily used to transfer such lesser rights, titles and estates with, if applicable, full release of dower.

**3. Limited Access Parcels - Waiver of Abutters' Rights**

If the property described in Exhibit A is designated by Purchaser as a limited access parcel, then Seller further agrees to release to Purchaser, its successors and assigns, any and all abutters' rights, including access rights, appurtenant to any remaining lands of Seller (from which the property described in Exhibit A is being severed) in, over, on, from and to the property described in Exhibit A.

**4. Supplemental Instruments**

Seller agrees to execute any and all supplemental instruments or documents necessary to vest Purchaser with the rights, titles and interests described in Exhibit A.

**5. Warranty of Title**

Seller shall, and hereby does, warrant that the property described in Exhibit A is free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules and regulations; and (d) any and all taxes and assessments not yet due and payable.

**6. Elimination of Others' Interests**

Seller shall assist, in whatever manner reasonably possible under the circumstances, to procure and deliver to Purchaser releases and cancellations of any and all other rights, titles and interests in the property described in Exhibit A, such as, but not limited to, those belonging to tenants, lessees, mortgagees or others now in possession or otherwise occupying the subject premises, and all assessment claims against said property.

Seller and Purchaser agree that if a mortgagee of Seller or of a predecessor in title fails to cooperate with the efforts to obtain a release of that mortgagee's mortgage lien secured by the property described in Exhibit A, then and in that event this Agreement shall become null and void and the parties to this Agreement shall be discharged and released from any and all obligations created by this Agreement; for the purposes of this provision, the term "fails to cooperate" shall include a demand or request by any such mortgagee for a fee to process such a release of that mortgagee's mortgage lien that Purchaser, in its sole discretion, deems to be excessive.

**7. No Change in Character of Property**

Seller shall not change the existing character of the land or alter, remove, destroy or change any structure or fixture located on the property described in Exhibit A. If, prior to the date on which

possession of the subject property is surrendered to Purchaser, the subject property, including structures and fixtures, suffers any damage, change, alteration or destruction then, and without regard to the cause thereof, Seller shall restore the subject property to the condition it was in at the time Seller executed this Agreement; in the alternative, Seller may agree to accept the abovementioned purchase price less the costs associated with such restoration. If Seller refuses to either restore the premises or accept the decreased consideration as aforementioned, then Purchaser, at its option after discovery or notification of such damage, change, alteration or destruction, may terminate and cancel this Agreement upon written notice to Seller.

**8. Offer to Sell**

If Seller executes this Agreement prior to Purchaser, then this Agreement shall constitute and be an Offer to Sell by Seller that shall remain open for acceptance by Purchaser for a period of 20 days immediately subsequent to the date on which Seller delivers such executed Agreement to Purchaser. Upon Purchaser's acceptance and execution of this Agreement within said period of 20 days, this Agreement shall constitute and be a valid Contract for Sale and Purchase of Real Property that is binding upon the Parties.

**9. Designation of Escrow Agent**

Seller agrees that Purchaser may designate an escrow agent to act on behalf of the Parties in connection with the consummation and closing of this Agreement.

**10. Closing Date**

The consummation and closing of this Agreement shall occur at such time and place as the Parties may agree, but no later than 10 days after Purchaser notifies Seller in writing that Purchaser is ready to consummate and close this Agreement. Provided, however, in no event shall such consummation and closing occur more than 120 days after the last date on which one of the Parties executes this Agreement.

**11. Physical Possession of Structures Occupied by Seller**

Seller shall surrender physical possession of all structures occupied by Seller, or the portions thereof occupied by Seller, to Purchaser not later than 30 days after Purchaser tenders the purchase price to Seller. Seller agrees that Purchaser may withhold in escrow from the purchase price the sum of \$0.00 to ensure that the subject structures will be vacated on or before the 30 days mentioned above and that the subject structures will be surrendered to Purchaser in the same condition as it was in at the time Seller executed this Agreement. If Seller properly vacates and surrenders possession of the subject structures as aforesaid, then said \$0.00 shall be paid immediately to Seller. If the subject structures are not vacated as aforesaid, a rental agreement for the subject structures shall be entered into by the Parties, in which Seller shall be the lessee and Purchaser shall be the lessor, and upon execution of such rental agreement the said \$0.00 shall be paid immediately to Seller; in the event Seller fails or refuses for any reason to enter into such rental agreement, then Purchaser may retain all or part of the said \$0.00 withheld in escrow to

compensate Purchaser for the reasonable amount of rent that Seller owes for holding over possession of the subject structures, plus an amount to pay for any taxes, assessments and for any costs of restoration necessary to put the structures in the same condition as they were at the time Seller executed this Agreement.

**12. Physical Possession of Vacant Land and Structures**

Seller shall surrender physical possession of vacant land and vacant structures to Purchaser not later than the date on which Purchaser tenders the purchase price to Seller.

**13. Control of Property Occupied by Seller's Tenant(s)**

Control of property occupied by Seller's tenant(s) shall be assumed by Purchaser on the date Purchaser tenders the purchase price to Seller. From that date forward, Purchaser shall be entitled to collect and retain as its own funds any and all rental payments thereafter made by such tenant(s). If any rents due under the lease(s) with Seller have been prepaid by Seller's tenant(s), then said prepaid rents shall be prorated to the date on which the purchase price is tendered by Purchaser, and said prepaid rents shall be paid to Seller and Purchaser in accordance with such proration.

**14. Binding Agreement**

Any and all of the terms, conditions and provisions of this Agreement shall be binding upon and shall inure to the benefit of Seller and Purchaser and their respective heirs, executors, administrators, successors and assigns.

**15. Multiple Originals**

This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which together shall constitute but one and the same instrument.

**16. Entire Agreement**

This instrument contains the entire agreement between the Parties, and it is expressly understood and agreed that no promises, provisions, terms, warranties, conditions or obligations whatsoever, either express or implied, other than herein set forth, shall be binding upon Seller or Purchaser.

**17. Amendments and Modifications**

No amendment or modification of this Agreement shall be valid or binding upon the Parties unless it is made in writing, cites this Agreement and is signed by Seller and Purchaser.

IN WITNESS WHEREOF, the parties hereto, namely the City of Piqua and Billy J. Bryant & Christine Bryant, Husband and Wife have executed this Agreement on the date(s) indicated immediately below their respective signatures.

Billy J. Bryant  
Billy J. Bryant

Date: 12-30-11

Christine Bryant - Christine A. Bryant

Date: 12-30-11

STATE OF OHIO, COUNTY OF Miami ss:

BE IT REMEMBERED, that on the 30<sup>th</sup> day of Dec, 2011, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Billy J. Bryant & Christine Bryant, Husband and Wife who signed or acknowledged the signing of the foregoing instrument to be their voluntary acts and deeds.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Susan Christian

NOTARY PUBLIC

My Commission expires: 3-24-14

City of Piqua

\_\_\_\_\_

Date:

\_\_\_\_\_

STATE OF OHIO, COUNTY OF \_\_\_\_\_ ss:

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me the subscriber, a Notary Public in and for said state and county, personally came the above named \_\_\_\_\_, the \_\_\_\_\_ and duly authorized representative of City of Piqua, who signed or acknowledged the signing of the foregoing instrument to be the voluntary act and deed of City of Piqua.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

**RESOLUTION NO. R-13-12**

**A RESOLUTION OF APPRECIATION FOR THE  
PUBLIC SERVICE OF ALLEN DOCK  
AS A CITY EMPLOYEE**

WHEREAS, Allen Dock has retired as Lieutenant with the Police Department; and

WHEREAS, his retirement follows over 24 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of Allen Dock as Lieutenant with the Police Department, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

**RESOLUTION NO. R-14-12**

**A RESOLUTION AMENDING THE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE US 36 (E. ASH STREET) RECONSTRUCTION PROJECT**

WHEREAS, by Resolution No. R-133-11 passed on December 6, 2011, this Commission enacted legislation proposing cooperation with the Director of Transportation for the E. Ash Street Reconstruction Project; and

WHEREAS, at this time, the U.S. 36 (E. Ash Street) Reconstruction Project has been bid and awarded to Double Jay Construction Inc., and

WHEREAS, based upon the bid prices, an increase in the Purchase Order to ODOT is necessary to ensure the availability of funds for any unforeseen items/changes that may occur through the duration of the reconstruction project.

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

SEC. 1: Resolution No. R-133-11, a Resolution authorizing a purchase order to the State of Ohio, be increased by \$180,000 to a final amount of \$784,000 is hereby approved.

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

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

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	February 7, 2012		
<b>REPORT TITLE</b> <small>(Should match resolution/ordinance title)</small>	Resolution amending the agreement with the Ohio Department of Transportation for the US 36 (E. Ash Street) Reconstruction Project		
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, City Engineer		
	Department: Engineering		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading
	Ordinance #:		Resolution #: No. R-14-12
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
<b>BACKGROUND</b> <small>(Includes description, background, and justification)</small>	On December 6, 2011, City Commission passed Resolution 133-11 to enter into an agreement with the Ohio Department of Transportation (ODOT) for the U.S. 36 (E. Ash Street) Reconstruction Project. The agreement was for an amount not to exceed \$604,000. Since that time, the project bids came in and while the City's portion of the project is still under the \$604,000, we would like to increase our contract with ODOT to allow for greater flexibility during construction for changes that could possibly arise as the construction evolves.		
<b>BUDGETING AND FINANCIAL IMPACT</b> <small>(Includes project costs and funding sources)</small>	Budgeted \$:	\$2,489,952	
	Expenditure \$:	\$2,224,504 (with 10% contingency)	
	Source of Funds:	Federal Highway, Ohio Public Works Commission, ODOT, and Local Funds.	
	<b>Narrative:</b>	The Federal Highway & ODOT is providing funding in the amount of \$994,273 towards this project and OPWC is providing funding in the amount of \$465,712. Increasing the legislation by \$180,000 to cover any issues that may come up during the construction will still keep us under the original budgeted amount.	
<b>OPTIONS</b> <small>(Include Deny /Approval Option)</small>	1.	Approve the resolution to increase the purchase order to ODOT.	
	2.	Deny the resolution and proceed with the project and take the chance of not being able to adequately complete the E. Ash Street Reconstruction Project should any field changes be needed.	

	3.	
	4.	
<b>PROJECT TIMELINE</b>	The project has been awarded to Double Jay Construction. The construction will begin late February (weather dependent) with a completion date set for fall of 2012.	
<b>STAFF RECOMMENDATION</b>	Approval of the resolution to increase the purchase order to ODOT to help ensure a successful reconstruction project.	
<b>ATTACHMENTS</b>	Original Legislation (R-133-11)	

**RESOLUTION NO. R-133-11**

**A RESOLUTION REQUESTING FINAL LEGISLATION  
TO ENTER INTO AN AGREEMENT WITH THE OHIO  
DEPARTMENT OF TRANSPORTATION FOR THE  
US 36 (E. ASH STREET) RECONSTRUCTION PROJECT**

WHEREAS, on 1<sup>st</sup> day of March, 2004, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The limits of the project are from the intersection of Spring Street and Ash Street to the west side of the bridge crossing the Miami River. The project consists of the full depth pavement reconstruction, construction of new sidewalks and curbs, new storm sewer, sanitary sewer, water line and new pavement markings, lying within the City of Piqua; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right-of-Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.

The share of the cost of the LPA is now estimated in the amount of Nine Hundred Seventy One Thousand Five Hundred Forty Six and - - 00/100 Dollars (\$971,546.00) less Ohio Public Works Commission Grant (CKV05) in the amount of Four Hundred Sixty Eight Thousand One Hundred Fifty Eight and - - 00/100 Dollars (\$468,158.00) leaving the balance due in the amount of Five Hundred Three Thousand Three Hundred Eighty Eight and - - 00/100 Dollars (\$503,388.000), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

SEC. 1: That the sum of Six Hundred Four Thousand and - - 00/100 Dollars (\$604,000.000) is hereby appropriated for the improvement described above and the fiscal

officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds. Said appropriated amount shall cover the estimated cost and any contingency for the actual dollar amount of the Project.

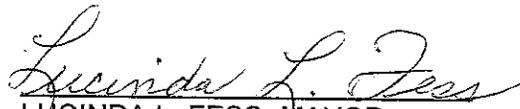
SEC. 2: That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SEC. 3: That That the LPA enter into a contract with the State, and that City Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

SEC. 4: That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 1st day of March, 2004, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

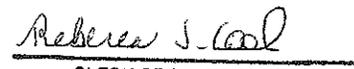
SEC. 5: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

  
LUCINDA L. FESS, MAYOR

PASSED: December 6 2011

ATTEST: Rebecca J. Cool  
REBECCA J. COOL  
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-133-11 is a true, accurate and correct copy of Resolution R-133-11 passed by the Commission of the City of Piqua, Ohio, on the 6 day of December, 2011,

  
CLERK OF COMMISSION

## RESOLUTION NO. R-15-12

### A RESOLUTION REQUESTING PRELIMINARY LEGISLATION FOR THE PAVEMENT PLANING AND RESURFACING ON STATE ROUTE 185 WITHIN THE CITY OF PIQUA

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to complete the programming on a project proposing pavement planning and resurfacing of the existing roadway on State Route 185 within the City of Piqua.

#### SEC. 1: Project Description

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

Pavement planing and resurface the existing roadway on State Route 185 from Piqua's Straight Line Mileage 9.17 to Straight Line Mileage 9.96, plus or minus, in the City of Piqua, Miami County, Ohio. Said project is further identified as **MIA SR 185 9.17**.

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

#### SEC.2: Consent Statement

Being in the public interest, the City of Piqua (CITY) gives consent to the Director of Transportation to complete the above-described project.

#### SEC. 3: Cooperation Statement

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

ODOT will provide funding from its allocated Urban Paving Program funds on an eighty percent/twenty percent (80%/20%) basis with the State providing the eighty percent (80%) of the funding for the project and the CITY providing the twenty percent (20%) of the funding for the project.

The CITY agrees to pay one hundred percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

And further, if the CITY requests to perform any other work beyond the resurfacing treatment, the CITY shall assume and bear one hundred percent (100%) of the costs associated with those items.

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

The CITY agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The CITY also understands that right-of-way costs include eligible utility costs.

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

SEC. 5: Maintenance

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

SEC. 6: Authority to Sign

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

SEC. 7: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	February 7, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the pavement planning and resurfacing of State Route 185 in the City of Piqua.		
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, City Engineer		
	Department: Engineering		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading
	Ordinance #:		Resolution #: Res. No. R-15-12
<b>APPROVALS/REVIEWS</b>	<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 type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	ODOT will be paving the portion of State Route 185 from Covington Avenue to Park Avenue (the newly rerouted SR 185) in SFY 2016. ODOT has this resurfacing project programmed into their Urban Paving Program. ODOT's Urban Paving Program allows for projects to be completed with an 80/20 split with ODOT paying 80% of the project costs. This preliminary legislation is needed to allow for ODOT to complete the programming of this project.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$57,000.00 (estimated cost)	
	Expenditure \$:	\$57,000.00 (estimated cost)	
	Source of Funds:	ODOT Urban Paving Program (80/20 split)	
	<b>Narrative:</b>	The City will be responsible for contributing 20% of the total cost with ODOT picking up the remaining 80%. At this time, the estimated total cost is \$284,002.00. However, ODOT will provide a more detailed estimate closer to the actual construction which will be reflected in the Final Legislation for City Commission approval. The City will be responsible to pay 100% of the costs to install and/or repair curb ramps at all necessary intersections (if applicable) to ensure compliance with the Americans with Disabilities Act.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the resolution to enter into an agreement with ODOT.	
	2.	Deny the resolution and do not have ODOT proceed with the resurfacing.	
	3.		

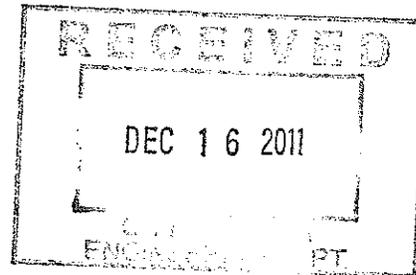
	4.	
<b>PROJECT TIMELINE</b>	The resurfacing is scheduled for State Fiscal Year 2016.	
<b>STAFF RECOMMENDATION</b>	Approval of the resolution to allow for ODOT to complete the programming of the SR 185 Resurfacing Project.	
<b>ATTACHMENTS</b>	ODOT Legislation Request Letter	



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 7 • 1001 ST. MARYS AVENUE • SIDNEY, OHIO 45365-0969 • (937) 492-1141  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • RANDY CHEVALLEY, P.E., P.S., DISTRICT DEPUTY DIRECTOR

December 14, 2011



Amy L. Havenar, P.E.  
City Engineer  
201 West Water Street  
2nd Floor Municipal Government Complex  
Piqua, Ohio 45356

**RE: MIA SR 185 9.17  
PID #92661 - Preliminary Legislation  
Urban Paving Resurfacing Program**

Dear Ms. Havenar:

Enclosed are three copies of preliminary legislation which is a requirement for us to complete the programming on a project proposing pavement planing and the resurfacing on State Route 185 within the City of Piqua from Straight Line Mileage 9.17 to Straight Line Mileage 9.96. This project is currently scheduled for Bid Letting in State Fiscal Year 2016 and the current estimate for the project is **\$284,002.00**.

In completing these forms, please be sure to indicate the Ordinance/Resolution No. in the upper right-hand corner of Page 1. You will note in Section VI, the Contractual Officer's signature must appear on Page 3 in the space provided for Contractual Officer, as well as in the space on Page 2 for Officer of the Village. Both should be attested to by a Councilman or the Clerk. If the City has no President of Council, please write the word "SAME" in quotes in that space provided. Also on Page 3 in the "Certificate of Copy", please be sure to fill in the Ordinance Record No. and Page No. If the Clerk has a seal, it should be affixed to the "Certificate of Copy". **If there is no seal**, a letter stating that the Village does not have a seal must accompany the executed legislation.

When the legislation has been properly executed and all **inked original** signatures affixed, please return all three (3) originals to the District Seven address shown above, Attention: Iva Lenhart, **no later than July 14, 2012**. After the Director of the Ohio Department of Transportation has signed all copies, one original will be returned to the Village.

Please feel free to contact this office if you have any questions. Your cooperation in this matter is greatly appreciated.

Respectfully,

Gary M. Parrill, P.E. Transportation Planning and Engineering Administrator

GMP:ill  
Enclosures (3)

c: file w/att.

**RESOLUTION NO. R-16-12**

**A RESOLUTION REQUESTING AUTHORIZATION TO  
ENTER INTO AN AGREEMENT WITH LJB, INC. FOR  
THE ENGINEERING DESIGN FOR THE COMMERCIAL  
STREET CORRIDOR BIKE ROUTE PROJECT**

WHEREAS, on January 3, 2012 this Commission passed Resolution No. R-2-12 authorizing the City Purchasing Analyst to advertise for bids, according to law, for Engineering Design Services for the Commercial Street Corridor Bike Route Project;

WHEREAS, after solicitation of Request for Qualifications, LJB, Inc. was selected as the most qualified provider to perform the requested design services for this project; 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 \$75,625 to LJB, Inc. for the necessary Engineering Design services for the Commercial Street Corridor Bike Route Project;

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 \$75,625;

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: \_\_\_\_\_

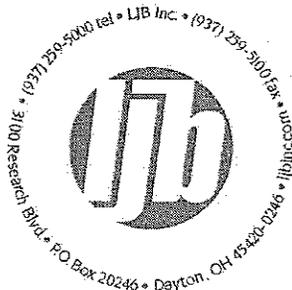
ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	February 7, 2012		
<b>REPORT TITLE</b> <small>(Should match resolution/ordinance title)</small>	A Resolution requesting authorization to enter into an Agreement with LJB Inc. for the Engineering Design for the Commercial Street Corridor Bike Route Project.		
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, City Engineer		
	Department: Engineering		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading
	Ordinance #:		Resolution #: Res. No. R-16-12
<b>APPROVALS/REVIEWS</b>	<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 type="checkbox"/> Other:
<b>BACKGROUND</b> <small>(Includes description, background, and justification)</small>	<p>In June of 2009, City Commission approved the submission of the Garnsey Street/Commercial Street Corridor Bike Route Neighborhood Connector Project to the Miami Valley Regional Planning Commission for funding under the Congestion Mitigation/Air Quality (CMAQ) program. This project was one of the projects selected for funding and this resolution would allow us to begin the design process.</p> <p>As with all projects utilizing federal money, the selected consultants must be on ODOT's prequalified consultants list. Utilizing that list, Request for Proposals were sent out to four consultants. From the proposals submitted, LJB Inc. was selected as the most qualified consultant to perform the design services as identified in the RFP Scope of Services.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> <small>(Includes project costs and funding sources)</small>	Budgeted \$:	\$60,000	
	Expenditure \$:	\$75,625 (includes 10% contingency)	
	Source of Funds:	Local	
	<b>Narrative:</b>	The project consists of the addition of over one mile of bike lanes to the existing street corridors. The alignment will start at the Great Miami River Recreational Trail behind the Street Department, will utilize a short portion of Clark Ave. and Wayne St., and then will continue on Commercial St. past Wood St. and connect into the existing Piqua Activity Trail for your Health (PATH). The project will also create a bike lane from the Commercial/Roosevelt/College	

		<p>intersection west along Garnsey St. to Mote Park.</p> <p>The City received \$421,462 in grant funding from MVRPC for the construction of this project. The total cost is estimated to be \$625,000. As with all federally funded projects, the engineering and right-of-way costs associated with the project are funded with 100% local funds. The project is scheduled to begin construction in the fall of 2014.</p> <p>There is capacity in the 103 Fund (Account 8836) to pay for the additional \$8,000 over the estimated budget amount, in addition to the contingency amount (if needed).</p>
<p><b>OPTIONS</b> (Include Deny /Approval Option)</p>	<p>1. 2. 3. 4.</p>	<p>Approve the Resolution to enter into an agreement with LJB Inc. for the engineering design of the Commercial Street Corridor Bike Route project.</p> <p>Do not approve the Resolution and do not complete the Commercial Street Corridor Bike Route project and return the funding.</p>
<p><b>PROJECT TIMELINE</b></p>	<p>The engineering design would begin immediately with project construction scheduled for the fall of 2014.</p>	
<p><b>STAFF RECOMMENDATION</b></p>	<p>Approval of the Resolution to allow for engineering design to begin on the Commercial Street Corridor Bike Route project.</p>	
<p><b>ATTACHMENTS</b></p>	<p>Technical Proposal for the engineering design.</p>	



January 26, 2012

Ms. Amy Havenar, P.E.  
City of Piqua Engineer  
201 West Water Street  
Piqua, Ohio 45356

Re: **TECHNICAL PROPOSAL**  
MIA-Bikepath Connections, PID No. 88228  
Commercial Street Corridor Bike Route Neighborhood Connection Project

Dear Ms. Havenar:

Thank you for the opportunity to submit a technical proposal for this important project. We are confident that we have prepared a technical response to your request that demonstrates our understanding, interest and ability to help the city improve the multimodal connectivity and identity of the Southview neighborhood.

Our project manager, Dan Hoying, specializes in roadway and right-of-way design. He brings more than 10 years of experience working in collaboration with public and private agencies to create solutions to local and regional transportation challenges, with specific emphasis on complete street design and implementation. With his passion for walkable and livable communities, Dan has helped clients create visions for streets that move people, not just motor vehicles. Dan has a personal interest in the success of this project, as he and his family frequently use the city trail network.

The LJB team is uniquely qualified for this project based on our technical expertise designing complete streets and implementing complete streets policy, intimate knowledge of the project goals and parameters, experience with federally funded bikeway and street projects, an invested project manager, our reputation for outstanding relationships with our clients, and capacity to begin work immediately.

We look forward to the opportunity to work with you on this project. If you have any questions or require additional information, please contact our project manager, Dan Hoying, at (937) 259-5795 or [dhoying@LJBinc.com](mailto:dhoying@LJBinc.com) or contact me directly at (937) 259-5067 or [sknebel@LJBinc.com](mailto:sknebel@LJBinc.com).

Sincerely,

LJB Inc.

Scott A. Knebel, P.E.  
Managing Principal

## 1. PROJECT ORGANIZATION

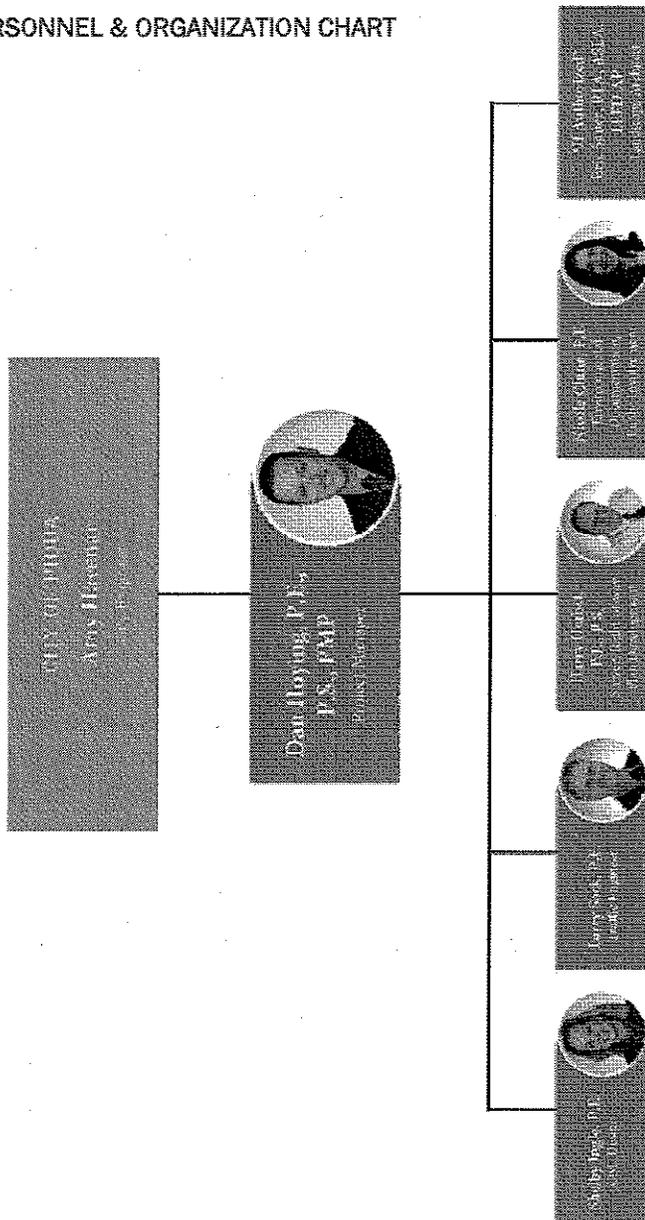
### SUBCONSULTANTS

If project construction budget will allow, LJB will use the following landscape architect subconsultant to assist the city in the development of a potential Southview neighborhood gateway feature within the public right of way at the reconfigured intersection of Commercial Street and Garnsey Street. CYP Studios will rely on their experiences on other projects with the city to provide an integrated design at this location.

### Cypripedium Landscape Architecture Studios – landscape architecture

- > Percentage of work – 5% (if authorized)

### KEY PERSONNEL & ORGANIZATION CHART



**Daniel J. Hoying, P.E., S.I., PMP – project manager**

Dan Hoying specializes in roadway and right-of-way design. He brings more than 10 years of experience working in collaboration with public and private agencies to create solutions to local and regional transportation challenges, with specific emphasis on complete street design and implementation. His areas of expertise include roadway widening, reconstruction, right-of-way plan development and drainage. Dan has a bachelor's degree in civil engineering and currently serves as the Secretary of the Dayton Chapter of the American Society of Civil Engineers and serves on the technical advisory committee of the National Complete Streets Coalition.

**Similar project experience**

- > Downtown Business District Transportation Study – Lima, Ohio
- > U.S. Route 40 West Broad Street Streetscape – Franklin County, Ohio
- > MVRPC Implementing Complete Streets Policy Workshop – Dayton, Ohio
- > MIA-North Great Miami Recreational Trail & Bikeway – Tipp City, Ohio

**Shelby R. Ingle, P.E. – civil design**

Shelby is a project manager and civil engineer who has more than 15 years of experience and specializes in municipal engineering and bikeway design. She has expertise in recreational trail design, roadway design, park improvements, drainage studies, utility coordination, project management, plan preparation and cost estimating, including more than 20 miles of bikeway design. She is a registered professional in Ohio and has a bachelor's degree in civil engineering. Ms. Ingle has completed numerous LPA projects according to ODOT design procedures and is familiar with the ODOT process.

**Similar project experience**

- > Downtown Business District Transportation Study – Lima, Ohio
- > Downtown Corridor Master Plan – West Carrollton, Ohio
- > CLA-Little Miami Trail Extension – Springfield, Ohio
- > MIA-North Great Miami Recreational Trail & Bikeway – Tipp City, Ohio

**Laurence A. Sack, P.E. – traffic design**

Larry is a senior traffic engineer who has 30 years of experience with LJB and specializes in bikeway design, lighting design, and signing and pavement marking. His designs have included parks, recreational trails, retaining walls, roadway realignments, signing and paving markings and traffic signal design. He has been project manager on various bikeway projects and has provided quality management on every bikeway project completed in the past 10 years at LJB. Most recently, he has been involved with promoting complete streets programs, a nationwide initiative that encourages walking, bicycling and public transportation within communities. Larry is a registered engineer, a fellow of the Institute of Transportation Engineers and a member of both the American Society of Civil Engineers and the Illuminating Engineering Society of North America. ODOT training courses completed include maintenance of traffic, signing and markings and highway lighting.

**Similar project experience**

- > Downtown Business District Transportation Study – Lima, Ohio
- > Downtown Corridor Master Plan – West Carrollton, Ohio
- > U.S. Route 40 West Broad Street Streetscape – Franklin County, Ohio
- > MIA-North Great Miami Recreational Trail & Bikeway – Tipp City, Ohio



**Harry G. Herbst, III – survey, right-of-way plan development**

Harry is a senior surveyor and civil engineer with LJB who has more than 35 years of experience and specializes in roadway, right-of-way plan development, land surveying and drainage. His areas of expertise include roadway design, right-of-way design, control surveys, topographic surveys, ALTA surveys, hydraulic studies, FEMA flood plain analysis and detention and retention pond design. He also has extensive experience in plan preparation, site planning and construction inspection. Harry is licensed to practice surveying in Ohio, Kentucky, and Indiana and is recognized as a leader in Ohio in the use of ODOT VRS. He has completed the ODOT training course for right-of-way plan development and has prepared thousands of legal descriptions in his career. Harry is a past president of the Miami Valley chapter of Professional Land Surveyors of Ohio (PSLO) and executive committee member for PLSO.

**Similar project experience**

- > Downtown Business District Transportation Study – Lima, Ohio
- > MOT-Great Miami River Recreational Trail & Bikeway – Dayton, Ohio
- > MOT-Mad River Recreational Trail – Riverside, Ohio
- > MIA-North Great Miami Recreational Trail & Bikeway – Tipp City, Ohio

**Nicole A. Clune, P.E. – environmental documentation, public involvement**

Ms. Clune is an environmental planner for LJB. She gained extensive experience as the ODOT District 7 environmental coordinator and project manager. Her areas of expertise include NEPA categorical exclusions, environmental assessments, noise analysis, waterway permitting, wetland mitigation, environmental justice, public involvement, erosion and sediment control. Ms. Clune has a bachelor's degree in civil engineering and has completed several ODOT training courses including waterway permits, ecological training, managing the environmental process and more. Ms. Clune is responsible for project management and coordination of complex projects through the ODOT and federal planning process to develop design solutions that comply with environmental regulations. Prior to joining LJB, Ms. Clune was the ODOT District 7 environmental coordinator and project manager.

**Similar project experience**

- > Downtown Business District Transportation Study – Lima, Ohio
- > GRE-Xenia-Jamestown Connector Bikeway – Xenia, Ohio
- > MOT-Great Miami River Recreational Trail & Bikeway – Dayton, Ohio
- > MIA-North Great Miami Recreational Trail & Bikeway – Tipp City, Ohio

**\*If Authorized**

**Eric R. Sauer, RLA, ASLA, LEED AP – landscape architect**

Eric, an owner and principal of CYP Studios, has more than 20 years experience as a professional registered and CLARB Certified Landscape Architect. His approach to landscape architecture combines a strong understanding of site design and development with strong client input to produce successful, unique and sustainable projects. He has worked on many multi-disciplinary teams and understands the design language of other professions and the value different professionals bring to the table.

**Similar project experience**

- > Piqua Intersection Improvements – Piqua, Ohio
- > Tipp City Streetscape and Alleyway Renovation Plan – Tipp City, Ohio
- > Miamisburg Gateway and Streetscape Project – Miamisburg, Ohio
- > University of Dayton Gateway Enhancements – Dayton, Ohio



### AVAILABILITY OF STAFF

LJB has recently closed more than \$10 million in design contracts which translates to nearly 75% of our team's capacity. We have proven that we expedite schedules exceeding the delivery expectations of our clients, and remain engaged through construction to support them through the final phase of a project. LJB uses an enterprise resource planning system along with a dedicated resource manager to facilitate the planning of appropriate staff for each project. Our project managers and key production personnel are only assigned to a project following a thorough review of current workload and projected backlog.

Our project team for the MIA-Bikepath Connections project was specifically selected to provide team consistency from prior successful projects and the highest quality design while maintaining schedule availability. Starting in January 2012, our team has the percentage availability listed below for the duration of the project, which will be more than sufficient to meet the needs of your project.

- > Dan Hoying – 55%
- > Shelby Ingle – 60%
- > Larry Sack – 65%
- > Harry Herbst – 45%
- > Nicole Clune – 50%



## 2. TECHNICAL APPROACH

### UNDERSTANDING OF THE PROJECT

In addition to reviewing the RFQ and visiting the site, we have reviewed the project in light of recent, relevant complete street design experience and discussion of the project goals with a diverse city stakeholder group. The city identified completion of engineering and construction under the city's budget and obtaining ODOT approval of the plans as the two most critical elements for project success. In addition, the project must address the project risks of the lack of common sense bicycle and pedestrian connectivity through the Commercial Street/Garnsey Street intersection and the ability to acquire right of way from the church parcel at the northern end.

LJB's approach will maintain focus on the critical elements for success and monitor progress towards achieving these goals as described below while working to avoid these risks on a regular basis.

### Completion of Engineering and Construction under the City's Budget

Relying on our significant, varied design experience, the LJB team will work to identify the simple solutions that address the needs without exceeding the budget for each segment and phase of the project.

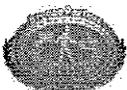
During the survey phases of the design, we will leverage GIS and aerial data to its maximum potential in less critical areas to limit the amount of right of resolution and detailed field survey that is necessary. We will also look for innovative approaches to limit construction costs for the planned improvements, offering the potential to increase the contributions to the identity of the neighborhood through a gateway feature or other amenities. One such approach is the use of pavement recycling technology to **reduce mill and overlay costs by as much as twenty to forty percent**. At LJB's request, an Ohio company that performs asphalt recycling has already visited the site and will provide feedback regarding the applicability of the process to this project.

### Obtaining ODOT Approval of the Plans

Close coordination with ODOT in the development of the project scope and schedule will be critical to ensure that LJB, the city and ODOT are in agreement as the project team begins the work of environmental clearance, stakeholder coordination and detailed design. We believe that having a project management professional lead this project will add real value through the attention to the scope, schedule, quality, communications and risk management details. Despite significant experience working with ODOT District 7 staff in each discipline of the project, we will not take that history for granted and will confirm significant design decisions with ODOT to ensure that the project remains on a path towards ODOT approval of city stakeholder objectives.

Although the project corridor can be broken into seven major elements, LJB will approach this project in a straightforward manner in order to negotiate a minor roadway with a unique design through the ODOT process.

1. Bikepath through Wood Street Community Center property
2. Commercial Street (Wood to Garnsey)
3. Commercial Street/Garnsey Street/South College Street/South Roosevelt Avenue intersection



4. Commercial Street (Garnsey Street to South Wayne Street)
5. Wayne Street - Clark Avenue - South Main Street
6. Connection to Great Miami River Trail (likely through the power plant property rather than Bridge Street)
7. Garnsey Street to Mote Park

### **Critical Tasks in the ODOT Process**

Our understanding of the ODOT permitting process has identified a number of tasks crucial for success. The following critical tasks will be completed within the structure of the project development process.

### **Project Kickoff/Scoping**

LJB will hold a project kickoff meeting for this project to discuss schedule, budget and project goals. At this meeting, LJB and the city of Piqua will define success for this project and clear steps to achieve success. As far as possible, the project alignment will be finalized with unknowns and risks to the project identified. These project risks, including the need for right of way to be acquired at the northern limits and pedestrian and bicycle connectivity at the Commercial/Garnsey Street intersection, will be monitored throughout the project's development. The multi-modal level of service prescription derived as part of the MVRPC Complete Streets Policy Training and Outreach effort will be verified with city staff to confirm priorities. ODOT District 7 personnel will be invited to this kickoff meeting to establish clear communications and technical and schedule requirements for the project. It is understood ODOT District 7 will be preparing the environmental documentation required for state and federal funding.

This meeting will also begin consistent communications between LJB and the city of Piqua that will include monthly (or more frequent) project progress reports, minutes of meetings and full documentation of project comments and design decisions.

### **Survey**

Although the majority of construction activity will be limited to the existing right of way to preclude the need for right-of-way plans for the length of the project, the existing right of way will need to be resolved to accurately show project limits and to limit impacts. LJB will conduct a courthouse search of property records and, through coordination with ODOT, establish the existing right-of-way lines for the critical locations of the project corridor. Critical and high risk locations will be identified and discussed with the city.

Detailed field survey for the corridor will be conducted to record topographic information, utility location and property monuments within the critical limits. LJB will contact utility companies to locate their facilities prior to surveying thereby identifying points of contact for utility companies for future use. Utility involvement in the design process, through frequent communication and a utility coordination meeting will also help reduce construction cost.

### **Design**

Early in the design development, LJB will reduce the data collected and develop a conceptual alignment and plan. Conceptual plans will be presented to city officials and planning commission. As part of this effort, LJB will prepare exhibits for discussions with the Southview Association, the schools and general public. LJB will attend key stakeholder meetings to assist the city in presenting the conceptual plans. Presentations can include project specific information as well as an educational component to familiarize



the city with Complete Streets principles.

Design elements for each of the seven segments may vary. Some segments of Commercial Street may be closed to motor vehicle traffic and include pedestrian bump outs on side streets. Other segments may need to accommodate interstate semi trailers. Design flexibility to adapt to the changing context of the corridor, and communication and coordination of these items with ODOT, will be paramount to success of the project.

LJB will design improvements to the seven-leg Commercial Street/Garnsey Street/South College Street/South Roosevelt Avenue intersection to simplify motor vehicle, pedestrian and bicyclist movements through the location. To do this, pavement may be removed, realigned and channelized with the goals to maintain property access, improve sight distance, and increase safety for pedestrians and cyclists. It is anticipated that at the very least, provisions will be made within this plan set to allow for future landscape enhancements. If construction and design budgets allow, these features may be included in the project.

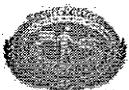
The conceptual plan and a cost estimate will be submitted to the city and a copy provided to ODOT both for review and their use in preparing environmental documentation.

#### **DEFINITION OF TASKS**

The attached LPA Scope of Services Form includes a description of all tasks that are anticipated and are included in the fee proposal.

#### **INNOVATIVE APPROACH**

The use of corridor modeling software will enable on the fly design decision making to limit the impacts to private property and enable real time editing of the vertical alignment to reduce engineering and construction costs.



**PROPOSED SCHEDULE**

The table below lists our proposed project schedule of phases. This schedule is based on a start date of February 9, 2012, and a final document delivery date of March 12, 2014 as described in more detail in the scope of services document. It can be modified as needed to meet specific external project scheduling constraints.

Milestone	Start Date	End Date
Preliminary Engineering	2/9/2012	3/30/2012
Stage 1	4/16/2012	6/4/2012
Stage 2	6/18/2012	8/31/2012
Final Right of Way	10/1/2012	12/1/2012
Stage 3	2/1/2013	5/1/2013
Tracings	7/1/2013	2/12/2014

**PRICE PROPOSAL COST SUMMARY**

The attached Project WBS report includes a detailed breakdown of each phase and the associated tasks. The report includes the Planned Hours and Compensation Fee for each task. The subtotal for each phase is included at the top of the list of associated tasks. The total fee for this project is **\$68,750**.

