

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, MARCH 20, 2012
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION

Ms. Linda Merchant- Masonbrink - Ohio EPA Division of Drinking and Ground Water

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. **APPROVAL OF MINUTES**

Approval of the minutes from the March 6, 2012 Regular Piqua City Commission and the March 8, 2012 Piqua City Commission Worksession

NEW BUSINESS

2. **ORD. NO. 8-12** (1st Reading)

An Ordinance amending Sections 154.098 and 154.100 of the City of Piqua Code of Ordinances to modify permit, general and display period requirements for temporary; attached and detached sign types

3. **RES. NO. R-62-12**

A Resolution fixing the time and place for a Public Hearing on a renewal application to designate a certain property located within the City of Piqua as an agricultural district

4. **RES. NO. R-63-12** (Public Hearing)

A Resolution approving the renewal application for placement of farmland in an agricultural district filed by Louise I. Cromes for parcel numbers N44-076845, N44-077116, N44-077120 and N44-099300 in the City of Piqua

5. **RES. NO. R-64-12** (Public Hearing)

A Resolution approving the renewal application for placement of farmland in an agricultural district filed by James A. Hiegel for parcel #N44-095820 in the City of Piqua

6. **RES. NO. R-65-12**

A Resolution approving the Fiscal Year 2012 Community Housing Improvement Program application and authorizing the City Manager to submit the application

7. **RES. NO. R-66-12**

A Resolution accepting the recommendations of the Tax Incentive Review Council of the City of Piqua for the purpose of the administration of the City of Piqua's Enterprise Zone Program, as required by Section 5709.85(C)(1) of the Ohio Revised Code

8. RES. NO. R-67-12
A Resolution appointing a member to the Community Diversity Committee
9. RES. NO. R-68-12
A Resolution appointing a member to the Community Diversity Committee
10. RES. NO. R-69-12
A Resolution appointing a member to the Energy Board
11. RES. NO. R-70-12
A Resolution requesting authorization to enter into a Mutual Aid Agreement with the Ohio Water/Wastewater Agency Response Network
12. RES. NO. R-71-12
A Resolution requesting authorization to enter into an agreement with Best Equipment Co., Inc., for the purchase of a 2012 Sewer Mainline CCTV Inspection Unit

OTHER

Monthly Reports – January 2012

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
- b. Department Update – Utilities Department – Mr. Dave Burtner

COMMISSIONERS COMMENT

ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday March 6, 2012
7:30 P.M.**

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

PROCLAMATION – American Red Cross Month in the City of Piqua

Mayor Fess read the proclamation and presented it to Red Cross Executive Director Scott Miller.

PROCLAMATION – CIVIL RIGHTS COMMISSION – CHRISTIN LIBBEE

Mayor Fess read the proclamation and presented it to Christin Libbee.

Christin won first place in writing for the Martin Luther King Jr. Art, Writing and Multimedia Contest sponsored by the Ohio Civil Rights Commission for grades 6-12.

REGULAR CITY COMMISSION MEETING

Approval of the minutes from the February 21, 2012 Regular Piqua City Commission Meeting. Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the Regular Piqua City Commission Meeting of February 7, 2012 be approved. Voice vote, Aye: Fess, Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

Old Business

ORD. NO. 4-12-Amended (3rd Reading)

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

Law Director Stacy Wall stated this is the 3rd reading for Ordinance No. 4-12 that was amended at the February 21, 2012 meeting to allow the modification of the speed limit to 25 MPH on the following sections of roadway: Park Avenue between Marymont and Broadway, Broadway between Park Avenue and W. Ash Street, and W. Ash Street between Broadway and N. Downing Street. It was stated that Ordinance No. 4-12 should be defeated as Ordinance No. 7-12 is a new Ordinance with the amendment made and a language change that was also requested by the Commission

Public Comment

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

Moved by Commissioner Vogt, seconded by Commissioner Martin to adopt Ordinance No. 4-12. Roll call, Aye: None. Nay: Fess, Wilson, Terry, Vogt, and Martin. Ordinance No. 4-12 was defeated by a 0-5 vote. Mayor Fess declared Ordinance No. 4-12 defeated.

NEW BUSINESS

ORD. NO. 7-12 (1st Reading)

An Ordinance amending Piqua Codified Ordinance Section 77.01 Traffic Schedules adopted in accordance with City of Piqua Code of Ordinances Chapter 77

Ms. Wall stated the changes that were included in the Ordinance, and asked that the Commission waive the three reading rule on Ordinance No. 7-12 since it is really the 3rd reading.

Public Comment

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

Moved by Commissioner Vogt, seconded by Commissioner Martin that the rule requiring Ordinance No. 7-12 be read fully and distinctly on three separate days be suspended. Roll call, Aye: Martin, Fess Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 7-12 be adopted. Roll call, Aye: Vogt, Martin, Terry and Fess. Nay: Wilson. Motion carried on 4-1 vote to adopt Ordinance No 7-12. Mayor Fess then declared Ordinance No. 7-12 adopted.

RES. NO. R-32-12

A Resolution appointing a member to the Board of Zoning Appeals

City Manager Huff stated Resolution No. R-32-12 appoints Steve Reindel to the Board of Zoning Appeals for a term of five (5) years to expire on March 2, 2017.

Public Comment

No one came forward to speak for or against Resolution No. R-32-12.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-32-12 be adopted. Voice vote, Aye: Fess, Martin, Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-32-12 adopted.

RES. NO. R-33-12

A Resolution appointing a member to the Civil Service Commission

City Manager Huff stated Resolution No. R-33-12 appoints Evelyn Mahrt to fill the unexpired term of Paul Jackson as a member of the Civil Service Commission to expire on March 1, 2014.

Public Comment

No one came forward to speak for or against Resolution No. R-33-12

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-33-12 be adopted. Voice vote, Aye: Martin, Wilson, Terry, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-33-12 adopted.

RES. NO. R-34-12

A Resolution appointing a member to the Civil Service Commission

City Manager Huff stated Resolution No. R-34-12 appoints Howard Bruce Hogston to the Civil Service Commission for a three (3) year term to expire on March 1, 2015.

Public Comment

No one came forward to speak for or against Resolution No. R-34-12

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-34-12 be adopted. Voice vote, Aye: Terry, Vogt, Fess, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-34-12 adopted.

RES. NO. R-35-12

A Resolution appointing a member to the Community Diversity Committee

City Manager Huff stated Resolution No. R-35-12 appoints Terry Wright to the Community Diversity Committee for a two (2) year term to expire on March 1, 2014.

Public Comment

No one came forward to speak for or against Resolution No. R-35-12

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-35-12 be adopted. Voice vote, Aye: Vogt, Fess, Martin, Wilson and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-35-12 adopted.

RES. NO. R-36-12

A Resolution appointing a member to the Community Diversity Committee

City Manager Huff stated Resolution No. R-36-12 appoints Roger Hartley to the Community Diversity Committee for a two (2) year term to expire on March 1, 2014.

Public Comment

No one came forward to speak for or against Resolution No. R-36-12

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-36-12 be adopted. Voice vote, Aye: Wilson, Terry, Vogt, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-36-12 adopted.

RES. NO. R-37-12

A Resolution appointing a member to the Downtown District Design Review Board

City Manager Huff stated Resolution No. R-37-12 appoints James C. Oda to the Downtown District Design review Board for a three (3) year term to expire on March 1, 2015

Public Comment

No one came forward to speak for or against Resolution No. R-37-12

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-37-12 be adopted. Voice vote, Aye: Fess, Martin, Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-37-12 adopted.

RES. NO. R-38-12

A Resolution appointing a member to the Energy Board

City Manager Huff stated Resolution No. R-38-12 appoints David Zimmerman to the Energy Board for a term of five (5) years to expire on March 1, 2017.

Public Comment

No one came forward to speak for or against Resolution No. R-38-12

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-38-12 be adopted. Voice vote, Aye: Martin, Wilson, Terry, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-38-12 adopted.

RES. NO. R-39-12

A Resolution appointing a member to the Energy Board

City Manager Huff stated Resolution No. R-39-12 appoints Roger Hartley to the Energy Board for a term of five (5) years to expire on March 1, 2017

Public Comment

No one came forward to speak for or against Resolution No. R-39-12

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-39-12 be adopted, as amended. Voice vote, Aye: Wilson, Terry, Vogt, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-39-12 adopted.

RES. NO. R-40-12

A Resolution appointing a member to the Park Board

City Manager Huff stated Resolution No. R-40-12 appoints Catherine Oda to the Park Board for a term of five (5) years to expire on March 1, 2017.

Public Comment

No one came forward to speak for or against Resolution No. R-40-12

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-40-12 be adopted. Voice vote, Aye: Terry, Vogt, Fess, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-40-12 adopted.

RES. NO. R-41-12

A Resolution appointing one member to the Park Board

City Manager Huff stated Resolution No. R-41-12 appoints James Cruse to the Park Board for a five (5) year term to expire on March 1, 2017.

Public Comment

No one came forward to speak for or against Resolution No. R-41-12

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-41-12 be adopted. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-41-12 adopted.

RES. NO. R-42-12

A Resolution appointing a member to the Tree Committee

City Manager Huff stated Resolution No. R-42-12 appoints Regina Favorite to the Tree Committee for a four (4) year term to expire on March 1, 2016.

Public Comment

No one came forward to speak for or against Resolution No. R-42-12

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-42-12 be adopted. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-42-12 adopted.

RES. NO. R-43-12

A Resolution appointing a member to the Tree Committee

City Manager Huff stated Resolution No. R-43-12 appoints Steven Trostel to the Tree Committee for a four (4) year term to expire on March 1, 2016.

Public Comment

No one came forward to speak for or against Resolution No. R-43-12

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-43-12 be adopted. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-43-12 adopted.

RES. NO. R-44-12

A Resolution appointing a member to the Stormwater Utility Board

City Manager Huff stated Resolution No. R-44-12 appoints John Monroe to the Stormwater Utility Board for a one (1) year term to expire on August 1, 2013.

Public Comment

No one came forward to speak for or against Resolution No. R-44-12

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-44-12 be adopted. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-44-12 adopted.

RES. NO. R-45-12

A Resolution appointing a member to the Stormwater Utility Board

City Manager Huff stated Resolution No. R-45-12 appoints David Zimmerman to fill the unexpired term (3-year) of Joe Drapp to the Stormwater Utility Board to expire on August 1, 2013

Public Comment

No one came forward to speak for or against Resolution No. R-45-12

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-45-12 be adopted. Voice vote, Aye: Terry, Vogt, Fess, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-45-12 adopted.

RES. NO. R-46-12

A Resolution fixing the time and place for a Public Hearing on a renewal application to designate certain properties located within the City of Piqua as an Agricultural District

Economic Development Director Bill Murphy stated Resolution No. R-46-12 sets the Public Hearing at the request of the property owner James A. Hiegel to designate his property known as Parcel N44-095820 (9.28 acres) as an agricultural district. The Ohio Revised Code 929.02 requires the City Commission hold a public hearing every five years for purpose of considering the application.

Public Comment

No one came forward to speak for or against Resolution No. R-46-12

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-46-12 be adopted. Roll call, Aye: Martin, Vogt, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-46-12 adopted.

RES. NO. R- 47-12

A Resolution fixing the time and place for a Public Hearing on a renewal application to designate certain properties located within the City of Piqua as Agricultural Districts

Economic Development Director Bill Murphy stated Resolution No. R-47-12 sets the Public Hearing at the request of the property owner Louise Cromes to designate her properties known as Parcel N44-077116 (28.516 acres), N44-76845 (89.428 acres), N44-077120 (37.700 acres, and N44-099300 (1.750 acres) as agricultural districts. The Ohio Revised Code 929.02 requires the City Commission hold a public hearing every five years for purpose of considering the application.

Public Comment

No one came forward to speak for or against Resolution No. R-47-12

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-47-12 be adopted. Roll call, Aye: Wilson, Martin, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-47-12 adopted.

Power Systems Director Ed Krieger explained the next fourteen (14) Resolutions No. R-48-12 through Resolution No. R-61-12 are awarding contracts for the construction of the Power System Service Center. The current Power Plant may be demolished as early as 2013 and would require the movement of equipment, tools and inventory currently housed at the location. The Power System is debt-free and cash reserves are available to fund a majority of the construction costs.

The City Commission approved the purchase of two properties for the Power System Service Center in February 2010, in December 2011 a contract for design and construction management services with Wenco, Inc. was approved, and in July of 2011 a contract with Star-Ex, Inc. for completion of early site work activities with construction was completed. In August of 2011 City employees completed the relocation and extension of water, wastewater and stormwater utilities to the site, and in October of 2011 Star Ex and Wall Brothers competed improvements to Hemm Avenue.

Power System staff worked with Wenco management to utilize a construction approach that would allow as many local companies to participate in the project as much as possible. Fifteen (15) separate bid packages were developed and local contractors were targeted to encourage local participation. As a result of the bidding, companies from Piqua and the surrounding area are recommended as the successful bidders for one or more of the individual bid packages as detailed in Wenco's construction contractor recommendations and associated final bid tab results.

Mr. Krieger gave a brief explanation of each of the contracts and the awarding of the bids in conjunction with Wenco's Construction Contractor Recommendations.

Resolution No. R-48-12 (General Trades and Steel) awarded to Baumer Construction out of Minster, Ohio in the amount of \$1,110,900.

Resolution No. R-49-12 (Concrete) awarded to Metcom out of Bradford, Ohio in the amount of \$503,250.

Resolution No. R-50-12 (Finish Site Work) awarded to K & S Excavating out of Troy, Ohio in the amount of \$316,800.

Resolution No. R-51-12 (Overhead Doors) awarded to Dayton Door Sales out of Dayton, Ohio in the amount of \$51,300.

Resolution No. R-52-12 (Painting) awarded to Ohio Valley Painting, out of Dayton, Ohio in the amount of \$57,120.

Resolution No. R-53-12 (Flooring) awarded to Titan Commercial Flooring, out of Clayton, Ohio in the amount of \$84,029.

Resolution No. R-54-12 (Sprinkler System) awarded to Dayton Fire Protection, out of Tipp City, Ohio in the amount of \$110,040.

Resolution No. R-55-12 (Electrical) awarded to Koester Electric, out of Coldwater, Ohio in the amount of \$434,400.

Resolution No. R-56-12 (Plumbing & HVAC) awarded to Slagle Mechanical out of Sidney, Ohio in the amount of \$762,450.

Resolution No. R-57-12 (Crane System) awarded to Crane 1 Services, out of Franklin, Ohio in the amount of \$58,279.

Resolution No. R-58-12 (Network Equipment, Cabling & Terminations, Multimedia Systems) awarded to Low Voltage Solutions, out of Sidney, Ohio in the amount of \$94,026.

Resolution No. R-59-12 (Video Display Wall) awarded to Critical Space Solutions, out of Norcross, GA in the amount of \$152,329.

Resolution No. R-60-12 (Security System) awarded to ADT Security Services, out of Cincinnati, Ohio in the amount of \$213,305.

Resolution No. R-61-12 (Automatic Transfer Switch) awarded to Brownstown Electric Supply, out of Bellefontaine, Ohio in the amount of \$72,319.

Also awarded but did not require Commission approval were contracts to:

(Aluminum Storefront) awarded to Hemm's Glass, of Piqua, Ohio in the amount of \$20,270.

(Landscaping) awarded to Casto Landscaping, of Piqua, Ohio in the amount of \$19,555.

RES. NO. R-48-12

A Resolution awarding a contract to Baumer Construction for the Power System Service Center Steel, General Trades and Masonry Bid Packages

Public Comment

Tom Westerheide, President of Westerheide Development of Sidney, Ohio came forward and voiced his opinion on the award of the framing and pre-engineered building installations. Mr. Westerheide felt his company was the low bidder and should have been awarded the bid. It was noted that Baumer Construction would be using their own crews for the steel erection, and have had more experience with this size of project.

Dean McGillvary of Wenco Inc. came forward and explained how the bid packages were compiled and how they determined who received the bid.

There was discussion of the bid process and if Mr. Westerheide would have only had one bid would there been a different outcome. Mr. McGillvary further explained the reason for going with Baumer Construction in this instance.

Mr. Krieger stated he understands Mr. Westerheide's concern but they felt they should accept Wenco's direction, stating this is the reason Wenco was hired as they have been doing this for a very long period of time.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-48-12 be adopted. Roll call, Aye: Fess, Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-48-12 adopted.

RES. NO. R-49-12

A Resolution awarding a contract to Metcon for the Power System Service Center Concrete Bid Package

Public Comment

No one came forward to speak for or against Resolution No. R-49-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-49-12 be adopted. Roll call, Aye: Terry, Fess, Wilson, Martin, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-49-12 adopted.

RES. NO. R-50-12

A Resolution awarding a contract to K & S Excavating for the Power System Service Center Finish Site Work Bid Package

Public Comment

No one came forward to speak for or against Resolution No. R-50-12.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-50-12 be adopted. Roll call, Aye: Vogt, Terry, Fess, Wilson, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-50-12 adopted.

RES. NO. R-51-12

A Resolution awarding a contract to Dayton Door Sales for the Power System Service Center Overhead Doors Bid Package

Public Comment

No one came forward to speak for or against Resolution No. R-51-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-51-12 be adopted. Roll call, Aye: Vogt, Martin, Vogt, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-51-12 adopted.

RES. NO. R-52-12

A Resolution awarding a contract to Ohio Valley Painting for the Power System Service Center Painting Bid Package

Public Comment

No one came forward to speak for or against Resolution No. R-52-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-52-12 be adopted. Roll call, Aye: Wilson, Martin, Terry, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-52-12 adopted.

RES. NO. R-53-12

A Resolution awarding a contract to Titan Flooring for the Power System Service Center Flooring Bid Package

Public Comment

No one came forward to speak for or against Resolution No. R-53-12.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-53-12 be adopted. Roll call, Aye: Fess, Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-53-12 adopted.

RES. NO. R-54-12

A Resolution awarding a contract to Dayton Fire Protection for the Power System Service Center Sprinkler System Bid Package

Public Comment

No one came forward to speak for or against Resolution No. R-54-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-54-12 be adopted. Roll call, Aye: Vogt, Fess, Wilson, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-54-12 adopted.

RES. NO. R-55-12

A Resolution awarding a contract to Koester Electric for the Power System Service Center Electric Bid Package

Public Comment

No one came forward to speak for or against Resolution No. R-55-12.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-55-12 be adopted. Roll call, Aye: Terry, Vogt, Fess, Wilson, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-55-12 adopted.

RES. NO. R-56-12

A Resolution awarding a contract to Slagle Mechanical for the Power System Service Center Plumbing and HVAC Bid Packages

Public Comment

No one came forward to speak for or against Resolution No. R-56-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-56-12 be adopted. Roll call, Aye: Martin, Terry, Vogt, Fess and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-56-12 adopted.

RES. NO. R-57-12

A Resolution awarding a contract to Crane 1 Services for the Power System Service Center Crane System Bid Package

Public Comment

No one came forward to speak for or against Resolution No. R-57-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-57-12 be adopted. Roll call, Aye: Wilson, Martin, Terry, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-57-12 adopted.

RES. NO. R-58-12

A Resolution awarding a contract to Low Voltage Solutions for the Power System Service Center Network Equipment, Cabling & Terminations and Multimedia Systems for the Conference Rooms Bid Packages

Public Comment

No one came forward to speak for or against Resolution No. R-58-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-58-12 be adopted. Roll call, Aye: Fess, Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-58-12 adopted.

RES. NO. R-59-12

A Resolution awarding a contract to Critical Space Solutions for the Power System Service Center Video Display Wall Bid Package

Public Comment

No one came forward to speak for or against Resolution No. R-59-12.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-59-12 be adopted. Roll call, Aye: Vogt, Fess, Wilson, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-59-12 adopted.

RES. NO. 60-12

A Resolution awarding a contract to ADT Security Services for Security Systems in the Power System Service Center

Public Comment

No one came forward to speak for or against Resolution No. R-60-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-60-12 be adopted. Roll call, Aye: Terry, Vogt, Fess, Wilson, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-60-12 adopted.

RES. NO. 61-12

A Resolution awarding a contract to Brownstown Electric Supply for the purchase of an S&C Automatic Transfer Switch for the Power System Service Center

Public Comment

No one came forward to speak for or against Resolution No. R-61-12.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-61-12 be adopted. Roll call, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-61-12 adopted.

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."

Steve Stiefel came forward and announced on March 15-18, 2012 the annual Race Cars and Future Stars event will be held at the Miami Valley Centre Mall, and invited citizens to come out and see the cars and drivers.

City Manager's Report

Economic Development Update – Mr. Bill Murphy

Mr. Murphy gave a brief update on recent economic development. Ohio captured the covent Governors Cup that is a Site Selection Magazine annual study where they look at the number of projects by state, and Ohio was number one this year. Locally the City of Dayton MSA, which includes Montgomery, Miami, and Preble counties, was ranked #2 for mid-size metro areas, and Springfield was ranked #2 in the small metro area. This is great news for the region with the automotive industry playing a big part in the growth.

Jobs Ohio has \$2.5 billion dollars in finances; this is equity injection they propose to give local companies to help them grow in the State of Ohio this year. This is financed largely through Liquor Tax proceeds, and by putting equity into companies to try and get a quick turnaround within one year or less.

The Ohio Tax Credit Authority approved a six-year, 50% job creation tax credit for Hartzell Air Movement in the amount of \$365,000 for the project. A ground breaking is planned for the new Hartzell Air Movement on Thursday, March 8, 2012 at 1:30 P.M.

Department Update – Distribution Department Update – Mr. Ed Krieger

Ed Krieger explained the Rate Comparisons between the Residential and Commercial/Industrial accounts. Graphs were shown with the Ohio Average Revenue per kWh in 2010 for Residential, Commercial/Industrial accounts, and also for the Local Utilities-Average Revenue per kWh for 2010.

Several AMP Projects were highlighted. AMP-Fremont Energy Center, the Prairie State & Hydro Progress, Cannelton Progress, Meldahl Progress, Smithland Progress, and the Willow Island Progress.

Mr. Krieger further explained the Reliability Performance by a graph with the ratio of total customer minutes that service was available divided by the total customer minutes demanded in a time period from January through December in 2008-2011. Also included was a graph showing the average duration of customer outage dividing the sum of the customer minutes off by the number of customer who experienced long interruptions. Finally a graph showing the number of times a customer is interrupted (less than one minute), averaged over all customers. This was then divided by total customer interruptions for an average of total customers served for the period from January through December 2008-2011.

Mayor Fess thanked Mr. Krieger for his informative update.

City Manager Huff stated the Ohio EPA has endorsed the City of Piqua Drinking Water Source Protection Plan. Further stating they acknowledged it is an exemplarily report that can serve as a model for other Ohio Surface Water Systems. City Manager Huff congratulated the Utility and the Water Treatment Departments for their work on getting the plan endorsed.

City Manager Huff stated the City Commission Monthly Work Session is scheduled for Thursday, March 8 at 7:30 in the Commission Chambers. The topic is strictly on whether to build a new water treatment plant, and will be providing the Commissioners with detailed information; this is not about a joint water plant project at this time. The joint water option will be presented at a later Work Session, stated City Manager Huff. Information was given to the Commissioners in the form of a handout at the beginning of the Commission Meeting for them to review before the Work Session on Thursday.

Commissioner Comment

Commissioner Wilson stated there were quite a few board appointments on this agenda, and it is very important that citizens continue to apply for these board openings as they occur in the future.

Commissioner Wilson also reminded citizens of the change in the speed limit on Park Avenue, and ask if it would be possible to step up the patrol in that area to watch for trucks still following the old St. Rt. 185. Police Chief Jamison stated they plan on monitoring the area, and will be giving a grace period for citizens to get use to the change in the speed limit on Park Avenue.

Mayor Fess inquired about signage stating no trucks. Chief Jamison stated trucks know where they can go and some of the larger straight trucks will still need to use the street to make deliveries.

Commissioner Terry reminded citizens the Putt-Putt is set up at the Miami Valley Centre for the third year in a row, and is a fund raiser for the Salvation Army.

Commissioner Terry stated the Commissioners attended the recent Energy Board meeting and were given a lot of information regarding all of the Service Center contracts that were approved. Commissioner Terry further stated the Energy Board was unanimous in approving the contracts. Ed Krieger and his staff have done due diligence on getting the project ready to proceed to the next step.

Commissioner Terry stated there was an article in the newspaper about the Brownfield Grants, which might be limited for the State of Ohio. The ones that were listed in Miami County were for Piqua, Piqua, Piqua. Commissioner Terry further stated our grant writers are being very diligent in securing these grants for the City of Piqua, and she appreciates everyone responsible for helping Piqua to secure these grants.

Commissioner Vogt stated he received an email about broken glass on the Bike Path behind the Kroger Store on Covington Avenue, further stating there is also a lot of trash that has blown around in there area also. Commissioner Vogt asked citizens to please pick up their trash.

Commissioner Martin thanked all of the volunteers who have volunteered to serve on the various Boards and Committees for the City of Piqua.

Commissioner Martin also reminded citizens to patronize the local businesses in the construction area during the reconstruction of E. Ash Street.

Mayor Fess reminded citizens there are detour signs to get around the E. Ash Street Reconstruction Project. The Shawnee residents have voiced their concern over the number of trucks using the Shawnee area to get around the construction zone.

Mayor Fess stated she is excited about the ground breaking at the Hartzell Air Movement facility on Thursday. This shows that things are beginning to pickup and this is uplifting for the community, stated Mayor Fess.

Mayor Fess announced that the Dancing with the Piqua Stars sponsored by the Piqua Arts Council is scheduled for March 31, 2012. An afternoon performance has been added due to the sell out of the evening show. Tickets are still available for the 2:30 afternoon performance at Reedmore Hallmark, and thanked all of the dancers for getting out there and performing for us.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn into Executive Session at 9:15 P.M. to consider pending or imminent litigation. Roll call: Aye, Terry, Vogt, Martin, Wilson, and Fess. Nay, None. Motion carried.

Moved by Commissioner Vogt, seconded by Commissioner Terry, to adjourn from Executive Session at 9:45 P.M. Voice vote: Aye, Martin, Terry, Vogt, Fess, and Wilson. Nay, None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:46 P.M. Voice vote, Aye: Martin, Fess, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 8-12

AN ORDINANCE AMENDING SECTIONS 154.098 and 154.100 OF THE CITY OF PIQUA CODE OF ORDINANCES TO MODIFY PERMIT, GENERAL, AND DISPLAY PERIOD REQUIREMENTS FOR TEMPORARY; ATTACHED AND DETACHED SIGN TYPES

WHEREAS, the City of Piqua Charter Section 154.141 directs the Commission to take action on zoning amendment recommendations received from the Planning Commission at their next regularly scheduled meeting; and

WHEREAS, the Planning Commission has studied a proposed amendment to the zoning code amending sections 154.098 and 154.100 of the City of Piqua Code of Ordinances to modify permit, general, and display period requirements for temporary; attached and detached sign types, as set forth in Exhibit A included herewith; and

WHEREAS, the Planning Commission has conducted a public hearing and made a report of its findings; and

WHEREAS, the Planning Commission has submitted a recommendation to the City Commission;

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

SEC. 1. That the City of Piqua hereby amends sections 154.098 and 154.100 of the City of Piqua Code of Ordinances as set forth in Exhibit A included herewith (deleted text lined through and proposed text bold and underlined):

SEC. 2. All other sections of Chapter 154 of the City of Piqua Code of Ordinances not amended herein shall remain in effect as is.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



City Commission Agenda Staff Report

Item #2

| | | | | |
|---|--|--|--|---|
| MEETING DATE | 3/20/2012 | | | |
| REPORT TITLE (Should match resolution/ordinance title) | An Ordinance Amending Sections 154.098 and 154.100 of the City of Piqua Code of Ordinances to Modify Permit, General, and Display Period Requirements for Temporary; Attached and Detached Sign Types | | | |
| SUBMITTED BY | Name & Title: Chris Schmiesing, City Planner | | | |
| | Department: Development Department | | | |
| AGENDA CLASSIFICATION | <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution | <input type="checkbox"/> Regular |
| ORDINANCE/RESOLUTION | <input checked="" type="checkbox"/> 1 st Reading | <input type="checkbox"/> 2 nd Reading | <input type="checkbox"/> 3 rd Reading | <input type="checkbox"/> Public Hearing |
| | Ordinance #: No. 8-12 | | Resolution #: | |
| APPROVALS/REVIEWS | <input checked="" type="checkbox"/> City Manager | | <input checked="" type="checkbox"/> Law Director | |
| | <input checked="" type="checkbox"/> Asst. City Manager/Development | | <input checked="" type="checkbox"/> Other: Planning Commission | |
| BACKGROUND (Includes description, background, and justification) | <p>The proposed amendment will modify the zoning code sign standards as follows:</p> <ol style="list-style-type: none"> 1) Modify the permit requirements to require a permit for commercial message temporary sign types (No fee for permit). 2) Eliminate height restrictions on attached temporary sign types and eliminate the detached banner sign standards from the general requirements section altogether and reference attached banner sign standards. 3) Reduce the time required to lapse between on-premise commercial message temporary sign display periods; and, waive the maximum display period limit when business location is adjacent to the public street right of way closure. | | | |
| BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources) | Budgeted \$: | 0 | | |
| | Expenditure \$: | 0 | | |
| | Narrative: | The proposed permit requirement will provide a record of the start date for display period duration and frequency for tracking purposes; the general requirements modifications will relax the attached banner sign height limitations and the elimination of the detached standards will eliminate confusion concerning which standards are applicable; and, the adjustment to the display period limits will give businesses greater flexibility in how they use the temporary commercial sign display allowance, and an extended display period during street closures. | | |
| OPTIONS (Include Deny /Approval Option) | 1. | Approve the ordinance and adopt the proposed amendments | | |
| | 2. | Reject the ordinance and provide direction | | |
| | 3. | | | |
| | 4. | | | |
| PROJECT TIMELINE | <p>Mar 13, 2012 – Planning Commission public hearing Mar 20, 2012 – City Commission 1st reading of Ordinance</p> | | | |
| STAFF RECOMMENDATION | Approve the ordinance to amend temporary sign standards | | | |

EXHIBIT A

§ 154.098 PERMIT REQUIRED; EXCEPTIONS.

(A) *Permit required.*

(1) No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this subchapter have been met. To assure compliance with these regulations, a sign permit issued pursuant to this chapter shall be required for each sign, unless specifically exempted in this section.

(2) A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which the sign is maintained be modified, altered or replaced if any design element constituted a basis for approval of the sign, unless a new or amended permit is obtained consistent with these regulations.

(3) When applying for a sign permit the following materials shall be provided:

(a) A completed application and the permit fee for each requested sign.

(b) *Permanent attached signs:*

(1) A dimensioned site plan, drawn to scale, showing all existing buildings and other improvements, and proposed sign location(s) on the subject property, the adjacent private properties and public right-of-way.

(2) Detail drawing(s) of each sign face in color and drawn to scale, showing the sign copy, and with the sign area highlighted and calculated in accordance with this code. Provide additional details as necessary to verify the sign design is in compliance with the applicable building and electrical codes.

(3) Elevation drawing(s) of the building facade on which the sign will be placed, drawn to scale, showing the proposed location of the sign, and including dimensions from the established ground grade to the bottom of the sign, and the length of the building frontage.

(c) *Permanent detached signs:*

(1) A dimensioned site plan, drawn to scale, showing all existing buildings and other improvements, and proposed sign location(s) on the subject property, the adjacent private properties and public right-of-way.

(2) Detail drawing(s) of each sign face in color and drawn to scale, showing the sign copy, and with the sign area highlighted and calculated in accordance with this code. Provide additional details as necessary to verify the sign design is in compliance with the applicable building and electrical codes. Unless waived by the enforcing official, include, foundation and anchoring drawing(s) and wind load calculations for the proposed sign(s).

EXHIBIT A

(3) Landscaping plan drawn to scale, with the types and location of each living plant material and non-living materials or objects clearly identified.

(‘97 Code, § 150.704)

(B) *Exceptions.* The following shall be permitted subject to the provisions of this subchapter and shall not require a permit. Exemptions from the necessity of securing a permit shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in accordance with all the other provisions of this code.

(1) The repainting, refacing, changing of parts and maintenance of signs shall not be deemed alterations requiring a sign permit, subject to the provisions stated in division (A) of this section.

(2) The following sign types as defined in section § 154.096 shall not require a permit, subject to the provisions stated in sections §§ 154.099 through 154.103:

(a) Temporary off/on premise signs; noncommercial message signs.

(b) Secondary signs.

(c) Special signs.

(‘97 Code, § 150.705) (Ord. 42-96, passed 9-17-96; Am. Ord. 25-06, passed 10-17-06) Penalty, see § 154.999

EXHIBIT A

§ 154.100 TEMPORARY; ATTACHED AND DETACHED SIGNS.

(A) *Intent.* The intent of this section is to recognize the rights of an individual to display noncommercial messages protected by the First Amendment, and to recognize the individual or entity who occasionally desires to display a temporary commercial message in conjunction with a permitted land use, and to provide the time, place, and manner limitations allowing certain sign types for these purposes. It is further intended to recognize the negative affect temporary signs can have on the attractiveness of a community, including the deterioration of the natural environment, the clutter temporary signs contribute to the landscape, the distractions and obstructions this sign type may cause to motorist, and the hazards that the aforementioned concerns may cause. Thus, this section is intended to establish regulations that allow temporary signs without their becoming a nuisance to the community.

(B) *Permitted temporary sign types.* Any of the temporary sign types indicated, with a message type the same as the message type heading under which the sign type is listed, shall be permitted as an accessory use to a lawfully established principal, special or nonconforming use conducted on the premise, subject to the limitations included in this code.

(1) *Noncommercial message.*

(a) *Off-premise.*

1. Banner sign.
2. Ground sign.
3. Monument sign.
4. Pole sign.
5. Window sign.

(b) *On-premise.*

1. Banner sign.
2. Ground sign.
3. Monument sign.
4. Pole sign.
5. Window sign.

(2) *Commercial message.*

EXHIBIT A

(a) *Off-premise.*

1. Ground sign.
2. Monument sign.

(b) *On-premise.*

1. Banner sign.
2. Ground sign.
3. Monument sign.
4. Window sign.

(c) *Off/on-premise.*

1. Banner sign.
2. Ground sign.
3. Monument sign.
4. Pole sign.
5. Window sign.

(C) *Height, area, and setback regulations.*

(1) *General requirements for temporary signs.*

| Sign Type | Maximum Height | Maximum Sign Area | Maximum Lot Area | Minimum Setback from Front Lot Line | Minimum Setback from Side and Rear Lot Lines |
|----------------------------------|--------------------------------|------------------------|------------------------|-------------------------------------|--|
| Banner sign; attached | None | 24 sq. feet | < 1 acre | N/A | N/A |
| Banner sign; attached | 12 feet <u>None</u> | 32 sq. feet | 1 acre to 5 acres | N/A | N/A |
| Banner sign; attached | 24 feet <u>None</u> | 50 sq. feet | > 5 acres | N/A | N/A |
| Banner sign; detached | 8 feet | 24 sq. feet | < 1 acre | 10 feet | 5 feet |
| Banner sign; | 12 feet | 32 sq. feet | 1 acre to 5 | 20 feet | 5 feet |

EXHIBIT A

| | | | | | |
|---|------------------------|--|-------------------------|--------------------|-------------------|
| detached | | | acres | | |
| Banner sign; detached | 24 feet | 50 sq. feet | > 5 acres | 50 feet | 5 feet |
| Ground sign; monument sign; pole sign | 4 feet | 6 sq. feet | < 1 acre | 2 feet | 5 feet |
| Ground sign; monument sign; pole sign | 6 feet | 12 sq. feet | 1 acre to 5 acres | 10 feet | 5 feet |
| Ground sign; monument sign; pole sign | 8 feet | 32 sq. feet | > 5 acres | 20 feet | 5 feet |
| Window sign | First floor windows | 50% of a building's total window surface area | N/A | N/A | N/A |

(D) *Other regulations.*

(1) *Location.*

(a) Temporary signs shall be permitted on the building face or in the yard adjacent to any building elevation facing a street, parking lot, drive through lane, or service drive, subject to the setbacks established by this section of the code and provided the sign face is oriented towards the same street, parking lot, drive through lane, or service drive to which it is adjacent.

(b) Banners authorized for display on utility poles by the city manager shall be permitted.

(2) *Number.* The maximum allowable number of temporary signs shall be in accordance with the following limitations:

(a) Off-premise noncommercial message signs – Unlimited.

(b) On-premise noncommercial message signs – Unlimited.

(c) Off-premise commercial message signs – No more than one sign may be displayed at any one time on a single lot.

(d) On-premise commercial message banner, ground, or monument signs – No more than one sign per 100 feet of property frontage may be displayed at any one time on a single lot.

(e) Off/on-premise commercial message signs - No more than one sign may be displayed at any one time on a single lot. When a structure or business location to be advertised for sale or lease

EXHIBIT A

or rental has an obsolete attached or an obsolete detached sign accessory to the structure or business for sale or lease or rental, the obsolete sign shall be used to advertise the business for sale or lease or rental, and no temporary off/on-premise commercial message sign shall be permitted for this purpose.

(3) *Landscaping*. None required for this sign type.

(4) *Period of display*.

(a) Noncommercial message signs may be displayed for an unlimited period of time subject to the provisions included in § 154.100(D)(4)(d).

(b) Off-premise commercial message temporary signs and off/on-premise commercial message signs may be displayed for the duration of the event or activity for which the sign is advertising provided all temporary signs are removed at such time the event or activity it advertises is discontinued or the sign message becomes obsolete.

(c) On-premise commercial message signs may be displayed for a period of time not to exceed 90 consecutive days not more than three times in any 12-month period, provided a period of time equal to the 90 days has lapsed since the most recent past display of a temporary on-premise commercial message sign at the same location for any message displayed has lapsed; or, if the location of the temporary on-premise commercial message sign is adjacent to a street right of way closure the temporary on-premise commercial message sign may be displayed for a period of time equal to the duration of the street right of way closure.

(d) All temporary commercial message signs shall be removed at such time when the event or activity the sign advertises is discontinued or the sign message becomes obsolete.

(‘97 Code, § 150.707) (Ord. 42-96, passed 9-17-96; Am. Ord. 25-06, passed 10-17-06; Am. Ord. 20-08, passed 7-7-08) Penalty, see § 154.999

RESOLUTION NO. R-62-12
REVISED 3-20-2012

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON A RENEWAL APPLICATION TO DESIGNATE A CERTAIN PROPERTY LOCATED WITHIN THE CITY OF PIQUA AS AN AGRICULTURAL DISTRICT

WHEREAS, ~~Ellen J. Allenbaugh~~ Steven H. Allenbaugh has applied to designate real property located as 2709 Piqua Clayton Road Out lot 314 on Spiker Road, Piqua, Ohio, Parcel Number N44-100640 (71.610 acres) ~~Parcel Number N44-100740 (65.00 acres)~~ as an agricultural district; and

WHEREAS, Ohio Revised Code 929.02 requires that the Commission hold a public hearing for the purpose of considering the application;

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

SEC. 1: A public hearing shall be held in the Commission Chambers of the Piqua Municipal Government Complex (201 West Water Street) at 7:30 P.M. on Tuesday, April 3, 2012, to consider the renewal application described herein; and

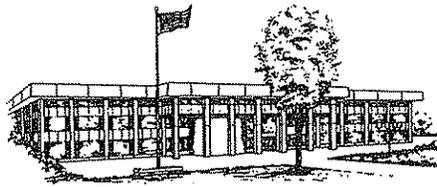
SEC. 2: The Commission Clerk is hereby directed to cause the publication of notice of said public hearing in the Piqua Daily Call;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



County of Miami

**MATTHEW W. GEARHARDT
AUDITOR**

DATE: February 29, 2012
NAME: Cynthia Holtzapple – Finance Director
FROM: Linda Tinnerman, Deputy Auditor
SUBJECT: Agricultural District Applications

Enclosed are applications for the Agricultural District which lie within your municipal corporation. These need to be approved and signed by your clerk and returned to this office as soon as possible – N44-100740.

RENEWAL OF FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)

TO CONTINUE in the Agricultural District, the owner **MUST FILE** a **RENEWAL** form **PRIOR TO** the **FIRST MONDAY IN APRIL** every fifth year with the MIAMI COUNTY Auditor

APPLICANT: ALLENBAUGH STEVEN H
2709 PIQUA CLAYTON RD
PIQUA OH 45356

Application No: 383
Original Year: 12/2007
Renewal Year: 2012

Description of Land as shown on Property Tax Statement: Farm land

Location of Property: 2709 Piqua-Clayton Rd. ~ Miami County Piqua-Clayton Rd. ~

1. Do you want to renew the real estate list below in the AG District program? YES NO
2. Does any of the land lie within a municipal corporation limit? YES NO
3. Is the parcel(s) shown below presently being taxed at their Current Agricultural Use Valuation (CAUV) under section 5713.31, O.R.C.? YES NO #21
4. Is the parcel(s) shown below exclusively devoted to agricultural purposes? YES NO
5. If the total **acreage farmed** in this unit is **less than 10 acres**, show **gross income** produced from agricultural purposes for the **last three years**:
 1. _____ 2. _____ 3. _____

| TAX DIST | PARCEL NUMBER | ACRES |
|---|---------------|---------------|
| M40 | M40-027400 | 56.19 |
| M40 | M40-027600 | 71.12 |
| <input checked="" type="checkbox"/> N44 | N44-100740 | 65.00 |
| TOTAL ACRES | | 192.31 |

5-8-14 Cen pt NW
5-8-14 NW + S Cen pt SW
pt Out lot 314

I declare that this report has been examined by me and to the best of my knowledge and belief is true and correct. I authorize the County Auditor to inspect the property described above to verify the accuracy of the application.

Steven H. Allenbaugh 2-20-12 937-773-5415
SIGNATURE OF OWNER DATE PHONE NUMBER

PUBLIC HEARING

RESOLUTION NO. R-63 -12

**A RESOLUTION APPROVING THE RENEWAL
APPLICATION FOR PLACEMENT OF FARMLAND
IN AN AGRICULTURAL DISTRICT FILED BY
LOUISE I. CROMES FOR PARCEL NUMBERS
N44-076845, N44-077116, N44-077120 AND
N44-099300 IN THE CITY OF PIQUA**

WHEREAS, Louise I. Cromes has submitted an application to designate parcels # N44-076845, N44-077116, N44-077120 and N44-099300 (attached hereto as Exhibit "A") as an agricultural use; and

WHEREAS, parcels # N44-076845, N44-077116, N44-077120, and N44-099300 are devoted exclusively for agricultural use; and

WHEREAS, the placement of this property in an agricultural use district will not adversely impact the City of Piqua's development needs;

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:

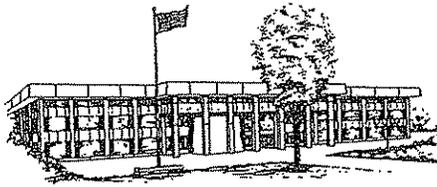
SEC. 1: The application to place parcels # N44-076845, N44-077116, N44-077120 and N44-099300 in an agricultural use district as provided by Ohio Revised Code Section 929.02 are hereby approved;

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



County of Miami

**MATTHEW W. GEARHARDT
AUDITOR**

DATE: February 8, 2012
NAME: Cynthia Holtzapple
FROM: Joyce Grilliot, Deputy Auditor
SUBJECT: Agricultural District Applications

Enclosed are applications for the Agricultural District which lie within your municipal corporation. These need to be approved and signed by your clerk and returned to this office as soon as possible. Thank you!

DO NOT COMPLETE FOR OFFICIAL USE ONLY

Action of County Auditor

Application Approved _____ Rejected _____*

Date Filed with County Auditor 2-7-12

Date Filed (if required) with Clerk of Municipal Corporation 2-8-12

County Auditor's Signature _____ Date _____

Date Decision Mailed to Applicant _____ Certified Mail No. _____

Action of Legislative Body of Municipal Corporation

Application Approved _____ Approved with Modifications _____ * Rejected _____*

Date Application Filed with Clerk _____ Date of Public Hearing _____

Date of Legislative Action _____ Clerk's Signature _____ Date _____

Date Decision Mailed to Applicant _____ Certified Mail No. _____

*IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

PUBLIC HEARING

RESOLUTION NO. R-64 -12

**A RESOLUTION APPROVING THE RENEWAL
APPLICATION FOR PLACEMENT OF FARMLAND
IN AN AGRICULTURAL DISTRICT FILED BY
JAMES A. HIEGEL FOR PARCEL #N44-095820
IN THE CITY OF PIQUA**

WHEREAS, James A. Hiegel has submitted a renewal application to designate parcel # N44-095820 (attached hereto as Exhibit "A") as an agricultural use; and

WHEREAS, parcel # N44-095820 is devoted exclusively for agricultural use; and

WHEREAS, the placement of this property in an agricultural use district will not adversely impact the City of Piqua's development needs;

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:

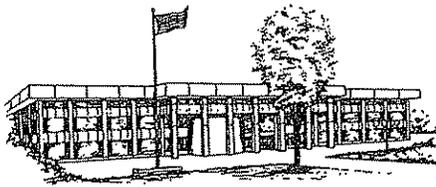
SEC. 1: The renewal application to place parcel #N44-095820 in an agricultural use district as provided by Ohio Revised Code Section 929.02 is hereby approved;

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



County of Miami

**MATTHEW W. GEARHARDT
AUDITOR**

DATE: February 10, 2012
NAME: Cynthia A. Holtzapple, Finance Director
FROM: Linda Timmerman, Deputy Auditor
SUBJECT: Agricultural District Applications

Enclosed are applications for the Agricultural District which lie within your municipal corporation. These need to be approved and signed by your clerk and returned to this office as soon as possible – N44-095820

Thank you,

A handwritten signature in cursive script, which appears to read "Linda Timmerman", is positioned above the typed name.

Linda Timmerman
Deputy Auditor

RENEWAL OF FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)

CONTINUE in the Agricultural District, the owner **MUST FILE** a RENEWAL form **PRIOR TO** the **FIRST MONDAY IN APRIL** every fifth year with the MIAMI COUNTY Auditor

APPLICANT: HIEGEL JAMES A
1006 S GORDON ST
PIQUA OH 45356

Application No: 415
Original Year: 12/2007
Renewal Year: 2012

Description of Land as shown on Property Tax Statement: _____

Location of Property: Draper Rd. ~ 1006 Gordon St. ~ Maxwell Ave.

1. Do you want to renew the real estate list below in the AG District program? YES NO
2. Does any of the land lie within a municipal corporation limit? YES NO
3. Is the parcel(s) shown below presently being taxed at their Current Agricultural Use Valuation (CAUV) under section 5713.31, O.R.C.? YES NO #652
4. Is the parcel(s) shown below exclusively devoted to agricultural purposes? YES NO
5. If the total acreage farmed in this unit is less than 10 acres, show gross income produced from agricultural purposes for the last three years:

1. _____ 2. _____ 3. _____

| TAX DIST | PARCEL NUMBER | ACRES |
|--------------------|--|---------------|
| M40 | M40-041750 | 75.69 |
| M40 | M40-057800 | 110.00 |
| N44 | <input checked="" type="checkbox"/> N44-095820 | 9.28 |
| TOTAL ACRES | | 194.97 |

6-6-30 pt S pt NW
6-6-19 7 Hwy SW
cut lot 180

I declare that this report has been examined by me and to the best of my knowledge and belief is true and correct. I authorize the County Auditor to inspect the property described above to verify the accuracy of this application.

James A. Hiegel 2/10/2012 773-1700
SIGNATURE OF OWNER DATE PHONE NUMBER

DO NOT COMPLETE FOR OFFICIAL USE ONLY

Action of County Auditor

Application Approved _____ Rejected _____ *

Date Filed with County Auditor 2-10-'12

Date Filed (if required) with Clerk of Municipal Corporation 2-10-'12

County Auditor's Signature _____ Date _____

Date Decision Mailed to Applicant _____ Certified Mail No. _____

Action of Legislative Body of Municipal Corporation

Application Approved _____ Approved with Modifications _____ * Rejected _____ *

Date Application Filed with Clerk _____ Date of Public Hearing _____

Date of Legislative Action _____ Clerk's Signature _____ Date _____

Date Decision Mailed to Applicant _____ Certified Mail No. _____

*IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

RESOLUTION NO. R-65-12

A RESOLUTION APPROVING THE FISCAL YEAR 2012 COMMUNITY HOUSING IMPROVEMENT PROGRAM APPLICATION AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE APPLICATION

WHEREAS, the City of Piqua is a unit of local government that possesses the legal authority to apply for Small Cities Community Housing Improvement Program funds available through the State of Ohio, authorized under the Housing and Community Development Act of 1974, as amended, and the Cranston-Gonzalez National Affordable Housing Act; and

WHEREAS, the City of Piqua has housing and community development needs that can be improved and alleviated with State assistance;

WHEREAS, the City of Piqua is eligible for \$500,000 in Fiscal Year 2012 Community Housing Improvement Program funds, through a competitive program and depending upon available funding;

NOW, THEREFORE BE IT RESOLVED, by the Commission of the City of Piqua, a majority of members agreeing hereto that:

SEC. 1: The Fiscal Year 2012 Community Housing Improvement Program is hereby approved and Gary A. Huff, City Manager, is hereby authorized and directed to submit the City's program application to the Ohio Department of Development, including all understandings and assurances therein on or before the due date of April 2, 2012.

SEC. 2: Gary A. Huff, City Manager, is to be the designated agent of the program in connection with the application and is authorized to execute all agreements in conjunction with the Fiscal Year 2012 Community Housing Improvement Program.

SEC. 3: The proposed program will include the following activities.

1. Private Owner Rehabilitation Activity, 4 units, Maximum Hard Cost Assistance of \$30,000 per unit. Maximum assistance for document recording, inspections, lead testing and other costs of \$5,000 per unit. Total maximum assistance of \$35,000 per unit.
2. Emergency Monthly Housing Assistance Activity, 100 units, Maximum Assistance of \$1,200 per unit. Counseling to be provided for each unit at a cost not to exceed \$17,000.
3. Home Repair Activity, 12 units, Maximum Hard Cost Assistance of \$8,000 per unit. Maximum assistance for document recording, inspections, lead testing and other soft costs of \$2,416 per unit. Total maximum assistance of \$10,416 per unit.

4. New Construction Activity, 2 unit, Maximum Hard Cost Assistance of \$20,000 per unit and Maximum assistance for document recording, inspections, lead testing and other soft costs at \$2,000 per unit. Total maximum assistance of \$22,000 per unit
5. Demolition Activity, 1 unit, Maximum Hard Cost Assistance of \$8,000.
6. Fair Housing Education and Outreach at a cost not to exceed \$2,500.
7. General Administration of the program not to exceed at \$46,000.

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

LUCINDA L. FESS, MAYOR

Passed: _____

Attest: _____

REBECCA J. COOL

CLERK OF COMMISSION



Commission Agenda Staff Report

| | | | | |
|--|---|--|---|----------------------------------|
| MEETING DATE | March 20, 2012 | | | |
| REPORT TITLE (Should match resolution/ordinance title) | A Resolution Approving the Fiscal Year 2012 Community Housing Improvement Program Application and Authorizing the City Manager to Submit the Application. | | | |
| SUBMITTED BY | Name & Title: William Lutz, Development Program Manager | | | |
| | Department: Development | | | |
| AGENDA CLASSIFICATION | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Regular |
| ORDINANCE/RESOLUTION | <input type="checkbox"/> 1 st Reading | <input type="checkbox"/> 2 nd Reading | <input type="checkbox"/> 3 rd Reading | |
| | Ordinance #: | | Resolution #: No. R-65-12 | |
| APPROVALS/REVIEWS | <input checked="" type="checkbox"/> City Manager | | <input type="checkbox"/> Asst. City Manager/Finance | |
| | <input checked="" type="checkbox"/> Asst. City Manager/Development | | <input type="checkbox"/> Law Director | |
| | <input checked="" type="checkbox"/> Department Director; | | <input type="checkbox"/> Other: | |
| BACKGROUND (Includes description, background, and justification) | <p>Since 2001, the City of Piqua has received over \$2.5 million in competitive grant funding to administer our local Community Housing Improvement Program. This fiscal year, the City of Piqua has been invited by the Ohio Department of Development to apply for \$500,000 for providing housing opportunities to low to moderate income households.</p> <p>The City of Piqua is required to undertake a comprehensive public participation process in developing the application. A public meeting was held on February 13th where representatives from human service organizations, the local landlord association, realtors and the general public was invited to participate. Through a prescribed process from the Ohio Department of Development, the individuals in that meeting prioritized the activities proposed in the application.</p> <p>Those activities rated as High were: Emergency Monthly Housing Assistance, Home Repair, Private Owner Rehabilitation</p> <p>Those activities rated as Medium were: New Construction, Demolition, and Tenant Based Rental Assistance</p> <p>Those activities rated as Low were: Homebuyer Counseling</p> <p>Those activities rated as Very Low were: Rental Rehabilitation</p> <p>A second public meeting was held on March 8th where individuals could comment on the final application.</p> | | | |

| | | |
|---|--|---|
| | <p>It should be noted that this year, funding for the Community Housing Improvement Program is extremely competitive. The funding for this program ultimately comes from Federal appropriations for the CDBG and HOME programs. The Ohio Department of Development had their CDBG allocations cut by 8% and their HOME allocations cut by 37%. This means that the expected number of grantees is going to be cut from approximately 80 in 2010 to 50 this year.</p> | |
| <p>BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)</p> | Budgeted \$: | \$0 |
| | Expenditure \$: | \$0 |
| | Source of Funds: | |
| | Narrative: | There is no budgetary impact on the filing of the application. |
| <p>OPTIONS (Include Deny /Approval Option)</p> | 1. | Adopt the Resolution and file the application. |
| | 2. | Deny the Resolution and reject the application and provide further direction. |
| | 3. | |
| | 4. | |
| <p>PROJECT TIMELINE</p> | <p>The City should be aware of whether this competitive application was approved later this fall and will begin implementing the program in January 2013. All projects in this grant cycle will be completed by October 2014.</p> | |
| <p>STAFF RECOMMENDATION</p> | <p>Staff recommends that the City Commission adopt the resolution which would allow for the filing of the application with the Ohio Department of Development.</p> | |
| <p>ATTACHMENTS</p> | | |

RESOLUTION NO. R-66-12

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL OF THE CITY OF PIQUA FOR THE PURPOSE OF THE ADMINISTRATION OF THE CITY OF PIQUA'S ENTERPRISE ZONE PROGRAM, AS REQUIRED BY SECTION 5709.85(C)(1) OF THE OHIO REVISED CODE

WHEREAS, the Tax Incentive Review Council of the City of Piqua met on Wednesday, March 7, 2012 for the purpose of reviewing and making recommendations to the City Commission of the City of Piqua in the administration of the City of Piqua's Enterprise Zone Program; and,

WHEREAS, the Tax Incentive Review Council has recommended the continuation of the tax incentives provided to the following company in the City of Piqua: Crane Pumps and Systems, Inc.; now,

THEREFORE BE IT RESOLVED, by the Commission of the City of Piqua, a majority of members agreeing hereto that:

SEC. 1. The tax incentives provided to Crane Pumps and Systems, Inc., be continued through the City of Piqua's Enterprise Zone Program be continued.

SEC. 2. This Resolution shall be in effect from the earliest time allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

| | | | | |
|--|---|--|---|----------------------------------|
| MEETING DATE | March 20, 2012 | | | |
| REPORT TITLE (Should match resolution/ordinance title) | A Resolution Accepting the Recommendations of the Tax Incentive Review Council of the City of Piqua for the Purpose of the Administration of the City of Piqua's Enterprise Zone Program, as Required by Section 5709.85(c)(1) of the Ohio Revised Code | | | |
| SUBMITTED BY | Name & Title: William Lutz | | | |
| | Department: Development | | | |
| AGENDA CLASSIFICATION | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Regular |
| ORDINANCE/RESOLUTION | <input type="checkbox"/> 1 st Reading | <input type="checkbox"/> 2 nd Reading | <input type="checkbox"/> 3 rd Reading | |
| | Ordinance #: | | Resolution #: R-66-12 | |
| APPROVALS/REVIEWS | <input checked="" type="checkbox"/> City Manager | | <input type="checkbox"/> Asst. City Manager/Finance | |
| | <input checked="" type="checkbox"/> Asst. City Manager/Development | | <input type="checkbox"/> Law Director | |
| | <input checked="" type="checkbox"/> Department Director; | | <input checked="" type="checkbox"/> Other: Tax Incentive Review Council | |
| BACKGROUND (Includes description, background, and justification) | <p>Since 1996, the City of Piqua has worked with industrial and commercial concerns to enter into ten separate Enterprise Zone agreements with businesses making extensive capital improvements within their businesses. These agreements provided real and personal property tax exemptions for these businesses with the postulate that such realized tax savings would increase employments and real and personal property tax investment in the community.</p> <p>Each Enterprise Zone agreement is reviewed on an annual basis by the City's Tax Incentive Review Council. The Council is made up of members appointed by the County Commission, the City Commission, the Upper Valley Joint Vocational District, the Piqua City School District and the County Auditor.</p> <p>The City of Piqua's Tax Incentive Review Council met on March 8, 2012 for the purpose of reviewing the one current agreement and providing a recommendation to the City Commission. The only existing agreement is with Crane Pumps and Systems. This business received their Enterprise Zone agreement in 2002 and it is slated to expire this year. The agreement outlined that the company would make a capital investment of \$427,000 and create and retain a combination of 302 jobs at their two locations in Piqua. The business reported that they have made a capital investment of \$3.85 million and has created or retained a combination of 241 jobs.</p> <p>The Tax Incentive Review Council noted that while the business is not at their pledged level of employment, the business did far exceed their expected level of capital expenditures than pledged. The council also noted that when the</p> | | | |

| | | |
|---|---|---|
| | <p>agreement was made in 2002, the economic environment was more favorable than it is today and that Crane Pumps and Systems should not be penalized for not having the employment levels that were originally pledged. The company has reported that it has saved \$141,181 in personal property tax payments since 2002 due to the agreement. The Tax Incentive Review Council recommends to the City Commission that the Crane Pumps and Systems Enterprise Zone agreement continue.</p> | |
| <p>BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)</p> | Budgeted \$: | None |
| | Expenditure \$: | None |
| | Source of Funds: | None |
| | Narrative: | None |
| <p>OPTIONS (Include Deny /Approval Option)</p> | 1. | Approve the Resolution, accept the recommendations, and authorizing the filing of the annual report with the Ohio Department of Development |
| | 2. | Deny the Resolution, deny the recommendations and do not authorize the filing of the report. Please note: Failure of the City to file the report will cause the Ohio Department of Development to possibly fine the City \$1,000.00 each day the report is not filed after April 1, 2012. |
| | 3. | |
| | 4. | |
| <p>PROJECT TIMELINE</p> | <p>The Tax Incentive Review Council met on March 8, 2012. The last Enterprise Zone Agreement expires this year and the Tax Incentive Review Council will hold their last meeting during the First Quarter of 2013.</p> | |
| <p>STAFF RECOMMENDATION</p> | <p>City Staff recommends the approval of the Resolution, the acceptance of the recommendations and the filing of the annual report with the Ohio Department of Development.</p> | |
| <p>ATTACHMENTS</p> | | |

RESOLUTION NO. R-67-12

**A RESOLUTION APPOINTING A MEMBER
TO THE COMMUNITY DIVERSITY COMMITTEE**

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: David Zimmerman is hereby appointed as a member of the Community Diversity Committee for a term of two (2) years to expire on March 1, 2014 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-68-12

**A RESOLUTION APPOINTING A MEMBER
TO THE COMMUNITY DIVERSITY COMMITTEE**

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: Doug Smith is hereby appointed as a member of the Community Diversity Committee for a term of one (1) year to expire on March 1, 2013 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-69-12

**A RESOLUTION APPOINTING A MEMBER
TO THE ENERGY BOARD**

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: Joe Drapp is hereby appointed to fill the unexpired term of Mike Cox as a member of the Energy Board for a term to expire on March 1, 2016 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-70-12

**A RESOLUTION REQUESTING AUTHORIZATION TO
ENTER INTO A MUTUAL AID AGREEMENT WITH THE
OHIO WATER/WASTEWATER AGENCY RESPONSE
NETWORK**

WHEREAS, the Ohio Water/Wastewater Agency Response Network was established to create a formal policy for utilities to provide mutual aid;

WHEREAS, the City of Piqua recognizes the advantages of networking with neighboring water/wastewater utilities and

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

SEC. 1: The Commission hereby deems it advantageous to join the Ohio Water/Wastewater Agency Response Network

SEC. 2: The City Manager or his duly authorized representative(s) are authorized to enter into a mutual aid agreement with the Ohio Water/Wastewater Agency Response Network;

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

| | | | |
|---|---|--|---|
| MEETING DATE | March 20, 2012 | | |
| REPORT TITLE <small>(Should match resolution/ordinance title)</small> | A Resolution requesting authorization to enter into a Mutual Aid Agreement with the Ohio Water/Wastewater Agency Response Network. | | |
| SUBMITTED BY | Name & Title: Todd Brandenburg, Underground Utilities Superintendent | | |
| | Department: Underground Utilities | | |
| AGENDA CLASSIFICATION | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular |
| ORDINANCE/RESOLUTION | <input type="checkbox"/> 1 st Reading | <input type="checkbox"/> 2 nd Reading | <input type="checkbox"/> 3 rd Reading |
| | Ordinance #: | | Resolution #: R-70-12 |
| APPROVALS/REVIEWS | <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: |
| BACKGROUND <small>(Includes description, background, and justification)</small> | <p>The Ohio Water/Wastewater Agency Response Network, also known as OHWARN, is a statewide Water/Wastewater Agency Response Network of “utilities helping utilities” to prepare for the next natural or human-caused emergency. Ohio WARN is Ohio’s response to a nationwide initiative to strengthen the abilities of valuable water and wastewater infrastructure in disaster recovery scenarios. Ohio WARN provides water and wastewater utilities with:</p> <ul style="list-style-type: none"> A Mutual Aid Agreement and process for sharing emergency resources among water and wastewater agencies statewide. A mutual assistance program consistent with other statewide mutual aid and assistance programs and the National Incident Management System. The resources to respond and recover more quickly from a natural or human-caused disaster. A forum for developing and maintaining emergency contacts and relationships. <p>By joining Ohio WARN, the City of Piqua will open doors with neighboring utilities allowing resource sharing opportunities from simple items such as a specialized pump part in inventory at the City of Hamilton to emergency generators and pumping equipment from the City of Newark during a city-wide disaster. Membership with Ohio WARN decreases the city’s vulnerability and increases our reliability to provide essential water and wastewater services in the event of a catastrophe.</p> | | |
| | Budgeted \$: | \$0.00 | |

| | | |
|---|---|---|
| BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources) | Expenditure \$: | \$0.00 |
| | Source of Funds: | |
| | Narrative: | At this time, there are no fees associated with joining Ohio WARN. As stated in Article VII (Cost Reimbursement), requesting members must reimburse responding members according to terms specified therein. Expenses will only be incurred in the event of a response to a request for assistance. |
| OPTIONS (Include Deny /Approval Option) | 1. | Approve the Resolution requesting authorization to enter into a Mutual Aid Agreement with the Ohio Water/Wastewater Agency Response Network. |
| | 2. | Do not approve the Resolution and rely upon the City of Piqua's material inventory, personnel, and equipment to provide water and wastewater services during a natural or human-caused emergency. |
| | 3. | |
| | 4. | |
| PROJECT TIMELINE | Document processing and program implementation/administration would begin immediately. | |
| STAFF RECOMMENDATION | Approval of the Resolution to authorize the City Manager or his duly authorized designee to enter into a Mutual Aid Agreement with the Ohio Water/Wastewater Agency Response Network. | |
| ATTACHMENTS | Ohio WARN Mutual Aid Agreement Ohio WARN Membership List | |



OHWARN The Ohio Water / Wastewater Agency Response Network

"Utilities Helping Utilities"

[Home](#)
[Mutual Aid Agreement](#)
[Member List](#)
[Committees](#)
[New Member Registration](#)
[Resources](#)
[Member Login](#)
[Contact Us](#)

| Member Name | Member Type | Contact Name | Contact Title | Phone | Email |
|-------------------------------|-------------|--------------------|--------------------------------------|--------------|-------------------------------------|
| Akron Public Utilities Bureau | Both | Michael McGlinchy | Bureau Manager | 330 375-2627 | mcglimi@ci.akron.oh.us |
| Aqua Ohio, Inc. | Water | Brian Bisson | | 330 3970788 | btbisson@aquaamerica.com |
| Butler County | Both | Jack Thornsberry | Division Head - Operations | 513 887-3929 | thornsberryj@butlercountyohio.org |
| City of Avon Lake | Both | Rick Eberle | Chief of Utility Operations | 440 933-6226 | rick@alutilities.com |
| City of Cleveland | Water | Payton Hall | Assistant Commissioner | 216 348-7277 | payton_hall@clevelandwater.com |
| City of Cleveland | Wastewater | Isaac Khoury | | 216 664-2750 | ikhoury@clevelandwpc.com |
| City of Columbus | Water | Jim Tindle | Power/Water Fleet Coordinator | 614 724-0128 | jatindle@columbus.gov |
| City of Columbus | Wastewater | Robert Ellinger | Sewer Maintenance Manager | 614 645-7378 | REllinger@columbus.gov |
| City of Dayton | Water | Philip Van Atta | Water Treatment Technical Supervisor | | phil.vanatta@daytonohio.gov |
| City of Dayton | Water | Martha Schwendeman | Division Manager | 937 333-6099 | martha.schwendeman@cityofdayton.org |
| City of Fairborn | Wastewater | Tony Branham | | 937 754-3075 | tony.branham@ci.fairborn.oh.us |
| City of Fairborn | Both | Karen Hawkins | Utilities Superintendent | 937 7543097 | karen.hawkins@ci.fairborn.oh.us |
| City of Fremont | Wastewater | Jeffery Lamson | Superintendent | | jslamson@fremontohio.org |
| City of Fremont | Water | Joseph Flahiff | Water Superintendent | 419 332-3581 | jmflahiff@fremontohio.org |
| City of Hamilton | Water | Chuck Gaynor | Gas & Water Superintendent | 513 785-7572 | gaynorc@ci.hamilton.oh.us |
| City of Hamilton | Water | Greg Petredis | Water Production Superintendent | 513 868-5993 | petredusg@ci.hamilton.oh.us |
| City of Hamilton | Wastewater | Bob Sutton | Street & Sewer Superintendent | 513 785-7583 | suttonr@ci.hamilton.oh.us |
| City of Hamilton | Wastewater | Billy Slaven | Wastewater Treatment Superintendent | 513 868-5971 | slavenb@ci.hamilton.oh.us |
| City of Hudson | Water | Kevin Powell | Assistant Superintendent | 330 342-1748 | kpowell@hudson.oh.us |
| City of Martins Ferry | Water | Craig Harris | Water Supt. | 740 633 | ferryh2o@yahoo.com |
| City of Middletown | Both | Brian Adams | Public Works Superintendent | 513 425-1896 | briana@cityofmiddletown.org |
| City of Napoleon | Water | Roger Noblit | Water/Wastewater Superintendent | 419 592-3936 | rnoblit@napoleonohio.com |

| | | | | | |
|--|------------|--------------------|--|--------------|--|
| City of New Carlisle | Both | Howard Kitko | Service Director | | hkitko@newcarlisle.net |
| City of Newark | Both | Roger Loomis | Utilities Superintendent | 740 670 | rloomis@newarkohio.net |
| City of North Royalton | Wastewater | Timothy Tigie | Superintendent | 440 237-5010 | ttigie@northroyalton.org |
| City of Painesville | Water | Daniel McGannon | Water Division Superintendent | 440 392-2975 | dmcgannon@painesville.com |
| City of Painesville | Wastewater | Randy Bruback | Superintendent | 440 479-9635 | rbruback@painesville.com |
| City of Perrysburg | Water | Mark Dunsmoor | Superintendent | 419 872-8050 | mdunsmoor@ci.perrysburg.oh.us |
| City of Perrysburg | Wastewater | Gary Haydel | Superintendent | 419 872-8041 | ghaydel@ci.perrysburg.oh.us |
| City of Ravenna | Wastewater | Mike LaCivita, Jr. | Superintendent | 330 296-5214 | mlacivita@ci.ravenna.oh.us |
| City of Ravenna | Both | Tim Stephens | WTP Superintendent | | tim.stephens@ci.ravenna.oh.us |
| City of Ravenna | Water | Mark Bregante | Superintendent | 330 296-2741 | ravwsupt@aol.com |
| City of Stow | Water | Kathy Vaughn | Superintendent | | kvaughn@stow.oh.us |
| City of Struthers | Wastewater | Richard DeLuca | Plant Manager | 330 755-9847 | wwp@cityofstruthers.com |
| City Of Sylvania | Water | Rick Barricklow | Supt of Utilities | | r.barricklow@cityofsylvania.com |
| City of Troy, Ohio | Water | Tim Ray | Water Superintendent | | tim.ray@troyohio.gov |
| City of Wadsworth | Both | Chris Easton | Service Director | 330 335-2777 | ceaston@wadsworthcity.org |
| City of Warren | Both | Robert Davis | Director | | rdavis@warren.org |
| City of Wooster | Both | Jim Borton | Utilities Manager | | jborton@woosteroh.com |
| Defiance County | Wastewater | Greg Reinhart | Director | 419 782-2230 | wwoper@defiance-county.com |
| Eastern Ohio Regional Wastewater Authority | Wastewater | David Thomas | Executive Director | 740 676-5911 | dthomas@eorwa.org |
| Lucas County Sanitary Engineer | Both | Jim Shaw | Sanitary Engineer | | jshaw@co.lucas.oh.us |
| Mahoning Valley Sanitary District | Both | Thomas Holloway | Chief Engineer | 330 652-3614 | thomas.holloway@meanderwater.org |
| Miami County | Both | Jeff Shields | Superintendent | 937 440-5654 | jshields@comiami.oh.us |
| Montgomery County Enviromental Services | Both | Keith Baker | Water Supply Supervisor | 937 7812672 | bakerk@mcohoio.org |
| Northeast Ohio Regional Sewer | Wastewater | Tom Madej | Superintendent of Maintenance Services | 216 641-6000 | MadejT@neorsd.org |

| District | | | | | |
|------------------------------------|-------------|------------------------|------------------------------------|--------------|--|
| Ohio EPA, DDAGW, CO | Non-Utility | Dave Bornino | Drinking Water Manager | | dave.bornino@epa.state.oh.us |
| Ohio RCAP | Non-Utility | Tom Fishbaugh | | 419 332-2032 | tafishbaugh@wsos.org |
| Ohio Rural Water Association | Non-Utility | Tim Ballard | | 937 604-7397 | circlebservices@aol.com |
| Preble County | Wastewater | Randy Gilbert | Sanitary Engineer | 937 456-6760 | rgilbert@prebsl.org |
| Village of Anna | Both | Nancy Benroth | Village Administrator | | admin@villageofannaoh.com |
| Village of Archbold | Both | Rick Schantz | Supt. of Water | 419 445-2506 | rschantz@rteceexpress.net |
| Village of Chagrin Falls | Both | Glenn Elliott | Superintendent of Utilities | 440 247-5051 | glenn@chagrin-falls.org |
| Village of Chagrin Falls | Both | Benjamin Himes | Chief Administrative Officer | | Ben@chagrin-falls.org |
| Village of Fayette | Both | Amy Metz | Village Admniistrator | | ametz@villageoffayette.com |
| Village of Green Springs | Water | Theodore Rutherford | Mayor | 419 639-2123 | mayor@villageofgreensprings.com |
| Village of Jackson Center | Both | Kevin Sailor | | 937 596-6314 | ksailor@jacksoncenter.com |
| Village of Leetonia | Both | Gary E. Phillips | Administrator | 330 427-8090 | administrator@leetonia.org |
| Village of Middleport | Both | Michael Gerlach | Mayor | 740 992-2705 | mayormike@village.middleport.oh.us |
| Village of Ottawa | Both | Jason Phillips | Water Utilities Director | 419 523-5048 | jphillips@ottawaohio.us |
| Village of Sebring | Both | Douglas Burchard | Village Manager | 330 938-9340 | citymanager@sebringohio.net |
| Village of Wellington | Both | Mark G. Rosemark | Supt., W/WW | | mrmr51@verizon.net |
| Village of Whitehouse | Both | Steven Pilcher | Director of Public Service | | spilcher@whitehouse.ohio.gov |
| Total Members: 63 | | | | | |

For more information, contact OHWARN at info@ohwarn.org

OHIO WATER/WASTEWATER AGENCY RESPONSE NETWORK

MUTUAL AID AGREEMENT

RECITALS

WHEREAS, certain Ohio water and wastewater agencies (the "Members") have formed the "Ohio Water/Wastewater Agency Response Network," (Ohio WARN), to share resources and to assist each other in the form of personnel, equipment, materials and supplies in the event of emergencies that disrupt utility services; and

WHEREAS, the Members have agreed to enter into this "Ohio Water/Wastewater Agency Response Network Mutual Aid Agreement," ("Agreement"), to describe the terms and conditions under which emergency assistance may be requested and provided; and

WHEREAS, by executing this Agreement, the Parties express their intent to participate in a program for Mutual Aid and Assistance within the State of Ohio.

NOW, THEREFORE, in consideration of the promises and the mutual undertakings contained in this Agreement, the Members of the Ohio WARN, as agreed upon, and authorized by, their respective legislative authorities, mutually agree as follows:

ARTICLE I. PURPOSE

Recognizing that emergencies may overwhelm Ohio WARN Members to provide services to their customers which may require them to seek assistance in the form of personnel, equipment and supplies from outside the area of impact, the signatory utilities to this Agreement hereby establish within the State of Ohio an Intrastate Program for Mutual Aid and Assistance. Through the Ohio WARN Program, Members shall coordinate voluntary response activities and shall share voluntary resources during emergencies as described in this Agreement.

ARTICLE II. DEFINITIONS

- A. **Agreement** – The Ohio Water/Wastewater Agency Response Network Mutual Aid Agreement.
- B. **Authorized Official** – An employee of a Member who is authorized by the Member's governing board or management to request assistance or offer assistance under this Agreement.
- C. **Emergency** – A natural or man-made event that is, or is likely to be, beyond the control of the available services, personnel, equipment and facilities of a Mutual Aid and Assistance Program Member.
- D. **Member** – Any public or private water or wastewater utility or its principals that executes this Agreement.

- E. **National Incident Management System (NIMS)** – A national, standardized approach to incident management and response created by the federal Department of Homeland Security that sets uniform processes and procedures for emergency response operations to prepare for, protect against, respond to and recover from emergency events.
- F. **Period of Assistance** – A specified period of time during which a Responding Member assists a Requesting Member. The period commences when personnel, equipment or supplies depart from a Responding Member’s facility and ends when the resources are returned to the Responding Member’s facility (portal to portal). All protections identified in the Agreement apply during this period. The specified Period of Assistance may occur during response to or recovery from an emergency, as previously defined.
- G. **Requesting Member** – A Member who requests assistance in accordance with the terms and conditions of this Agreement and the Mutual Aid and Assistance Program.
- H. **Responding Member** – A Member that responds to a request for assistance under the terms and conditions of this Agreement and the Mutual Aid and Assistance Program.
- I. **Statewide Committee** – A committee consisting of representatives from Members and other agencies that may have a role to play in the Mutual Aid and Assistance Program (e.g., public health, emergency management, rural water, water utility organizations) that shall administer the WARN Program for the state.
- J. **Work or Work-Related Period** – Any period of time in which either the personnel or equipment of the Responding Member are being used by the Requesting Member to provide assistance. Specifically included within such period of time are rest breaks when the personnel of the Responding Member will return to active work within a reasonable time. Also, included is mutually-agreed-upon rotation of personnel and equipment.

ARTICLE III. ADMINISTRATION

The Mutual Aid and Assistance Program shall be administered through a Statewide Committee. The purpose of a Statewide Committee is to provide coordination of the Mutual Aid and Assistance Program before, during and after an emergency. The Statewide Committee, under the leadership of an elected Chair, shall meet at least annually to address Mutual Aid and Assistance Program issues and to review emergency preparedness and response procedures. Under the leadership of the Chair, the Statewide Committee members shall plan and coordinate emergency planning and response activities for the Mutual Aid and Assistance Program.

ARTICLE IV. PROCEDURES

In coordination with the emergency management and public health systems of Ohio, the Statewide Committee shall develop operational and planning procedures for the OH WARN Program. These procedures shall be reviewed at least annually and updated as needed. The Members recognize that the Statewide Committee, set forth in Article III, above, shall develop an OH WARN Program Manual and/or an OH WARN Handbook to set forth general procedures and standards that shall be followed by each Member.

It is the responsibility of each Member to develop its own operational and planning procedures that identify the critical components of its own infrastructure and its emergency response resources.

ARTICLE V. REQUESTS FOR ASSISTANCE

- A. **Member Responsibility** – Within forty-eight (48) hours after execution of this Agreement, Members shall identify an Authorized Official and alternates; provide contact information including 24-hour access; and maintain resource information made available for mutual aid and assistance response.

In the event of an Emergency, a Member's Authorized Official may request mutual aid and assistance from a Member. Requests for assistance can be made orally or in writing. When made orally, the request for assistance shall be prepared in writing as soon as practicable after the oral request. Requests for assistance shall be directed to the Authorized Official of a Member. Specific protocols for requesting aid are provided in the required procedures (Article IV).

- B. **Response to a Request for Assistance** – After a Member receives a request for assistance, the Authorized Official shall evaluate whether resources are available to respond to the request for assistance. As soon as possible after completing the evaluation, the Authorized Official shall inform the Requesting Member whether it has the resources to respond. If the Member is willing and able to provide assistance, the Member shall inform the Requesting Member about the type of available resources and the approximate arrival time of such assistance.
- C. **Discretion of Responding Member's Authorized Official** – Each Member recognizes and agrees that execution of this Agreement does not create any duty to respond to a request for assistance. When a Member receives a request for assistance, the Authorized Official shall have absolute discretion as to the ability of that Member to respond to a request for assistance. An Authorized Official's decisions on the availability of resources shall be final.

ARTICLE VI. RESPONDING MEMBER PERSONNEL

- A. **National Incident Management System (NIMS)** – When providing assistance under this Agreement, the Requesting Member and Responding Member shall be organized and shall function under NIMS.

NIMS provides a consistent nationwide approach that allows federal, state, local and tribal governments as well as private sector and nongovernmental organizations to work together to manage incidents and disasters of all kinds. To be eligible for federal emergency management assistance, water and wastewater mutual aid and assistance programs must meet NIMS standards for emergency preparedness and response.

- B. **Control** – Personnel sent by a Responding Member shall remain under the direct supervision and control of the Responding Member. The Requesting Member's Authorized Official shall coordinate response activities with the designated supervisor(s) of the Responding Member(s). Whenever practical, Responding Member personnel must be self-sufficient for up to 72 hours.

- C. **Food & Shelter** – The Requesting Member shall supply reasonable food and shelter for the Responding Member personnel. If the Requesting Member fails to provide food and shelter for Responding Member personnel, the Responding Member's designated supervisor is authorized to secure the resources necessary to meet the needs of its personnel. The cost for such resources must not exceed the per diem rates established by the State of Ohio for that area. The Requesting Member remains responsible for reimbursing the Responding Member for all costs associated with providing food and shelter, if such resources are not provided.

- D. **Communication** – The Requesting Member shall provide Responding Member personnel with radio equipment as available, or radio frequency information to facilitate communications with local responders and utility personnel.

- E. **Status** – Unless otherwise provided by law, the Responding Member's officers and employees retain the same privileges, immunities, rights, duties and benefits as provided in their respective jurisdictions.

- F. **Licenses & Permits** – To the extent permitted by law, Responding Member personnel who hold licenses, certificates or permits issued by the State of Ohio evidencing professional, mechanical or other skills and when such assistance is sought by the Requesting Member, shall be allowed to carry out activities and tasks relevant and related to their respective credentials during the specified Period of Assistance.

- G. **Right to Withdraw** – The Responding Member’s Authorized Official retains the right to withdraw some or all of its resources at any time. Notice of intention to withdraw must be communicated to the Requesting Member’s Authorized Official as soon as possible. Notice of withdrawal can be made orally or in writing and is within the complete discretion of the Responding Member. When made orally, the notice of withdrawal shall be prepared and submitted in writing as soon as practicable after the oral notice.

ARTICLE VII. COST REIMBURSEMENT

Unless otherwise mutually agreed in writing in whole or in part, the Requesting Member shall reimburse the Responding Member for each of the following categories of costs incurred while providing aid and assistance during the specified Period of Assistance.

- A. **Personnel** – Responding Member personnel are to be paid for work completed during a specified Period of Assistance according to the terms provided in their employment contracts or other conditions of employment. The supervisor(s) designated by the Responding Member(s) must keep accurate records of work performed by personnel during the specified Period of Assistance. Requesting Member reimbursement to the Responding Member must consider all personnel costs, including salaries or hourly wages, costs for fringe benefits and indirect costs. Fringe benefit calculations shall be based on Federal Emergency Management Agency’s (FEMA) defined fringe benefits. If a Responding Member intends to calculate fringe benefits differently than those established by FEMA, the Responding Member must provide such calculations in writing to the Requesting Member’s Authorized Official prior to deploying personnel.
- B. **Equipment** – The Requesting Member shall reimburse the Responding Member for the use of equipment during a specified Period of Assistance. At a minimum, rates for equipment use must be based on the FEMA Schedule of Equipment Rates. If a Responding Member uses rates different from those in the FEMA Schedule of Equipment Rates, the Responding Member must provide such rates in writing to the Requesting Member’s Authorized Official prior to supplying resources. Mutual agreement on which rates are used must be reached in writing prior to dispatch of the equipment. Reimbursement for equipment not referenced on the FEMA Schedule of Equipment Rates must be developed based on actual recovery of costs. In the event the Responding Member’s equipment is damaged during the Period of Assistance that is not caused by carelessness, negligence or operator error on the part of the Responding Member, the Requesting Member shall reimburse the Responding Member for repair or replacement of the damaged equipment. Damage must be reasonably attributable to the specific response and taking into consideration normal wear and tear.

- C. **Materials & Supplies** – The Requesting Member must reimburse the Responding Member in kind or at actual replacement cost, plus handling charges, for use of expendable or non-returnable supplies. The Responding Member must not charge direct fees or rental charges to the Requesting Member for other supplies and reusable items that are returned as soon as practicable to the Responding Member in a clean, damage-free condition. Reusable supplies that are returned to the Responding Member with damage must be treated as expendable supplies for purposes of cost reimbursement.
- D. **Incidental Costs** – Other reasonably related incidental costs that are accrued by the Responding Member during the specified period of assistance shall be paid by the Requesting Member. Incidental costs include travel costs to deploy personnel to the Requesting Member's location, shipping costs to transport equipment, etc.
- E. **Payment Period** – The Responding Member must provide an itemized bill to the Requesting Member, listing the services provided, the dates services were provided, and the amount of payment due for all expenses it incurred as a result of providing assistance under this Agreement. The Responding Member shall send the itemized bill not later than ninety (90) days following the end of the Period of Assistance. The Requesting Member must pay the bill in full on or before the sixtieth (60th) day following the billing date. The Requesting Member shall return any invalid or incomplete invoice to the Responding Member within thirty (30) days after the Requesting Member receives the invoice. An explanation will accompany the invoice that states the reason for the return and any information needed to correct the invoice. Unpaid bills become delinquent upon the sixty-first (61st) day following the billing date.
- F. **Disputed Billings** – Those undisputed portions of a bill shall be paid under the payment plan specified above. Only the disputed portions should be sent to arbitration under Article VIII.

ARTICLE VIII. DISPUTES

All disputes between two or more Members arising from participation in this Agreement, which cannot be settled through negotiation, shall be submitted to arbitration before a panel of three persons chosen from the Members of this Agreement, excluding those Members that are parties to the dispute. The Parties to the dispute shall determine whether the arbitration is binding or non-binding.

Each party to the dispute shall choose one panel member and those panel members shall agree on one additional panel member. The panel shall adopt rules of procedure and evidence, shall determine all issues in dispute by majority vote and shall assess damages. Any court of competent jurisdiction may enter the judgment rendered by the arbitrators as final judgment that is binding on the parties.

ARTICLE IX INSURANCE

Each Member shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. Nothing in this Agreement shall act, or be construed, as a waiver of any statutory or common-law immunity or other exemption or limitation on liability that a Member may enjoy.

ARTICLE X INDEMNITY AND IMMUNITY

IDEMNITY

Neither Party will indemnify or hold harmless the other for any damages awarded in any civil action arising from any action or omission of either Party's officers, employees, agents, contractors, subcontractors or volunteers acting under this Agreement. Neither Party shall act or be deemed to be acting as agent for the other.

IMMUNITY

Nothing in this Agreement is intended to, and shall not, be construed to constitute a waiver of either Party's defenses, including immunity. Officers, employees, and volunteers of a Responding Member performing services at any place for a Requesting Member in good faith carrying out, complying with, or attempting to comply with this Agreement shall possess the same powers, duties, immunities, and privileges they would ordinarily possess if performing their duties in the jurisdiction in which they are normally officers or employed or rendering services. Such persons shall not be liable for any injury to, or death of, persons or damage to property as the result of performing services under this Agreement during training periods, test periods, practice periods, or other emergency management operations, or false alerts, as well as during any hazard, actual or imminent and subsequently to the same except in cases of willful misconduct. As used in this section, "emergency management volunteer" means only an individual who is authorized to assist any agency performing emergency management during a hazard.

ARTICLE XI WORKER'S COMPENSATION CLAIMS

Each Member is responsible for providing worker's compensation benefits and administering worker's compensation for its own personnel as it would in the normal course of business.

ARTICLE XII NOTICE

A Member who becomes aware of a claim or suit that in any way, directly or indirectly, contingently or otherwise, affects or might affect other Members of this Agreement shall provide prompt and timely notice to the Members who may be affected by the suite or claim. Each Member reserves the right to participate in the defense of such claims or suits as necessary to protect its own interests.

ARTICLE XIII EFFECTIVE DATE

This Agreement shall be effective after the Member's governing authority executes the Agreement and the Statewide Committee receives the Agreement. The Statewide Committee shall maintain a master list of all Members in the state.

This Agreement supersedes all prior Agreements between Members to the extent that such prior Agreements are inconsistent with this Agreement.

This Agreement shall continue in force and remain binding on each and every Member until December 31st of the year in which the Member executes the Agreement. This Agreement shall renew automatically for a period of one year upon the completion of the initial term and each subsequent one-year term unless and until such time a Member withdraws from participation in this Agreement.

ARTICLE XIV WITHDRAWAL

A Member may withdraw from this Agreement at any time and for any reason by providing written notice of its intent to withdraw to the Statewide Committee Chair.

ARTICLE XV MODIFICATION

This Agreement may be modified in writing to accommodate operational changes as the Members gain experience with the procedures established by the Agreement and the Ohio WARN. No provision of this Agreement may be modified, altered, or rescinded by individual Members to the Agreement. The Statewide Committee must approve in writing all modification requests.

ARTICLE XVI INTRASTATE & INTERSTATE MUTUAL AID AND ASSISTANCE PROGRAMS

To the extent practicable, Members of this Agreement shall participate in Mutual Aid and Assistance activities conducted under the State of Ohio Intrastate Mutual Aid and Assistance Program and Interstate Emergency Management Assistance Compact (EMAC). Members may voluntarily agree to participate in an interstate Mutual Aid and Assistance Program for water and wastewater utilities through this Agreement if such a Program were established.

ARTICLE XVII RECORDS, DOCUMENTS AND SENSITIVE INFORMATION

All records documents, writings or other information produced or used by the parties to this Agreement, which, under the laws of the State of Ohio, is classified as public or privileged, will be treated as such by the other parties to this Agreement. The parties to this Agreement shall not use any information, systems, or records made available to them for any purpose other than to fulfill their contractual duties specified in this Agreement. Both Requesting and Responding Members acknowledge that they will have access to sensitive information of others that may be considered sensitive or protected under the laws of the State of Ohio. If a Member receives a request to provide information of another Member or a third party, the Member receiving such request shall notify the other Member and they shall jointly agree upon what documentation is to be released.

NOW, THEREFORE, in consideration of the covenants and obligations in this Agreement, the Water and Wastewater Utility listed here manifests its intent to be a party to this Agreement and Member of the Intrastate Mutual Aid and Assistance Program for Water and Wastewater Utilities by executing this Agreement this _____ day of _____, _____.

Water/Wastewater Utility: _____
(Name, address, city)

Authorizing Ordinance/Resolution Number: _____

By: _____

By: _____

Title: _____

Title: _____

By: _____

By: _____

Title: _____

Title: _____

RESOLUTION NO. R-71-12

**A RESOLUTION REQUESTING AUTHORIZATION
TO ENTER INTO AN AGREEMENT WITH BEST
EQUIPMENT CO., INC., FOR THE PURCHASE OF A
2012 SEWER MAINLINE CCTV INSPECTION UNIT**

WHEREAS, the current CCTV Sewer Inspection Unit in service by the Underground Utilities Department has been determined to be obsolete and in need of replacement; and

WHEREAS, after evaluation of CCTV sewer inspection systems available through the State of Ohio Cooperative Purchasing Agreement the Utility Department has made the following recommendation;

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

SEC. 1: The Commission hereby deems it necessary to replace the sewer mainline CCTV inspection unit and purchase the necessary equipment.

SEC. 2: A purchase order is hereby authorized to Best Equipment Co., Inc., for equipment, truck, and chassis for a total not to exceed \$159,742.81.

SEC. 3: The Finance Director is authorized to draw her warrant on the appropriate account of the City treasury in payment for said equipment purchase.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

| | | | |
|---|---|--|---|
| MEETING DATE | March 20, 2012 | | |
| REPORT TITLE <small>(Should match resolution/ordinance title)</small> | A Resolution requesting authorization to enter into an Agreement with Best Equipment Co., Inc., for the purchase of a 2012 Sewer Mainline CCTV Inspection Unit. | | |
| SUBMITTED BY | Name & Title: Todd Brandenburg, Underground Utilities Superintendent | | |
| | Department: Underground Utilities | | |
| AGENDA CLASSIFICATION | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular |
| ORDINANCE/RESOLUTION | <input type="checkbox"/> 1 st Reading | <input type="checkbox"/> 2 nd Reading | <input type="checkbox"/> 3 rd Reading |
| | Ordinance #: | | Resolution No. #: R-71-12 |
| APPROVALS/REVIEWS | <input checked="" type="checkbox"/> City Manager | | <input type="checkbox"/> Asst. City Manager/Finance |
| | <input type="checkbox"/> Asst. City Manager/Development | | <input type="checkbox"/> Law Director |
| | <input type="checkbox"/> Department Director | | <input type="checkbox"/> Other: |
| BACKGROUND <small>(Includes description, background, and justification)</small> | <p>The current CCTV Sewer Inspection Unit in service by the Underground Utilities Department has proved to be obsolete and a chronic maintenance expense. Although the camera equipment mounted on the truck dates 1993, the cab and chassis is a 1984 model. In June of 2011, the City of Piqua publicly opened IFB 1114 for the purchase of a CCTV Sewer Inspection Unit. Upon receipt and opening of the sealed bids, city staff made a decision to postpone the purchase due to potential financial issues along with the fact that this item was not included in the 2011 capital budget.</p> <p>The CCTV Sewer Inspection Unit replacement was recommended and approved in the 2012 capital budget for the amount of \$160,000. Underground Utilities Department staff narrowed their selection down to two (2) units, both on State of Ohio Purchasing Contracts and vendors were invited to demonstrate their equipment and features based upon City of Piqua needs. Upon review of Cues and Envirosight CCTV Units, Underground Utilities staff has determined that the Envirosight RoverX System will best suit the needs of our operations.</p> <p>This purchase has capabilities of inspecting wastewater and stormwater collection systems and will be utilized in both systems. The Envirosight System includes all materials and labor necessary to install the required components within a 14' cut-away box van along with the necessary software to document and report defects within our buried infrastructure. This purchase will be extensively utilized to locate sources of inflow and infiltration within the city's wastewater collection system and make necessary repairs to assist the</p> | | |

| | | |
|---|--|---|
| | Wastewater Treatment Plant in reducing wet weather flow events and SSOs. | |
| BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources) | Budgeted \$: | \$160,000 |
| | Expenditure \$: | \$149,743 |
| | Source of Funds: | Local |
| | Narrative: | The quote that we have received from Envirosight lists the total package at \$149,742.81. We are requesting that the approval include an additional \$10,000.00 as budgeted for available options once the truck build begins. These options include additional tool and equipment storage along with special fixtures that will increase the crew's efficiency and effectiveness in the field. These additional options will not be determined until we meet with build center staff to make these adjustments. Due to the versatility of this purchase, funding has been split 50/50 between the Wastewater (404) and Stormwater (411) funds with \$80,000 reserved in each capital budget. |
| OPTIONS (Include Deny /Approval Option) | 1. | Approve the Resolution and enter into an agreement with Best Equipment Co., Inc., to purchase a 2012 Envirosight RovverX Sewer Mainline Inspection Unit. |
| | 2. | Do not approve the resolution and continue to operate the current, obsolete unit only during emergency situations. This will cause the sewer inspection preventative maintenance program to fall behind and increase equipment maintenance expenses. |
| | 3. | |
| | 4. | |
| PROJECT TIMELINE | The purchase of this unit will begin immediately upon approval with expected delivery to occur 90 days from the issue of a purchase order. | |
| STAFF RECOMMENDATION | Approval of the Resolution to enter into an agreement with Best Equipment Co., Inc., to purchase the proposed sewer inspection unit. | |
| ATTACHMENTS | Price Quotation and Specifications from Best Equipment Co., Inc. State Purchasing Contract # STS670 | |

Recipient:

Todd Brandenburg
City of Piqua
Piqua, OH
937-778-2026
tbrandenburg@piquaoh.org

Best Equipment Co.

Jerry Schroeder, Pipeline Inspectio ...
Best Equipment
5550 Poindexter Dr.
Indianapolis, IN 46235
USA
317-752-4514, fax: 317-823-3060
jerryschroeder@bestequipmentco.com, ...

Quote: 0000015464

Date: Jan 27, 2012

Submitted by: Best Equipment Co.

| Part No. | Unit | Qty. | Extended |
|----------------------|----------------|------|----------------|
| E-RX-sys-truck-basic | US \$69,000.32 | 1 | US \$69,000.32 |

ROVVER X Basic Truck Package

includes RCX90 camera (high-resolution CCD color zoom camera with 10x optical and 12x digital zoom, auto shutter, auto/manual focus, built-in LED lighting, +/-135 degree tilt, endless rotation, pressure sensor, and twin laser diodes for measuring feature width); ROVVER X 130 crawler (steerable with twin high-performance motors and 6-wheel drive, anodized aluminum/stainless steel chassis with pressure indicator, inclination and tilt sensors, location transmitter, rear viewing video camera); capability to transfer data to included desktop VisionReport software to generate reports and save data; wheels (6 small rubber, 4 medium rubber, 4 large rubber wheels, 4 medium grease wheels, 4 wheel spacers); VC200 control pendant to operate crawler, reel and camera (daylight viewable touch screen, MPEG-4 video encoding, storage to flash drive or USB Stick, online diagnostics and firmware updates, desk mount); RAX300 automatic motorized cable reel (with meter counter, splash-proof rating, 1000' orange transmission cable); power supply for 115/230V; wireless remote control; 25' extension cable (connecting VC200 to RAX300) with emergency power switch.

| | | | |
|---------------|-------------|---|-------------|
| E-000-0035-00 | US \$327.07 | 1 | US \$327.07 |
|---------------|-------------|---|-------------|

Top Manhole Cable Roller

Aluminum frame and rubber wheel with bearings protects cable from manhole top cover edge and reduces friction to improves crawler performance.

Recipient:

Todd Brandenburg
City of Piqua
Piqua, OH
937-778-2026
tbrandenburg@piquaoh.org

Best Equipment Co.

Jerry Schroeder, Pipeline Inspectio ...
Best Equipment
5550 Poindexter Dr.
Indianapolis, IN 46235
USA
317-752-4514, fax: 317-823-3060
jerryschroeder@bestequipmentco.com, ...

Quote: 0000015464

Date: Jan 27, 2012

Submitted by: Best Equipment Co.

| Part No. | Unit | Qty. | Extended |
|---|----------------|------|----------------|
| E-080-0555-00 | US \$329.00 | 4 | US \$1,316.00 |
| XXL RUBBER Wheel for R125, SV140 and SVRSAT140 (need 4 for R125, 4 for SV140, 6 for SVRSAT140). Qty. 1. Replaces E-026-0808-00 | | | |
| SPCL | US \$-146.00 | 1 | US \$-146.00 |
| Price adjustment to match State Contract pricing | | | |
| SPCL | US \$30,600.00 | 1 | US \$30,600.00 |
| New Chevrolet Express 4500 Cutaway Chassis with 6.0L V8 Gas Engine | | | |
| SPCL | US \$6,200.00 | 1 | US \$6,200.00 |
| 16' Box | | | |
| SPCL | US \$25,000.00 | 1 | US \$25,000.00 |
| Build out with Gas Generator | | | |
| SPCL | US \$1,128.00 | 1 | US \$1,128.00 |
| Four Corner Strobes | | | |

Recipient:

Todd Brandenburg
City of Piqua
Piqua, OH
937-778-2026
tbrandenburg@piquaoh.org

Best Equipment Co.

Jerry Schroeder, Pipeline Inspectio ...
Best Equipment
5550 Poindexter Dr.
Indianapolis, IN 46235
USA
317-752-4514, fax: 317-823-3060
jerryschroeder@bestequipmentco.com, ...

Quote: 0000015464

Date: Jan 27, 2012

Submitted by: Best Equipment Co.

Part No.

Unit

Qty.

Extended

Total: **US \$149,742.81**

Notes: This proposal may be withdrawn if not accepted within the period shown below. All equipment remains the property of the seller until sum stated above is paid in full. We propose to furnish labor and material, complete in accordance with above specifications, and subject to the conditions found on this agreement, for the sum stated above in accordance with the terms as specified.

Expiration Period: 30 days

Terms: Cash

FOB: Randolph, NJ

Currency: US \$

Respectfully Submitted,
Best Equipment Co.

The above, prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized for the work specified. Payment will be made as specified.

Accepted by

Date

STATE TERM SCHEDULE

Index No: STS670
New Date: 9/1/2011

STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF PROCUREMENT SERVICES
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

CONTRACTOR, PRICES, TERM SCHEDULE, ETC.

Contractor:

Contractor does not accept POs
Envirosight, LLC
111 Canfield Avenue, Unit B 3
Randolph, NJ 07869

0000059872
Envirosight, LLC
111 Canfield Avenue, Unit B 3
Randolph, NJ 07869

Contractor Contacts:

| | | | | |
|-----------------|--------------|------------------|---------------|------------------------|
| Ms. Tammy Smith | 973-252-6700 | Fax:973-252-1176 | Revenue Share | tsmith@envirosight.com |
| Ms. Tammy Smith | 973-252-6700 | Fax:973-252-1176 | Sales Contact | tsmith@envirosight.com |

Delivery:

30 Days A.R.O.- F.O.B. Destination

Terms:

Net 30 Days

Basic Order Limitations (Agencies should contact Procurement Services when they expect to exceed the Maximum Order Limitation.)

Minimum: \$100.00
Maximum: \$200,000

APPROVED PRODUCTS/SERVICES: Only those vendors, products, or services as listed in the price pages, approved by the Office of Procurement Services, may be purchased from this State Term Schedule. Any vendors, prices, terms, conditions, products or services not listed in the approve price sheets are outside the scope of this schedule.

MANDATORY USE CONTRACTS: All General Distribution Contracts (GDC), Limited Distribution Contracts (LDC), Multiple Award Contracts (MAC), and Request for Proposals (RFP) take precedence over this State Term Schedule (STS). This STS is only for governmental entities without a mandatory use contract.

EXCLUDED ITEMS: (State Agencies Only) in accordance with the Ohio Revised Code Section 5147.07, 4115.31, through 4115.35, 5119.16 and 3304.28 through 3304.33 state agencies are required to purchase through Ohio Penal Industries (OPI); Community Rehabilitation Programs (CRP); Department of Mental Health (DMH) Office of Support Services (Central Warehouse, and Pharmacy Services); and Rehabilitation Services Commission (RSC). State agencies must obtain a waiver from OPI, CRP, DMH Central Warehouse or Pharmacy Services, and/or RSC to procure from this schedule.

SPECIAL NOTE: The state of Ohio including but not limited to its agencies, boards, commissions, departments, state universities, state vocational schools, state community colleges of Ohio, and any entity authorized by law to use this State Term Schedule (STS) is not obligated to procure any products or services from this STS. This STS shall not be construed to prevent the state from purchasing products or services using other procurement methods as authorized by law.

NOTICE TO CONTRACTOR/VENDOR: It is the responsibility of the contractor's contact to maintain this State Term Schedule with current information. All updates i.e., telephone numbers, contact names, email addresses, tax identification number, prices, and catalogs etc., are required to be processed through the formal amendment authorization process which is initiated by way of a written request from the contractor's contact.

UNSPSC CODES (OAKS Category ID) and Item Descriptions:

All purchase orders placed against this contract shall use the following UNSPSC Codes when completing requisitions.

20143300 - Pipeline service equipment

Dealer Index

Dealer Name & Address

0000079117
BEST EQUIPMENT COMPANY INC.
5550 Poindexter Dr
Indianapolis, IN 46235

Remit to:

0000079117
BEST EQUIPMENT COMPANY INC.
5550 Poindexter Dr
Indianapolis, IN 46235

OAKS Contract ID

800189-1

Dealer's Contact:

| Name | | Phone | Fax | Email Address |
|------|---------------|--------------|--------------|----------------------------------|
| Mr. | Mike Dahlmann | 800-372-2378 | 317-823-3060 | mikedahlmann@bestequipmentco.com |
