

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, JUNE 5, 2012  
7:30 P.M. – COMMISSION CHAMBER – 2<sup>nd</sup> FLOOR  
201 WEST WATER STREET  
PIQUA, OHIO 45356**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENTATION – Mr. Jim Oda / Ms. Lorna Swisher**

- **1913 Flood Committee Activity/Tourism Committee Efforts**

**REGULAR CITY COMMISSION MEETING**

**CONSENT AGENDA**

1. **APPROVAL OF MINUTES**

Approval of the minutes from the May 15, 2012 Regular Piqua City Commission

**NEW BUSINESS**

2. **RES. NO. R-90-12**

A Resolution authorizing the payment of funds not to exceed \$104,040 to Brownfield Restoration Group, LLC for the work being completed in accordance with the Clean Ohio Revitalization Fund Grant received by the Board of Commissioners of Miami County, Ohio and certifying funds are available for the expenditure

3. **RES. NO. R-91-12**

A Resolution approving the Community Development Block Grant Formula Allocation Program application for Fiscal Year 2012

4. **RES. NO. R-92-12**

A Resolution of Appreciation for the public service of Clayton Lee as a City Employee

5. **RES. NO. R-93-12**

A Resolution of Intent to vacate public right-of-way

6. **RES. NO. R-94-12**

A Resolution fixing the time and place for a Public Hearing on the proposed City Tax budget for Miami County for the calendar year 2013 and draft Appropriation Ordinance

7. **RES. NO. R-95-12**

A Resolution awarding a contract for the purchase of ornamental street lights for the Power System

8. **RES. NO. R-96-12**

A Resolution authorizing a sublease of canal land to Vectren Energy Delivery for the purpose of installing new gas lines

**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. Department Update – Elaine Barton, Human Resources

**COMMISSIONERS COMMENT**

**ADJOURNMENT**

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday May 15, 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.

**EXECUTIVE SESSION**

Move to Executive Session to prepare for and review negotiations on compensation or other terms and conditions of employment for city personnel.

Moved by Commissioner Terry, seconded by Commissioner Wilson to adjourn into Executive Session at 7:31 P.M. to prepare for and review negotiations on compensation or other terms and conditions of employment for city personnel. Roll call, Aye: Fess, Wilson, Terry, Vogt, and Martin. Nay, None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Martin to adjourn from the Executive Session and resume the Regular City Commission Meeting at 7:50 P.M. Voice vote, Aye: Martin, Fess, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously.

**PROCLAMATION**

**POLICE WEEK IN THE CITY OF PIQUA - POLICE CHIEF BRUCE JAMISON**

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

**PROCLAMATION**

**NATIONAL BIKE MONTH, BIKE WEEK, AND BIKE TO WORK DAY**

Mayor Fess read the proclamation and presented it to Jim Hemmert, a local bicyclist enthusiast.

**REGULAR CITY COMMISSION MEETING**

**Consent Agenda**

Approval of the minutes from the May 1, 2012 Regular Piqua City Commission Meeting.

**RES. NO. R-84-12A**

A Resolution appointing a member to the Community Diversity Committee

City Manager Huff noted that Gary Meek was appointed to the Community Diversity Committee.

Moved by Commissioner Martin, seconded by Commissioner Terry, to approve the Consent Agenda which includes minutes of the Regular City Commission Meeting of May 1, 2012, and Resolution No. R-84-12A. Voice vote, Aye: Martin, Wilson, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously.

**RES. NO. R-85-12**

A Resolution authorizing an application to the Ohio Department of Transportation for funds to improve Hartzell Field at the Piqua Municipal Airport

Economic Development Director/Assistant City Manager Bill Murphy explained the City of Piqua budgeted \$18,000 for improvements at the Piqua Municipal Airport. Through the Ohio Airport Grant Program, the City has requested \$54,540, which is 90% of the total project cost. The city will provide 10% of the projected costs, which is \$6,060. If awarded the grant, work to be completed at the airport includes crack sealing, crack repairing and pavement marking, stated Mr. Murphy.

There was discussion on trying to get the Piqua Municipal Airport into the Federal Airport System Program so the airport would be eligible for Federal Funds that would help with major improvements. The funds being used at this time are State Funds. City Manager Huff stated they would look into it. The City anticipates knowing whether the request was approved later this spring, and the project is expected to be completed by the end of 2012.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-85-12.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-85-12 be adopted. Roll call, Aye: Wilson, Terry, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-85-12 adopted.

#### **RES. NO. R-86-12**

A Resolution adopting the City of Piqua's Anti-Displacement and Relocation Assistance Plan as required by the Ohio Department of Development

Economic Development Director/Assistant City Manager Bill Murphy explained the State of Ohio Department of Development administers Community Development Block Grant funds for small cities and counties. The ODOD requires those communities participating in the Community Development Block Grant Program adopt an Anti-Displacement and Relocation Assistance plan every five years. The last assistance plan was adopted in May of 2007 and needs to be adopted at this time. The city will provide relocation assistance too low to moderate income households displaced by demolition of a habitable housing or conversion of a low to moderate income dwelling to another use as a direct result of assisted activities, stated Mr. Murphy.

It was noted that the city has never had to implement the plan. The next anticipated date to re-adopt this plan is in the Spring of 2017 unless otherwise directed by the Ohio Department of Development, stated Mr. Murphy

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-86-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-86-12 be adopted. Roll call, Aye: Terry, Fess, Vogt, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-86-12 adopted.

#### **RES. NO. R-87-12**

A Resolution awarding a contract for the purchase of a refuse packer truck for the Sanitation Department

Health & Sanitation Director Amy Welker stated this is a routine replacement of the oldest truck in the fleet, a 1997 Ford with over 100,000 miles. One new option included on this truck will be a cart tipper, as this feature will allow for semi-automated waste collection in the future. Fourteen bids were received and Stoops Freightliner of Dayton was awarded the bid coming in under budget at \$124,775 with \$126,500 being budgeted. The City will receive \$4,500 for trade in of the current vehicle, stated Ms. Welker.

**Public Comment**

No one came forward to speak for or against Resolution No. R-87-12.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-87-12 be adopted. Roll call, Aye: Fess, Vogt, Martin, Wilson, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-87-12 adopted.

**RES. NO. R-88-12**

A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Fountain Park and Hance Pavilion to the Miami Valley Corvette Club

City Manager Huff stated this would authorize the Miami Valley Corvette Club to hold a Car Show and the use of Hance Pavilion for a concert to be sponsored for the Heritage Festival Committee on June 16, 2012. This is based on the Miami Valley Corvette Club and the Heritage Festival Committee obtaining the required liability coverage, stated City Manager Huff.

There was discussion on possibly requiring a cash deposit for cleanup of Fountain Park and Hance Pavilion just in case the areas were not cleaned up. City Manager Huff stated he would check and see if it was required, further stating they are looking at the whole Special Event process and would forward additional information on the cleanup process to the Commission.

Mayor Fess stated the City has not had any problems with previous car shows in the Park.

**Public Comment**

Dean Ward, Lambert Drive came forward stating he represents the Miami Valley Corvette Club and they are looking forward to hosting the event. They anticipate between 150-200 cars for the show but could have more. Proceeds from registration will benefit Miami County Hospice and food donations that are being accepted will be donated to the Bethany Center. The second event to take place is the concert in Hance Pavilion and is this year's fund raiser for the Piqua Heritage Festival. Car Show Awards will be presented at 6:00 P.M. and the Concert will begin at 7:00 P.M.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-88-12 be adopted. Roll call, Aye: Vogt, Martin, Wilson, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-88-12 adopted.

**RES. NO. R-89-12**

A Resolution rejecting the fact-finder's decision regarding contractual matters between the City of Piqua and the American Federation of State, County, and Municipal Workers, Inc. (AFSCME) Ohio Council 8, Local 984

Law Director Stacy Wall stated the City of Piqua and the American Federation of State, County and Municipal Workers, Inc. (AFSCME), Ohio Council 8 Local #984 came to an impasse during contract negotiations for the third year of the contract. Fact-finding was conducted through the State Employment relations Board on February 10, 2012 for the blue collar union and the clerical union, with the Fact-finder issuing his decision on May 4, 2012 on two articles, wages and health insurance. The Commission is aware of the financial liabilities of the City and has evaluated how the expenses are exceeding revenues, despite significant cuts and cannot award the lump sum payment awarded by the Fact-Finder. The City has seven days to adopt or reject in its entirety the Fact-Finders decision pursuant to Ohio Revised Code.

**Public Comment**

No one came forward to speak for or against Resolution No. R-89-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-89-12 be adopted. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-89-12 adopted.

Mayor Fess stated this in no way reflects on the work the City employees do as they do a wonderful job. Unfortunately it is due to the economic times we are living in now. Most of the employees have taken a three-year 0% increase, and the Administrative staff and Department Heads have taken a five-year 0% increase.

### **Monthly Reports**

Monthly Reports were accepted.

### **Public Comment**

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

Edna Stiefel, representing the Taste of the Arts came forward and gave a brief overview of the upcoming event scheduled for May 18, 2012. This is the 18<sup>th</sup> Annual Taste of the Arts and this year they have 14 restaurants/caterers and 11 demonstrating artists lined up to participate. New this year the Piqua City Schools will have an Art Show on the second floor of the Apple Tree Gallery. It should be a fun time as there is something for everyone. The hours are from 5:00 P.M. to 9:00 P.M. in Downtown Piqua. For the third year the Kim Kelly Orchestra will be playing downtown all evening. Ms. Stiefel thanked the City staff and all of the employees for their help, without them this would not be possible. Ms. Stiefel also thanked all of the volunteers, and all the people who come down and participate in the Taste of the Arts.

Ms. Stiefel reminded citizens the Northparks Neighborhood Association will be holding their regular monthly meeting on Tuesday, May 22 at 7:00 P.M. at Das Park.

Mayor Fess stated the Taste of the Arts is a great event and encouraged citizens to come down and enjoy a wonderful evening of food and entertainment.

Jim Hemmert, Boone Street came forward stating he hoped everyone noticed how nice the City of Piqua looks as a result of the Cleanup held on Saturday May 5. Bill Lutz spearheaded the cleanup efforts along with volunteers from Neighborhood Associations, Mainstreet Piqua, local organizations, and City employees who came out to clean up the downtown area and their neighborhoods. The City of Piqua provided the trash bags and picked up the bags as they were being filled. Thanks to all the efforts of a lot of different groups, organizations, and citizens Piqua is now a better and cleaner place to live, stated Mr. Hemmert.

City Manager Huff stated the city collected 2-tons of trash & debris from the one-day cleanup, and thanked all who participated in making Piqua a better place to live.

Mayor Fess thanked all who participated in the cleanup, and also thanked the Southview Neighborhood Association for providing lunch after the cleanup for the volunteers.

### **City Manager's Report**

#### **Economic Development Update**

Economic Development Director Bill Murphy gave a brief update on some of the exciting things happening in Piqua. The Hartzell Air Movement project that is well underway, and another major expansion will be happening soon, working with another local manufacture on a multi-million dollar investment in new equipment and addition to their facility, worked with two new manufacturing startups in Piqua in leased space, manufacturing is really making a rebound in our area now, and

finally in the past two weeks have completed a number of Retention and Expansion visits to local companies. One of the manufactures is at its highest employment in Piqua going from 200 to 300 employees.

Mr. Murphy stated Grow Piqua Now has launched the "I Love Piqua Campaign". This is open to all full-time or part-time college, high school, or junior high students living in the 45356 zip code. This provides the opportunity to produce a 1-2 minute video on what they love about living in Piqua. The contest will run from May 11, to June 29, 2012 and they hope to capture the creative juices in the community. Judging will be based on overall effectiveness, (50%), originality and creativity (40%), and professionalism (10%).

### **Department Update – Amy Welker, Health Department**

Ms. Welker gave a brief overview of the Health Department stating on the average each household in Piqua disposes of 40 pounds of trash each week. There has not been an increase in the refuse rates in the past three years, and recycling is picking up. In the last year the citizens of Piqua recycled over 1400 tons of materials, the most recycled in 20 years stated Ms. Welker. A chart was shown with the level of recycling picked up on each day of the week, and in 2010 Thursday was the highest recycling day of the week. Ms. Welker challenged citizens to continue to recycle and make all the days of the week equal this year, and when in doubt recycle it. Some of the unacceptable items for recycling include sharps such as needles, broken window glass, metal coat hangers, drinking glasses, plastic bags, and scrap metal. Recycling bins are available at the Utility Business Office or the Health Department, as there is no limit to the number of recycling bins a resident can put out. Rumpke Recycling will be sending out a new resident mailer soon on the recycling program in Piqua.

Ms. Welker encouraged citizen to continue recycling to help keep Piqua a better place to live and work. If anyone has any questions they may contact the Piqua Health Department.

City Manager Huff stated the Commission held a Work Session on Thursday, May 10, concerning the Water Treatment Plant. Comparisons were considered in regards to building our own new water treatment plant or going into a joint venture with the City of Troy. Numbers were provided and realized some of the numbers needed more work. City Manager Huff stated he had hoped to be able to provide the information at the meeting, but some of the numbers were more complex and the information is not complete at this time, but hopes to provide the information soon.

### **Commissioner Comments**

Commissioner Vogt reminded everyone to attend the Taste of the Arts, the Municipal Swimming Pool will be opening Memorial Day weekend, memberships are still available for the Municipal Golf Course, so get out and enjoy all the amenities the City of Piqua has to offer, stated Commissioner Vogt.

Commissioner Vogt also reminded citizens not to blow their grass out into the streets, bag it and put it out for the refuse to take or mulch it.

Commissioner Martin also encouraged citizens to attend the Taste of the Arts, and thanked all the volunteers who helped with the City-wide Cleanup on May 5, 2012.

Commissioner Wilson stated he believes there were over 80 volunteers who participated in the City-wide Cleanup and thanked them for their efforts. Commissioner Wilson also thanked the Southview Neighborhood Association for the great lunch they provided after the cleanup. Everything is looking good for another great Taste of the Arts this year as there is a little bit for everyone.

Commissioner Terry thanked the Street & Parks Departments for their help in making the boulevards beautiful again this year. The City is working on the pot holes and if you have one in front of your home or drive over one you can contact the Street Department to let them know where they are. Commissioner Terry also thanked the Southview Neighborhood for providing the wonderful meal after the City-wide Clean up on May 5, 2012, and hope residents in her neighborhood work harder on recycling so her neighborhood can be number one in recycling.

Mayor Fess stated she is looking forward to the ground breaking on Saturday, further encouraged citizens to attend the Taste of the Arts on Friday evening, also on Sunday, May 20, at 5:00 P.M. Habitat for Humanity will hold a ground breaking at 440 Orr Street, and last but not least the Memorial Day Parade is scheduled for Monday, May 28<sup>th</sup>, at 9:00 A.M.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 8:45 P.M. Voice vote, Aye: Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

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LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-90-12**

**A RESOLUTION AUTHORIZING THE PAYMENT OF FUNDS NOT TO EXCEED \$104,040 TO BROWNFIELD RESTORATION GROUP, LLC FOR THE WORK BEING COMPLETED IN ACCORDANCE WITH THE CLEAN OHIO REVITALIZATION FUND GRANT RECEIVED BY THE BOARD OF COMMISSIONERS OF MIAMI COUNTY, OHIO AND CERTIFYING FUNDS ARE AVAILABLE FOR THE EXPENDITURE**

WHEREAS, ON June 11, 2011, this Commission adopted Resolution No. R-76-11 supporting an application from the Board of Commissioners of Miami County, Ohio to the Clean Ohio Council for the demolition and remediation of the area directly behind the Piqua Municipal Power Plant at 919 South Main Street, and

WHEREAS, the City of Piqua and the Board of Commissioners of Miami County, Ohio requested statements of qualifications from firms to provide the required certified professional services as required by the Clean Ohio Revitalization Grant; and

WHEREAS, after reviewing the statements of qualifications, Brownfield Restoration Group, LLC of Akron, Ohio was deemed the most qualified firm for the services request, and

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

SEC. 1: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City Treasury in payment according to contract terms, not exceeding a total of \$104,040.

SEC. 2: That City shall submit all necessary documentation to the Board of Commissioners of Miami County, Ohio for the reimbursement of all costs incurred with the demolition and remediation of the area behind the Piqua Municipal Power Plant, 919 S. Main St., Piqua, Ohio.

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

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LUCINDA L. FESS, MAYOR

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	June 6, 2012		
<b>REPORT TITLE</b>	Clean Ohio Revitalization Fund - Brownfield Restoration Group Payment		
<b>SUBMITTED BY</b>	Name & Title: William Lutz, Development Program Manager		
	Department: Development		
<b>MEETING TYPE</b>	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Work Session	<input type="checkbox"/> Special <input type="checkbox"/> Retreat
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading
	Ordinance #:		Resolution #: R-90-12
<b>APPROVALS/REVIEWS</b>	<input 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 type="checkbox"/> Department Director	<input type="checkbox"/> Other:	
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>In late 2011, the Board of County Commissioner received a grant in excess of \$1.4 million to remediate, demolish structures and develop a new park behind the City's power plant at 919 S. Main St. The County was approached to apply on the City's behalf since the City could not legally be the applicant; therefore, the City and the County is working cooperatively on this project.</p> <p>Collaboratively, the City and the County requested qualification statements from firms for the Certified Professional services required by the grant. Through that process, Brownfield Restoration Group, LLC was adjudicated to be the most qualified firm for the work.</p> <p>Through a previously approved arrangement, the actual contract for the services, must be between the grantee (the County) and the service provider (Brownfield Restoration Group, LLC). However, the County lacks the resources to forward the funds and wait for reimbursement from the state. Through a cooperative agreement between the City and the County, the City will pay the vendor, request payment from the County, the County will receive payment and then reimburse the City. This resolution certifies that funds are available and will allow the city to pay for the services and get reimbursed.</p>		
<b>BUDGETING AND</b>	Budgeted \$:	\$104,040	
	Expenditure \$:	\$104,040	

<b>FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Source of Funds:	Clean Ohio Revitalization Fund - Received Grant
	<b>Narrative:</b>	The funds for this project come from the Clean Ohio Revitalization Fund grant received by the county that was approved for funding last fall by the State of Ohio.
<b>OPTIONS</b> (Include <i>Deny Approval</i> Option)	1.	Approve the Resolution - Approving the resolution would allow the City to continue to collaboratively work with the County on the project and allow the project to move forward..
	2.	Deny the Resolution - Denying the resolution would jeopardize the project and may not allow the project to move forward. The appropriate funds could not be forwarded for the project and the County would risk having to back out their grant agreement with the State of Ohio.
	3.	.
	4.	
<b>PROJECT TIMELINE</b>	Upon final agreement signed between the County and Brownfield Restoration Group, LLC, the scope of work for the project will be prepared and a contractor identified for all work to be done for the project. The entire project is expected to be completed before the end of the year.	
<b>STAFF RECOMMENDATION</b>	Staff would recommend that the City Commission adopt the resolution.	

**RESOLUTION NO. R-91-12**

**A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT FORMULA ALLOCATION PROGRAM APPLICATION FOR FISCAL YEAR 2012**

WHEREAS, the City of Piqua is a unit of local government that possesses the legal authority to apply for Small Cities Community Development Block Grant funds available from the Ohio Department of Development, under the Federal Housing and Community Development Act of 1974, as amended; and,

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

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

SEC. 1: The Fiscal Year 2012 Formula Allocation Program application is hereby approved and the 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.

SEC. 2: The City Manager is authorized to be the designate agent of the program in connection with the application and is authorized to execute all agreements in conjunction with the Fiscal Year 2012 Program.

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

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LUCINDA L. FESS, MAYOR

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	June 6, 2012			
<b>REPORT TITLE</b>	Community Development Block Grant Application			
<b>SUBMITTED BY</b>	Name & Title: William Lutz, Development Program Manager			
	Department: Development			
<b>MEETING TYPE</b>	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Work Session	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading	
	Ordinance #:		Resolution #: R-91-12	
<b>APPROVALS/REVIEWS</b>	<input 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 type="checkbox"/> Department Director		<input type="checkbox"/> Other:	
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>Each year, the community receives an allocation from the Ohio Department of Development in implement local activities funding through the Community Development Block Grant program. The allocation for Fiscal Year 2012 is \$95,000.</p> <p>Projects were solicited from city staff and two projects were received. The first project proposes to purchse and demolish the commerical structure at 650 Wood Street, at the corner of Gordon, Wood and Covington. The second project will vacate the right of way of Wood Street between Gordon Street and Covington Avenue. Both projects can be supported by the \$95,000 budget. It should also be noted that a certain percentage of the grant pays for required fair housing and administrative expenses.</p> <p>A public hearing was held on the program on May 22, 2012.</p>			
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$95,000		
	Expenditure \$:	\$95,000		
	Source of Funds:	Community Development Block Grant Funds		
	<b>Narrative:</b>	Each year, the City receives an allocation of funds to be used in conjunction with the regulations of the Community Development Block Grant program. The allocation for Fiscal Year 2012 is \$95,000.		

<b>OPTIONS</b> (Include <i>Deny Approval</i> Option)	1.	Approve the Resolution - Approving the resolution would allow the City to continue to collaboratively work with the County on the project and allow the project to move forward..
	2.	Deny the Resolution - Denying the resolution would jeopardize the city's funding and would not allow the proposed projects to move forward.
	3.	.
	4.	
<b>PROJECT TIMELINE</b>	The City will receive grant agreements later this fall and will work to implement the program throughout 2013. The community must completed all projects by December 31, 2012.	
<b>STAFF RECOMMENDATION</b>	Staff would recommend that the City Commission adopt the resolution.	

**RESOLUTION NO. R-92-12**

**A RESOLUTION OF APPRECIATION FOR THE  
PUBLIC SERVICE OF CLAYTON LEE  
AS A CITY EMPLOYEE**

WHEREAS, Clayton Lee has retired as Refuse Driver with the Sanitation Department; and

WHEREAS, his retirement follows over 25 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of Clayton Lee as Refuse Driver with the Sanitation Department, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

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LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-93-12**

**A RESOLUTION OF INTENT TO VACATE  
PUBLIC RIGHT-OF-WAY**

WHEREAS, pursuant to Piqua Charter Section 98, this Commission must adopt a resolution expressing its intention to vacate platted right-of-way located prior to such action being considered; and,

WHEREAS, a petition requesting the vacation of portions of platted public right of way known as Fountain Boulevard and Lake Street, as shown in Exhibit "A" attached hereto, has been filed with the Clerk of Commission;

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: This Commission hereby intends to vacate a portion of platted public right of way known as Fountain Boulevard and Lake Street, as shown on Exhibit "A" attached hereto. The City Manager or his duly authorized representative is hereby directed to cause notice of this Resolution to be served by certified mail upon all persons whose property abuts said tract. Said notice shall state the time and place at which objections can be heard by the Planning Commission.

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

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

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

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



# City Commission Agenda Staff Report

Item #5

<b>MEETING DATE</b>	5/23/2012			
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	A Resolution of Intent to Vacate Right-of-Way			
<b>SUBMITTED BY</b>	Name & Title: Chris Schmiesing, City Planner			
	Department: Development Department			
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading	<input type="checkbox"/> Public Hearing
	Ordinance #:		Resolution #: R-93-12	
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Law Director	
	<input checked="" type="checkbox"/> City Engineer		<input checked="" type="checkbox"/> City Planner	
<b>BACKGROUND</b> (Includes description, background, and justification)	The petitioner desires to vacate that portion of Fountain Boulevard and Lake Street that is effectively an extension of the front lawn at his property and the neighboring property.			
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	0		
	Expenditure \$:	0		
	<b>Narrative:</b>	The area to be vacated is unimproved and does not appear to be necessary to the intended use of the affected public right-of-way.		
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the resolution		
	2.	Reject the resolution		
	3.			
	4.			
<b>PROJECT TIMELINE</b>	June 5, 2012 – City Commission: declare intent to vacate July 24, 2012 - Planning Commission: public hearing August 7, 2012 – City Commission: Act on Planning Commission recommendation			
<b>STAFF RECOMMENDATION</b>	Approve the resolution to allow the request to be studied by the Planning Commission			



CITY OF PIQUA, OHIO

APPLICATION FOR VACATION OF PUBLIC RIGHT-OF-WAY

- 1. Applicant's Name Dan Rank Phone # 707-0999
- Applicant's Address 1202 Fountain Bl Piqua
- 2. Owner's Name Daniel D. Rank Phone # 707-0999
- 3. Type of legal interest held by applicant Fee Simple
- 4. Location of Public Right-Of-Way Vacation request Fountain Bl @ Lake St.

5. Describe the reason for the requested Vacation of Public Right-Of-Way

Extend natural property line to street.

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

NAME	ADDRESS	SIGNATURE
<u>Joe Anthony</u>	<u>1105 Lake St.</u>	<u>WJ Anthony</u>

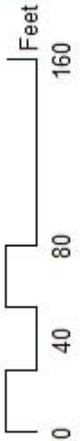
Signature of Applicant [Signature] Date 5/9/12

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

\$100.00 Fee Paid 100.00 Date Fee Paid 5-17-12  
Receipt No. 201187 Res. No. \_\_\_\_\_

RECEIVED  
MAY 17 2012  
CITY OF PIQUA  
DEVELOPMENT OFFICE

Exhibit 'A'



**FOUNTAIN BOULEVARD AND LAKE STREET**

PROPOSED RIGHT OF WAY VACATION

**RESOLUTION NO. R-94-12**

**A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED CITY TAX BUDGET FOR MIAMI COUNTY FOR THE CALENDAR YEAR 2013 AND DRAFT APPROPRIATION ORDINANCE**

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

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

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

SEC. 1: A public hearing on the proposed city tax budget for Miami County for the year 2013 and draft appropriation ordinance shall be held at the next regular meeting of this Commission on June 19, 2012 at 7:30 P.M.; and

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

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

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

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

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

**RESOLUTION NO. R-95-12**

**A RESOLUTION AWARDING A CONTRACT  
FOR THE PURCHASE OF ORNAMENTAL  
STREET LIGHTS FOR THE POWER SYSTEM**

WHEREAS, the present operations of the City require the purchase of ornamental street lights for the Power System; and

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

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

SEC. 1: Contract with All-Phase Electric Supply Co. for the purchase of fifty-one (51) ornamental street lights are hereby approved as the lowest, responsible bidders for said project and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$166,900.

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

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

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

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

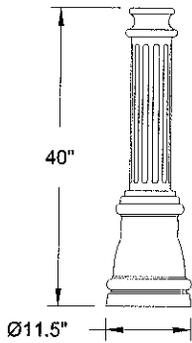


# Commission Agenda Staff Report

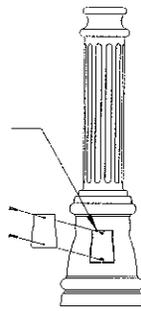
<b>MEETING DATE</b>	June 5, 2012		
<b>REPORT TITLE</b> <small>(Should match resolution/ordinance title)</small>	A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF ORNAMENTAL STREET LIGHTS FOR THE POWER SYSTEM		
<b>SUBMITTED BY</b>	Name & Title: Nick Berger, Electrical Engineer		
	Department: Power System		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading
	Ordinance #:		Resolution #: R-95-12
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: Energy Board
<b>BACKGROUND</b> <small>(Includes description, background, and justification)</small>	<p>Piqua Power System released an Invitation for Bid (IFB) packet for ornamental street lights on April 30, 2012. Bids were received from six vendors on May 15, 2012. The IFB included lights for the following three budgeted downtown streetscaping projects:</p> <ol style="list-style-type: none"> <li>1. <u>East Ash Street Road Widening</u> - This project includes (5) – 14ft Wadsworth SiteLink poles with Washington Postlite fixtures, (27) – 16ft Wadsworth SiteLink poles with Washington Postlite fixtures, and (8) – 14ft Charleston SiteLink Poles with Washington Postlite fixtures.</li> <li>2. <u>Canal Street Streetscaping</u> – This project includes (2) – 12ft Wadsworth fluted poles with Washington Postlite fixtures.</li> <li>3. <u>Wayne Street Streetscaping</u> – This project includes (9) – 12ft Wadsworth fluted poles with Washington Postlite fixtures.</li> </ol> <p>Each pole will have 4 banner arms, a flag pole holder, and a weatherproof receptacle. These poles were specified to closely match the existing downtown ornamental streetlights. The lowest bid was received from All-Phase Electric Supply Co. totaling \$166,900.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b>	Budgeted \$:	\$204,000	
	Expenditure \$:	\$166,900	
	Source of Funds:	Street Lights	

(Includes project costs and funding sources)	<b>Narrative:</b>	Included in the 2012 Power System's budget is \$204,000 for the three downtown streetscaping projects.
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve Resolution No. R-95-12 awarding All-Phase Electric Supply Co. a contract for the purchase of fifty-one ornamental streetlight for a not to exceed price of \$166,900
	2.	Revise the quantity of decorative streetlights to order
	3.	Do not approve the Resolution and provide staff with further direction
	4.	
<b>PROJECT TIMELINE</b>	Delivery will be 8-10 weeks after approval and orientation drawings are submitted.	
<b>STAFF RECOMMENDATION</b>	Approve Resolution No. R-95-12 awarding All-Phase Electric Supply Co. a contract for the purchase of fifty-one (51) ornamental streetlight for a not to exceed price of \$166,900.	
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Exhibit A - IFB 1217 Bid Tabulation</li> <li>2. Charleston Pole Cut Sheet</li> <li>3. Wadsworth Pole Cut Sheet</li> </ol>	

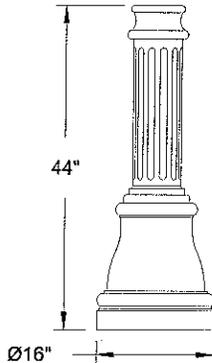
Item Description	QTY	ALL-PHASE		BROWNSTOWN		MESCO		POWER LINE SUPPLY		HD SUPPLY		WESCO	
		UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
HOLOPHANE - WA 15AHP MA B 3 B 4 S-67516 WDA 12 FTJ 17 P07 LAB BK S134B S86B S134D S86D S134C R118A 4BAB 18A 4 BK FPPI/BO BK FGIUS_S BK	11	\$ 3,000.00	\$ 33,000.00	\$ 3,100.00	\$ 34,100.00	\$ 3,041.00	\$ 33,451.00	\$ 3,023.00	\$ 33,253.00	\$ 3,024.00	\$ 33,264.00	\$ 3,105.00	\$ 34,155.00
HOLOPHANE - WA 250HP MA B 3 B 4 S-67578 WDA 14 L4E 17 P07 LAB BK R142A FGIUS_S BK 4BAB 18 A 4 BK FPPI/BO BK	5	\$ 3,200.00	\$ 16,000.00	\$ 3,300.00	\$ 16,500.00	\$ 3,247.00	\$ 16,235.00	\$ 3,228.00	\$ 16,140.00	\$ 3,229.00	\$ 16,145.00	\$ 3,315.00	\$ 16,575.00
HOLOPHANE - WA 250HP MA B 3 B 4 S-67578 WDA 16 L4E 17 P07 LAB BK R142A FGIUS_S BK 4BAB 18 A 4 BK FPPI/BO BK	27	\$ 3,300.00	\$ 89,100.00	\$ 3,400.00	\$ 91,800.00	\$ 3,349.00	\$ 90,423.00	\$ 3,331.00	\$ 89,937.00	\$ 3,332.00	\$ 89,964.00	\$ 3,421.00	\$ 92,367.00
HOLOPHANE - WA 250HP MA B 3 B 4 S-67578 CHA 14 L5116 P07 LAB BK R142A FGIUS_S BK 4BAB 18 A 4 BK FPPI/BO BK	8	\$ 3,600.00	\$ 28,800.00	\$ 3,700.00	\$ 29,600.00	\$ 3,659.00	\$ 29,272.00	\$ 3,638.00	\$ 29,104.00	\$ 3,640.00	\$ 29,120.00	\$ 3,736.00	\$ 29,888.00
		Total	\$ 166,900.00	Total	\$ 172,000.00	Total	\$ 169,381.00	Total	\$ 168,434.00	Total	\$ 168,493.00	Total	\$ 172,985.00



3.5" X 5.5" Hand Hole Opening



5.0" X 8.5" Hand Hole Opening



Shaft Style



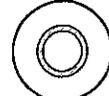
4" Dia. Smooth  
S4C & S4J



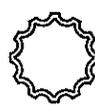
5" Dia. Smooth  
S5J



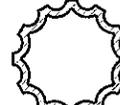
3"-4" Dia. Tapered  
T4C



3"-5" Dia. Tapered  
T5C



4" Dia. Fluted  
F4C & F4J



5" Dia. Fluted  
F5J



SiteLink 4.5" Fluted  
L4E



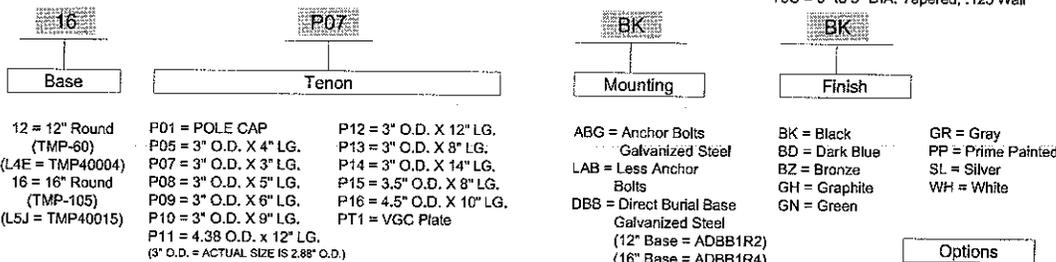
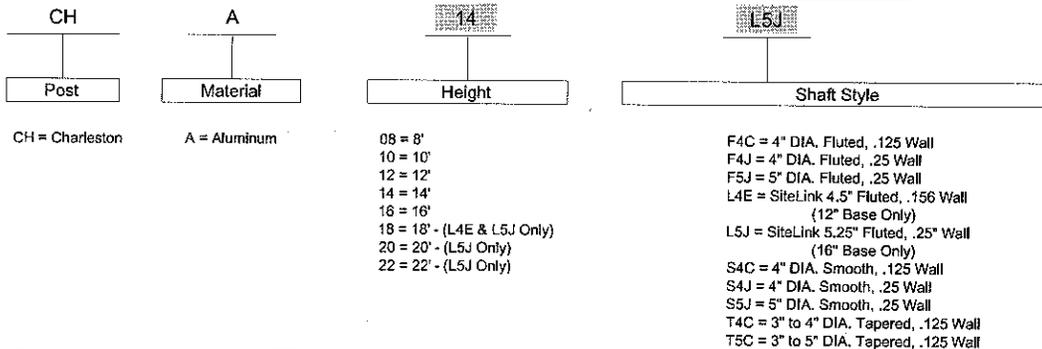
SiteLink 5.25" Fluted  
L5J

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Aluminum Pole

Architectural  
Outdoor

HOLOPHANE®  
LEADER IN LIGHTING SOLUTIONS  
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ORDERING INFORMATION:



SPECIFICATIONS

DESCRIPTION

The lighting post shall be all aluminum, one-piece construction, with a classic tapered and fluted base design.

MATERIALS

The base and fluted tapered cast shaft shall be heavy wall, cast aluminum produced from certified ASTM 356.1 ingot per ASTM B-179-95a or ASTM B26-95. The straight shafts shall be extruded from aluminum, ASTM 6061 alloy, heat treated to a T6 temper. The tapered shaft shall be extruded from aluminum, ASTM 6063 alloy, spun to a tapered shape, then heat treated to a T6 temper. All hardware shall be tamper resistant stainless steel. Anchor bolts to be completely hot dip galvanized.

CONSTRUCTION

The shaft shall be double welded to the base casting and shipped as one piece for maximum structural integrity. The shaft shall be welded inside the base casting at the top of the access door, and externally where the shaft exits the base. All welding shall be per ANSI/AWS

DIMENSIONS

The post shall be X'- XX" in height with a 12" or 16" diameter base. The shaft diameter shall be XX". At the top of the post, an integral tenon with a transitional donut shall be provided for luminaire mounting.

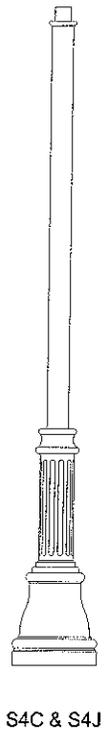
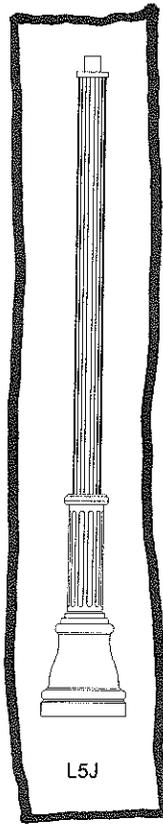
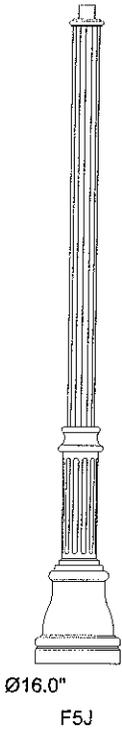
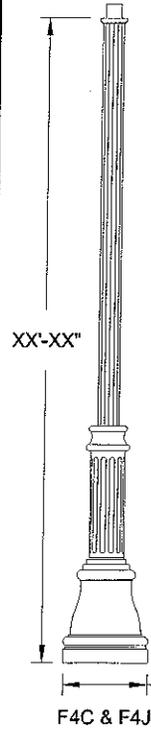
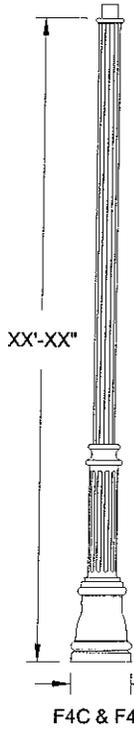
INSTALLATION

The post shall be provided with four, hot dip galvanized L-type anchor bolts. A door shall be provided in the base for anchorage and wiring access. A grounding screw shall be provided inside the base opposite the door.

² - Replace "XXX" with height from grade (inches), can be up to 3 digits. Must use whole numbers. Leading zeros are not used. Replace Y with orientation from hand hole (A=0, B=90, C=180, D=270). Add multiple provisions as necessary to cover each location. Must validate EPA restrictions for banners.

THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE SPECIFICATION FOR THE MATERIAL TO BE FURNISHED BY HOLOPHANE. NO CHANGES OR MODIFICATIONS SHALL BE MADE WITHOUT THE WRITING, ON POLE ORDER AN ANCHOR BOLT TEMPLATE PRINT WILL BE SUPPLIED WITH EACH ANCHOR BOLT ORDER TO MATCH THE POLE. THIS DRAWING IS THE PROPERTY OF HOLOPHANE AND IS TO BE KEPT UNLOADED SUBJECT TO RETURN UPON DEMAND AND UPON EXPRESS WRITTEN CONSENT. IT WILL NOT BE USED DIRECTLY OR INDIRECTLY IN ANY WAY DETRIMENTAL TO OUR INTERESTS, AND ONLY IN CONNECTION WITH MATERIAL FURNISHED BY HOLOPHANE.

ORDER #:	
TYPE:	ACH
DRAWN:	ACH
DATE:	03/22/11
DWG #:	POL_CHA



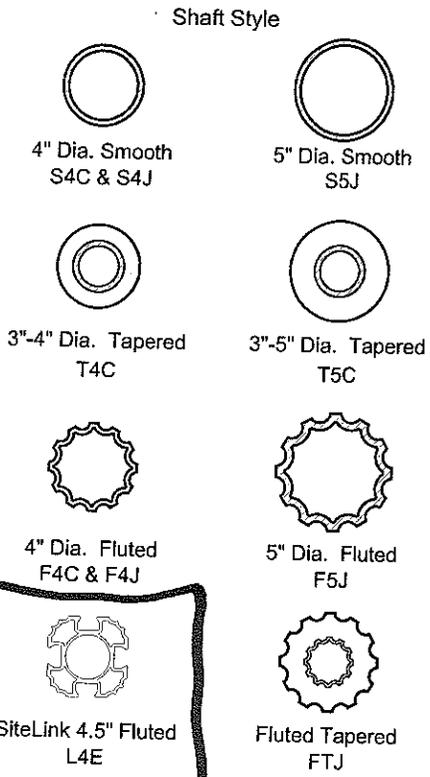
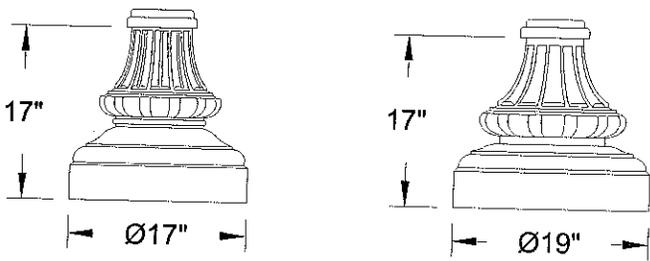
**CHARLESTON**<sup>TM</sup>  
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**HOLOPHANE**<sup>®</sup>  
LEADER IN LIGHTING SOLUTIONS  
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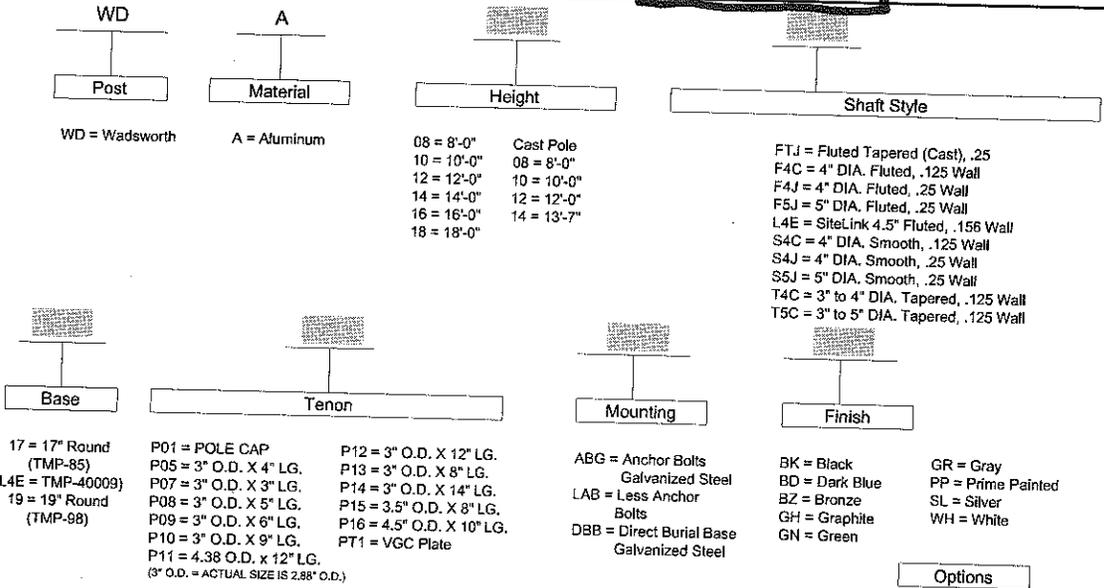
THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE SPECIFICATION FOR THE MATERIAL TO BE FURNISHED BY HOLOPHANE OR ITS SUPPLIER. IT SHALL BE FURNISHED BY HOLOPHANE ON THE ORDER NOTED ABOVE. A UNIT OF MATERIAL SHALL BE SUPPLIED, BUT ONLY AFTER APPROVAL BY THE CUSTOMER IN WRITING. ON POLE ORDERS AN ANCHOR BOLT TEMPLATE PRINT WILL BE SUPPLIED TO THE CUSTOMER. THE CUSTOMER SHALL MATCH THE POLE PROVIDED. THIS PRINT IS THE PROPERTY OF HOLOPHANE AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND UPON EXPRESS CONDITION THAT IT WILL NOT BE USED DIRECTLY OR INDIRECTLY IN CONNECTION WITH MATERIAL FURNISHED BY HOLOPHANE.

ORDER #:	
TYPE:	3 of 3
DRAWN:	ACH
DATE:	03/22/11
DWG #:	POL_CHA



TM  
**WADSWORTH**  
 Aluminum Pole  
 Architectural  
 Outdoor

**ORDERING INFORMATION:**



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**SPECIFICATIONS**

**DESCRIPTION**

The lighting post shall be all aluminum, one-piece construction, with a classic tapered and fluted base design.

**MATERIALS**

The base and fluted tapered cast shaft shall be heavy wall, cast aluminum produced from certified ASTM 356.1 ingot per ASTM B-179-95a or ASTM B26-95. The straight shafts shall be extruded from aluminum, ASTM 6061 alloy, heat treated to a T6 temper. The tapered shaft shall be extruded from aluminum, ASTM 6063 alloy, spun to a tapered shape, then heat treated to a T6 temper. All hardware shall be tamper resistant stainless steel. Anchor bolts to be completely hot dip galvanized.

**CONSTRUCTION**

The shaft shall be double welded to the base casting and shipped as one piece for maximum structural integrity. The shaft shall be welded inside the base casting at the top of the access door, and externally where the shaft exits the base. All welding shall be per ANSI/AWS

**DIMENSIONS**

The post shall be X'- XX" in height with a 17" or 19" diameter base. The shaft diameter shall be XX". At the top of the post, an integral tenon with a transitional donut shall be provided for luminaire mounting.

**INSTALLATION**

The post shall be provided with four, hot dip galvanized L-type anchor bolts. A door shall be provided in the base for anchorage and wiring access. A grounding screw shall be provided inside the base opposite the door.

<sup>2</sup> - Replace "XXX" with height from grade (inches), can be up to 3 digits. Must use whole numbers. Leading zeros are not used. Replace Y with orientation from hand hole (A=0, B=90, C=180, D=270). Add multiple provisions as necessary to cover each location. Must validate EPA restrictions for banners.

THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE SPECIFICATION FOR THE MATERIAL TO BE FURNISHED BY HOLOPHANE. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THAT THE MATERIAL SUPPLIED BUT ONLY THE MATERIAL SUPPLIED BY HOLOPHANE WILL BE SUPPLIED WITH EACH ANCHOR BOLT ORDER TO MATCH THE POLE. HOLOPHANE ASSUMES NO LIABILITY FOR THE USER'S USE OF THIS DRAWING. ANY WAY DETRIMENTAL TO OUR INTERESTS, AND ONLY IN CONNECTION WITH MATERIAL FURNISHED BY HOLOPHANE.

ORDER #:	
TYPE:	
DRAWN:	KRW
DATE:	03/22/11
DWG #:	POL_WDA
1 of 3	



**RESOLUTION NO. R-96-12**

**A RESOLUTION AUTHORIZING A SUBLEASE OF CANAL LAND TO VECTREN ENERGY DELIVERY FOR THE PURPOSE OF INSTALLING NEW GAS LINES**

WHEREAS, the City of Piqua entered into a Master Lease for the canal with the State of Ohio on March 30, 1926, for a period of 99 years; and

WHEREAS, the Master Lease permits the City of Piqua to enter into subleases for the canal in the right-of-way; and

WHEREAS, Vectren Energy Delivery requested that it be granted a sublease of the canal land for the purpose of continuing its gas line infrastructure replacement program in the downtown area east of Main Street, between the Miami River and going south to Water Street; and

WHEREAS, the Vectren Energy Delivery is placing its lines in the downtown area in the location requested by the City; and

WHEREAS, said sublease with between the City of Piqua and Vectren Energy Delivery also requires approval by the Ohio Department of Natural Resources and said Department is aware of the request for a sub-lease.

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

SECTION 1. The City Manager is hereby authorized to enter into a sub-lease with Vectren Energy Delivery pursuant to the City's Master Canal Lease with the State of Ohio and for the placement of gas lines east of Main Street, between the Miami River and going south to Water Street as directed by the City Engineer, which said sub-lease is attached in draft form.

SECTION 2. Said Sub-lease shall be directed to the Ohio Department of Natural Resources, finding that the Master Lease requires such agency's approval of the sub-lease.

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

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

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

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

REBECCA J. COOL  
CITY COMMISSION CLERK

## ASSIGNMENT OF LEASE AGREEMENT

**THIS AGREEMENT IS MADE AND CONCLUDED** as of the latest date of acknowledgment of the parties' signatures hereto among the **STATE OF OHIO, by and through its duly authorized Agent, the OHIO DEPARTMENT OF NATURAL RESOURCES**, 2045 Morse Road, Columbus, Ohio 43229 (hereafter the "State of Ohio"), the **CITY OF PIQUA, OHIO**, an Ohio Municipal Corporation, 201 W. Water Street, Piqua, Ohio 45356 (hereafter "Piqua"), and **VECTREN ENEREGY DELIVERY OF OHIO, INC.**, an Ohio Utility Corporation, 1335 East Dayton Yellow-Springs Road, Fairborn, Ohio 45324, (hereafter "Vectren").

### Recitals

A. The State of Ohio is the owner of the real estate described on Exhibit "A" hereto (hereafter the "Premises") and the Ohio Department of Natural Resources is the State of Ohio's duly authorized Agent and the Ohio Department or Agency which has succeeded to the authority and responsibility of the Ohio Director of Highways and Superintendent of Public Works with respect to said Premises.

B. Piqua is the owner and holder of a leasehold interest in the Premises by virtue of a Canal Land Lease between the State of Ohio and Piqua dated March 30, 1926, which Canal Land Lease appears of record at Volume 7, Page 6 of the Lease Records of Miami County, Ohio (hereafter the "Canal Land Lease").

C. Upon the terms and conditions herein set forth, the City of Piqua desires to hereby sub-lease its right-of-way in the canal land to Vectren Energy Delivery of Ohio, Inc., for the purpose of placing gas lines.

**NOW, THEREFORE**, in consideration of the foregoing Recitals and the representations, certifications, warranties and mutual agreements of the parties herein contained, said parties do hereby agree as follows:

1. The foregoing Recitals are hereby made an integral part of this Agreement and are incorporated herein by reference.
2. Piqua hereby represents, certifies and warrants that:
  - (i) the Canal Land Lease is in full force and effect, has not been modified and represents the entire Agreement between the State of Ohio and Piqua with regard to the Premises;
  - (ii) Piqua is not in default of any obligations or duties under the Canal Land Lease;
  - (iii) no Notice of Default under the Canal Land Lease has been received by Piqua from the State of Ohio;
  - (iv) no Notice of Default under the Canal Land Lease has been given to the State of Ohio by Piqua;
  - (v) to the best of Piqua's knowledge, information and belief, no condition exists which might give rise to a default under the Canal Land Lease and no claim of any nature exists in favor of the State of Ohio under the

Canal Land Lease against Piqua or against the Premises;

3. The State of Ohio hereby represents, certifies and warrants that:
  - (i) the Canal Land Lease is in full force and effect, has not been modified and represents the entire Agreement between the State of Ohio and Piqua with regard to the Premises;
  - (ii) the State of Ohio is not in default of any obligations or duties under the Canal Land Lease;
  - (iii) no notice of Default under the Canal Land Lease has been received by the State of Ohio from Piqua.
  - (iv) no Notice of Default under the Canal Land Lease has been given to Piqua by the State of Ohio;
  - (v) to the best of the State of Ohio's knowledge, information and belief, no condition exists which might give rise to a default under the Canal Land Lease and no claim of any nature exists in favor of Piqua under the Canal Land Lease against the State of Ohio or against the Premises;
  - (vi) to the best of the State of Ohio's knowledge, information and belief, no condition exists which might give rise to a default under the Canal Land Lease and no claim of any nature exists in favor of the State of Ohio under the Canal Land Lease against Piqua or against the Premises;
4. Effective on the latest date of acknowledgment of the parties' signatures hereto, the City of Piqua sub-leases all of its rights, duties and obligations to Vectren Energy Delivery Of Ohio, Inc., who agrees to indemnify and save the City of Piqua harmless from any and all liabilities, of any nature whatsoever, which arise or accrue under the Sub-Lease from the effective date of this Sub-lease.
5. The State of Ohio hereby consents to the foregoing Sub-lease between the City of Piqua and Vectren Energy Delivery of Ohio, Inc., for the purpose of placing gas lines within the canal land between the Miami River and going south to Water Street, and at the direction of the City Engineer, however, such Sub-lease shall in no way affect the liabilities of Piqua to the State of Ohio under the Canal Land Lease and that Piqua shall remain liable for the prompt payment of the rent and performance of and compliance with all of the covenants and conditions to be completed and performed by Piqua under said Canal Land Lease, and that no assignment of the Canal Land Lease and no further sub-leasing of the Premises shall be made without the written consent of the State of Ohio.
6. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, representatives, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have set their hands on the dates indicated below.

**THE STATE OF OHIO, BY ITS DULY AUTHORIZED  
AGENT, OHIO DEPARTMENT OF**

**NATURAL RESOURCES**

By \_\_\_\_\_  
**Scott A. Zody, its Interim Director**

**THE CITY OF PIQUA, OHIO  
AN OHIO MUNICIPAL CORPORATION**

By \_\_\_\_\_  
Name: Gary A. Huff, City Manager

**VECTREN ENERGY DELIVERY OF OHIO,  
INC.  
an Ohio Utility Corporation**

By \_\_\_\_\_  
Name \_\_\_\_\_  
Its \_\_\_\_\_

And by \_\_\_\_\_  
Name \_\_\_\_\_  
Its \_\_\_\_\_

**STATE OF OHIO  
COUNTY OF \_\_\_\_\_, SS:**

Before me, a Notary Public in and for said County and State, personally appeared the above named **STATE OF OHIO, BY ITS AUTHORIZED AGENT, THE OHIO DEPARTMENT OF NATURAL RESOURCES**, by Scott A. Zody, its Interim Director, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed individually and the duly authorized free act and deed of the State of Ohio and of the Ohio Department of Natural Resources..

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

**STATE OF OHIO,  
MIAMI COUNTY, SS:**

Before me, a Notary Public in and for said County and State, personally appeared the above named **THE CITY OF PIQUA, OHIO**, an Ohio Municipal Corporation, by Gary A. Huff, its City Manager, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed individually and the duly authorized free act and deed of The City of Piqua, Ohio, an Ohio Municipal Corporation.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

**STATE OF OHIO,**  
**COUNTY OF \_\_\_\_\_, SS:**

Before me, a Notary Public in and for said County and State, personally  
appeared the above named **VECTREN ENERGY DELIVERY OF OHIO, INC.**, an Ohio  
Utility Corporation, by \_\_\_\_\_, its \_\_\_\_\_ and by  
\_\_\_\_\_, its \_\_\_\_\_ who each acknowledged that he/she did  
sign the foregoing instrument and that the same is his/her free act and deed individually and the  
duly authorized free act and deed of Fifth Third Bank, an Ohio Banking Corporation.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

**This instrument prepared by:**  
**Stacy M. Wall, City Law Director**  
**Registration Number 0070114**



Vectren Energy Delivery of Ohio, Inc.  
1335 East Dayton Yellow Springs Road  
Fairborn, Ohio 45324

May 23, 2012

Mr. Christopher Schmiesing  
City Planner  
201 West Water Street  
Piqua, Ohio 45356

Chris,

Vectren Energy Delivery is requesting the City of Piqua grant a sub- lease to place a new polyethylene "plastic" natural gas line in the existing canal right-of- way. The requested location would be east of Main street between the Miami river going south to Water Street .

Vectren Energy Delivery, under our Bare Steel/Cast Iron replacement program (BS/CI), has selectively replaced the older gas infrastructure throughout our service territories for the past four years. For 2012, Vectren has completed two BS/CI projects in Piqua replacing 3,755 feet of gas mains and 140 services. The proposed project for Main Street involves the installation of 6,245' of gas main and 106 services replacements and meter re-locations.

Vectren leadership has worked hard building partnerships with city representatives to ensure the areas we have selected did not conflict with city paving plans and schedules. Recently Vectren was notified by Piqua's Engineering staff that Main Street would be re-surfaced from Riverside Drive to Wood Street , an area which Vectren had scheduled as a 2013 main replacement project, asking if we could somehow replace the natural gas lines on Main street earlier than scheduled to enable the city to complete the re-surfacing of Main Street as scheduled.

Vectrens Engineering Manager and Construction Supervisors have worked hard to develop preliminary plans to meet the Cities request. It was realized early on that placing meters outside in front of the Downtown Businesses was less than desirable to the City and the business owners. The only other option was installation of the gas lines in the rear of these properties.

This sub-lease agreement is essential so Vectren can provide the City of Piqua's Business District with safe and reliable gas service as well as being aesthetically pleasing to the property owners and patrons visiting Piqua. By granting the sub lease Vectren will be able to install the new natural gas facility in the rear of the businesses therefore placing the new outside meter settings in less conspicuous locations.

Respectfully,

George S. Lackens  
Senior Operations Supervisor BS/CI  
1335 Dayton-Yellow Springs Rd.  
Fairborn, Ohio 45324  
937-440-1820