

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, DECEMBER 4, 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**

**PROCLAMATION - Congratulations to 1570 WPTW AM – Muzzy Broadcasting  
for 65 years in the City of Piqua**

**REGULAR CITY COMMISSION MEETING**

**CONSENT AGENDA**

1. **APPROVAL OF MINUTES**  
Approval of the minutes from the November 20, 2012 Regular City Commission Meeting
2. **RES. NO. R-147-12**  
A Resolution for preliminary legislation with the Ohio Department of Transportation (ODOT) for the resurfacing of I-75 from Statler Road Bridge to the Miami-Shelby County Line
3. **RES. NO. R-148-12**  
A Resolution for preliminary legislation with the Ohio Department of Transportation (ODOT) for bridge repairs on SR 66
4. **RES. NO. R-149-12**  
A Resolution for preliminary legislation with the Ohio Department of Transportation (ODOT) for guardrail work along US 36

**OLD BUSINESS**

5. **ORD. NO. 23-12 (3<sup>rd</sup> Reading)**  
An Ordinance amending Chapter 34 of the Piqua Municipal Code to reflect City procedure and changes in the Ohio Revised Code
6. **ORD. NO. 25-12 (2<sup>nd</sup> Reading)**  
An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain municipal employees
7. **ORD. NO. 26-12 (2<sup>nd</sup> Reading)**  
An Ordinance repealing Schedule A-1 of Chapter 33 of the Piqua Code and adopting a new Schedule A-1 of Chapter 33 of the Piqua Code, relating to wages of certain municipal employees
8. **ORD. NO. 27-12 (2<sup>nd</sup> Reading)**  
An Ordinance repealing existing Chapter 33.08 – Insurance and enacting a new Chapter 33.08 of the Piqua Code, relating to employee policy

9. ORD. NO. 28-12 (2<sup>nd</sup> Reading)

An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2013

**NEW BUSINESS**

10. RES. NO. R-146-12

A Resolution authorizing purchase orders to Chemical Services Inc., Huron Lime, Inc. Marubeni Specialty Chemicals, Inc., Univar USA Inc., City of Dayton for the 2013 purchase of various water treatment chemicals

11. RES. NO. R-150-12

A Resolution strongly opposing the passage of HB 601 by the Ohio General Assembly which proposes uniformity measures for Municipal Income Tax in the form of unfunded mandates and a substantial loss of revenue, and declaring an emergency

**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. Public Works Department Update

**COMMISSIONERS COMMENT**

**ADJOURNMENT**

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday NOVEMBER 20, 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 Martin, Vogt, Terry, and Wilson. Absent: None.

**REGULAR CITY COMMISSION MEETING**

**Consent Agenda**

Approval of the minutes from the November 6, 2012 Regular Piqua City Commission Meeting

Moved by Commissioner Martin, seconded by Commissioner Vogt, to approve the Minutes from the November 6, 2012 Regular Piqua City Commission Meeting. Voice vote, Aye: Wilson, Vogt, Terry, Martin, and Fess. Nay: None. Motion carried unanimously.

**ORD. NO. 23-12 (2nd READING)**

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

Law Director Stacy Wall stated this amends Chapter 34 of the Municipal Code defining city procedures for contracts. Currently any purchase of \$25,000 or more must come before the City Commission for approval. This Ordinance would amend the dollar amount from \$25,000 to \$50,000 for a purchase that would come to the City Commission for approval. Ms. Wall stated this does not change the bidding process in any way, as the lowest bidder should still receive the bid. This is just changing when the expenditure has to come before the City Commission for approval. These changes are in line with House Bill 509 adopted on June 26, 2012, and will bring the City Code in line with the Ohio Revised Code, stated Ms. Wall.

Mayor Fess stated she received one email regarding the change in the amount stating the citizen feels it is appropriate to make the change to help speed up the purchase process in the future.

Several questions were raised concerning the increased amount and if it would help to speed processing contracts up or not. It was noted the city staff feels by having the amount increased it would help to meet deadlines on contracts and expedite the process. Mayor Fess commented that most of the surrounding communities have already adopted this, and feels the city staff is fiscally responsible.

Commissioner Terry stated most of the contracts that come before the City Commission now are usually over the \$25,000 limit, further stating she trusts the judgment of the city staff.

Commissioner Vogt stated he believes the city staff does an excellent job, but stated the citizens want to know what is happening with their money and feels raising the amount up to \$50,000 would be letting the citizens down.

Commissioner Wilson stated he has received a few comments about keeping the amount at \$25,000, further stating that if citizens do not like what the Commissioners are doing they can be voted out, but a staff person cannot.

**Public Comment**

No one came forward to speak for or against Ordinance No. 23-12.

After a brief discussion Ordinance No. 23-12 was given a second reading.

**ORD. NO. 25-12 (1<sup>ST</sup> READING)**

An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain municipal employees

Elaine Barton Human Resources Director explained this resolution is adjusting the pay schedule for non-union employees beginning January 2013. It has been at least four years since the pay steps for the non-union positions covered by Schedule A have been increased. Ordinance No. 25-12 would increase the pay steps by 3.25% for all 37 full-time non-union positions.

After a brief discussion Ordinance No. 25-12 was given a first reading.

**ORD. NO. 26-12 (1<sup>ST</sup> READING)**

An Ordinance repealing Schedule A-1 of Chapter 33 of the Piqua Code and adopting a new Schedule A-1 of Chapter 33 of the Piqua Code, relating to wages of certain municipal employees

Elaine Barton Human Resource Director explained the State of Ohio has increased the minimum wage rate effective January 1, 2013 from \$7.70 per hour to \$7.85 per hour, which amounts to a 2% increase. The pay rates for the positions on Schedule A-1 have not been increased in several years (except for minimum wage) and a 2% increase has been applied to all positions.

After a brief discussion Ordinance No. 26-12 was given a first reading.

**ORD. NO. 27-12 (1<sup>ST</sup> READING)**

An Ordinance repealing existing Chapter 33.08 –Insurance and enacting a new Chapter 33.08 of the Piqua Code, relating to employee policy

Elaine Barton Human Resource Director explained this would set the health savings account (HAS) or health reimbursement account (HRA) contributions and the premium share for the City as well as for the non-union employees for the 2013 benefit year. The City will contribute 75% of the deductible into a HAS or HRA and will contribute 85% of the total cost of the plan leaving 15% for the employees to pay. The employee will be able to earn additional contribution to their HAS or HRA by participating in certain wellness activities, stated Ms. Barton.

After a brief discussion Ordinance No. 27-12 was given a first reading.

**ORD. NO. 28-12 (1<sup>ST</sup> READING)**

An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2013

City Manager Huff stated this is the first reading authorizing appropriations for the budget year 2013 for all operations and departments in the City. The first budget meeting was held on November 15, and a second one is scheduled for Monday, November 26, 2012 at 6:00 P.M., and is open to the public, stated City Manager Huff.

After a brief discussion Ordinance No. 28-12 was given a first reading.

**RES. NO. R-143-12**

A Resolution of Intent to Vacate Public Right-Of-Way

Assistant City Manager/Economic Development Director Bill Murphy explained the applicant would like to vacate a portion of Downing Street right of way located south of Meteor Street. The right of

way is not improved with transportation infrastructure, and is not essential to the public transportation.

**Public Comment**

No one came forward to speak for or against Resolution No. R-143-12.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-143-12 be adopted. Roll call, Aye: Martin, Fess, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-143-12 adopted.

**RES. NO. R-144-12**

A Resolution requesting authorization to enter into a contract with Burch Hydro, Inc. for services of the Wastewater Plant Biosolids removal and land application.

Wastewater Plant Superintendent Dave Davis explained that currently the Wastewater Treatment Plant contracts with Burch Hydro to remove and apply Wastewater Plant biosolids to OEPA approved farmland as fertilizer. This was sent out for bid and the bids received would all perform the same services for the next 3 years at the bid prices indicated. Synagro was the previous service supplier for over 6 years prior to Burch Hydro, but they chose not to bid along with one other service supplier.

Mr. Davis was asked to explain what Biosolids are and gave a brief explanation on what they are, and how they are disposed of.

**Public Comment**

No one came forward to speak for or against Resolution No. R-144-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. 144-12 be adopted. Roll call, Aye: Fess, Terry, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution R-144-12 adopted.

**RES. NO. R-145-12**

A Resolution acquiring the services of CDM Smith to provide professional engineering services for water treatment plant detailed design and bidding phase, engineering services

Water System Superintendent Don Freisthler explained the city went out for RFQ's receiving only three responses, and interviewed all three of them. CDM Smith was selected and a contract has been submitted for review. The contract with CDM Smith consist of the Final Design Study and Evaluation Report, Detailed Design Plans that will be submitted to the State and any changes required to receive approval of the Detailed Design and will cover the bid documents and negotiations with the contractor. Part of the Final Study will include the feasibility of doing a partial treatment of the water with a GAC unit. This would help to keep the city in compliance with the Ohio EPA while the new plant is under construction, and will show the EPA that the City is doing everything possible to meet the new regulations. We must continue to stay focused on the new THM regulation that comes into effect October 2013.

Bob Yoxthimer of CDM was in attendance coming forward and giving a brief overview of the plans and the different stages of the process.

After a brief discussion and questions it was noted that the project would take about 18 months after construction begins, and should be completed by the end of 2016. Mayor Fess stated the city has always had a good history with CDM Smith over the years they have worked with them.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No.145-12 be adopted. Roll call, Aye: Terry, Wilson, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution R-145-12 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.

Linda Stout, Gordon Street came forward and expressed her concerns about the building located at the point on Covington Avenue and Wood Street being in a state of disrepair, and feels it is an eyesore for the neighborhood. Ms. Stout asked what the plans were for the building, if any.

City Manager Huff explained that the property in question is going to be taken down, but that the City is using CDBG Funds and there are certain guidelines and steps that have to be completed first.

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

Economic Development Update – Bill Murphy Assistant City Manager/Economic Development

Mr. Murphy started out by explaining what Economic Development is and provided information on Job Creation, Job Retention, Tax Base Enhancement, Quality of Life, Success Stories, the 2012 Work Plan adopted by Grow Piqua Now, the 2012 Retention and Expansion plan, also provided 2012 year to day permit activity, project summaries highlighting companies that have expanded recently. Looking to 2013 Mr. Murphy gave a brief overview of their expectations in development, including work on 5 development projects that include the demolition of the Piqua Memorial Hospital site, Power Plant, East Ash Street Project, Co. Rd. 25-A North Project, and the Co. Rd. 25-A South Project.

Commissioner Wilson asked if the city has been rated on what new companies would like to see in Piqua to make them want to locate their companies here. Mr. Murphy explained how that was accomplished. City Manager Huff stated the City is in the process of completing a new branding initiative along with strategies on marketing and assets.

City Manager Huff stated a Housing Enhancement League was formed to provide assistance to residential property owners to enhance housing and improve neighborhoods, and gave a brief overview of the new program.

City Manager Huff announced work would begin on the Bike Path Bridge over the river that was damaged by fire a few months ago on November 26, and the work should be completed in about 30 days.

City Manager Huff stated for the first time the City of Piqua would have a float in the December 8<sup>th</sup> Holiday Parade. Also the City offices will be closed on Thursday November 22 and Friday November 23 for the Thanksgiving Holiday. Refuse and recycling will be picked up a day late due to the holiday, stated City Manager Huff.

### **Commissioners Comments**

Commissioner Terry stated the Christmas lights downtown look very nice and reminded citizens Santa arrives on Saturday, December 8<sup>th</sup>, 2012. Commissioner Terry also reminded citizens to shop locally and support the downtown businesses, further stating she attended the Upper Valley Career Center rededication recently and encouraged citizens to stop out and enjoy lunch at the new restaurant. Commissioner Terry also attended the Eagle Scout ceremony for Robby Bloom at the Heritage Green further stating he did an outstanding job. Commissioner Terry wished everyone a Happy Thanksgiving.

Mayor Fess wished everyone a Happy Thanksgiving, and asked citizens to remember Commissioner Vogt's wife Patty in their thoughts and prayers as she is facing a very difficult health problem at this time.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting into Executive Session at 8:35 P.M. to consider the appointment, employment, dismissal, discipline or compensation of the City Manager. Roll Call vote, Aye: Martin, Fess, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously to move into Executive Session.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Executive Session at 9:43 P.M. Voice vote, Aye: Martin, Fess, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously to move from the Executive Session

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Regular Piqua City Commission Meeting at 9:45 P.M. Voice vote, Aye: Martin, Fess, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously.

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

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

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

## RESOLUTION NO. R-147-12

### A RESOLUTION FOR PRELIMINARY LEGISLATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RESURFACING OF I-75 FROM STATLER ROAD BRIDGE TO THE MIAMI-SHELBY COUNTY LINE

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to complete the programming on a project proposing spot paving and resurfacing on I-75 within the City of Piqua.

#### SEC. 1: Project Description

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

To do spot paving and resurfacing in the City of Piqua from Straight Line Mileage 15.694 to the Miami-Shelby County Line, Straight Line Mileage 17.951, in the City of Piqua, Miami County, Ohio. Said project is further identified as **MIA/SHE IR 75 14.15/0.00.**

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

#### SEC.2: Consent Statement

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

#### SEC. 3: Cooperation Statement

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

The CITY has no obligation for costs for the project as described in Section I. ODOT will provide all Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the CITY also agrees to assume and bear one-hundred percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the CITY. The City shall adjust any existing castings, as required, with City forces.

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

The CITY agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and

Federal regulations. The CITY also understands that right-of-way costs include eligible utility costs.

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

SEC. 5: Maintenance

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

SEC. 6: Authority to Sign

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

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

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

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	December 4, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	Preliminary Consent Legislation with the Ohio Department of Transportation (ODOT) for the resurfacing of I-75.		
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, City Engineer		
	Department: Engineering		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	ODOT will be performing spot paving and resurfacing on I-75 from the Statler Road Bridge to the Miami-Shelby County Line. As with all ODOT projects, they require the permission of the local entity prior to commencement of work within that entities corporation limit.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:		
	<b>Narrative:</b>	There is no financial participation required of the City for the completion of this project.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the Resolution to allow the City Manager to enter into an agreement with ODOT.	
	2.	Do not approve the Resolution and have ODOT abandon the portion of the resurfacing that falls within the City of Piqua corporation limits.	
	3.		
	4.		
<b>PROJECT TIMELINE</b>	This project is scheduled for Bid Letting in State Fiscal Year 2014.		
<b>STAFF RECOMMENDATION</b>	Approve the resolution to allow for ODOT to complete the resurfacing of I-75.		
<b>ATTACHMENTS</b>			

RESOLUTION NO. R-148-12

**A RESOLUTION FOR PRELIMINARY LEGISLATION  
WITH THE OHIO DEPARTMENT OF  
TRANSPORTATION (ODOT) FOR BRIDGE  
REPAIRS ON SR 66**

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to complete the programming on a project proposing for bridge repairs on SR 66 within the City of Piqua.

SEC. 1: Project Description

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

Repair anode edges, anode abutments and encase piers on Structure File Number 5501652 MIA 66 0226 in the City of Piqua, Miami County, Ohio. Said project is further identified as **D07 BH FY 16 Part 2.**

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

SEC.2: Consent Statement

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

SEC. 3: Cooperation Statement

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

The CITY has no obligation for costs for the project as described in Section I. ODOT will provide all Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the CITY also agrees to assume and bear one-hundred percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the CITY. The City shall adjust any existing castings, as required, with City forces.

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

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

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

SEC. 5: Maintenance

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

SEC. 6: Authority to Sign

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

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

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

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	December 4, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	Preliminary Consent Legislation with the Ohio Department of Transportation (ODOT) for bridge repairs on SR 66.		
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, City Engineer Department: Engineering		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	ODOT will be performing bridge repairs to Structure File Number 5501652 MIA 66 0226 located north of the Water Treatment Plant on SR 66. The project will consist of repairing anode edges and abutments and encasing the piers. As with all ODOT projects, they require the permission of the local entity prior to commencement of work within that entities corporation limit.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:		
	<b>Narrative:</b>	There is no financial participation required of the City for the completion of this project.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the Resolution to allow the City Manager to enter into an agreement with ODOT.	
	2.	Do not approve the Resolution and have ODOT abandon the bridge repair project.	
	3.		
	4.		
<b>PROJECT TIMELINE</b>	This project is scheduled for Bid Letting in State Fiscal Year 2016.		
<b>STAFF RECOMMENDATION</b>	Approve the resolution to allow for ODOT to complete the bridge repairs.		
<b>ATTACHMENTS</b>			

## RESOLUTION NO. R-149-12

### A RESOLUTION FOR PRELIMINARY LEGISLATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR GUARDRAIL WORK ALONG US 36

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to complete the programming on a project proposing an upgrade to guardrail work along US 36 within the City of Piqua.

#### SEC. 1: Project Description

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

Upgrade of non-crashworthy guardrail end terminals on United States Route 36 Straight Line Mileage 11.18 to 11.46, plus or minus, within the City of Piqua, Miami County, Ohio. Said project is further identified as **D07 Systematic GR FY 13.**

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

#### SEC.2: Consent Statement

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

#### SEC. 3: Cooperation Statement

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

The CITY has no obligation for costs for the project as described in Section I. ODOT will provide all Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the CITY also agrees to assume and bear one-hundred percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the CITY. The City shall adjust any existing castings, as required, with City forces.

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

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

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

**SEC. 5: Maintenance**

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

**SEC. 6: Authority to Sign**

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

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

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

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	December 4, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	Preliminary Consent Legislation with the Ohio Department of Transportation (ODOT) for guardrail work along US 36 within the City of Piqua.		
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, City Engineer Department: Engineering		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	ODOT will be upgrading the non-crashworthy guardrail end terminals along the E. Ash Street Bridge over the Great Miami River. As with all ODOT projects, they require the permission of the local entity prior to commencement of work within that entities corporation limit.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:		
	<b>Narrative:</b>	There is no financial participation required of the City for the completion of this project.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the Resolution to allow the City Manager to enter into an agreement with ODOT.	
	2.	Do not approve the Resolution and ODOT will not complete the guardrail improvements.	
	3.		
	4.		
<b>PROJECT TIMELINE</b>	This project is scheduled for Bid Letting in State Fiscal Year 2013.		
<b>STAFF RECOMMENDATION</b>	Approve the resolution to allow for ODOT to complete the guardrail improvements.		
<b>ATTACHMENTS</b>			

## ORDINANCE NO. 23-12

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

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

WHEREAS, currently the City of Piqua requires advertisement for bids for any purchase of goods, supplies or services in excess of \$25,000 at least once, not less than 48 hours before the opening of bids, in a newspaper of general circulation in the city; and

WHEREAS, HB 509 became effective June 26, 2012, amending the contractual requirement for public services from \$25,000 to \$50,000.

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

SECTION 1. That the City of Piqua hereby amends Chapter 34, Section 34.19 of the Piqua Municipal Code as set forth below: (proposed language is underlined and language to be deleted is struck)

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

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

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

#### **PURCHASE OF SUPPLIES**

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

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

repaid by the several departments, divisions, and offices as they receive the supplies upon a requisition.

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

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

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

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

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

No purchase of goods, supplies, or services, or a contract for providing labor for any work under the supervision of streets or public service in excess of \$50,000 ~~\$25,000~~ shall be made until and unless a written contract authorized by the City Commission with the lowest and best bidder has been established after advertisement for not less than two nor more than four consecutive weeks ~~advertisement for bids has been published at least once, not less than 48 hours before the opening of bids in a newspaper of general circulation in the city or as provided in Section 7.16 of the Revised Code,~~ all subject to section 46 of the Charter. However, advertisement shall not be required when:

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

(D) The purchase is from the federal or state government or agency thereof, or from any political subdivision;

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

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

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

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

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

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

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

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

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

(A) *Definitions.*

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

(2) **NON-PROFESSIONAL SERVICES.** Janitorial and general maintenance service orders including those for fleet management, buildings, and mowing. In addition, city printing

services would be included in this category. Any prevailing wage project would not be considered part of this definition.

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

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

(C) *Ties.*

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

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

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

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

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

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

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

PREFERENCE CLAIMED – City Bidder/Supplier

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

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

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

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

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

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

**TESTIMONY AND AUTHORIZATION**

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

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

\_\_\_\_\_  
Date

**§ 34.23 JOINT PURCHASING PROGRAM.**

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

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

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

(D) If the expenditure of funds for the purchase of equipment, material, supplies, or services under the proposal available through participation in a joint purchasing program exceeds the amount specified by ordinance for which such purchases or services may be

accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance.

## **SALE OF PROPERTY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) By live public auction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) In the alternative, the city may keep the property, or the Chief of Police may contribute proceeds, in full or part, from the auction (see division (A)) to a recognized citizens reward program for use exclusively for the payment of rewards or the Chief of Police may contribute the property to one or more public or nonprofit agencies (provided no part of the net income inures to the benefit of any private agency's shareholder or individual and no substantial part of the

agency's activities consist of promulgating propaganda or otherwise attempting to influence legislation or to one or more organizations satisfying IRC 501(c)(3) or (c)(19).

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

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

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

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

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

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

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

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

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

(4) Obscene materials shall be destroyed.

(5) Any other item of personal or real property forfeited under any law of the United States or the State of Ohio or ordinance of this city may be retained by the city for its own use.

If not so retained and if the optional procedure of disposal under state statute is not used (see division (B) of this section) the property shall be disposed of under § 34.33 or § 34.38 above.

**§ 34.40 REIMBURSEMENT OF CITY EXPENSES.**

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

**LAND REUTILIZATION PROGRAM**

**§ 34.50 LAND REUTILIZATION PROGRAM ESTABLISHED.**

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

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

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

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

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

1<sup>st</sup> Reading 11-06-2012

2<sup>nd</sup> Reading 11-20-2012

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

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

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

REBECCA J. COOL  
CITY COMMISSION CLERK



# Commission Agenda Staff Report

<b>MEETING DATE</b>	November 20, 2012 December 4, 2012 (2 <sup>nd</sup> Reading)		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	<b>AN ORDINANCE AMENDING CHAPTER 34 OF THE PIQUA MUNICIPAL CODE TO REFLECT CITY PROCEDURE AND CHANGES IN THE OHIO REVISED CODE</b>		
<b>SUBMITTED BY</b>	Name & Title: Stacy Wall, Law Director Department: Law		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>Chapter 34 of the Piqua Municipal Code governs bidding and contractual requirements. House Bill 509 became effective June 26, 2012, which amended Ohio Revised Code §735.05 to require contracts or expenditures in excess of \$50,000 to be authorized by municipal authority. Section 735.05 states in part:</p> <p>“The director of public service may make any contract, purchase supplies or material, or provide labor for any work under the supervision of the department of public service involving not more than fifty thousand dollars. When an expenditure within the department, other than the compensation of persons employed in the department, exceeds <i>fifty thousand</i> dollars, the expenditure shall first be authorized and directed by ordinance of the city legislative authority.” (Emphasis added)</p> <p>HB 509 amended the statutory amount from \$25,000 to \$50,000 for cities, townships, counties and the State government. This amendment makes the City’s ordinance with current statutory authority.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	N/A	
	Expenditure \$:	N/A	
	Source of Funds:		
	<b>Narrative:</b>		
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the Ordinance after three readings	
	2.	Reject the Ordinance and leave the approval amount at \$25,000	
	3.		
	4.		
<b>PROJECT TIMELINE</b>	Staff recommends three readings of the ordinance, which would make the Ordinance effective in line with a new budget year.		

<b>STAFF RECOMMENDATION</b>	Staff recommends approval of the Ordinance to make the City authority consistent with contractual authority throughout the State for all levels of government.
<b>ATTACHMENTS</b>	

**ORDINANCE NO. 25-12**

**AN ORDINANCE REPEALING SCHEDULE A OF  
CHAPTER 33 OF THE PIQUA CODE AND ADOPTING  
A NEW SCHEDULE A OF CHAPTER 33 OF THE PIQUA  
CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL  
EMPLOYEES**

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

SEC. 1: Schedule A of Chapter 33 of the Piqua Code, as adopted by Ordinance No. 20-10, is hereby repealed; and

SEC. 2: Schedule A of Chapter 33 of the Piqua Code (appended hereto as Exhibit "D") is hereby adopted;

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

**1<sup>st</sup> Reading 11-20-2012**

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

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	November 20, 2012 December 4, 2012 (2 <sup>nd</sup> Reading)		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	ORDINANCE NO. 25-12 AN ORDINANCE REPEALING SCHEDULE A OF CHAPTER 33 OF THE PIQUA CODE AND ADOPTING A NEW SCHEDULE A OF CHAPTER 33 OF THE PIQUA CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL EMPLOYEES		
<b>SUBMITTED BY</b>	Name & Title: Elaine G. Barton Department: Human Resources		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
<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 type="checkbox"/> Other:	
<b>BACKGROUND</b> (Includes description, background, and justification)	It has been several years (at least four) since the pay steps for the non-union positions covered by Schedule A have been increased. The unions have received increases as follows: AFSCME (Blue Collar) and AFSCME (Clerical) awarded 3.25% effective 10/1/12; IAFF (Fire Officers) and IAFF (Firefighters) awarded 3.25% effective 1/1/12; FOP (Patrol Officers) awarded 3% effective 3/1/12; FOP (Civilian) awarded 3% effective 1/1/12; and OPBA (Police Command Officers) awarded 3% effective 1/1/12. This Ordinance would increase the pay steps by 3.25% for all non-union positions which at this time represents 37 full-time employees.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	Appropriated within the 2013 budget	
	Expenditure \$:		
	Source of Funds:	Various funds	
	<b>Narrative:</b>		
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Adopt Ordinance No. 25-12	
	2.	Reject Ordinance No. 25-12	
	3.	Provide staff with alternate recommendation	
	4.		
<b>PROJECT TIMELINE</b>	January 1, 2013		
<b>STAFF RECOMMENDATION</b>	Adopt Ordinance No. 25-12 to increase the pay steps of non-union positions to allow these positions to keep pace with increases previously awarded to union employees.		
<b>ATTACHMENTS</b>	Schedule A		

Class Code	EFFECTIVE January 1, 2013 CLASSIFICATION/TITLE	PAY RANGE	SCHEDULE A			"Exhibit D"		
			STEP A	STEP B	STEP C	STEP D	STEP E	STEP F
	<b>Non-exempt positions: (hourly rate)</b>							
105	Custodian	21	13.6396	14.3218	15.0372	15.7897	16.5791	17.4083
108	Administrative Secretary	29	16.5014	17.3264	18.1927	19.1022	20.0571	21.0602
109	Human Resources Assistant	29	16.5014	17.3264	18.1927	19.1022	20.0571	21.0602
110	Executive Secretary	36	18.4465	19.3683	20.3374	21.3535	22.4218	23.5427
112	Administrative Coordinator	36	18.4465	19.3683	20.3374	21.3535	22.4218	23.5427
113	Contract & Administrative Specialist	29	16.5014	17.3264	18.1927	19.1022	20.0571	21.0602
	<b>Exempt positions: (weekly salary)</b>							
150	Acct. & Income Tax Mgr.	52	1090.65	1145.16	1202.44	1262.56	1325.71	1391.98
153	Utility Billing Office Manager	50	1038.25	1090.17	1144.67	1201.92	1261.99	1325.09
155	Dir.of Finance & Inc. Tax. Admin.	67	1504.58	1579.84	1658.81	1741.74	1828.86	1920.30
157	Purchasing Analyst II	46	941.73	988.81	1038.25	1090.17	1144.68	1201.92
158	Purchasing Analyst I	43	809.88	850.38	892.90	937.54	984.42	1033.65
160	Law Director	67	1504.58	1579.84	1658.81	1741.74	1828.86	1920.30
165	Human Resources Director	58	1240.21	1302.23	1367.32	1435.68	1507.48	1582.83
171	Community Development Director	52	1090.65	1145.16	1202.44	1262.56	1325.71	1391.98
170	Development Program Manager	51	1063.89	1117.08	1172.94	1231.59	1293.19	1357.82
180	Economic Development Director	58	1240.21	1302.23	1367.32	1435.68	1507.48	1582.83
206	Engineering Technician IV	45	919.04	964.98	1013.22	1063.88	1117.07	1172.93
207	City Engineer	58	1240.21	1302.23	1367.32	1435.68	1507.48	1582.83
208	City Planner	51	1063.89	1117.08	1172.94	1231.59	1293.19	1357.82
209	Public Works Director	58	1240.21	1302.23	1367.32	1435.68	1507.48	1582.83
307	Director of Information Tech.	62	1350.84	1418.40	1489.33	1563.80	1641.95	1724.05
403	Golf Professional *	36	737.86	774.73	813.50	854.14	896.87	941.71
402	Recreation Coordinator	43	809.88	850.38	892.90	937.54	984.42	1033.65
404	Park/Recreation Manager	45	919.04	964.98	1013.22	1063.88	1117.07	1172.93
405	Park/Recreation Superintendent	51	1063.89	1117.08	1172.94	1231.59	1293.19	1357.82
501	Health & Sanitation Director	58	1240.21	1302.23	1367.32	1435.68	1507.48	1582.83
504	Sanitarian II	44	896.90	941.75	988.84	1038.27	1090.19	1144.70
507	Sanitarian	43	809.88	850.38	892.90	937.54	984.42	1033.65
510	Code Enforcement Officer	43	809.88	850.38	892.90	937.54	984.42	1033.65
610	Police Chief	67	1827.07	1845.36	1863.81	1882.44	1901.26	1920.30
660	Fire Chief	67	1827.07	1845.36	1863.81	1882.44	1901.26	1920.30
705	Assistant Street Superintendent	46	941.73	988.81	1038.25	1090.17	1144.68	1201.92
706	Street Superintendent	51	1063.89	1117.08	1172.94	1231.59	1293.19	1357.82
810	Water Distribution Supervisor	44	896.90	941.75	988.84	1038.27	1090.19	1144.70
820	Water System Superintendent	51	1063.89	1117.08	1172.94	1231.59	1293.19	1357.82
830	Storm Water Coordinator	46	941.73	988.81	1038.25	1090.17	1144.68	1201.92
845	Wastewater System Superintendent	51	1063.89	1117.08	1172.94	1231.59	1293.19	1357.82
846	Underground Utilities Superintendent	51	1063.89	1117.08	1172.94	1231.59	1293.19	1357.82
848	Utilities Director	58	1240.21	1302.23	1367.32	1435.68	1507.48	1582.83
874	Power Plant Assistant Manager	52	1090.65	1145.16	1202.44	1262.56	1325.71	1391.98
881	Associate Engineer	52	1090.65	1145.16	1202.44	1262.56	1325.71	1391.98
890	Power Distribution Manager	57	1231.58	1293.18	1357.81	1425.72	1497.01	1571.86
892	Electrical Engineer	62	1350.84	1418.40	1489.33	1563.80	1641.95	1724.05
893	Asst. Power System Director	65	1497.01	1571.86	1650.43	1732.96	1819.60	1910.59
894	Power System Director	70	1641.92	1724.02	1810.23	1900.75	1995.77	2095.58
895	Assistant City Manager	67	1504.58	1579.84	1658.81	1741.74	1828.86	1920.30
896	Asst. City Manager/Development	67	1504.58	1579.84	1658.81	1741.74	1828.86	1920.30
897	Asst. City Manager/Administration	70	1641.92	1724.02	1810.23	1900.75	1995.77	2095.58

\* Plus 50% of net margin on all sales of golf accessories & mdse.

**ORDINANCE NO. 26-12**

**AN ORDINANCE REPEALING SCHEDULE A-1 OF  
CHAPTER 33 OF THE PIQUA CODE AND ADOPTING  
A NEW SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA  
CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL  
EMPLOYEES**

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

SEC. 1: Schedule A-1 of Chapter 33 of the Piqua Code, as adopted by Ordinance  
No. 14-11, is hereby repealed; and

SEC. 2: Schedule A-1 of Chapter 33 of the Piqua Code (appended hereto as  
Exhibit "E") is hereby adopted;

SEC. 3: This Ordinance shall take effect and be in force from and after  
January 1, 2012.

**1<sup>st</sup> Reading 11-20-2012**

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

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	November 20, 2012 December 4, 2012 (2 <sup>nd</sup> Reading)		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	ORDINANCE NO. 26-12 AN ORDINANCE REPEALING SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA CODE AND ADOPTING A NEW SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL EMPLOYEES.		
<b>SUBMITTED BY</b>	Name & Title: Elaine G. Barton Department: Human Resources		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
<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 type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	The State of Ohio has increase minimum wage effective January 1, 2013 from \$7.70 per hour to \$7.85 per hour. This amounts to a 2% increase for those positions currently at minimum wage. As the pay rate for the positions on Schedule A-1 have not been increased in several years (except for minimum wage) a 2% increase has been applied to all positions.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	Appropriated in the 2013 budget	
	Expenditure \$:		
	Source of Funds:	Various funds	
	<b>Narrative:</b>		
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Adopt Ordinance No. 26-12	
	2.	Reject Ordinance No. 26-12	
	3.	Provide staff with an alternate recommendation	
	4.		
<b>PROJECT TIMELINE</b>	January 1, 2013		
<b>STAFF RECOMMENDATION</b>	The pay rates for positions currently at minimum wage must be increased to the new minimum wage rate. As the other pay rates for positions listed on Schedule A-1 have not been increased in several years, it is recommended that Ordinance No. 26-12 be adopted so that the other positions can keep pace with those covered by minimum wage.		
<b>ATTACHMENTS</b>	Schedule A-1		



Department  
of Commerce

# NEWS RELEASE

John R. Kasich, Governor

David Goodman, Director  
Department of Commerce

FOR IMMEDIATE RELEASE  
SEPTEMBER 28, 2012

Contact: Dennis Ginty at (614) 644-9564

## OHIO MINIMUM WAGE SET TO INCREASE ON JANUARY 1, 2013

Ohio's minimum wage is scheduled to increase on January 1, 2013 to \$7.85 per hour for non-tipped employees and to \$3.93 per hour for tipped employees, plus tips.

The 2012 Ohio minimum wage is \$7.70 per hour for non-tipped employees and \$3.85 for tipped employees, plus tips.

On January 1, 2013, the increased minimum wage will apply to employees of businesses with annual gross receipts of more than \$288,000 per year. The 2012 Ohio minimum wage applies to employees of businesses with annual gross receipts of more than \$283,000 per year.

The Constitutional Amendment passed by Ohio voters in November 2006 states that Ohio's minimum wage shall increase on January 1 of each year by the rate of inflation. The state minimum wage is tied to the Consumer Price Index (CPI) for urban wage earners and clerical workers for the 12-month period prior to September. This CPI index rose 1.7 percent from September 1, 2011 to August 31, 2012. The Amendment also states that the wage rate for non-tipped employees shall be rounded to the nearest five cents. The Constitutional Amendment is available at: [www.legislature.state.oh.us/constitution.cfm?Part=2&Section=34a](http://www.legislature.state.oh.us/constitution.cfm?Part=2&Section=34a)

For employees at smaller companies (with annual gross receipts of \$283,000 or less per year in 2012 or \$288,000 or less per year after January 1, 2013) and for 14- and 15-year-olds, the state minimum wage is \$7.25 per hour. For these employees, the state wage is tied to the federal minimum wage of \$7.25 per hour which requires an act of Congress and the President's signature to change.

Information on Ohio's 2013 minimum wage is available at  
[http://www.com.ohio.gov/laws/docs/dico\\_2013MinimumWageposter.pdf](http://www.com.ohio.gov/laws/docs/dico_2013MinimumWageposter.pdf)

# # #

CLASSIFICATION/ TITLE	HOURLY RATE	
CLERK TYPIST (CO-OP STUDENT)	\$7.85	
CITY CLERK*	\$7.85	
CLERK TYPIST A	\$7.85	
CLERK TYPIST B	\$7.85	
RECORDS & DATA ENTRY CLERK	\$7.85	
ACCOUNT CLERK*	\$10.14	
SECRETARY I*	\$10.44	
SECRETARY II*	\$12.06	
ADMINISTRATIVE SECRETARY*	\$15.83	
ENGINEERING CO-OP I (STUDENT)	\$9.67	
ENGINEERING CO-OP II (STUDENT)	\$10.54	
ENGINEERING CO-OP III (STUDENT)	\$11.35	
ENGINEERING CO-OP IV (STUDENT)	\$12.21	
PLANNING TECHNICIAN	\$16.81	
INTERNS	7.85 to 12.61	
PARKING CONTROL OFFICER	\$8.08	
ANIMAL CONTROL OFFICER	\$7.85	
POWER DISTRIBUTION STOREKEEPER	\$15.76	
PLUMBING INSPECTOR	\$19.48	
CONSTRUCTION INSPECTOR	\$19.48	
PUBLIC HEALTH NURSE	\$19.48	
STREET SWEEPER	\$10.20	
LABORER A	\$7.85	
LABORER B	\$8.43	
LABORER C	\$9.36	
CUSTODIAN	\$7.85	
REFUSE COLLECTOR	\$7.85	
MAINTENANCE WORKER	\$7.85	
STREET DEPT. MAINTENANCE SUPV.	\$10.11	
SEASONAL GOLF COURSE MAINT. LABORER A	\$7.85	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER B	\$8.43	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER C	\$9.36	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER A	\$7.85	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER B	\$7.85	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER C	\$7.85	plus free golf**
GOLF COURSE CLUBHOUSE ATTENDANT	\$7.85	plus free golf**
CART/RANGE ATTENDANT	\$7.85	plus free golf**
FOOD SERVICE ATTENDANT (GOLF)	\$7.85	plus free golf**
LIFEGUARD A	\$7.85	
LIFEGUARD B	\$7.85	
LIFEGUARD C	\$7.85	
TICKET WINDOW ATTENDANT A	\$7.85	
TICKET WINDOW ATTENDANT B	\$7.85	
HEAD TICKET WINDOW ATTEND. A	\$7.85	
HEAD TICKET WINDOW ATTEND. B	\$7.99	
RECREATION LEADER	\$7.95	
RECREATION ASSISTANT	\$7.85	
SPORTS INSTRUCTOR	8.80 to 17.61	
DANCE/FITNESS INSTRUCTOR	8.80 to 17.61	
POOL MANAGER	\$534.94	WEEKLY RATE
ASSISTANT POOL MANAGER A	\$369.60	WEEKLY RATE
ASSISTANT POOL MANAGER B	\$387.24	WEEKLY RATE
HEAD LIFE GUARD A	\$319.17	WEEKLY RATE
HEAD LIFE GUARD B	\$336.82	WEEKLY RATE
ASSISTANT LAW DIRECTOR	\$839.87	WEEKLY RATE

\*These are confidential employees and are not in any bargaining unit.

\*\*certain restrictions do apply - must work a minimum of 20 hours per week

**ORDINANCE NO. 27-12**

**AN ORDINANCE REPEALING EXISTING CHAPTER 33.08 - INSURANCE  
AND ENACTING A NEW CHAPTER 33.08 - INSURANCE OF THE PIQUA CODE,  
RELATING TO EMPLOYEE POLICY**

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

SECTION 1: Existing Chapter 33.08 - Insurance of the Piqua Code is hereby  
repealed;

SECTION 2: Chapter 33.08 - Insurance of the Piqua Code (appended hereto as  
Attachment "A") is hereby enacted;

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

**1<sup>st</sup> Reading 11-20-12**

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

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	November 20, 2012 December 4, 2012 (2 <sup>nd</sup> Reading)		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	ORDINANCE NO. 27-12 AN ORDINANCE REPEALING EXISTING CHAPTER 33.08 – INSURANCE AND ENACTING A NEW CHAPTER 33.08 – INSURANCE OF THE PIQUA CODE RELATING TO EMPLOYEE POLICY		
<b>SUBMITTED BY</b>	Name & Title: Elaine G. Barton Department: Human Resources Director		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
<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 type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	This Ordinance will set the health savings account (HSA) or health reimbursement account (HRA) contributions and the premium share for the City as well as for the non-union employees for the 2013 benefit year. The City will contribute 75% of the deductible (\$1,500 single/ \$3,000 family) into an HSA or HRA and will contribute 85% of the total cost of the plan leaving 15% for the employee to pay. The employee will be able to earn an additional contribution into their HSA or HRA by participating in certain wellness activities.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	Funds budgeted in the 2013 appropriation	
	Expenditure \$:		
	Source of Funds:	Various funds	
	<b>Narrative:</b>		
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve Ordinance No. 27-12	
	2.	Reject Ordinance No. 27-12	
	3.	Provide staff with an alternate recommendation	
	4.		
<b>PROJECT TIMELINE</b>	January 1, 2013		
<b>STAFF RECOMMENDATION</b>	Adopt Ordinance No. 27-12 to allow non-union employees to share in the health insurance costs at rate comparable to union employees.		
<b>ATTACHMENTS</b>	Chapter 33.08 - Insurance		

## § 33.08 INSURANCE.

The following provisions shall apply to all Schedule A employees except those covered under §33.15 of this chapter.

The city will provide health insurance benefits including dependent coverage. The benefits will include a high deductible health plan (HDHP) and, at the employee's option, either a health savings account (HSA) or a health reimbursement account (HRA). The HDHP will have "network" deductibles of \$2,000 for individual coverage and \$4,000 for family coverage.

(B) Employee HSA accounts will be funded by the City in the amount of \$1,500 for individual coverage and \$3,000 for family coverage for the 2012 plan year, by funding 1/12<sup>th</sup> of the annual total to be deposited the 1<sup>st</sup> of each month. Employee HRA accounts will be funded by the City in the amount of \$1,500 for individual coverage and \$3,000 for family coverage for the ~~2012~~ 2013 plan year, by funding the entire amount each year in January.

An employee may be reimbursed up to a maximum of \$400 if on a family plan and \$200 for a single plan each calendar year. The employee and not the family member must participate in the activities below to be eligible for the reimbursement.

Such reimbursement shall be based on participation in self-selected programs established by UnitedHealthcare for eligibility for the Bend the Trend Program, or similar program by the health insurance carrier.

Upon completion of an eligible program, the employee shall submit the required form and information to the Human Resources Director who will submit the request for reimbursement. All reimbursement checks will go to the employee's HSA (or HRA) account and not directly to the employee.

<b>Eligible Activity</b>	<b>Amount Reimbursed</b>	<b>Special Conditions</b>
Biometric Screening Event	\$200	Eligible for reimbursement once each calendar year.
Health Risk Assessment	\$50	Eligible for reimbursement once each calendar year.
Wellness Coaching	\$50	Wellness Coaching is as indicated by the Health Risk Assessment. Eligible for reimbursement once each calendar year.
Registering on health insurance website	\$50	Eligible for reimbursement once each calendar year.

Flu Shot	\$50	Must be received at the City. Eligible for reimbursement once each calendar year.
Exercise	\$50	90 minutes of physical activity per week for each 8 week period completed. Forms must be completed and turned in to Human Resources. The forms are available at HR
BP of less than 130/80 Cholesterol of less than 200 mg BMI of less than 25	\$100	To qualify for reimbursement, the employee must meet two of the three categories.
Prescription Medications	\$100	Employee must switch from brand medication to generic. Must begin <b>only</b> in January and continue for the calendar year. Eligible for each prescription changed.
Prescription Medications	\$50	Employee must switch from brand medication to generic. Must be for a consecutive six month period. Eligible for each prescription changed.
Annual Basic Physical	\$50	Eligible for reimbursement once each calendar year.
Cessation Program	\$100	Employee must complete a program as approved by the HR department and successfully have stopped smoking for a consecutive 6 month period. Employee will be subject to random testing to verify continued success. Eligible for reimbursement only one time during employee's tenure.

(C) The City shall select the carrier for the HDHP annually after consulting with the Insurance Committee. The City will make every effort to maintain comparable coverage.

(D) Cost Sharing. For the ~~2012~~ **2013** plan year, an employee will contribute 15% of the City's total cost of purchasing the employee's HDHP and funding the employee's HSA or HRA, by bi-weekly payroll deduction.

(E) Option Out. Eligible employees who decline the city offered health insurance benefits, will be entitled to receive a one-time payment per health insurance year (~~2012~~ **2013**) of \$2,000 for those eligible for family coverage and \$1,000 for individual coverage.

(F) The city shall provide and pay the necessary premium for group life insurance in an amount equal to two times (not to exceed \$180,000) salary for the following classifications: City Manager, Assistant City Manager, Finance Director, City Engineer, Utilities Director, Power System Director, Human Resources Director, Health and Sanitation Director, Information Technology Director, Law Director, Economic Development Director, Police Chief and Fire Chief.

('97 Code, § 31.09) (Am. Ord. 16-90, passed 4-16-90; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04; Am. Ord. 9-04, passed 5-20-04; Am. Ord. 29-08, passed 12-15-08; Am. Ord. 21-09, passed 12-21-09; Am. Ord. 2-11, passed 4-5-11; Am. Ord. 15-11, passed 12-20-11; Am. Ord. 5-12, passed 2-21-12 )

**ORDINANCE NO. 28-12**  
**AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE**  
**CITY OF PIQUA, OHIO FOR THE YEAR 2013**

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

SEC. 1: That there be appropriated from the GENERAL FUND (001)

<u>ACCOUNT</u>	<u>2013</u> <u>APPROPRIATIONS</u>
<u>City Building</u>	
Operation and Maintenance	\$216,294
Allocated Expenses	(\$11,535)
<b>TOTAL</b>	<b>\$204,759</b>
<u>City Commission</u>	
Personal Services/Administrative Support	\$34,618
Operation and Maintenance	\$67,201
<b>TOTAL</b>	<b>\$101,819</b>
<u>City Manager</u>	
Personal Services/Administrative Support	\$233,484
Operation and Maintenance	\$30,465
Allocated Expenses	(\$193,210)
<b>TOTAL</b>	<b>\$70,739</b>
<u>Civil Service</u>	
Operation and Maintenance	\$350
<b>TOTAL</b>	<b>\$350</b>
<u>Engineering</u>	
Personal Services/Administrative Support	\$348,226
Operation and Maintenance	\$35,074
Allocated Expenses	(\$312,081)
<b>TOTAL</b>	<b>\$71,219</b>
<u>Finance</u>	
Personal Services/Administrative Support	\$495,788
Operation and Maintenance	\$29,483
Allocated Expenses	(\$363,802)
<b>TOTAL</b>	<b>\$161,469</b>
<u>Health</u>	
Personal Services/Administrative Support	\$256,465
Operation and Maintenance	\$100,056
<b>TOTAL</b>	<b>\$356,521</b>
<u>Law</u>	
Personal Services/Administrative Support	\$223,586
Operation and Maintenance	\$19,918
Allocated Expenses	(\$145,128)
<b>TOTAL</b>	<b>\$98,376</b>
<u>Income Tax</u>	
Personal Services/Administrative Support	\$185,126
Operation and Maintenance	\$177,329
Non Government/Transfers/Refunds	\$100,000
<b>TOTAL</b>	<b>\$462,455</b>
<u>Planning &amp; Zoning</u>	
Personal Services/Administrative Support	\$188,011
Operation and Maintenance	\$80,228
Non Government/Transfers/Refunds	\$100
<b>TOTAL</b>	<b>\$268,339</b>
<u>General Government</u>	
Operation and Maintenance	\$220,658
Non Government/Transfers/Refunds	\$100
<b>TOTAL</b>	<b>\$220,758</b>
<u>Human Resources</u>	
Personal Services/Administrative Support	\$178,292
Operation and Maintenance	\$27,770
Allocated Expenses	(\$178,586)
<b>TOTAL</b>	<b>\$27,476</b>
<u>Purchasing</u>	
Personal Services/Administrative Support	\$83,109
Operation and Maintenance	\$5,017
Allocated Expenses	(\$86,021)
<b>TOTAL</b>	<b>\$2,105</b>

Transfers

Transfer to NiT Fund 104	\$26,192
Transfer to Parks Fund 105	\$125,000
Transfer to Safety Fund 106	\$3,550,000
Transfer to Forest Hill Mausoleum Fund 110	\$1,050
Transfer to Pro Piqua Fund 128	\$59,000
Transfer to Golf 409	\$225,000
Transfer to Ft. Piqua Plaza 410	\$200,000
Transfer to Swimming Pool Fund 415	\$105,000

TOTAL \$4,291,242

TOTAL GENERAL FUND \$6,337,627

SEC. 2: That there be appropriated from the STREET DEPARTMENT FUND (101)

Personal Services/Administrative Support	\$924,943
Operation and Maintenance	\$1,536,735
Capital Outlay (including labor)	\$155,217

TOTAL \$2,616,895

SEC. 3: That there be appropriated from the STREET INCOME TAX FUND (103)

Operation and Maintenance	\$1,475,709
Capital Outlay (including labor)	\$4,608,000
Non Government/Transfers/Refunds	\$173,754

TOTAL \$6,257,463

SEC. 4: That there be appropriated from the NEIGHBORHOOD IMPROVEMENT PROGRAM FUND (104)

Personal Services/Administrative Support	\$7,144
Operation and Maintenance	\$95,199

TOTAL \$102,343

SEC. 5: That there be appropriated from the PARK AND RECREATION FUND (105)

Personal Services/Administrative Support	\$252,894
Operation and Maintenance	\$164,887
Capital Outlay (including labor)	\$100,237
Non Government/Transfers/Refunds	\$200

TOTAL \$518,018

SEC. 6: That there be appropriated from the PUBLIC SAFETY FUND (106)

009 Fire Department

Personal Services/Administrative Support	\$3,103,332
Operation and Maintenance	\$457,305
Capital Outlay (including labor)	\$281,406
Non Government/Transfers/Refunds	\$73,293

TOTAL \$3,915,336

014 Police Department

Personal Services/Administrative Support	\$3,538,347
Operation and Maintenance	\$686,510
Capital Outlay (including labor)	\$45,000
Non-Government/Transfers/Refunds	\$17,794

TOTAL \$4,287,651

TOTAL PUBLIC SAFETY \$8,202,987

SEC. 7: That there be appropriated from the PIQUA TREE FUND (107)

Operation & Maintenance	\$768
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TOTAL \$768

SEC. 8: That there be appropriated from the D.U.I. EDUCATIONAL FUND (109)

Operation & Maintenance	\$6,000
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TOTAL \$6,000

SEC. 9: That there be appropriated from the FOREST HILL MAUSOLEUM FUND (110)

Operation & Maintenance	\$1,050
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TOTAL \$1,050

SEC. 10: That there be appropriated from the MANDATORY DRUG FINE FUND (111)

Operation and Maintenance	\$3,000
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TOTAL \$3,000

SEC. 11: That there be appropriated from the CHIP 2010 FUND (112)

Operation and Maintenance	\$35,000
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TOTAL

\$35,000

SEC. 12:	That there be appropriated from the RENEW PIQUA FUND (114)	
	Operation and Maintenance	<u>\$12,814</u>
	<b>TOTAL</b>	<b>\$12,814</b>
SEC. 13:	That there be appropriated from the CHIP 2012 FUND (117)	
	Operation and Maintenance	<u>\$500,000</u>
	<b>TOTAL</b>	<b>\$500,000</b>
SEC. 14:	That there be appropriated from the C.H.I.P. PROGRAM INCOME FUND (119)	
	Operation and Maintenance	<u>\$12,436</u>
	<b>TOTAL</b>	<b>\$12,436</b>
SEC. 15:	That there be appropriated from the POLICE AUXILIARY FUND (120)	
	Operation & Maintenance	<u>\$2,625</u>
	<b>TOTAL</b>	<b>\$2,625</b>
SEC. 16:	That there be appropriated from the COMMUNITY DEVELOPMENT BLOCK GRANT FUND (122)	
	Operation and Maintenance	\$19,000
	Capital Outlay (including labor)	<u>\$76,000</u>
	<b>TOTAL</b>	<b>\$95,000</b>
SEC. 17:	That there be appropriated from the WORKER'S COMP FUND (124)	
	Personal Services/Administrative Support	<u>\$270,000</u>
	<b>TOTAL</b>	<b>\$270,000</b>
SEC. 18:	That there be appropriated from the INSURANCE RESERVE FUND (125)	
	Operation & Maintenance	<u>\$313,000</u>
	<b>TOTAL</b>	<b>\$313,000</b>
SEC. 19:	That there be appropriated from the DEMOLITION DEFENSE FUND (126)	
	Non Government/Transfers/Refunds	<u>\$45,000</u>
	<b>TOTAL</b>	<b>\$45,000</b>
SEC. 20:	That there be appropriated from the PRO PIQUA FUND (128)	
	Operation and Maintenance	<u>\$59,000</u>
	<b>TOTAL</b>	<b>\$59,000</b>
SEC. 21:	That there be appropriated from the REVOLVING LOAN FUND (130)	
	Operation and Maintenance	<u>\$60,750</u>
	<b>TOTAL</b>	<b>\$60,750</b>
SEC. 22:	That there be appropriated from the BROWNFIELD EPA GRANT (131)	
	Operation and Maintenance	<u>\$548,000</u>
	<b>TOTAL</b>	<b>\$548,000</b>
SEC. 23:	That there be appropriated from the COMMUNITY DEVELOPMENT FUND (135)	
	Personal Services/Administrative Support	\$237,750
	Operation and Maintenance	\$76,417
	Allocated Expenses	<u>(\$314,167)</u>
	<b>TOTAL</b>	<b>\$0</b>
SEC. 24:	That there be appropriated from the FEMA FUND (139)	
	Personal Services/Administrative Support	<u>\$20,000</u>
	<b>TOTAL</b>	<b>\$20,000</b>
SEC. 25:	That there be appropriated from the AGRICULTURAL REVOLVING LOAN FUND (142)	
	Operation and Maintenance	<u>\$24,250</u>
	<b>TOTAL</b>	<b>\$24,250</b>

<b>SEC. 26:</b>	That there be appropriated from the SPECIAL ASSESSMENT DEBT SERVICE FUND (202)	
	Operation and Maintenance	\$24,355
	Non Government/Transfers/Refunds	<u>\$22,843</u>
<b>TOTAL</b>		<b>\$47,198</b>
<b>SEC. 27:</b>	That there be appropriated from the OWDA-1995 LOAN WASTEWATER DEBT SERVICE FUND (210)	
	Non Government/Transfers/Refunds	<u>\$506,538</u>
<b>TOTAL</b>		<b>\$506,538</b>
<b>SEC. 28:</b>	That there be appropriated from the SIB 25A NOTE '08 FUND (216)	
	Non Government/Transfers/Refunds	<u>\$173,755</u>
<b>TOTAL</b>		<b>\$173,755</b>
<b>SEC. 29:</b>	That there be appropriated from the SWIMMING POOL DEBT SERVICE FUND (221)	
	Non Government/Transfers/Refunds	<u>\$8,463</u>
<b>TOTAL</b>		<b>\$8,463</b>
<b>SEC. 30:</b>	That there be appropriated from the GOLF COURSE EXPANSION G.O. BONDS DEBT SERVICE FUND (243)	
	Non Government/Transfers/Refunds	<u>\$167,847</u>
<b>TOTAL</b>		<b>\$167,847</b>
<b>SEC. 31:</b>	That there be appropriated from the PFDP PENSION G. O. BONDS DEBT SERVICE FUND (249)	
	Non Government/Transfers/Refunds	<u>\$40,625</u>
<b>TOTAL</b>		<b>\$40,625</b>
<b>SEC. 32:</b>	That there be appropriated from the WATER TOWER DEBT SERVICE FUND (250)	
	Non Government/Transfers/Refunds	<u>\$132,823</u>
<b>TOTAL</b>		<b>\$132,823</b>
<b>SEC. 33:</b>	That there be appropriated from the WATER TOWER DEBT SERVICE FUND 2006 (251)	
	Non Government/Transfers/Refunds	<u>\$14,351</u>
<b>TOTAL</b>		<b>\$14,351</b>
<b>SEC. 34:</b>	That there be appropriated from the EQUALIZATION TANK '08 NOTE (OWDA) DEBT SERVICE FUND (254)	
	Non Government/Transfers/Refunds	<u>\$303,393</u>
<b>TOTAL</b>		<b>\$303,393</b>
<b>SEC. 35:</b>	That there be appropriated from the FIRE EQUIPMENT '08 G.O. NOTE FUND (255)	
	Non/Government/Transfers/Refunds	<u>\$50,463</u>
<b>TOTAL</b>		<b>\$50,463</b>
<b>SEC. 36:</b>	That there be appropriated from the WATER PLANT OWDA DEBT SERVICE FUND (256)	
	Non/Government/Transfers/Refunds	<u>\$2,180,000</u>
<b>TOTAL</b>		<b>\$2,180,000</b>
<b>SEC. 37:</b>	That there be appropriated from the WASTEWATER PLANT ENGINEERING DEBT SERVICE FUND (257)	
	Non/Government/Transfers/Refunds	<u>\$1,236,000</u>
<b>TOTAL</b>		<b>\$1,236,000</b>
<b>SEC. 38:</b>	That there be appropriated from the SWIMMING POOL CONSTRUCTION FUND (323)	
	Non Government/Transfers/Refunds	<u>\$40</u>
<b>TOTAL</b>		<b>\$40</b>

<b>SEC. 39:</b>	That there be appropriated from the POWER SYSTEM FUND (401)	
	Personal Services/Administrative Support	\$2,196,121
	Operation and Maintenance	\$25,256,024
	Capital Outlay (including labor)	\$3,763,029
	Overhead Transfers	<u>(\$270,000)</u>
	<b>TOTAL</b>	<b>\$30,945,174</b>
<b>SEC. 40:</b>	That there be appropriated from the WATER SYSTEM FUND (403)	
	Personal Services/Administrative Support	\$1,284,569
	Operation and Maintenance	\$2,105,459
	Capital Outlay (Including labor)	\$3,313,640
	Non Government/Transfers/Refunds	<u>\$147,164</u>
	<b>TOTAL</b>	<b>\$6,850,832</b>
<b>SEC. 41:</b>	That there be appropriated from the WASTEWATER SYSTEM FUND (404)	
	Personal Services/Administrative Support	\$1,235,271
	Operation and Maintenance	\$1,347,088
	Capital Outlay (including labor)	\$1,277,000
	Non Government/Transfers/Refunds	<u>\$809,790</u>
	<b>TOTAL</b>	<b>\$4,669,149</b>
<b>SEC. 42:</b>	That there be appropriated from the GARBAGE AND REFUSE FUND (405)	
	Personal Services/Administrative Support	\$544,647
	Operation and Maintenance	\$1,217,068
	Capital Outlay (including labor)	<u>\$171,500</u>
	<b>TOTAL</b>	<b>\$1,933,215</b>
<b>SEC. 43:</b>	That there be appropriated from the CITY INCOME TAX ADMINISTRATION FUND (407)	
	Non Government/Transfers/Refunds	<u>\$7,750,000</u>
	<b>TOTAL</b>	<b>\$7,750,000</b>
<b>SEC. 44:</b>	That there be appropriated from the INFORMATION TECHNOLOGY FUND (408)	
	Personal Services/Administrative Support	\$293,951
	Operation and Maintenance	\$232,516
	Capital Outlay (including labor)	<u>\$150,000</u>
	<b>TOTAL</b>	<b>\$676,467</b>
<b>SEC. 45:</b>	That there be appropriated from the GOLF COURSE FUND (409)	
	Personal Services/Administrative Support	\$269,670
	Operation and Maintenance	\$352,905
	Non Government/Transfers/Refunds	<u>\$167,648</u>
	<b>TOTAL</b>	<b>\$790,223</b>
<b>SEC. 46:</b>	That there be appropriated from the FORT PIQUA PLAZA FUND (410)	
	Operation & Maintenance	\$300,100
	Non Government/Transfers/Refunds	<u>\$3,500</u>
	<b>TOTAL</b>	<b>\$303,600</b>
<b>SEC. 47:</b>	That there be appropriated from the STORMWATER UTILITY FUND (411)	
	Personal Services/Administrative Support	\$363,753
	Operation and Maintenance	\$463,822
	Capital Outlay (including labor)	<u>\$520,000</u>
	<b>TOTAL</b>	<b>\$1,347,575</b>
<b>SEC. 48:</b>	That there be appropriated from the METER READERS FUND (412)	
	Personal Services/Administrative Support	\$199,568
	Operation and Maintenance	\$43,158
	Allocated Expenses	<u>(\$242,726)</u>
	<b>TOTAL</b>	<b>\$0</b>
<b>SEC. 49:</b>	That there be appropriated from the UTILITIES BUSINESS OFFICE FUND (413)	
	Personal Services/Administrative Support	\$512,789
	Operation and Maintenance	\$385,548
	Non Government/Transfers/Refunds	\$5,000
	Allocated Expenses	<u>(\$903,337)</u>
	<b>TOTAL</b>	<b>\$0</b>

<b>SEC. 50:</b>	That there be appropriated from the SWIMMING POOL FUND (415)	
	Personal Services/Administrative Support	\$92,691
	Operation and Maintenance	\$78,893
	Non Government/Transfers/Refunds	\$8,446
	<b>TOTAL</b>	<b>\$180,030</b>
<b>SEC. 51:</b>	That there be appropriated from the UNCLAIMED TRUST FUND (606)	
	Non Government/Transfers/Refunds	\$2,586
	<b>TOTAL</b>	<b>\$2,586</b>
<b>SEC. 52:</b>	That there be appropriated from the LAW ENFORCEMENT TRUST (609)	
	Non Government/Transfers/Refunds	\$12,500
	<b>TOTAL</b>	<b>\$12,500</b>
<b>SEC. 53:</b>	That there be appropriated from the CONSERVANCY FUND (611)	
	Operation and Maintenance	\$30,000
	<b>TOTAL</b>	<b>\$30,000</b>
<b>SEC. 54:</b>	That there be appropriated from the CITY HEALTH INSURANCE FUND (614)	
	Operation and Maintenance	\$105,000
	<b>TOTAL</b>	<b>\$105,000</b>
<b>SEC. 55:</b>	That there be appropriated from the EMPLOYEE FLEXIBLE SPENDING FUND (615)	
	Administrative Support	\$225,000
	<b>TOTAL</b>	<b>\$225,000</b>
<b>SEC. 56:</b>	That there be appropriated from the WEED CUTTING FUND (735)	
	Operation and Maintenance	\$20,000
	<b>TOTAL</b>	<b>\$20,000</b>
<b>SEC. 57:</b>	That there be appropriated from the SAFETY EQUIPMENT REPLACEMENT FUND (809)	
	Non Government/Transfers/Refunds	\$301,500
	<b>TOTAL</b>	<b>\$301,500</b>
<b>SEC. 58:</b>	That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.	
<b>SEC. 59:</b>	That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2013 when passed and legally contracted for in conformity by law.	
<b>SEC. 60:</b>	That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed \$1,000,000 in the aggregate nor extend past December 31, 2013; except those that are to be reimbursed by federal or state grant programs that were previously approved by this Commission.	
<b>SEC. 61:</b>	That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.	

1st Reading 11-20-2012

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

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

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

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

**RESOLUTION NO. R-146-12**

**A RESOLUTION AUTHORIZING PURCHASE ORDERS TO CHEMICAL SERVICES INC., HURON LIME, INC., MARUBENI SPECIALTY CHEMICALS, INC., UNIVAR USA INC., CITY OF DAYTON, FOR THE 2013 PURCHASE OF VARIOUS WATER TREATMENT CHEMICALS**

WHEREAS, the Water Treatment Plant requires the purchase of various water treatment chemicals for the water treatment process; and

WHEREAS, after solicitation of bids, 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: Purchase orders are hereby authorized to:

<u>Company</u>	<u>Product</u>
Chemical Services Inc.	Soda ash at \$498.00 per ton
Chemical Services Inc.	Ferric sulfate at \$31.70 per cwt.
Chemical Services Inc.	Sodium Hexametaphosphate at \$98.50 per cwt.
Chemical Services Inc.	Activated Carbon at \$61.50 per cwt.
Marubeni Specialty Chemicals, Inc.	Potassium Permanganate at \$199.00/cwt.
Univar USA, Inc.	Copper Sulfate at \$1.795/lbs.
City of Dayton	Quicklime at \$100.00 per ton
Huron Lime, Inc.	Quicklime at \$155.00 per ton

SEC. 2: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasury in payment for said services rendered.

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>	Tuesday, December 4, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	<b>A RESOLUTION AUTHORIZING PURCHASE ORDERS TO CHEMICAL SERVICES INC., HURON LIME, INC., MARUBENI SPECIALTY CHEMICALS, INC., UNIVAR USA INC., CITY OF DAYTON, FOR THE 2013 PURCHASE OF VARIOUS WATER TREATMENT CHEMICALS</b>		
<b>SUBMITTED BY</b>	Name & Title: Don Freisthler, Water Plant Superintendent		
	Department: Water Department		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<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 type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>Bids were taken on November 13, 2012 and 17 bids in total were received. The best and lowest bids are being recommended for award with the bid tabulation attached for your reference. We did have a few vendors that did not meet our specifications.</p> <p>We also plan to use the SWOP4G bid award to purchase Liquid Chlorine, Hydrofluosilicic Acid and Liquid Carbon Dioxide this year using their cooperative purchasing discount. This has been our practice for many years. These chemicals do not require Commission approval because the amount spent is below the required threshold.</p> <p>We also purchase quicklime from the City of Dayton when they make it available to us. It is quite a cost savings for us, but they are not always a reliable source which is why we also request an award to Huron Lime as a secondary option.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	In total \$241,818 is budgeted for 2013	
	Expenditure \$:	In total \$148,201 has been spent in 2012 year to date.	
	Source of Funds:	403-305-641-7151, 403-305-641-7155, 403-305-641-7157, 403-305-641-7159, 403-305-641-7161, 403-305-641-7163, 403-305-641-7164	
	<b>Narrative:</b>	Each chemical has its own budget line item.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve Resolution R-146-12 authorizing the purchase of water treatment chemicals for 2013.	
	2.	Do not approve the Resolution and risk the safety of the drinking water supply for the citizens of Piqua.	

<b>PROJECT TIMELINE</b>	These purchases would not occur until 2013, but they do continue throughout the entire year as needed.
<b>STAFF RECOMMENDATION</b>	We budget for these chemicals each year as a necessary commodity for the normal operation of our Water Treatment Plant. These purchases allow the community to continue to enjoy safe drinking water. The EPA has stringent regulations and we must purchase these chemicals in order to meet and exceed their standards. Our Water Department staff has done an excellent job of providing safe drinking water to the public over the years. This Resolution will allow them to continue with their normal process of ordering chemicals as needed throughout the year.
<b>ATTACHMENTS</b>	IFB # 1228 Bid Tabulation

CITY OF PIQUA - BID TABULATION

2013 Chemicals for Water Treatment

Reference No.: IFB 1228

DESCRIPTION	UNIT	BIDDER No.: NAME:						
		1 Marubeni Specialty Chemicals Tampa FL 33637 BID:	2 American Int'l Chemical Framingham MA 01701 BID:	3 Biosafe Systems East Hartford CT 06108 BID:	4 Water Solutions Unlimited Franklin IN 46131 BID:	5 Chemrite, Inc. Buford GA 30518 BID:	6 Chemical Services Dayton OH 45414 BID:	7 Prominent Systems, Inc. Houston TX 77012 BID:
1 Sodium Hexametaphosphate	100 CWT	NB	NB	NB	\$ 105.50 \$ 10,550.00	NB	\$ 98.50 \$ 9,850.00	NB
2 Activated Carbon	220 CWT	NB	NB	NB		NB	\$ 61.50 \$ 13,530.00	\$ 78.00 \$ 17,160.00
3 Potassium Permanganate	66 CWT	\$ 199.00 \$ 13,134.00	\$ 209.00 \$ 13,794.00	\$ 189.00 \$ 12,474.00	NB	\$ 217.00 \$ 14,322.00	\$ 332.00 \$ 21,912.00	NB
4 Ferric Sulfate	700 CWT	NB	NB	NB	NB	NB	\$ 31.70 \$ 22,190.00	NB
5 Soda Ash	15 TONS	NB	NB	NB	NB	NB	\$ 498.00 \$ 7,470.00	NB
6 Quicklime	250 TONS	NB	NB	NB	NB	NB	NB	NB
7 Copper Sulfate Pentahydrate	3000 LBS	NB	NB	\$ 2,940.00 \$ 4,410.00	NB	\$ 3,620.00 \$ 5,430.00	\$ 3,700.00 \$ 5,550.00	NB
Jan. 1, 2014 through Dec. 31, 2014		YES	YES	NO	NO	NO	NO	YES

CITY OF PIQUA - BID TABULATION

2013 Chemicals for Water Treatment

Reference No.: IFB 1228

DESCRIPTION	UNIT	8 Greer Lime Company		9 F2 Industries, LLC		10 Carmeuse Lime & Stone		11 Norit Americas		12 Univar USA		13 Huron Lime, Inc.	
		BID:		BID:		BID:		BID:		BID:		BID:	
1 Sodium Hexametaphosphate	100 CWT	NB	\$ 105.80	NB	\$ 117.00	NB	\$ 117.00	NB	\$ 117.00	NB	\$ 117.00	NB	NB
			\$ 10,580.00		\$ 11,700.00								
2 Activated Carbon	220 CWT	NB	\$ 56.90	NB	\$ 72.00	NB	\$ 72.00	NB	\$ 72.00	NB	\$ 75.00	NB	NB
			\$ 12,518.00		\$ 15,840.00		\$ 16,500.00						
3 Potassium Permanganate	66 CWT	NB	NB	NB	NB	NB	NB	NB	NB	NB	\$ 309.00	NB	NB
											\$ 20,394.00		
4 Ferric Sulfate	700 CWT	NB	NB	NB	NB	NB	NB	NB	NB	NB	\$ 34.40	NB	NB
											\$ 24,080.00		
5 Soda Ash	15 TONS	NB	NB	NB	NB	NB	NB	NB	NB	NB	\$ 500.00	NB	NB
											\$ 7,500.00		
6 Quicklime	250 TONS	\$ 197.70	NB	NB	\$ 160.58	NB	\$ 160.58	NB	NB	NB	NB	\$ 155.00	
		\$ 49,425.00			\$ 40,145.00							\$ 38,750.00	
7 Copper Sulfate Pentahydrate	3000 LBS	NB	NB	NB	NB	NB	NB	NB	NB	NB	\$ 3,590.00	NB	NB
											\$ 5,385.00		
Jan. 1, 2014 through Dec. 31, 2014		YES	YES	NO	NO	YES	NO	YES	NO	NO	NO	YES	YES

CITY OF PIQUA - BID TABULATION

2013 Chemicals for Water Treatment

Reference No.: IFB 1228

DESCRIPTION	UNIT	BIDDER No.:		14	15	16	17
		NAME:	NAME:				
CITY:		Shannon	Jacobi Carbons, Inc.	SAL Chemical	Mississippi		
STATE & ZIP:		Exton PA 19341	Columbus OH 43213	Weirton WV 26062	St. Louis MO 63127		
	BID:	BID:	BID:	BID:	BID:		
1 Sodium Hexametaphosphate	100 CWT	\$ 107.07	NB	\$ 134.90	NB		
		\$ 10,707.00		\$ 13,490.00			
2 Activated Carbon	220 CWT	NB	\$ 81.86	NB	NB		
			\$ 18,009.20				
3 Potassium Permanganate	66 CWT	NB	NB	\$ 234.00	NB		
				\$ 15,444.00			
4 Ferric Sulfate	700 CWT	NB	NB	NB	NB		
5 Soda Ash	15 TONS	NB	NB	\$ 553.80	NB		
				\$ 8,307.00			
6 Quicklime	250 TONS	NB	NB	NB	NB		
						\$ 205.00	
						\$ 51,250.00	
7 Copper Sulfate Pentahydrate	3000 LBS	NB	NB	\$ 4,140.00	NB		
				\$ 6,210.00			
Jan. 1, 2014 through Dec. 31, 2014		YES	NO	NO	NO		

## RESOLUTION NO. R-150-12

### **A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HB 601 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, AND DECLARING AN EMERGENCY.**

WHEREAS, the Municipal Income Tax Uniformity Coalition, headed by the Ohio Society of CPA's, with business community membership including the Ohio Chamber of Commerce, with support from Representative Grossman, Representative Henne and Representative Barnes, met with members of the Ohio Municipal League and municipal income tax representatives; and

WHEREAS, the purpose of these Interested Parties meetings was to achieve consensus on issues regarding municipal income tax uniformity for the inclusion in legislation; and

WHEREAS, municipalities agree that revenue neutral uniformity on issues that will ease compliance burdens for businesses in and potentially locating in Ohio would be of great benefit to all of Ohio; and

WHEREAS, the Coalition has drafted and introduced language that is detrimental to the financial stability of municipalities, will drastically reduce revenue for all municipalities in Ohio, and includes "unfunded mandates" which will cripple the ability for municipalities to provide basic services to residents and resident businesses alike; and

WHEREAS, the recent reduction in the Local Government Fund has resulted in a loss of \$971,000 in revenue for the City of Piqua; and

WHEREAS, the elimination of the Estate Tax will result in a loss of \$400,000 in revenue for the City of Piqua; and

WHEREAS, the accelerated phase-out of promised reimbursement for the loss of revenues due to repeal of the Tangible Personal Property Tax has resulted in a loss of \$200,000 in revenue for the City of Piqua; and

WHEREAS, the proposals in HB 601 will result in an additional estimated loss of revenue of \$500,000 for the City of Piqua; and

WHEREAS, HB 601 includes provisions that require State oversight of municipal income tax administration, administrative policies and procedures for municipal income tax collection and administration that dramatically hamper the ability to administer the tax in an effective manner; and

WHEREAS, the obvious intended long term purpose of HB 601 is State oversight of municipal income tax operations, which could lead to a future push for forced State Centralized Collection of municipal income tax; and

WHEREAS, key pieces of this legislation are clearly an attempt to reduce municipal income tax obligations for businesses by reducing tax liabilities for businesses, which does not change the complexity or add simplicity to the process of filing and paying municipal income tax; and

WHEREAS, municipalities in Ohio, with the support of the Ohio Municipal League, have supported and participated in discussions of uniformity for the past thirteen years, and worked to achieve uniformity in many areas of municipal income tax; and

WHEREAS, each time that uniformity was challenged by a Special Interest group, carve-outs or changes to benefit Special Interests have been put in place by the Ohio General Assembly; and

WHEREAS, municipalities have been responsive in the past to efforts to streamline the rules and regulations and create uniformity in the overwhelming majority of local tax codes creating a streamlined process for all taxpayers; and

WHEREAS, only municipalities can and will provide the personal service and assistance to its taxpayers in the preparation and filing of their tax reports and returns; and

WHEREAS, only municipalities can ensure the prompt and proper auditing of local tax returns to ensure all applicable deductions and declarations are reported, thus also ensuring that all taxpayers pay their fair share without causing higher costs of compliance for all, and must be able to do so without burdensome and costly restrictions included in HB 601 created with the only purpose of restricting municipalities from correcting / auditing returns or making assessments; and

WHEREAS, only municipalities can and will aggressively pursue those non-compliant and delinquent taxpayers who, by their omission or deliberate deceit, drive up the costs of compliance to all; and

WHEREAS, provisions in this bill hamper every municipality's ability to audit and correct municipal income tax returns, to equitably enforce the municipal income tax laws, creates increased cost of administration due to burdensome notification requirements, reduces revenue due to "unfunded mandates" and elimination of compliance processes, and has been crafted as a vehicle to control the administrative process of municipal income tax to the benefit of specific taxpayer interests; and

WHEREAS, municipalities must fight to protect their single largest revenue source, which provides essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon, and any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting business in Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua that:

SEC.1. This Commission does hereby declare its strong opposition to an effort by the Ohio General Assembly to pass legislation that creates "unfunded mandates" and a loss of revenue under the guise of municipal income tax uniformity.

SEC.2. This Commission urges its State legislators to reject HB 601, and any amendment to pending bills and opposes the introduction of new legislation that proposes to reduce municipal income tax revenue to municipalities in Ohio.

SEC.3. The proposal by the bill Sponsors (Representative Grossman, Representative Henne) flies in the face of its own stated goals and objectives to achieve a consensus among Interested Parties to the municipal income tax issue, and clearly caters to the requests of the membership of the Coalition, which are all Special Interest Groups.

SEC 4. The Ohio General Assembly should request drafting of legislation that would address the multitude of issues that were agreed upon as a result of the Interested Parties meetings, which will bring uniformity to areas including (but not limited to) due dates for estimated tax payments, due dates of withholding payments, due dates and procedures for extension request filings, due dates for annual Reconciliation of Returns, all of which will simplify the compliance process for businesses and individuals alike.

SEC. 5. The Ohio General Assembly should focus on restoring previous funding levels to the Ohio Business Gateway and focus on correcting it multitude of programming problems and customer service issues to make that tool less cumbersome, more useful and relevant to municipalities, businesses, and individuals as a simple, generic, one-stop method of filing local business income tax returns in one location.

SEC. 6. Members of the Ohio House and Senate should engage in constructive dialogue with local officials to gain consensus on correction of the perceived issues of potential revenue-neutral commonality and uniformity in those few remaining differences in municipal income tax provisions.

SEC 7. That the Clerk of Commission is hereby directed to send a copy of this Resolution to the Governor, Tax Commissioner, Senator Bill Beagle, Representative Richard Adams and all members of the State Legislature representing the City of Piqua.

SEC. 8. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the City must maintain revenue levels without threat of assault via legislation proposed by the Ohio General Assembly;

therefore, this Resolution shall be in full force and effect immediately upon its adoption by Commission.

\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

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

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	December 4, 2012		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	Resolution Strongly opposing the passage of the HB 601 by the Ohio General Assembly which proposes uniformity measures for municipal income tax in the form of unfunded mandates and a substantial loss of revenue, and declaring an emergency.		
<b>SUBMITTED BY</b>	Name & Title: Cynthia Holtzapple Department: Income Tax		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development	<input type="checkbox"/> Law Director	
	<input type="checkbox"/> Department Director;	<input type="checkbox"/> Other:	
<b>BACKGROUND</b> (Includes description, background, and justification)	House Bill 601, soon to be considered by the Ohio General Assembly, would dramatically reduce income tax collections as well as impose unfunded mandates and increased administrative costs. These would all have a detrimental effect on our ability to maintain local services to our citizens.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		
	Effect of the bill:	An estimated reduction of over \$500,000 in income tax	
<b>OPTIONS</b> (Include Deny /Approval Option)	<b>Narrative:</b>		
	1.	Approve the resolution.	
	2.	Amend the resolution.	
	3.	Not approve the resolution.	
<b>PROJECT TIMELINE</b>			
<b>STAFF RECOMMENDATION</b>	Strong opposition to this HB 601 is recommended to protect our ability to administer and collect taxes locally.		
<b>ATTACHMENTS</b>			