

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, MARCH 5, 2013  
7:30 P.M. – COMMISSION CHAMBER – 2<sup>nd</sup> FLOOR  
201 WEST WATER STREET  
PIQUA, OHIO 45356**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENTATION:**

**KIWANIS PANCAKE DAY IN THE CITY OF PIQUA – MS. GRETCHEN ROETH**

**PRESENTATION:**

**PITSENBARGER SPORTS COMPLEX & COMMUNITY POOL PROJECT- MS. RUTH KOON**

**REGULAR CITY COMMISSION MEETING**

**CONSENT AGENDA**

1. **APPROVAL OF MINUTES**

Approval of the minutes from the February 14, 2013 Commission Worksession and the February 19, 2013 Regular City Commission Meeting

2. **RES. NO. R-29-13**

A Resolution of Appreciation for the public service of Mark Grau as a City Employee

**OLD BUSINESS**

3. **ORD. NO. 2-3 (3<sup>rd</sup> Reading)**

An Ordinance amending Chapter 32, Sections 32.016 and 32.061, of the Piqua Municipal Code to reflect meeting requirements

**NEW BUSINESS**

4. **ORD. NO. 3-13 (1<sup>st</sup> Reading)**

An Ordinance amending section 77.01 – Traffic Schedules adopted, Schedule IV and Schedule VII, of the Piqua Code, relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection

5. **ORD. NO. 4-13 (1<sup>st</sup> Reading)**

An Ordinance amending Chapter 90 of the Piqua Municipal Code to repeal Section 90.28 vicious dogs

6. **ORD. NO. 5-13 (1<sup>st</sup> Reading)**

An Ordinance amending Chapter 111 of the Piqua Municipal Code (Peddlers and Solicitors)

7. **RES. NO. R-30-13**

A Resolution awarding a contract to Bridgewell Resources for the purchase of steel transmission poles for the Power System

8. RES. NO. R-31-13

A Resolution acquiring the services of Power System Engineering, Inc. to provide professional services for the City of Piqua

9. RES. NO. R-32-13

A Resolution approving the application for placement of farmland in an agricultural district filed by Donald E. Apple for parcels N44-076881 and N44-076907 in the City of Piqua

10. RES. NO. R-33-13

A Resolution authorizing the purchase of 650 Wood Street Parcel No. N44-013960

**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**

**COMMISSIONERS COMMENT**

**ADJOURNMENT**

**MINUTES  
PIQUA CITY COMMISSION WORK SESSION  
THURSDAY FEBRUARY 14, 2013  
7:30 P.M.**

Piqua City Commission met in a City Commission Work Session at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Vice Mayor Vogt called the meeting to order. Present were Commissioners Terry, Martin, and Wilson. Absent: Mayor Fess. Also present were: City manager Huff, Law Director Stacy Wall, Finance Director/Assistant City Manager Cynthia Holtzapple, City Planner Chris Schmiesing, City Engineer Amy Havenar, John Cruse, Brad Boehringer, Frank Barhorst, Cindy Pearson, Steve Stiefel, Jon Vessel, Jim Vetter.

Moved by Commissioner Terry, seconded by Commissioner Martin, to excuse Mayor Fess from the February 14, 2013 City Commission Work Session. Voice vote, Aye: Martin, Terry, Vogt and Wilson. Nay: None. Motion carried unanimously.

City Manager Huff gave a brief overview of the rules and regulations for conduct at the City Commission Work Sessions.

**WOOD STREET, GORDON STREET & COVINGTON AVENUE PROJECT (DISCUSSION)**

City Manager Huff stated this is an opportunity to provide information and have discussion on the proposed plans for the area; nothing is set in stone and no decision has been made at this time. The reason for the change is to improve the flow of traffic through the city, stated City Manager Huff.

Discussion items included the demolition of the west point building, improve Wood Street and Gordon Streets, receive suggestions and comments, and discuss options to be considered.

Mr. Schmiesing stated 14,000 cars travel down Route 36 on a daily basis. There are four options being considered at this time, and provided drawings of each of the options. Mr. Schmiesing stated Police Chief Jamison is also present to offer his input on traffic.

1. Close Wood Street off to traffic.
2. Eliminate the westbound traffic on Wood Street, add Stop sign at Gordon.
3. Close both Wood Street and Gordon Street and use Route 36 only.
4. Close Wood Street, move Gordon St. out to Wood St. and flow traffic on to it.

Chief Jamison stated that he and Mr. Schmiesing have reviewed and discussed some of the issues and concerns with all of the options.

Chief Jamison gave a few examples of some of the issues they have witnessed in the area of Wood Street, Gordon and Route 36, further stating there have been 14 accidents in the area in the last 2 years. They have had trucks taking mirrors off of parked vehicle and speeding, as it is hard to control and enforce truck traffic on Wood Street.

Questions were raised concerning the trucks driving down Wood Street and making the turn on College at the 4-way Stop instead of staying on Covington Ave. /Route 36 to the traffic signal at Covington and College. There was discussion on how the traffic would be rerouted in the area. City Planner Chris Schmiesing explained how they plan to reroute the traffic pattern in the area with the different options.

Commissioners voiced their concerns about the traffic on Wood Street versus Covington Avenue, the number of trucks traveling down Wood Street daily, the possibility of leaving Wood Street open for cars only no trucks, the enforcement of truck traffic on Wood Street, concerns about the traffic signal at Covington and College backing up traffic.

## **Public Comment**

Brad Boehringer, Mound Street voiced his opinion on the options stating he prefers Option 2 stating it is similar to the traffic area on the north side of town at the Broadway Point.

Jim Vetter, S. Downing Street, President of the Southview Neighborhood Association provided a copy of a neighborhood survey the Southview Neighborhood Association passed out to 43 homes in their area asking for their input on what they would like to see happen in the Wood Street/Gordon Street/ Covington Avenue area. The survey outlined some of the issues and concerns the Neighborhood Association has with the area in question and asked for public input. One of the major concerns was for emergency vehicles to be able to get into the area as needed.

Cindy Pearson, Wood Street, voiced her concern over the traffic situation at the corner of Wood/Gordon, and Covington streets. Ms. Pearson stated she did not think the option of taking truck traffic off Wood Street would work, as it would be hard to monitor and enforce.

Frank Barhorst, S. Wayne Street, stated he never uses Wood Street when traveling west, and always travels east down Wood Street, further stating most drivers want to use the 4-way stop. Mr. Barhorst commented he would like to see Wood Street as a one-way street.

Commissioners discussed their concerns on the various options, and asked for further information on the ones they would like to pursue further at this time. No truck traffic on Wood Street was a favorable option. Commissioner Wilson proposed an option of:

One-way east from Covington to College Street  
Parking on south side of street only  
No Stop sign at Wood Street  
Keep Gordon Street open

The Commissioners continued discussion of the options offered voicing their concerns. Mr. Schmiesing explained they would take the information provided and review it and bring back to the Commission for further review.

## **LOONEY ROAD AND GARBRY ROAD INTERSECTION (DISCUSSION)**

City Planner Chris Schmiesing and City Engineer Amy Havenar provided a brief video on Modern Roundabouts.

Mr. Schmiesing gave a brief explanation of the Garbry and Looney Road intersection, also providing a drawing of what the proposed Roundabout would look like at that intersection. Mr. Schmiesing explained how Roundabouts work and how they control the traffic flow much better than stop signs or signals.

Ms. Havenar gave a brief overview of the safety factors with the use of the Roundabouts as they slow traffic down coming into the area of the Roundabout.

There was discussion by the Commissioners concerning the use of the Roundabout versus 4-way and 2-way stops, traffic congestion, pedestrian and bicycle safety in the area, cost of the Roundabout, and if there are problems merging traffic down to one lane to go through.

Frank Barhorst, S. Wayne Street voiced his opinion on the use of Roundabouts stating he is in favor of them.

Jim Cruse, Co Rd, 25-A stated there are plans for a Roundabout to be built at State Route 41 and Route 235 in the near future, and he would like to wait and see how it functions first before the city moves forward with one at Looney and Garbry roads.

City Manager Huff stated if the Roundabouts are not designed right they will not be effective.

Several questions were raised concerning the reason for building the four lanes of traffic on Looney Road, why motorists do not stop at the stop signs, information was provided stating trucks prefer roundabout versus stop signs. Commissioners stated they would like to see more information on the use of the Roundabouts and other statistics on traffic patterns and crash related statistics utilizing the Roundabouts.

City Manager Huff stated the intent is to get Commissions input and discuss what they would like to see happen in the future, as this is just a conceptional project at this time.

**PANHANDLERS (DISCUSSION)**

Police Chief Bruce Jamison gave a brief history of Panhandling in Piqua. Chief Jamison stated he asked and received several copies from other communities of their rules and regulations regarding Panhandling in their communities. Chief Jamison cited some of the types of problems the city is having with panhandlers in the area currently, and how the Police Department is working on controlling the problem. Law Director Wall provided information on some of the legal issues the Police Department faces in enforcing the current legislation on Panhandling.

There was discussion concerning where and when they can panhandle, how long they can be in one area, the time of day they can on the streets, how they can approach people, the need to have them register in the City of Piqua and wear an identification badge, the need to provide information to help with providing shelter if needed. Chief Jamison stated he receives a lot of calls concerning the panhandlers, but it is not his top priority as enforcement is hard to prove sometimes.

It was asked if it would be possible to have the panhandlers provide community service if they do not obey the City codes in lieu of imposing fines on them when they do not have money to pay the fines, and if it would be possible to post signs stating no panhandling in certain areas and on private property.

Chief Jamison stated the Police Department and the Law Director are looking a various options to eliminate the situation, or at least reduce the number of people panhandling in Piqua.

City Manager thanked all for attending the work session, stating they received a lot of worthwhile information to review on all of the subjects discussed.

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Piqua City Commission Work Session at 9:25 P.M. Voice vote, Aye: Wilson, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously.

\_\_\_\_\_  
WILLIAM D. VOGT, VICE MAYOR

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

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

REBECCA J. COOL  
CLERK OF COMMISSION

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday February 19, 2013  
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 January 10, 2013 Commission Work Session and the February 5, 2013 Regular Piqua City Commission Meeting

**RES. NO. R-23-13**

A Resolution appointing a member to the Planning Commission

Moved by Commissioner Martin, seconded by Commissioner Wilson, to approve the Consent Agenda. Voice vote, Aye: Wilson, Vogt, Fess, Terry, and Martin. Nay: None. Motion carried unanimously.

**OLD BUSINESS**

**ORD. NO. 1-13 (2<sup>nd</sup> Reading)**

An Ordinance amending Chapter 55.31 – Storm Water Fees, established of the Piqua Municipal Storm Water Management

Devon Alexander, Storm Water Coordinator provided a brief overview of the 2013 Storm Water Utility rates, stating they would be raised from \$4.70 to \$5.20 (\$0.50) per ERU and the 2014 Storm Water Utility rate would be raised from \$5.20 to \$5.45 (\$0.25) per ERU. Last year the city received a grant to help with the projects but grants are not guaranteed every year. Currently we are facing a \$300,000 deficit due to the Capital Improvement schedule for the street rebuilds this year. The rate increases will help cut the projected deficits in the Storm Water Budget, stated Mr. Alexander.

There was discussion regarding the projects that were to be done this year. And it was noted that they were able to hire two new employees to help with preventive maintenance this year.

**Public Comment**

No one came forward to speak for or against Ordinance No. 1-13.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Ordinance No. 1-13 be adopted. Roll call, Aye: Vogt, Terry, Martin, Wilson, and Fess. Nay: None. Motion carried unanimously.

**ORD. NO. 2-13 (2nd Reading)**

An Ordinance amending Chapter 32, Section 32.016 and 32.061, of the Piqua Municipal Code to reflect meeting requirements

Law Director Stacy Wall explained this is the second reading of Ordinance No. 2-13. The current code requires the Energy and Park Boards to meet even if there is no agenda. This amendment

allows for a meeting to be called upon there being business but also sets a minimum standard of meeting once a quarter.

Law Director Wall noted the numbering of the Ordinances on the agenda face sheet was incorrect as they should read 1-13 and 2-13 instead of 1-3 and 2-3, and the number on Ordinance 2-3 should read as Ordinance 2-13. This does not affect the Ordinance in any way stated Ms. Wall.

Ordinance No. 2-13 was given a second reading.

### **NEW BUSINESS**

#### **RES. NO. R-24-13**

A Resolution to accept the recommended zoning designation concerning the petition for annexation of 0.94+/- acres from Springcreek Township

City Planner Chris Schmiesing explained the petitioner's Robin & Julie Alexander would like to annex the property located at 8090 Looney Road into the City of Piqua to apply for city services. The property owner received information from the Ohio EPA suggesting the best alternative for satisfying the sanitary needs for the property was to hook into the city services. The Planning Commission held a public hearing and recommended an appropriate zoning designation of B General Business District of the subject property upon annexation into the City of Piqua.

Dale Davis, representing the applicants, Robin & Julie Alexander came forward stating the applicant would like to have the Zoning changed as per their request. Mayor Fess asked if Mr. Davis would give a brief explanation of what type of business the applicants intend to locate on the property. Mr. Davis indicated Winan's Coffee will operate a coffee shop in part of the building, and Journey's Beauty Salon will also relocate there in the future.

#### **Public Comment**

Jerry Voisinet, Schultz Drive, came forward and asked several questions concerning the covenants of Recker Town, if this would be considered spot zoning, and if the neighbors were notified of the zoning change.

Mr. Schmiesing explained how the B Zoning was assigned, further stating the County Zoning designation for this property is currently I-1 Light Industrial, and the B Zoning would be a downgrade from that. Mr. Schmiesing explained this is not spot zoning, and that the contiguous neighbors were notified.

Law Director Wall asked that Mr. Voisinet follow up with Mr. Schmiesing stating the property owners came to the City asking for the annexation, and that the litigation that is taking place at this time does not involve the City of Piqua in any way. Ms. Wall stated anything that would come before the Planning Commission or concerning an annexation agreement Mr. Schmiesing is very knowledgeable on as he is the first point of contact for the agreements. There is a process that must be followed when requesting any annexation into the city such as public and all items were followed.

Commissioner Vogt stated a few years ago a similar situation occurred further down Looney Road, where the resident asked to annex into the city because of sanitary sewer issues also.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-24-13 be adopted. Roll call, Aye: Terry, Martin, Wilson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-24-13 adopted.

#### **RES. NO. R-25-13**

A Resolution to accept a petition for annexation of 0.941+/- acres from Springcreek Township

Chris Schmiesing stated the property owners executed an annexation agreement with the City of Piqua to secure permission to tie into the municipal water and sewer systems. The Springcreek Township Trustees have consented to the request for the annexation by formally approving the annexation agreement. The petitioners took the annexation petition to the Miami County Board of Commissioners who accepted the petition and forwarded it to the City of Piqua Clerk of Commission who received the petition and held it for the statutory 60 day waiting period, and it is now before the City Commissioner to accept or reject the annexation petition at this time.

Commissioner Martin asked if all the neighbors listed on Exhibit "D" received notification of the annexation. Mr. Schmiesing stated yes they did, as that is a requirement of the Ohio Revised Code and why the exhibit is included. Commissioner Martin inquired if the other neighbors behind or down the road from the property in question wanted to annex would it be possible. Mr. Schmiesing explained.

Dale Davis, representing the petitioners Robin and Julie Alexander came forward stating the Alexander's asked to have their property annexed in to the City of Piqua. They have gone through the Miami County process, and the Springcreek Township Trustees have approved the annexation. The Alexander's have completed everything required to move the annexation forward at this time, stated Mr. Davis.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-25-13

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-25-13 be adopted. Roll call, Aye: Martin, Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-25-13 adopted.

#### **RES. NO. R-26-13**

A Resolution authorizing an application to the League of American Bicyclist Bike Friendly Community program

City Planner Chris Schmiesing stated the goal is to apply for the Bicycle Friendly Designation through the League of American Bicyclists They have several different designations that evaluate the current bike friendliness of the community and be recognized for their efforts. They include: Diamond, Platinum, Gold, Silver, Bronze, and Honorable Mention. The city will not only receive a designation as to where they are in the process, it also helps identify further steps that need to be taken to reach the next award level and become a leading bicycle friendly city. Feedback is also provided on areas in need of improvement and ties in with the Complete Streets project discussion that has been taking place recently. By going through this process the city will be better informed on what can be done to make the City of Piqua a Bicycle Friendly Community. This Resolution is asking for Commissions authorization to submit the application, and is indicating their support, stated Mr. Schmiesing.

City Manager Huff stated this is something that he has encouraged them to pursue, as it is very important to receive the designations and certifications to market the community. Piqua is quickly becoming the hub for bicycling and trail systems in the area. The city has a new marketing material logo, City of Piqua the Best Trail System in Ohio. City Manager Huff believes we have that and it gives the city more opportunity to market further and to attract more bicycle riders to the community. City Manager Huff commended Mr. Schmiesing and the committee for their efforts in putting together the application.

Commissioner Wilson stated he would like to continue to promote the Piqua Bike Trail and bicycling in the community, as it is a hidden gem. Commissioner Wilson further stated he would like to see different community sponsored bicycle rides in the spring and summer if possible, as it is a great way to promote the Bike Trail.

Commissioner Terry asked if by getting the Designation would it help the City to secure more grants and help to make the bicycle system better. Mr. Schmiesing stated absolutely, and by going through the process it will help us better identify where we can make improvements that will have a significant impact in the community.

#### **Public Comment**

Jim Hemmert, Boone Street, came forward stating he has been aware of the application for quite some time now, and is looking forward to achieving the designation. Mr. Hemmert also stated the City of Piqua will be hosting the Bicycle Summit in 2015 with a large number of bicycling enthusiast's and their families coming into the community.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-26-13 be adopted. Roll call, Aye: Wilson, Fess, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-26-13 adopted.

#### **RES. NO. R-27-13**

A Resolution requesting authorizing to enter into an agreement with LBJ Inc. for the Engineering Design Services for the CR 25-A Phase III Reconstruction Project

City Engineer Amy Havenar explained Resolution No. R-27-13 would allow the City of Piqua to enter into an agreement with LBJ Inc. for the design services for the CR 25-A Phase III Reconstruction. The project limits are from Looney Road to just east of Indian Ridge Drive, and will consist of widening the roadway with the installation of sidewalks and/or a multi-use path, and the upgrading of the utilities where necessary.

There was discussion on having sidewalks on both sides of the road, or possibly having sidewalks on one side and a bike path lane on the other side, this is still in the design stages and will be evaluated. Also there was discussion on the effects of the roundabout in the area if that were to come to plan on Looney Road in the future. Ms. Havenar explained.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-27-13

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-27-13 be adopted. Roll call, Aye: Fess, Vogt, Terry, Martin and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-27-13 adopted.

#### **RES. NO. R-28-13**

A Resolution requesting authorization to apply for Safe Routes to School funding for certain infrastructure improvements

City Planner Chris Schmiesing explained this is the request to submit an application for Safe Routes to School funds. Last year the city received close to a half a million dollars in Safe Routes to Schools dollars for infrastructure improvements that are now entering into the design phase. This round the application designates the public sidewalk, curb repairs, and pedestrian facilities around the Washington School site, and the new Piqua Central Intermediate school site. The SRTS program is designed to cover 100% of the costs associated with implementing the proposed improvement/activities identified in the funding application. We will be submitting an application for up to \$500,000 for design and engineering services, stated Mr. Schmiesing.

Discussion of the items the \$500,000 would be used for and what the requirements are for the use of the funds. There were various questions regarding the funding stated in "Section 10 The Action Plan" from the Piqua Safe Route to School Program on page 61 that was included in the resolution. This included the sidewalks, bump-outs, street repairs, etc. Mr. Schmiesing explained

this is not set in stone, having a safe walking area for students to go to and from the schools is very important, and there is a lot of information required when applying for these grants. This will come back before the Commission for approval as each phase is implemented in the future, we are asking for Commissions support in applying for these funds at this time, stated Mr. Schmiesing.

**Public Comment**

Brad Boehringer, Mound Street, asked a question regarding the installation of the 4-way stop and curb extensions at Wayne and High Streets that is listed on page 61 of the Action Plan. Mr. Schmiesing explained.

It was noted that this is a project that the Piqua City Schools and the City of Piqua are partnering on together and both parties are involved in putting together the information needed to receive the funding. The School Board will also have to pass legislation in the future as well as the City Commission.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-28-13 be adopted. Roll call, Aye: Vogt, Terry, Martin, Wilson and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-28-13 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.

A resident at 319 South Street came forward and inquired about a problem he had with the wires from his home being taken down by a passing city truck. Law Director Wall explained the process, and further stated she would follow up on his request for further information.

**City Manager's Report**

City Manager Huff stated the City received the Hermes Silver Addy Award for the Fort Piqua Plaza Corporate Event that was produced.

**Commissioners Comment**

Commissioner Terry announced the Ribbon Cutting for Mulligan's Pub is scheduled for February 21st at 10:00 A.M.

Commissioner Vogt announced Golf Course Memberships are now available for purchase.

Commissioner Vogt also announced the Annual City Car Show will be held on Saturday, July 20<sup>th</sup> at Fountain Park, and reminded citizens to mark their calendars.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 8:25 P.M. Voice vote, Aye: Martin, Terry, Fess, Wilson, and Vogt. Nay: None. Motion carried unanimously.

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LUCINDA L. FESS, MAYOR

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

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

**RESOLUTION NO. R-29-13**

**A RESOLUTION OF APPRECIATION FOR THE  
PUBLIC SERVICE OF MARK GRAU  
AS A CITY EMPLOYEE**

WHEREAS, Mark Grau has retired as Refuse Driver with the Sanitation Department; and

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

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

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

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

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LUCINDA L. FESS, MAYOR

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

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

**ORDINANCE NO. 2-13**

**AN ORDINANCE AMENDING CHAPTER 32, SECTIONS 32.016 AND 32.061, OF THE PIQUA MUNICIPAL CODE TO REFLECT MEETING REQUIREMENTS**

WHEREAS, the City of Piqua Municipal Code Chapter 32 regulates the rules and procedures of Boards and Commissions; and

WHEREAS, the City of Piqua Municipal Code requires the Energy Board to meet at least once a month;

WHEREAS, the City of Piqua Municipal Code requires the Public Park Board to meet at least 12 times per year; and

WHEREAS, it should be the discretion of the Board to call a meeting upon there being business to conduct.

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

SECTION 1. The City of Piqua hereby amends Chapter 32 of the Piqua Municipal Code as set forth below (proposed language is underlined and language to be deleted is struck):

**§ 32.001 ESTABLISHMENT; MEMBERSHIP.**

(A)(1) There is established a City Planning Commission.

(2) The Commission shall have seven members, consisting of the City Manager (ex-officio), City Engineer (ex-officio), and five citizens of the city to be appointed by this Commission in accordance with Section 94 of the Charter.

(B) The citizen members of the Planning Commission shall be appointed by this Commission, by motion, for the terms provided by the Charter of the city. Vacancies in the Planning Commission, caused by removal from the city or a refusal or inability to serve, shall be filled by appointment for the unexpired term in the office in which the vacancy occurred.

(C) The members of the Planning Commission shall have the qualifications and be vested with the powers as provided in Section 94 of the Charter.

**§ 32.002 PROCEDURES.**

A majority of the voting members appointed to the Planning Commission shall constitute a quorum to do business. The affirmative vote of a majority of the voting members appointed to the Planning Commission shall be necessary to adopt any resolution. However, in the absence of a quorum, a vote to adjourn may be adopted by a majority of the members present, and, by a

majority of members present, the Commission may vote to hold the roll open for a period not to exceed ten days, to allow absent members to cast a written ballot.

## **ENERGY BOARD**

### **§ 32.015 ESTABLISHMENT; MEMBERSHIP.**

(A) There is created the City Energy Board, composed of up to 12 members, two of which shall be City Commission members, and up to ten who shall be and remain residents of the city, and shall be appointed, or removed, at the pleasure of the City Commission. The members of the Board shall serve without compensation, except Board members may be reimbursed for expenses incurred while carrying out their duties as Board members, and they shall serve for five years, except that two of the original appointments shall be for one year, one shall be for two years, two shall be for three years, one shall be for four years, and two shall be for five years respectively. The term of appointment for the two City Commission members shall be for two years, to terminate and begin when the City Commission reorganizes as specified by the Charter. Vacancies, whether by resignation, removal, or otherwise, shall be filled in the usual manner by the City Commission for the remainder of the term. No citizen shall be eligible for appointment herein who is an employee of the city. No member of the Energy Board shall have financial interest or hold any position with any private organization active as, or serving citizens of the state, as a public or quasi-public energy-related utility during his or her term. The person shall profess belief in the desirability of municipal utility ownership and operation.

(B) The citizens proposed for appointment shall be considered on their ability and educational level in the fields of engineering, accounting, administration, and management; or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities thereof.

### **§ 32.016 MEETINGS.**

The Energy Board shall ~~establish rules of procedure to conduct meetings held at least once each month~~ meet upon there being business to discuss, but no less than once a quarter. All meetings of the Board shall be announced in advance and open to the public. The members shall elect a Chairperson and a Vice-Chairperson annually. An election of officers of the Board shall be held at the first regular meeting at which all members are present following the appointment of a new Board member for a full term, but not later than the second meeting following the appointment. No Board member shall serve as Chairperson for more than three consecutive years. The Power System Director shall cause the records of the Board to be prepared and preserved, and shall be required to attend all meetings of the Board. Every meeting of the Board shall have at least five members in attendance to constitute a quorum, and all official actions of the Board shall require a majority vote of the members of the full Board.

## **§ 32.017 DUTIES.**

(A) The Board shall consult with and advise the City Commission on the operation, management, and control of the municipal power or energy systems, including the operations, maintenance, and distribution divisions thereof, and other related energy matters. Recommendations made by the Board may relate to the following.

- (1) Expenditures, revenues, and charges to the power or energy systems.
- (2) Annual budget and appropriation ordinances in relation to the power or energy systems.
- (3) Relevant power or energy systems bond ordinances.
- (4) Capital improvements and expansion plans for the power or energy systems.
- (5) Utility rates of the power or energy systems.
- (6) Efficient management and use of the power of energy systems and the rules and regulations thereof, including accounting and collection.
- (7) Any energy-related issue the Board may deem pertinent to the energy concerns and operations within the jurisdiction of the city.

(B) All actions, functions, and responsibilities of the Energy Board are to be directed generally to those actions, functions, and responsibilities described above, and shall not be inconsistent with the legal requirements of the Charter, state laws, or other regulatory agencies having jurisdiction. The adopted recommendations of the Energy Board shall not be binding, but shall be given priority consideration by the City Commission. All policies or administrative policy pertaining to divisions (1) through (7) above shall first be referred to the Energy Board for their recommendations before being considered by the City Commission. The Board shall submit an annual report on their observations and conclusions in relation to the operation, management, and control of the municipal power or energy systems. The Board shall tour the physical facilities of the municipal power or energy systems not less than once each year and include findings of same in their annual report.

(C) The City Manager, the Law Director, and the Finance Director shall, upon the Board's request, supply assistance and information and assist the Board in administrative, legal, and financial aspects of the Board's recommendations and areas of responsibility.

# BOARD OF HEALTH

## § 32.030 ESTABLISHMENT; MEMBERSHIP.

(A) There is established and created a Board of Health for the municipal health district constituted by the city, as the boundaries of the city now exist or as hereafter may be extended.

(B) The Board of Health shall be composed of five members, who shall be the members of the City Commission, and shall hold office as City Commissioners, and who shall serve without compensation, and a majority of whom shall constitute a quorum at any meeting. The Mayor shall be the President of the Board of Health by virtue of his or her office. The terms of office of the members of the Board of Health shall be determined by their term of office as City Commissioner.

## § 32.031 POWERS.

The Board of Health shall have such powers as are granted by of *Ohio Revised Code* and shall also make any other orders, rules and regulations as deemed necessary for the prevention of diseases, for the benefit of public health and the prevention, abatement or suppression of nuisances. Orders, rules and regulations made by the Board of Health shall have the same force and effect as ordinances of the city, as provided by R.C. § 3709.20, and any person who violates or fails to comply with any such orders, rules or regulations shall be subject to the penalties provided by R.C. §§ 3707.48 to 3707.53, inclusive, and R.C. § 3707.99. The Board of Health shall also have the power to assess the cost and expenses for the prevention, abatement and suppression of nuisances, and to certify the cost and expenses to the County Auditor to become a lien against the property so assessed, and to compel proprietors and owners, agents, assignees, occupants or tenants, of the lot or property, house or building, upon or in which the nuisances may be, to abate and remove the same.

## § 32.032 HEALTH COMMISSIONER.

There is hereby created the office of Health Commissioner who, by virtue of his or her office, shall be the City Manager, and shall be responsible to the City Commission, and shall have the powers and duties created by law and by the *Ohio Revised Code*, the city Charter and the ordinances and resolutions of the city and the Board of Health, and shall be charged with the administration and execution of all matters pertaining to public health and the abatement, suppression and removal of nuisances.

## § 32.033 PUBLIC HEALTH OFFICERS.

(A) There is created the office of Clerk to the Health Commissioner, who shall be appointed by the City Manager and shall perform any duties as ordered by the Health Commissioner, and shall have such powers as may be delegated to the holder of this office by the Health Commissioner.

(B) There is created the office of Public Health Nurse, who shall be appointed by the City Manager and shall perform any duties as ordered by the Health Commissioner, and shall have powers as may be delegated to the holder of this office by the Health Commissioner.

(C) There is created the office of Sanitarian, who shall be appointed by the City Manager and shall perform any duties as ordered by the Health Commissioner, and shall have powers as may be delegated to the holder of this office by the Health Commission.

### **§ 32.034 ENVIRONMENTAL HEALTH AND SAFETY DIRECTOR.**

There is created the office of Environmental Health and Safety Director, appointed by the City Manager, and he or she shall perform duties as ordered by the Health Commissioner, and shall have powers as may be delegated to the holder of this office by the Health Commission.

## **RECORDS COMMISSION**

### **§ 32.050 CITY RECORDS COMMISSION.**

(A) There is created a Records Commission composed of the City Manager or his or her appointed representative, as Chairperson, the Finance Director, the Law Director, and a citizen appointed by the City Manager. The Commission shall appoint a Secretary, who may or may not be a member of the Commission, and who shall serve at the pleasure of the Commission. The Commission may employ an Archivist to serve under its direction. The Commission shall meet at least once every six months, and upon call of the Chairperson.

(B) The functions of the Commission shall be to provide rules for retention and disposal of records of the municipal corporation and to review applications for one-time records disposal and schedules of record retention and disposition submitted by municipal offices. Records may be disposed of by the Commission pursuant to the procedure outlined in this section. The Commission may at any time review any schedule it has previously approved, and for good cause shown, may revise that schedule.

(C) When municipal records have been approved for disposal, a list of the records shall be sent to the Auditor of State. If he or she disapproves of the action by the Records Commission, in whole or in part, he or she shall so inform the Commission within a period of 60 days, and these records shall not be destroyed. Before public records are disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of 60 days to select for its custody any public records it considers to be of continuing historical value.

## **PUBLIC PARK BOARD**

### **§ 32.060 ESTABLISHMENT; MEMBERSHIP.**

(A) There is created a Public Park Board.

(B) The Park Board shall consist of nine members, which members shall be legal residents of the city, and shall be appointed by the Mayor, which appointments shall be confirmed and ratified by the City Commission, and who shall serve without compensation for a period of five years, and shall be appointed in the first instance to serve one, two, three, four, and five years, respectively, and thereafter their successors shall be appointed to each serve for a term of five years.

(C) Vacancies caused by death, resignation, or otherwise shall be filled in the regular manner for the remainder of the term.

(D) If any member to the Board shall cease, during a term for which he or she is appointed, to be a legal resident and citizen of the city, then his or her appointment to this Board shall be terminated as of the date of his or her change of residence, and the Commission shall proceed forthwith to appoint a new member to that Board.

### **§ 32.061 MEETINGS.**

The Board shall ~~hold meetings at least 12 times a year~~ meet upon there being business to discuss, but no less than once a quarter, and shall adopt rules and regulations for the conduct of its meetings. It shall keep a complete record of its proceedings, and yeas and nays shall be collected on the passage of its resolutions or orders. Five members of the Board shall constitute a quorum for the transaction of business, but no resolution or order shall be adopted unless five members vote in its favor. The Board shall select one of its members as Chairperson and one as Clerk, who shall receive no compensation for services.

### **§ 32.062 DUTIES.**

(A) The duties of the Board shall consist generally of inspecting city public parks and playgrounds, and making recommendations and suggestions to the City Manager for the equipping, managing, controlling, or maintaining thereof. The Board may also recommend rules and regulations for the public use of parks, which rules and regulations must be adopted by the City Commission to take effect. They shall make effective the provisions of this subchapter.

(B) On the first Monday in each year, the Board shall make a written report to the City Commission on its proceedings, and shall at the same time submit to the Commission its suggestions for the proper operation, maintenance, and use of the public parks and playgrounds.

## **TREE COMMITTEE**

### **§ 32.075 ESTABLISHMENT; MEMBERSHIP.**

(A) There is created and established in the city a Tree Committee, which shall consist of not less than five nor more than seven members, including the City Manager, who shall be a non-voting member, one member of the City Commission, and not less than three nor more than five members who shall be citizens and residents of the city.

(B) The Mayor shall appoint the voting members of the Tree Committee with the advice and consent of the City Commission.

(C) Members of the Tree Committee shall serve without compensation.

**§ 32.076 TERM.**

The term of office of the citizen members of the Tree Committee shall be four years, except that citizen members may be appointed by resolution to a lesser term in order to prevent more than two terms from expiring in the same year. The City Commission members shall be appointed for a period not to exceed four years, and shall terminate automatically should the member cease to be a member of the City Commission during his or her term on the Tree Committee.

**§ 32.077 POWERS AND DUTIES**

The Tree Committee shall have the power to study, investigate, plan, advise, report, and recommend to the City Manager and the various departments of the city any action, program, plan, or legislation which the Committee shall determine to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal, or disposition of trees or shrubs in the public ways, streets, alleys, and upon properties owned, leased, or in any manner controlled by the city.

SECTION 2. All other Sections of Chapter 32 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 2-05-2013**

**2<sup>nd</sup> Reading 2-19-2013**

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

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

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	February 5, 2013 – 1 <sup>st</sup> Reading February 19, 2013-2 <sup>nd</sup> Reading March 5, 2013 – 3 <sup>rd</sup> Reading		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	<b>AN ORDINANCE AMENDING CHAPTER 32, SECTIONS 32.016 AND 32.061, OF THE PIQUA MUNICIPAL CODE TO REFLECT MEETING REQUIREMENTS</b>		
<b>SUBMITTED BY</b>	Name & Title: Stacy Wall 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 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 current code requirements require the Energy and Park Boards to meet even if there is no agenda. This amendment allows for a meeting to be called upon there being business but also sets a minimum standard of meeting once a quarter.		
<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	
	2.	Not approve the ordinance	
	3.	Suggest an amendment	
	4.		
<b>PROJECT TIMELINE</b>	Three readings – no emergency		
<b>STAFF RECOMMENDATION</b>	Staff recommends the adoption of the ordinance to allow for board discretion to set its meeting dates.		
<b>ATTACHMENTS</b>	None		

**ORDINANCE NO. 3-13**

**AN ORDINANCE AMENDING SECTION 77.01 – TRAFFIC SCHEDULES ADOPTED, SCHEDULE IV AND SCHEDULE VII OF THE PIQUA CODE, RELATING TO FOUR-WAY STOP INTERSECTIONS AND TRAFFIC CONTROL DEVICES PERTAINING TO THE SOUTH STREET/SUNSET DRIVE INTERSECTION.**

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

SEC. 1: Section 77.01 of the Piqua Code, Schedule IV – FOUR-WAY STOP INTERSECTION, is hereby amended to ADD the following:

**SOUTH STREET AND SUNSET DRIVE**

and; Section 77.01 of the Piqua Code, Schedule VII – TRAFFIC CONTROL DEVICES, is hereby amended to DELETE the following:

**SOUTH STREET AND SUNSET DRIVE**

SEC. 2: Section 77.01 of the Piqua Code, Schedule IV Four-way Stop Intersection and Schedule VII Traffic Control Devices, is hereby amended to revise the designation of the intersection;

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

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

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

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

**Commission Agenda  
Staff Report**

<b>MEETING DATE</b>	March 5, 2013		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	An ordinance amending Section 77.01 – Traffic Schedules Adopted, Schedule IV and Schedule VII of the Piqua Code, relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection.		
<b>SUBMITTED BY</b>	Name & Title: Amy Havenar, P.E., City Engineer Department: Engineering		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>A request was brought before the Transportation Committee to review the intersections surrounding Pitsenbarger Park for means of improving/enhancing the safety of the intersections with regards to pedestrians, bicyclists, and the motorists entering and leaving the park complex. For the purpose of this Ordinance, we are focusing on the intersection of South Street and Sunset Drive. Based upon the study completed, the traffic signal at the intersection of South Street and Sunset Drive does not meet the necessary warrants as per the Ohio Manual of Uniform Traffic Control Devices (OMUTCD).</p> <p>In determining that the traffic signal was not warranted at this location, the study then proceeded to evaluate the justification of a multi-way stop at this intersection. Based upon the criteria for multi-way stops, a multi-way stop is justified and was recommended for intersection.</p> <p>The Transportation Committee voted unanimously at their August 23, 2012 meeting to recommend to the City Commission that this intersection be changed from a signalized intersection to a multi-way stop intersection.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:		
	<b>Narrative</b>	The only financial impact will be for the new stop signs and the new stop ahead signs, which the Sign Shop can make in-house. We will also recognize a long-term savings with not having to maintain/operate the traffic signal at this intersection.	

<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the ordinance to amend Section 77.01, Schedule IV and Schedule VII of the Piqua Code relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection.
	2.	Do not approve the ordinance and keep the intersection as a signalized intersection.
<b>PROJECT TIMELINE</b>	This work would be completed based upon the timeframes identified in the attached Intersection Action Plan	
<b>STAFF RECOMMENDATION</b>	Approve the ordinance to allow for the conversion of the South Street/Sunset Drive intersection to a multi-way stop.	
<b>ATTACHMENTS</b>	South Street/Sunset Drive Intersection Action Plan	

**SOUTH STREET AND SUNSET DRIVE**

**OVERVIEW**

**Background:**

Complaints concerning the existence of a traffic signal at this location continue to be received from the public. The existing traffic control equipment is non-standard by current standards and the age of the equipment makes it difficult to find replacement parts when repairs are needed. Reconstruction/replacement of the traffic signal has been delayed in the past due to concerns about the expense of the necessary work when questions remain about whether or not the signal is warranted. A traffic study completed in 2012 by the City of Piqua Engineering Department determined the intersection characteristics and traffic volumes at this location do not warrant a traffic signal control device.

**Recommendation:**

It is recommended that the traffic signal at this intersection be removed. Based on the relatively balanced traffic volumes on the intersection approaches, a multi-way (3-way) stop control is recommended. A 3-way stop will provide for reduced delays for approach traffic when there is no traffic approaching from the other directions. Consideration to pedestrian needs should also be given special attention here given the residential setting and adjacent park facility.

**Intersection Aerial:**





INDIVIDUAL INTERSECTION ACTION PLAN  
**SOUTH STREET AND SUNSET DRIVE**

**WORK PLAN**

OUTREACH	DEPARTMENT	TARGET DATE	DATE COMPLETE
Stakeholder Mailings	Planning	February 1, 2013	
Property owners/residents near intersection; Southwest Neighborhood Association.			
Public Meeting	Planning	February 12, 2013	
Planning Commission Public Hearing			
Public Awareness:	Engineering	March 1, 2013	
Public Notice - PDC, WPTW, Channel 5			
Police Patrols			
WORK ITEMS	DEPARTMENT	TARGET DATE	DATE COMPLETE
Preparation:	Planning/ Engineering	March 1 - 31, 2013	
1. Meet with property owners to discuss planned improvements			
	Engineering	March 5 to April 2, 2013	
2. Amend traffic schedule			
	Engineering/ Streets	March 25, 2013	
3. Specify and fabricate necessary signs (field locate)			
Installation:	Streets	April 11, 2013	
4. Install "Signal Under Study for Removal" for 30 days			
	Streets/ Traffic	May 13 to August 13, 2013	
5. Implement 3-way stop; Install new signs and place signal in 3-way flash mode for 90 days.			
	Traffic	August 13 to October 14, 2013	
6. Turn off flashers and bag signal heads for 60 days			
Follow Up:	Traffic	September 1, 2013	
7. Peak hour observation of traffic patterns and motorist behavior; note observations and report findings to City Engineer			
	Engineering	October 15, 2013	
8. Remove signal heads and generate report closing project - OR - Forward request for work items to be completed to modify operation			

## ORDINANCE NO. 4-13

### AN ORDINANCE AMENDING CHAPTER 90 OF THE PIQUA MUNICIPAL CODE TO REPEAL SECTION 90.28 VICIOUS DOGS

WHEREAS, the City of Piqua Municipal Code has had laws and procedures dealing with vicious dogs; and

WHEREAS, the State of Ohio passed HB 14 in 2012 on redefining types of dogs and dog violations; and

WHEREAS, the City of Piqua desires to follow the Ohio Revised Code with regards to defining different types of dogs when there has been a dog attack or dog bite; and

WHEREAS, by repealing Piqua Municipal Code Section 90.28, issues that fell under the purview of that section will now be enforced by the Miami County Dog Warden.

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 90 of the Piqua Municipal Code as set forth below by repealing Section 90.28 and all references thereto: (deleted language is indicated by strikethrough and added language is underlined)

#### § 90.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any live, vertebrate creature, domestic or wild.

**DOMESTIC ANIMAL.** Any non-agricultural animal which is accepted by the general public as tamable and bred as a tamed animal for human purposes.

**EXOTIC.** Any animal which is foreign and generally not indigenous to the local community, including (but not limited to) the animals identified in § 90.08.

**OWNER.** Any person, firm or corporation owning, keeping, harboring or having care, custody or control of one or more animals.

**WILD.** Any animal which generally lives in its original, natural state, and is not normally domesticated.

## **§ 90.02 SANITARY CONDITIONS REQUIRED.**

It shall be unlawful for any person to erect, use, or maintain any building, structure or place for the exercise of any trade, employment, business, or for the keeping or feeding of any animal, or to occupy any dwelling which, by occasioning noxious smells, exaltation, or noisome or offensive smells, become injurious to the health, comfort, or property of individuals or the public, or causes or suffers any offal, filth, or noisome substance to be collected or remain in places to the damage or prejudice of others, or to the public.

## **§ 90.03 ABANDONMENT; ANIMALS RUNNING AT LARGE.**

(A) (1) No owner of a dog, cat, or other domestic animal shall abandon the animal.

(2) Except as otherwise provided in § 90.05(B), no owner of horses, mules, cattle, sheep, goats, swine, dogs, geese or other fowl, or animals shall permit them to run at large upon any public way or upon the land of another.

(B) It shall be unlawful for the owner of any animal to allow the same to be on the lands of the Echo Hills Golf Course.

## **§ 90.04 CRUELTY TO ANIMALS; CRUELTY TO COMPANION ANIMALS.**

(A) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during the confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This division does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, **SHELTER** means an artificial enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development, or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the stock to be so crowded as to overlie, crush, wound, or kill each other.

(B) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. Division (A) of this section does not prevent the dehorning of cattle.

(C) All fines collected for violations of division (A) of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the general fund.

(D) Cruelty to companion animals.

(1) As used in this section:

**COMPANION ANIMAL.** Any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. **COMPANION ANIMAL** does not include livestock or any wild animal.

**CRUELTY, TORMENT, and TORTURE.** Have the same meanings as in R.C. § 1717.01.

**FEDERAL ANIMAL WELFARE ACT.** The "Laboratory Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. 2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

**PRACTICE OF VETERINARY MEDICINE.** Has the same meaning as in R.C. § 4741.01.

**RESIDENTIAL DWELLING.** A structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

**WILD ANIMAL.** Has the same meaning as in R.C. § 1531.01.

(2) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(3) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(a) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

(b) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.

(4) Divisions (D)(2) and (D)(3) of this section do not apply to any of the following:

(a) A companion animal used in scientific research conducted by an institution in accordance with the Federal Animal Welfare Act and related regulations;

(b) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under R.C. Chapter 4741;

(c) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(d) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;

(e) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under R.C. Chapter 4741.

(5) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this division (E) to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys

under this division, the county humane society shall use the fine moneys to provide the training that is required for humane agents under R.C. § 1717.06.

### **§ 90.05 NUISANCE CONDITIONS.**

(A) (1) No owner shall allow his or her dog, cat or other domestic animal to become a public nuisance. Excessive barking, whining or howling, molesting passers-by, chasing vehicles, attacking other domestic animals, and damaging property shall be considered a nuisance under this section.

(2) The owner or person in charge or control of any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or any other public or private property (other than the property of the owner of the animal) shall immediately repair any damage and remove all feces deposited by the animal and dispose of same in a sanitary manner.

(B) (1) It shall be unlawful and considered a public nuisance for any person to own, keep, harbor or maintain an agricultural animal on any parcel of land less than five acres in size or within 1,000 feet of any residence other than his or her own.

(2) For the purpose of this section, **AGRICULTURAL ANIMALS** include horses, mules, donkeys, ponies, cattle, swine, sheep, goats, geese, ducks, turkeys, guinea fowl, peacocks, and chickens.

(3) Nothing in this section shall be construed to prohibit the following:

(a) The feeding of ducks and geese at Echo Lake;

(b) The temporary custody of agricultural animals by a licensed veterinarian;

(c) The temporary custody of agricultural animals by a food processing businesses;

(d) The temporary custody of agricultural animals not exceeding three consecutive days per calendar year by any person, firm, corporation or association sponsoring any charitable, promotional, civic or other civic or special event, festival, celebration or fund-raising activity, subject to approval by the Public Works Director at least seven days in advance; or

(e) The custody of agricultural animals by educational institutions.

### **§ 90.06 RELEASE OF ANIMALS.**

An animal confined under the order of either the police, Health Officer, or pound keeper shall not be released until a certificate of release has been issued by the official who orders the confinement.

### **§ 90.07 PENS FOR RABBITS.**

(A) Any person, persons, firm, or corporation who owns, keeps or harbors three or more rabbits on any premises within the corporation limits of the city must keep the same in a building or structure used exclusively for that purpose, and which building or structure shall be located 75 feet or more from any other building, house, or structure which is used for human occupancy or habitation, or where food is sold, served, or otherwise handled. The building or structure must have a ceiling of not less than seven feet in height from the floor, at any point, with sufficient windows and opening to furnish light to all points of the building or structure. Ventilation shall be sufficient so as to furnish six complete changes of air per hour, and all openings must be fully screened so as to keep out flies and other insects. The floor of the building or structure must be of concrete and free from flaws or cracks, and graded and sloped so that the floor will properly drain to a floor drain, which is to be connected to a sanitary sewer and vented. The foundation of the building or structure must be of a height of not less than six inches above the floor level, or have a cement baseboard at least six inches in height.

(B) The hutches, cages, or pens in which the rabbits are kept or harbored must be at least 16 inches in height, 30 inches in width, and 40 inches long. Hutches, cages, or pens shall not be placed or erected on top of each other over three hutches in height. Hutches may have a steel or wood frame. The top and sides must be covered with galvanized wire netting and a -inch mesh galvanized wire floor, with a watertight galvanized iron drip pan of not less than 16-gauge, and shall be large and sufficient enough to catch all drippings and waste. The drip pans shall be at least one inch deep and placed two or more inches under each floor of each hutch, and arranged, built, and erected so that the pans can be taken out for cleaning and flushing. The hutches must be erected so that they will stand away from any wall, and have an aisle of at least four feet in width between the rows of same.

(C) The hutches must also have a proper feed rack and chaff pan for same, but they must be built and erected double, end to end, so one rack and pan can provide for both hutches. Drip pans and floor must be washed, flushed, and disinfected every day from April 1 to October 30, inclusive, of each year, and for the balance of each year the drip pans and floor must be washed, flushed, and disinfected at least every other day. The waste and manure must be kept in tight metal containers with tight and well-fitting lids and disposed of at reasonable intervals. The floor of the building or structure shall be kept free from all obstructions at all times so that it can be easily and readily flushed.

(D) Each hutch, cage, or pen shall contain at any one time not more than one rabbit over six months of age except a doe and litter until the litter reaches six weeks of age.

(E) Notwithstanding any other provision of this chapter, participants in projects sponsored by 4-H Club or similar organizations may apply for exemptions from one or more restrictions contained in § 90.04(A), provided:

(1) The participant establishes his or her bona fide and current affiliation with the 4-H Club or similar organization to the satisfaction of the Health and Sanitation Officer.

(2) The participant submits a comprehensive and written description of his or her proposed project, satisfactory to the city Health and Sanitation Officer (which shall in no event provide for keeping more than 24 rabbits).

(3) The participant maintains and fulfills the project in complete conformity with his or her written description satisfactory to the Health and Sanitation Officer.

#### **§ 90.08 EXOTIC ANIMALS.**

(A) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the territorial limits of the city any of the following animals:

(1) All poisonous animals, including rear-fang snakes and spiders.

(2) Apes, including chimpanzees (pan); gibbons (hylobates); gorilla (gorilla); orangutans (pongo); and siamangs (Synphalangus).

(3) Baboons (papai, mandrillus).

(4) Bears (ursidae).

(5) Bison (bison).

(6) Cheetahs (acinonyx jubatus).

(7) Crocodilians (crocodilia), 30 inches in length or more.

(8) Constrictor snakes, six feet in length or more.

(9) Coyotes (canis latrans).

(10) Game cocks and other fighting birds.

- (11) Hyenas (*hyaenidae*).
- (12) Jaguars (*panthera onca*).
- (13) Leopards (*panthera pardus*).
- (14) Lions (*panthera leo*).
- (15) Lynxes (*lynx*).
- (16) Foxes (*vulpes*).
- (17) Monkeys, old world (*cercopithecidae*).
- (18) Ostriches (*struthio*).
- (19) Piranha fish (*characidae*).
- (20) Pumas (*felis concolor*), also known as cougars, mountain lions, and panthers.
- (21) Snow leopards (*panthera uncia*).
- (22) Tigers (*panthera tigris*).
- (23) Wolves (*canis lupus*).
- (24) Birds of prey (raptors).

(B) The provisions of this section shall not apply to licensed pet shops, menageries, zoological gardens, and circuses, if the following apply:

- (1) Their location conforms to the provisions of the zoning ordinance of the city.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) The keeping of animals, birds, or fowl otherwise prohibited by this section may be permitted by applying for a special permit from the City Manager. Permits may be issued to permit circus performances or other public exhibition or entertainment events. Any person, organization, group or business granted a special permit will be required to comply with the conditions of division (B) and all federal and state regulations and licensing requirements.

## **§ 90.09 HARBORING BEES,**

(A) It is hereby declared a nuisance for any person to keep or harbor bees which cause annoyance to other persons or damage to the property of others.

(B) Upon complaint being made, the City Manager is hereby authorized and directed to notify the owner or keeper of such bees to abate the nuisance and to remove hives or other contrivances, where the bees are kept or harbored, within ten days after being notified thereof. It shall be unlawful for the owner or keeper to fail or refuse to remove the hives or other contrivances where bees are kept or harbored.

### **§ 90.10 ANIMAL WARDEN.**

The City Manager may appoint an Animal Warden for the purposes of enforcing this chapter. Upon appointment, the Animal Warden shall be authorized and empowered to issue and serve citations for violations of any provision of this chapter, impound animals running at large, eliminate dangerous animals, and perform all duties incumbent upon and incidental to the proper enforcement of this chapter.

### **§ 90.11 HUNTING AND TRAPPING PROHIBITED.**

(A) Except as provided hereinafter and in areas identified in § 137.09(F), no person shall hunt or trap any fur-bearing animal within the municipality without express authorization from the City Health Department.

(B) **FUR-BEARING** means any animal, the pelt or hide of which has any commercial value, including, but not limited to minks, weasels, raccoons, skunks, opossums, rabbits, squirrels, woodchucks, muskrats, fox, deer and beaver.

(C) In the event the existence of fur-bearing animals shall constitute a nuisance on any property, the owner or occupant shall notify the Animal Control Officer of this condition. If, in the opinion of the Animal Control Officer, a nuisance condition is found to exist, the officer or the designated animal trapper licensed by the state may engage in trapping of the animal(s).

## **DOGS**

### **§ 90.25 REGISTRATION REQUIRED.**

(A) No owner of any dog over three months of age after January 20 of any year, or brought from outside this state at any time during the year, shall fail to register the dog as required by R.C. § 955.01.

(B) Failure to display the tag issued in connection with the registration required by R.C. § 955.01, on a dog collar, harness, leash or similar device, shall be prima facie evidence of a violation of division (A) of this section.

(C) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed dog or in making an examination of a dog wearing a tag.

### **§ 90.26 DOGS RUNNING AT LARGE.**

(A) The owner, keeper or harbinger of every dog shall, at all times, keep the dog either confined upon the premises of the owner or firmly secured by means of a collar, chain, or any other device so that it cannot stray from the premises of the owner, keeper or harbinger, or it shall be kept under reasonable control of some person.

(B) A dog shall not be at large if it is:

- (1) Securely confined in an automobile which is adequately ventilated;
- (2) Being used for hunting purposes;
- (3) Being exhibited at a show; or
- (4) Engaged in any activity approved by the laws of this state.

(C) If a dog is found at large, in violation of this section, it shall be impounded according to the procedures set out in § 90.10.

### **§ 90.27 DOGS TO BE KILLED FOR CERTAIN ACTS; OWNER LIABILITY.**

Subject to R.C. § 955.261(A)(2) and (3), a dog that is chasing or approaching in a menacing fashion or apparent attitude of attack that attempts to bite or otherwise endanger, or that kills or injures a person, or a dog that chases, threatens, harasses, injures, or kills livestock, poultry, other domestic animal, or other animal that is the property of another person, except a cat or another dog, can be killed at the time of that chasing, threatening, harassment, approaching, attempt, killing or injury. If, in attempting to kill such a dog, a person wounds it, the person is not liable to prosecution under the criminal laws or ordinances that punish cruelty to animals. Nothing in this section precludes a law enforcement officer from killing a dog that attacks a police dog as defined in R.C. § 2921.321.

### **§ 90.28 VICIOUS DOGS.**

*(A) Definition.*

~~(1) A **VICIOUS DOG**, as the term is used in this section means as follows:~~

~~(a) Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;~~

~~(b) Any dog which has attacked a human being or domestic animal one or more times without provocation.~~

~~(c) In determining whether a dog is vicious, the following criteria may be considered:~~

~~1. If a bite occurred in the attack:~~

~~a. Whether the attack occurred on or off the owner's property;~~

~~b. Whether the events pertaining to the attack warrant a determination that the dog is vicious;~~

~~2. Past citations, bite history and/or vaccination record;~~

~~3. Size and strength of the dog;~~

~~4. Aggressiveness and propensity to bite;~~

~~5. Existing confinement;~~

~~6. Responsibility of owner;~~

~~7. Training background of animal;~~

~~8. Public health, welfare, and safety.~~

~~(2) A vicious dog is **UNCONFINED** as the term is used in this section if the dog is not securely confined indoors or not confined in a securely enclosed and locked cage, pen or structure located upon the premises of the person owning, keeping, or harboring the dog. Any cage, pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground not less than one foot deep.~~

~~(B) *Reporting of vicious dogs and notifications.*~~

~~(1) Upon written complaint that a person owns or is keeping or harboring a vicious dog on premises in the city, the Chief of Police shall cause the matter to be investigated, and if, after the investigation, the facts indicate that the person named in the complaint is, in fact, the owner or is keeping or harboring any vicious dog in the city, he or she shall send written notice to that person, to be~~

~~delivered via certified mail or personally served by a police officer, requiring the person to remove the animal or confine the animal in compliance with division (A)(2) of this section.~~

~~(2) Notice, as herein provided, shall not be required where a vicious dog has previously caused serious physical harm or death to any person, or has escaped and is at large, in which case the Chief of Police shall cause the dog to be immediately seized and impounded, according to the provisions of this chapter, or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.~~

~~(3) No owner shall permit a vicious dog to be unconfined at any time or in violation of an order of the Chief of Police.~~

~~(C) Appeal.~~

~~(1) Any person(s) to whom notices are directed pursuant to this section may file a written request for a hearing before the City Manager or his or her designee, within the period of compliance for the purpose of defending against the changes by the city.~~

~~(2) A hearing requested pursuant to this section shall be held as soon as practicable after the filing of the request. Persons requesting a hearing shall be advised of the time and place of the hearing. At any hearing the city and the persons to whom notices have been directed may introduce witnesses and evidence as each party deems necessary. The City Manager or his or her designee shall then either affirm, reverse, or modify the order.~~

~~(3) Pending appeal, the Chief of Police may stay the enforcement of this section if, in his or her sole discretion, it is reasonable to do so.~~

~~(D) Seizure and impoundment of vicious dog.~~

~~(1) Notwithstanding any appeal pursuant to division (C) above, the Chief of Police shall cause to be seized and impounded any vicious dog where the person owning, keeping or harboring the animal has failed to comply with the notice sent pursuant to division (B) of this section. Upon seizure and impoundment, the dog shall be delivered to a place of confinement, which may be with any organization which is authorized by law to accept, own, keep or harbor such dogs.~~

~~(2) If, during the course of seizing and impounding any animal, the animal poses a risk of serious physical harm or death to any person, that person, or persons authorized by the Chief of Police, may render the animal immobile by means of tranquilizers or other safe drugs, or if that is not safely possible, then the animal may be destroyed.~~

~~(E) Cost to be paid by responsible persons.~~ Any reasonable cost incurred by the Chief of Police in seizing, impounding, confining or destroying any vicious dog, pursuant to the provisions of division (D) of this section, shall be charged against the owner, keeper or harbinger of the animal, and shall be collected by the Director of Law.

~~(F) Keeping of vicious dog prohibited; permits.~~

~~(1) No person shall keep or harbor within the city any vicious dog, whether owned by him or her or not, that has caused serious physical harm or death to any person or dog.~~

~~(2) No person shall keep or harbor within the city any vicious dog, whether owned by him or her or not, that has been determined to be vicious, but has not caused serious physical harm or death to another person or dog, unless the person has been issued a valid permit by the Chief of Police and the person complies with all of the following restrictions:~~

~~(a) The dog must be confined on the premises of the owner, keeper, or harbinger as required by this section.~~

~~(b) The dog shall not be let outside the pen, case or structure of confinement, unless the dog is securely leashed and muzzled or otherwise securely restrained.~~

~~(c) The owner, keeper or harbinger of the dog must comply with R.C. § 955.11 (Transfer and Ownership or Possession of Dog);~~

~~(d) The owner, keeper or harbinger of the dog must comply fully with R.C. § 955.22 (Confinement or restraint of dog; liability insurance) and file documentation as required by the Chief of Police to demonstrate compliance immediately.~~

~~(e) The owner or keeper of any vicious dog that escapes from his or her custody or control and presents a risk of physical harm to persons or property, or both, shall, within one hour after he or she discovers or reasonably should have discovered the escape, report it to a law enforcement officer of the city.~~

~~(G) Repeat offenders.~~ Persons previously convicted of any violation of this section shall not be permitted to own, keep, or harbor any vicious dog in the city without a permit as specified in division (F)(2) of this section.

## **§ 90.29 PERMITTING DOGS TO BITE.**

No owner of a dog shall permit such dog to bite or otherwise injure any person not engaged in illegal activity.

### **§ 90.30 MUZZLING OF DOGS.**

(A) The Health Officer is empowered, whenever in his or her opinion it is necessary or advisable and in the interest of the public health, to make a general order directing and requiring owners of dogs within the city to muzzle the same, or to confine or quarantine them, for such time and in such manner as he or she shall deem and consider to be advisable or necessary for the preservation of the public health.

(B) Whenever the Health Officer shall deem it necessary or advisable, in the interest of the public health to cause a dog to be muzzled, confined, or quarantined, he or she shall publish a general notice thereof once in at least two newspapers of the city, directing and requiring any owner(s) of the dog to cause the dog(s) to be muzzled, confined, or quarantined; or in a case where he or she considers any dog to be dangerous to the community, he or she may, by special written notice to the owner thereof, cause the dog to be muzzled, confined, quarantined, or destroyed.

### **§ 90.31 RABIES IMMUNIZATION AND QUARANTINE.**

(A) All dogs in the city over six months of age shall be properly immunized against rabies by their owners. The current rabies immunization tag must be displayed on the dog whenever the animal leaves the property of the owner.

(B) Either the police, Health Officer, or the pound keeper or designee shall be permitted by the owner of an animal which has attacked or bitten a person, to confine or confiscate the animal or to examine the animal at any reasonable time, and daily if desired, after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

(C) Whenever a dog or other animal is affected by rabies or suspected of being affected by rabies, or has been bitten by an animal known or suspected to be affected with rabies, the owner of the dog or animal, or any person having knowledge thereof, shall immediately notify either the police, Health Officer, or pound keeper.

### **§ 90.99 PENALTY.**

(A) Whoever violates §§ 90.02, 90.03, 90.05, 90.07, 90.09, 90.25 or 90.26 is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(B) Whoever violates §§ 90.08, 90.11 or 90.29 is guilty of a misdemeanor of the fourth degree.

(C) Whoever violates § 90.04(A) is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(D) (1) Whoever violates § 90.04(D)(2) is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(2) Whoever violates 90.04(D)(3) is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) (a) A court may order a person who is convicted of or pleads guilty to a violation of § 90.04(D) to forfeit to an impounding agency, as defined in R.C. § 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads guilty to a violation of § 90.04 (D) to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under R.C. § 959.132.

(4) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of § 90.04(D) suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

~~(E) Whoever violates § 90.28(F)(2) shall be guilty of a misdemeanor of the second degree.~~

~~(F) Whoever violates §§ 90.28(B)(3), 90.28(F)(1), or 90.28(G) shall be guilty of a misdemeanor of the first degree.~~

SECTION 2. All other sections of Chapter 90 of the Piqua Municipal Code not repealed or amended herein shall remain in effect as is.

SECTION 3. This Ordinance shall take effect in accordance with the Piqua City Charter.

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

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

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

REBECCA J. COOL  
CITY COMMISSION CLERK

**Commission Agenda  
Staff Report**

<b>MEETING DATE</b>	March 5, 2013			
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	AN ORDINANCE REPEALING VICIOUS DOG ORDINANCE 90.28 AND ASSOCIATED PENALTY SECTIONS.			
<b>SUBMITTED BY</b>	Name & Title: Bruce A. Jamison, CLEE, Chief of Police Department: Police			
<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 type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director	
	<input checked="" type="checkbox"/> Department Director; Health		<input type="checkbox"/> Other:	
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>In the summer of 2012, we examined the issue of vicious dog management in Piqua. Due to a tragic attack by two pit bulls on a Piqua citizen, there was considerable public interest. Coincidentally, there was also statewide debate on a new law which was eventually passed by the Ohio General Assembly. The new state law included elements of the ordinance which we originally enacted in 1994.</p> <p>Consensus at the work session provided direction to:</p> <ol style="list-style-type: none"> <li>1. Eliminate duplication of efforts and support our contracted Dog Warden (the Miami County Animal Shelter), in enforcement of state law.</li> <li>2. Repeal current city ordinances that could conflict with state law regarding declaration of vicious dogs by the Police Chief.</li> <li>3. Consider new city ordinances and necessary resources for enforcement if/when any local issues are discovered with county enforcement of the state law.</li> </ol> <p>After the work session, we waited to see how state and county regulations and enforcement would unfold. So far, this has been a slow process as they adapt to the new state law effective in May. While this is still a work-in-process, progress continues towards a statewide database of declared dogs and handling the due process requirements for owners of dogs declared as nuisance, dangerous, or vicious in municipal court.</p> <p>We were also asked to look into ways to publicize the location of vicious dogs within the city limits. We have found this to be one of the most difficult parts of the state law to be implemented, and certainly do not have the resources to do any better here in the city. In fact, we would risk providing inaccurate or untimely information because we would be at the mercy of other agencies we</p>			

cannot control for the information to be reported. We could provide public information regarding the special tags that are required to be displayed on dangerous dogs, but hosting a database is not practical.

<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	None
	Expenditure \$:	None
	Source of Funds:	None
	<b>Narrative:</b>	Repealing this ordinance diverts cost of enforcing Vicious Dog laws to the Miami County Animal Shelter, which must comply with a recently enacted state law that mandates considerable additional responsibilities regarding nuisance, dangerous, and vicious dogs. We currently contract with the shelter for some of their services.
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Repeal the attached ordinances.
	2.	Deny the repeal and risk liability for failure to enforce.
	3.	Deny the repeal and provide resources for effective regulation and enforcement of the existing ordinance or one amended to be consistent with state definitions.
	4.	
<b>PROJECT TIMELINE</b>	Immediate.	
<b>STAFF RECOMMENDATION</b>	Repeal the current ordinance that is inconsistent with state law.	
<b>ATTACHMENTS</b>	Text of ordinance to be struck.	

ORDINANCE NO. 5-13

AN ORDINANCE AMENDING CHAPTER 111 OF THE PIQUA MUNICIPAL CODE

PEDDLERS AND SOLICITORS

WHEREAS, there have been increased concerns over panhandling and whether the City ordinances adequately addressed concerns in the community; and

WHEREAS, the City Commission held a work session on February 14, 2013, and recommended changes to the ordinance based upon the Police Chief's experiences and recommendations.

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

SECTION 1. That the City of Piqua hereby amends Chapter 111 Peddlers and Solicitors as set forth below: (new language is underlined and deleted language is indicated by strikethrough):

**§ 111.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

***ITINERANT VENDOR*** or ***TRANSIENT DEALERS FOR PROFIT***. The activity of any person who intends to engage in or conduct a temporary or transient business of selling goods, wares and merchandise for a period of not more than 120 days and hires, leases or occupies, either in whole or in part, a room, building or other structure for the purpose of conducting his or her business.

***PANHANDLING***. To beg, ask, or solicit, verbally, in writing, or by gesture or other actions, personal financial assistance to obtain an immediate donation of money or other item having value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this chapter. ~~*PANHANDLING* does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.~~

***PEDDLING FOR PROFIT***. The activity of any person who transports with him or her, for immediate sale and delivery, goods, wares or merchandise, or who offers the immediate performance of services.

***PUBLIC PROPERTY***. All property owned, controlled, or operated by any governmental entity, including but not limited to governmental offices or facilities, public streets, publicly owned parking lots, schools, libraries, post offices, transit facilities, and other public lands, parks, buildings, or grounds.

***REGISTERED SOLICITOR***. Any person who has obtained a valid certificate of registration, which certificate is in the possession of the solicitor and prominently displayed on his or her person while engaging in soliciting.

***RESIDENCE***. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

***SOLICITING FOR PROFIT***. Any one or more of the following activities:

- (1) Seeking to obtain orders from the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, to be delivered or performed in the future.
- (2) Seeking to obtain subscriptions to books, magazines, periodicals and every other type or kind of publication except newspapers of general circulation.

***SOLICITING NOT FOR PROFIT.*** Includes seeking to obtain, by order or otherwise, gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable political, medical, religious, civic or other nonprofit association, organization, corporation or project.

**§ 111.02 APPLICABILITY.**

This chapter shall not apply to the following.

(A) Persons selling on behalf of or making or seeking delivery of goods, wares, merchandise, foodstuffs or services sold by an establishment having a permanent place of business that is in good standing with the State of Ohio and the city.

(B) Persons soliciting and peddling at non-residences.

(C) Wholesalers.

**§ 111.03 APPLICATION FOR SOLICITOR'S CERTIFICATE.**

(A) No person, firm or corporation shall engage in the business or activity of soliciting for profit, soliciting not for profit or peddling for profit or being an itinerant vendor or transient dealer for profit within the city without first applying for, receiving and prominently displaying a solicitor's certificate, as provided in this chapter. The certificate shall be carried by the solicitor at all times. Solicitations not for profit by city residents or local organizations located in the city shall not require a solicitor's certificate.

(B) Persons engaged in soliciting for profit or peddling for profit, including itinerant vendors or transient dealers for profit, shall apply to the Police Department for a certificate of registration upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

(1) Name and address of present place of residence and length of residence at that address, also business address if other than present address.

(2) Address and place of residence during the past three years if other than present address.

(3) Age of applicant.

(4) Physical description of the applicant.

(5) Name and address of the person, firm or corporation or association whom the applicant is employed or represents and the length of time of employment or representation.

(6) Name and address of employer during the past three years if other than the present employer.

(7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(8) Period of time for which the certificate is applied.

(9) The date, or approximate date, of the latest previous application for certificate under this chapter, if any.

(10) Has a certificate of registration issued to the applicant under this chapter ever been revoked.

(11) Has the applicant ever been convicted of any violation of a felony under the laws of the state or any other state or federal law of the United States.

(12) Names of the three most recent communities where the applicant has solicited house-to-house.

- (13) Proposed method of operation.
- (14) Signature of applicant.
- (15) Social security number of applicant.

(C) All statements made by the applicant on the application or in connection therewith shall be under oath.

(D) The applicant shall submit to fingerprinting and photographing if requested by the Police Department of the municipality in connection with the application for the certificate.

(E) The Chief of Police shall cause to be kept in his or her department an accurate record of every application received and acted on, together with all other information and data pertaining thereto, and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application on which it was issued.

(F) No certificate of registration shall be issued to any person who has been convicted of a felony theft offense, fraud offense, sex offense, drug offense, or offense of violence under the laws of the state or any other state or federal law of the United States within five years of the date of the application, nor any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked.

(G) Applications for solicitor's certificates shall be filed with the Police Department and all certificates shall be issued therefrom.

(H) Persons engaged in soliciting not for profit that are not residents of the city, or whose organization is not located within the city, shall complete an application for a nonprofit solicitor's certificate upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

- (1) Applicant's name and address.
- (2) Name, address and purpose of nonprofit cause or organization.
- (3) Name and address of applicant's supervisor or group leader, if any.
- (4) Period of time for which the certificate is applied.
- (5) Proposed method of operation.
- (6) Signature of applicant.

(I) Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately on such revocation, written notice shall be given by the Chief of Police to the holder of the certificate in person or by certified United States mail addressed to his or her residence address as set forth in the application. Immediately on the giving of the notice, the certificate of registration shall become null and void.

(J) The certificate of registration shall state the expiration date thereof.

(K) The Chief of Police should be notified of solicitations not for profit by residents of the city or whose organization is located within the city.

#### **§ 111.04 PANHANDLING REGISTRATION.**

(A) No person shall panhandle without a registration issued by the Chief of Police. The registration shall include the name and photograph of the person to whom it is issued. Any person who has been registered shall display the registration in plain view on the front of that person at all times while panhandling. No person whose registration has been revoked shall panhandle for a period of two years following the revocation.

(B) The Chief of Police shall issue the registration, without fee, to any eligible person who presents himself or herself at the Police Department, states his or her true name, presents a photo identification or signs a declaration under penalty of perjury that he or she has no such identification, and permits himself or herself to be photographed and fingerprinted.

(C) A person is ineligible to register if, and only if, within the past five years he or she:

(1) Has pleaded guilty to or been convicted of two or more violations of this § 111.04 (Registration);

(2) Has had a registration revoked pursuant to division (F) below; or

(3) Has pleaded guilty to or been convicted of two or more offenses under the laws of any jurisdiction which involve aggressive or intimidating behavior while panhandling or false or misleading representations while panhandling.

(D) Upon receipt of an application for registration in accordance with division (B) above, the Chief of Police shall issue a temporary registration valid for ten days and shall determine eligibility for a regular registration before the temporary registration expires. An eligible applicant shall receive a regular registration upon determination of the applicant's eligibility. The regular registration shall expire one year from the date of issuance. Along with the registration, the Chief of Police shall give the applicant a copy of this section.

(E) No person shall make a false or misleading representation while applying for registration under this section.

(F) Upon arrest for any violation of §§ 111.04, 111.11, 111.12, 111.13, or 111.14, a panhandler shall release to the arresting officer any registration issued under this section to the arrestee. The arrestee may apply to the Chief of Police for consecutive 30-day temporary registrations pending adjudication of the arrest case. The Chief of Police shall revoke any registration issued under this section to a person who has pleaded guilty to or been convicted of a violation of §§ 111.04, 111.11, 111.12, 111.13 or 111.14, or to a person convicted of two violations of § 111.04.

(G) The City Manager shall direct the Chief of Police to issue the registration if the applicant has met the criteria set forth in this section for issuance of a registration. The applicant may appeal the decision of the City Manager to a court of competent jurisdiction.

#### **§ 111.05 FEES.**

For certificates to be issued to solicitors under the provisions of this chapter, each applicant shall pay to the city the sum of \$15. All certificates shall expire on the date specified in the certificate, which shall not exceed 12 months.

#### **§ 111.06 DISPLAY OF CERTIFICATE.**

The certificate issued under the provisions of this chapter shall be exhibited in the place of business by itinerant vendor or transient dealer and shall be prominently displayed by the peddler or solicitor at all times when peddling or soliciting, and shall be exhibited to any person being solicited or any police officer on request.

## § 111.07 RESTRICTIONS.

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations.

(A) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(B) No peddler or solicitor shall enter or attempt to enter the house, apartment or dwelling of any resident in the city without an express invitation from the occupant of the house, apartment or dwelling.

(C) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the municipality.

(D) No person subject to this chapter shall make any solicitation where solicitors are notified by sign that peddling or soliciting is prohibited.

(E) No peddler, solicitor, itinerant vendor or transient dealer shall engage in or transact any type of business or solicitation other than that specified on the registration application.

## § 111.08 PROHIBITED ACTS.

(A) No person, while engaged in any profit or non-profit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the city upon which is displayed at the entrance a notice which reads "No Peddlers or Solicitors Allowed," or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless the peddler or solicitor is or has been invited on the premises by the owner, lessee or occupant thereof.

(B) No peddler, solicitor, itinerant vendor or transient dealer, panhandler, or any person on his or her behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places of the city or any private premises in the city, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which is being proposed to be sold.

(C) No person shall knowingly make a false or misleading representation in the course of soliciting a donation or panhandling. False or misleading representations include, but are not limited to, the following, whether verbal or in writing:

(1) Stating that the donation is needed to meet a specific need, when the solicitor or panhandler already has sufficient funds to meet that need and does not disclose that fact;

(2) Stating that the donation is needed to meet a need which does not exist;

(3) Stating that the solicitor or panhandler is from out of town and stranded, when that is not true;

(4) Wearing a military uniform or other indication of military service, when the solicitor or panhandler is neither a present nor former member of the service indicated;

(5) Wearing or displaying an indication of physical disability, when the solicitor or panhandler does not suffer the disability indicated;

(6) Using any makeup or device to simulate any deformity;

(7) Stating that the solicitor or panhandler is homeless, when he or she is not.

(8) Stating that the solicitor or panhandler has a minor child or other family member they are supporting who suffers from a medical condition, mental or physical disability, or deformity, when in fact that

child or other family member does not suffer from a medical condition, mental or physical disability, or deformity and/or the person soliciting or panhandling does not support that minor child or other family member.

(9) Stating that the person soliciting or panhandling is unemployed when the person soliciting or panhandling is not unemployed.

(10) Interfering or disrupting any activity or event occurring on public property as defined in this section.

#### **§ 111.09 TRANSFERABILITY.**

No certificate or registration shall be assigned or transferred. No registrant shall authorize any person, firm or corporation other than the one named to do business. No registrant shall conduct any other business than is listed in his or her application to be transacted. A separate certificate shall be required for each individual peddler or solicitor, whether or not employed by one person, firm or corporation.

#### **§ 111.10 REVOCATION.**

Any certificate or registration issued under the provisions of this chapter may be revoked at any time, should the person to whom it is issued be guilty of any fraud, misrepresentation, or unlawful act in connection with his or her business, or is found to be a person not fit to be engaged in such business, or violate any of the provisions of this chapter.

#### **§ 111.11 TIME OF SOLICITING OR PANHANDLING.**

No person shall solicit, panhandle or conduct any other activity subject to this chapter after sunset or before sunrise. The times of sunset and of sunrise shall be as published by the United States Naval Observatory.

#### **§ 111.12 PLACE OF PANHANDLING.**

No person shall panhandle when either the panhandler or the person being solicited is located at any of the following locations:

- (A) At any bus stop;
- (B) In any public transportation vehicle or facility;
- (C) In any vehicle within the public right-of-way;
- (D) Within 20 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 20 feet of any automated teller machine during the time it is available for customers' use;
- (E) On private property, unless the panhandler has permission from the owner or occupant; or
- (F) From any person exiting or entering a motor vehicle.
- (G) Within 20 feet of any pedestrians waiting in line for service or waiting in line for an event.
- (H) Within 20 feet of any pedestrians waiting in line to obtain access to a building.
- (I) Within 20 feet of the area of the sidewalk.

(J) Within 20 feet of the entrance or exit of any public facility.

(K) On public property within 20 feet of an entrance to a building.

(L) On public property within 20 feet of an entrance to a parking lot.

### **§ 111.13 MANNER OF PANHANDLING.**

No person shall panhandle in any of the following manners:

(A) By coming within three feet of the person solicited after that person has indicated that he or she does not wish to make a donation;

(B) By blocking the path of a person who attempts to walk or drive away from the panhandler;

(C) By following a person who walks away from the panhandler;

(D) By making unreasonable noise or offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language, either during the solicitation or following a refusal;

(E) By panhandling in a group of two or more persons;

(F) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat, harassment or intimidation; or

(G) By touching the solicited person without a statement, gesture or other communication that the person being solicited consents to the touching.

### **§ 111.14 CAUSING A MINOR TO PANHANDLE.**

No parent, guardian, or adult person having legal care, control, or custody of a minor shall cause, allow, or procure such minor to panhandle in or upon any public or private property.

### **§ 111.15 APPEALS.**

Any applicant who has applied for a certificate or a panhandling registration in accordance with this chapter and to whom the Chief of Police has, after an investigation, denied a certificate or registration or revoked a certificate or registration, may appeal to the City Manager. Notice of an appeal shall be filed with the City Manager within five days after the denial or revocation by the Chief of Police. The City Manager on appeal may affirm or reverse the action of the Chief of Police. The City Manager shall direct the Chief of Police to issue the certificate or registration if the applicant has met the criteria set forth in § 111.03 or 111.04 for issuance of a certificate or registration.

### **§ 111.99 PENALTY.**

Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than \$100. Each day's violation shall constitute a separate offense. Whoever violated any provision of this chapter after a previous conviction thereof shall be deemed guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250.

**SECTION 2.** All other sections of Chapter 111 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. This Ordinance shall take effect at the earliest period allowed by City Charter.

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

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

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

**Commission Agenda  
Staff Report**

<b>MEETING DATE</b>	March 5, 2013		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	AN ORDINANCE AMENDING CHAPTER 111, PEDDLERS AND SOLICITORS, APPLYING FURTHER RESTRICTIONS TO PANHANDLING		
<b>SUBMITTED BY</b>	Name & Title: Bruce A. Jamison, CLEE, Chief of Police Department: Police		
<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 type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>Panhandling registration and restrictions were implemented in Piqua in 2010. Since that time, other local cities dealing with the issue of panhandlers have created ordinances that include more restrictions that we implemented in 2010.</p> <p>Our community has expressed concern over the number of panhandlers and the manner in which panhandling has recently been conducted. In response to this, the Chief of Police presented the additional restrictions found in ordinances of nearby jurisdictions to the Commission at a work session on February 14, 2013. The consensus of the commissioners in attendance was to add any restrictions legally acceptable.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	-0-	
	Expenditure \$:	-0-	
	Source of Funds:	n/a	
	<b>Narrative:</b>	The enforcement of the additional restrictions found in this ordinance will be conducted in the normal course of business for the Piqua Police Department.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the attached amendment to provide the police officers additional tools for effective control of panhandlers.	
	2.	Deny the attached amendment and restrict panhandling to the same level it is controlled now.	
	3.		
	4.		
<b>PROJECT TIMELINE</b>	<ul style="list-style-type: none"> <li>Enforcement of the existing ordinance will continue uninterrupted.</li> <li>Enforcement of new restrictions in this amendment will begin as soon as legally permissible after it is adopted.</li> <li>Interest was expressed in waiving three readings of this ordinance by a commissioner during the work session.</li> </ul>		

<b>STAFF RECOMMENDATION</b>	Approve this ordinance.
<b>ATTAGHMENTS</b>	Text of applicable additions and modifications to Chapter 111.

**RESOLUTION NO. R-30-13**

**A RESOLUTION AWARDING A CONTRACT TO BRIDGEWELL  
RESOURCES FOR THE PURCHASE OF STEEL  
TRANSMISSION POLES FOR THE POWER SYSTEM**

WHEREAS, the present operations of the City require the purchase of steel transmission poles for the Power System; and

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

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

SEC. 1: A contract with Bridgewell Resources for the purchase of thirty-two poles is hereby approved as the best suitable option for said project and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to the contract terms, not exceeding a total of \$165,439.

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>	March 5, 2013			
<b>REPORT TITLE</b> <small>(Should match resolution/ordinance title)</small>	A RESOLUTION AWARDING A CONTRACT TO BRIDGEWELL RESOURCES FOR THE PURCHASE OF STEEL TRANSMISSION POLES FOR THE POWER SYSTEM			
<b>SUBMITTED BY</b>	Name & Title: Nick Berger, Asst. Power System Director			
<b>SUBMITTED BY</b>	Department: Power System			
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
<b>APPROVALS/REVIEWS</b>	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board	
<b>BACKGROUND</b> <small>(Includes description, background, and justification)</small>	<p>On July 17, 2012, the City Commission approved Resolution R-106-12 which allowed the Power System to acquire the services of Power System Engineering, Inc. (PSE). PSE performed an assessment of the transmission line between substation 4 and 5. The assessment resulted in the immediate need to replace thirty-two (32) main-line poles. PSE's assessment results summary is attached for additional details.</p> <p>The Power System received bids from eight different vendors on January 28, 2013. The Power System's staff and PSE evaluated the benefits of both wood and steel poles and it was determined that steel poles would be preferred due to decreased maintenance costs and life expectancy. The Power System determined that Bridgewell Resources provided the lowest and best bid for all steel poles. The poles from Bridgewell Resources will be delivered on or before May 31, 2013. In addition to Bridgewell Resources' base bid, the Power System has included a contingency of \$20,000 for any unforeseen expenses.</p>			

<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$575,000
	Expenditure \$:	\$165,439
	Source of Funds:	190-3355
	<b>Narrative:</b>	Included in the 2013 Power System budget is \$575,000 to rebuild the transmission line between substation 4 and 5. Resolution No. R-30-13 has a not to exceed price of \$165,439. The Power System will seek future approval for hardware and contractual services.
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve Resolution No. R-30-13 awarding a contract to Bridgewell Resources for the purchase of thirty-two steel transmission poles for the power system at a cost not to exceed \$165,439.
	2.	Do not approve the Resolution and provide staff with further direction
	3.	
	4.	
<b>PROJECT TIMELINE</b>	Poles will be delivered on or before May 31, 2013	
<b>STAFF RECOMMENDATION</b>	Approve Resolution No. R-30-13 awarding a contract to Bridgewell Resources for the purchase of thirty-two (32) steel transmission poles for the power system at a cost not to exceed \$165,439.	
<b>ATTACHMENTS</b>	1. IFB 1301 Bid Results 2. PSE Assessment Summary	

Item	QTY	Description	Valmont			Bridgeway Resources			Sabre			McFarland Cascade		
			Cost Per Unit (\$)		Total	Cost Per Unit (\$)		Wood	Steel	Total (Wood & Steel)	Cost Per Unit (\$)		Wood	Steel
P1	1	Pole 70 Length Class 1 (Wood or Steel - LD1)	\$3,895.00	\$	3,895.00	\$2,190.00	\$3,437.00	\$2,190.00	\$3,437.00	\$3,487.00	\$	\$3,487.00	\$	\$3,487.00
P2	5	Pole 75 Length Class H1 (Wood or Steel - LD2)	\$4,428.00	\$	22,140.00	\$2,900.00	\$3,953.00	\$2,900.00	\$3,953.00	\$3,810.00	\$	\$3,810.00	\$	\$3,810.00
P3	3	Pole 75 Length Class H2 (Wood or Steel - LD3)	\$4,557.00	\$	13,671.00	\$3,980.00	\$4,194.00	\$3,980.00	\$4,194.00	\$4,278.00	\$	\$4,278.00	\$	\$4,278.00
P4	2	Pole 75 Length Class H3 (Wood or Steel - LD4)	\$5,118.00	\$	10,236.00	\$3,690.00	\$4,351.00	\$3,690.00	\$4,351.00	N/A	\$	N/A	\$	N/A
P5	1	Pole 75 Length Class LD3 (Steel)	\$4,428.00	\$	4,428.00	\$3,952.00	\$3,952.00	\$3,952.00	\$3,952.00	\$4,538.00	\$	\$4,538.00	\$	\$4,538.00
P6	1	Pole 75 Length Class LD4 (Steel)	\$4,557.00	\$	4,557.00	\$4,198.00	\$4,198.00	\$4,198.00	\$4,198.00	\$3,810.00	\$	\$3,810.00	\$	\$3,810.00
P7	1	Pole 75 Length Class LD4 (Steel)	\$5,118.00	\$	5,118.00	\$4,595.00	\$4,595.00	\$4,595.00	\$4,595.00	\$3,810.00	\$	\$3,810.00	\$	\$3,810.00
P8	1	Pole 80 Length Class 1 (Wood or Steel - LD1)	\$4,378.00	\$	4,378.00	\$2,877.00	\$4,054.00	\$2,877.00	\$4,054.00	\$4,147.00	\$	\$4,147.00	\$	\$4,147.00
P9	3	Pole 80 Length Class H1 (Wood or Steel - LD2)	\$4,675.00	\$	14,025.00	\$3,400.00	\$4,294.00	\$3,400.00	\$4,294.00	\$4,470.00	\$	\$4,470.00	\$	\$4,470.00
P10	4	Pole 80 Length Class H2 (Wood or Steel - LD3)	\$4,825.00	\$	19,300.00	\$3,841.00	\$4,571.00	\$3,841.00	\$4,571.00	\$4,580.00	\$	\$4,580.00	\$	\$4,580.00
P11	1	Pole 80 Length Class LD4 (Steel)	\$5,409.00	\$	5,409.00	\$4,985.00	\$4,985.00	\$4,985.00	\$4,985.00	N/A	\$	N/A	\$	N/A
P12	2	Pole 85 Length Class H1 (Wood or Steel - LD2)	\$5,035.00	\$	10,070.00	\$3,700.00	\$4,610.00	\$3,700.00	\$4,610.00	\$4,990.00	\$	\$4,990.00	\$	\$4,990.00
P13	2	Pole 85 Length Class H2 (Wood or Steel - LD3)	\$5,275.00	\$	10,550.00	\$4,086.00	\$4,909.00	\$4,086.00	\$4,909.00	\$4,990.00	\$	\$4,990.00	\$	\$4,990.00
P14	2	Pole 85 Length Class LD4 (Steel)	\$5,685.00	\$	11,370.00	\$4,368.00	\$5,203.00	\$4,368.00	\$5,203.00	\$4,990.00	\$	\$4,990.00	\$	\$4,990.00
P15	1	Pole 90 Length Class H1 (Wood or Steel - LD2)	\$5,542.00	\$	5,542.00	\$4,486.00	\$5,358.00	\$4,486.00	\$5,358.00	\$5,714.00	\$	\$5,714.00	\$	\$5,714.00
P16	1	Pole 95 Length Class H2 (Wood or Steel - LD3)	\$5,811.00	\$	5,811.00	\$4,900.00	\$5,827.00	\$4,900.00	\$5,827.00	\$5,999.00	\$	\$5,999.00	\$	\$5,999.00
P17	1	Pole 95 Length Class H3 (Wood or Steel - LD4)	\$6,261.00	\$	6,261.00	\$5,856.00	\$6,340.00	\$5,856.00	\$6,340.00	\$5,999.00	\$	\$5,999.00	\$	\$5,999.00
MISC		Factory Drilling		\$						\$5/hole				
		Grand Total	\$56,763.00	\$	56,763.00	\$122,357.00	\$145,439.00	\$122,357.00	\$145,439.00	\$177,651.00	\$	\$177,651.00	\$	\$177,651.00

Item	QTY	Description	McWane Poles			Dis-Tran Steel LLC			Power-Lite Industries LLC			HD Supply		
			Cost Per Unit (\$)		Total	Cost Per Unit (\$)		Wood	Steel	Total (Wood & Steel)	Cost Per Unit (\$)		Wood	Steel
P1	1	Pole 70 Length Class 1 (Wood or Steel - LD1)	\$4,256.00	\$	4,256.00	\$6,971.00	\$8,971.00	\$6,971.00	\$8,971.00	\$6,375.00	\$	\$6,375.00	\$	\$6,375.00
P2	5	Pole 75 Length Class H1 (Wood or Steel - LD2)	\$7,180.00	\$	35,900.00	\$7,180.00	\$8,270.00	\$7,180.00	\$8,270.00	\$7,710.00	\$	\$7,710.00	\$	\$7,710.00
P3	3	Pole 75 Length Class H2 (Wood or Steel - LD3)	\$8,180.00	\$	24,540.00	\$8,180.00	\$9,270.00	\$8,180.00	\$9,270.00	\$8,420.00	\$	\$8,420.00	\$	\$8,420.00
P4	2	Pole 75 Length Class H3 (Wood or Steel - LD4)	\$8,180.00	\$	16,360.00	\$8,180.00	\$9,270.00	\$8,180.00	\$9,270.00	\$7,710.00	\$	\$7,710.00	\$	\$7,710.00
P5	1	Pole 75 Length Class LD3 (Steel)	\$4,428.00	\$	4,428.00	\$3,952.00	\$3,952.00	\$3,952.00	\$3,952.00	\$4,200.00	\$	\$4,200.00	\$	\$4,200.00
P6	1	Pole 75 Length Class LD4 (Steel)	\$4,557.00	\$	4,557.00	\$4,198.00	\$4,198.00	\$4,198.00	\$4,198.00	\$3,810.00	\$	\$3,810.00	\$	\$3,810.00
P7	1	Pole 75 Length Class LD4 (Steel)	\$5,118.00	\$	5,118.00	\$4,595.00	\$4,595.00	\$4,595.00	\$4,595.00	\$3,810.00	\$	\$3,810.00	\$	\$3,810.00
P8	1	Pole 80 Length Class 1 (Wood or Steel - LD1)	\$4,378.00	\$	4,378.00	\$2,877.00	\$4,054.00	\$2,877.00	\$4,054.00	\$4,147.00	\$	\$4,147.00	\$	\$4,147.00
P9	3	Pole 80 Length Class H1 (Wood or Steel - LD2)	\$4,675.00	\$	14,025.00	\$3,400.00	\$4,294.00	\$3,400.00	\$4,294.00	\$4,470.00	\$	\$4,470.00	\$	\$4,470.00
P10	4	Pole 80 Length Class H2 (Wood or Steel - LD3)	\$4,825.00	\$	19,300.00	\$3,841.00	\$4,571.00	\$3,841.00	\$4,571.00	\$4,580.00	\$	\$4,580.00	\$	\$4,580.00
P11	2	Pole 85 Length Class H1 (Wood or Steel - LD2)	\$5,035.00	\$	10,070.00	\$3,700.00	\$4,610.00	\$3,700.00	\$4,610.00	\$4,990.00	\$	\$4,990.00	\$	\$4,990.00
P12	2	Pole 85 Length Class H2 (Wood or Steel - LD3)	\$5,275.00	\$	10,550.00	\$4,086.00	\$4,909.00	\$4,086.00	\$4,909.00	\$4,990.00	\$	\$4,990.00	\$	\$4,990.00
P13	2	Pole 85 Length Class LD4 (Steel)	\$5,685.00	\$	11,370.00	\$4,368.00	\$5,203.00	\$4,368.00	\$5,203.00	\$4,990.00	\$	\$4,990.00	\$	\$4,990.00
P14	2	Pole 90 Length Class H1 (Wood or Steel - LD2)	\$5,542.00	\$	11,084.00	\$4,486.00	\$5,358.00	\$4,486.00	\$5,358.00	\$5,714.00	\$	\$5,714.00	\$	\$5,714.00
P15	2	Pole 90 Length Class H2 (Wood or Steel - LD3)	\$5,811.00	\$	11,622.00	\$4,900.00	\$5,827.00	\$4,900.00	\$5,827.00	\$5,999.00	\$	\$5,999.00	\$	\$5,999.00
P16	2	Pole 95 Length Class H3 (Wood or Steel - LD4)	\$6,261.00	\$	12,522.00	\$5,856.00	\$6,340.00	\$5,856.00	\$6,340.00	\$5,999.00	\$	\$5,999.00	\$	\$5,999.00
MISC		Factory Drilling		\$						\$5/hole				
		Grand Total	\$4,256.00	\$	4,256.00	\$260,927.00	\$295,395.00	\$260,927.00	\$295,395.00	\$318,665.00	\$	\$318,665.00	\$	\$318,665.00

Item	QTY	Description	Wood			Steel			Total (Wood & Steel)			Total (Douglas Fir)		
			Wood	Steel	Total	Wood	Steel	Total	Wood	Steel	Total	Wood	Steel	Total
P1	1	Pole 70 Length Class 1 (Wood or Steel - LD1)	\$2,015.00	\$4,328.00	\$6,343.00	\$2,015.00	\$4,328.00	\$6,343.00	\$2,015.00	\$4,328.00	\$6,343.00	\$2,015.00	\$4,328.00	\$6,343.00
P2	5	Pole 75 Length Class H1 (Wood or Steel - LD2)	\$2,676.00	\$5,190.00	\$7,866.00	\$2,676.00	\$5,190.00	\$7,866.00	\$2,676.00	\$5,190.00	\$7,866.00	\$2,676.00	\$5,190.00	\$7,866.00
P3	3	Pole 75 Length Class H2 (Wood or Steel - LD3)	\$3,258.00	\$5,982.00	\$9,240.00	\$3,258.00	\$5,982.00	\$9,240.00	\$3,258.00	\$5,982.00	\$9,240.00	\$3,258.00	\$5,982.00	\$9,240.00
P4	2	Pole 75 Length Class H3 (Wood or Steel - LD4)	\$3,654.00	\$6,889.00	\$10,543.00	\$3,654.00	\$6,889.00	\$10,543.00	\$3,654.00	\$6,889.00	\$10,543.00	\$3,654.00	\$6,889.00	\$10,543.00
P5	1	Pole 75 Length Class LD3 (Steel)	\$5,360.00	\$8,029.00	\$13,389.00	\$5,360.00	\$8,029.00	\$13,389.00	\$5,360.00	\$8,029.00	\$13,389.00	\$5,360.00	\$8,029.00	\$13,389.00
P6	1	Pole 75 Length Class LD4 (Steel)	\$5,846.00	\$8,029.00	\$13,875.00	\$5,846.00	\$8,029.00	\$13,875.00	\$5,846.00	\$8,029.00	\$13,875.00	\$5,846.00	\$8,029.00	\$13,875.00
P7	1	Pole 75 Length Class LD4 (Steel)	\$6,053.00	\$8,029.00	\$14,082.00	\$6,053.00	\$8,029.00	\$14,082.00	\$6,053.00	\$8,029.00	\$14,082.00	\$6,053.00	\$8,029.00	\$14,082.00
P8	1	Pole 80 Length Class 1 (Wood or Steel - LD1)	\$2,672.00	\$5,078.00	\$7,750.00	\$2,672.00	\$5,078.00	\$7,750.00	\$2,672.00	\$5,078.00	\$7,750.00	\$2,672.00	\$5,078.00	\$7,750.00
P9	3	Pole 80 Length Class H1 (Wood or Steel - LD2)	\$2,954.00	\$5,931.00	\$8,885.00	\$2,954.00	\$5,931.00	\$8,885.00	\$2,954.00	\$5,931.00	\$8,885.00	\$2,954.00	\$5,931.00	\$8,885.00
P10	4	Pole 80 Length Class H2 (Wood or Steel - LD3)	\$3,624.00	\$6,133.00	\$9,757.00	\$3,624.00	\$6,133.00	\$9,757.00	\$3,624.00	\$6,133.00	\$9,757.00	\$3,624.00	\$6,133.00	\$9,757.00
P11	2	Pole 85 Length Class H1 (Wood or Steel - LD2)	\$6,559.00	\$11,669.00	\$18,228.00	\$6,559.00	\$11,669.00	\$18,228.00	\$6,559.00	\$11,669.00	\$18,228.00	\$6,559.00	\$11,669.00	\$18,228.00
P12	2	Pole 85 Length Class H2 (Wood or Steel - LD3)	\$6,772.00	\$12,914.00	\$19,686.00	\$6,772.00	\$12,914.00	\$19,686.00	\$6,772.00	\$12,914.00	\$19,686.00	\$6,772.00	\$12,914.00	\$19,686.00
P13	2	Pole 85 Length Class LD4 (Steel)	\$7,948.00	\$13,452.00	\$21,400.00	\$7,948.00	\$13,452.00	\$21,400.00	\$7,948.00	\$13,452.00	\$21,400.00	\$7,948.00	\$13,452.00	\$21,400.00
P14	2	Pole 90 Length Class H1 (Wood or Steel - LD2)	\$4,470.00	\$7,082.00	\$11,552.00	\$4,470.00	\$7,082.00	\$11,552.00	\$4,470.00	\$7,082.00	\$11,552.00	\$4,470.00	\$7,082.00	\$11,552.00
P15	1	Pole 95 Length Class H2 (Wood or Steel - LD3)	\$4,866.00	\$7,522.00	\$12,388.00	\$4,866.00	\$7,522.00	\$12,388.00	\$4,866.00	\$7,522.00	\$12,388.00	\$4,866.00	\$7,522.00	\$12,388.00
P16	1	Pole 95 Length Class H3 (Wood or Steel - LD4)	\$5,428.00	\$7,910.00	\$13,338.00	\$5,428.00	\$7,910.00	\$13,338.00	\$5,428.00	\$7,910.00	\$13,338.00	\$5,428.00	\$7,910.00	\$13,338.00
MISC		Factory Drilling		\$						\$5/hole				
		Grand Total	\$125,613.00	\$181,103.00	\$306,716.00	\$125,613.00	\$181,103.00	\$306,716.00	\$125,613.00	\$181,103.00	\$306,716.00	\$125,613.00	\$181,103.00	\$306,716.00

Wood: 3-5 Weeks  
Steel: 16-18 Weeks

## PSE Assessment Summary

Location	Existing Pole	Pole Overload	Deficiency	Proposed Pole
T98	75/2	54%	Pole (Height)	80/1
T65	75/2	106%	Pole	80/H1
T66	75/2	107%	Pole	75/H1
T55	70/2	112%	Pole & Guy	70/1
T51	70/2	123%	Pole	75/H1
T76	85/2	127%	Pole	85/H1
T45	80/2	128%	Pole & Guy	90/H2
T100	85/2	128%	Pole	95/H2
T52	70/2	134%	Pole	75/H2
T99	75/2	135%	Pole	80/H1
T49	80/2	137%	Pole	80/H2
T57	70/2	137%	Pole	75/H1
T61	75/2	138%	Pole	80/H1
T47	80/2	139%	Pole	80/H2
T69	75/2	140%	Pole	75/H1
T56	70/2	144%	Pole	75/H1
T59	75/2	150%	Pole	80/H2
T48	85/2	162%	Pole	85/H2
T53	80/1	162%	Pole & Guy	80/LD4
T64	75/2	162%	Pole	75/H2
T68	75/1	162%	Pole & Guy	75//LD3
T60	75/2	163%	Pole	80/H2
T73	80/2	163%	Pole	95/H3
T54	75/1	172%	Pole & Guy	75/H2
T84	75/2	172%	Pole	75/H3
T46	85/2	183%	Pole	85/H2
T74	85/1	188%	Pole & Guy	85/LD4
T83	75/2	189%	Pole	75/H3
T67	75/1	218%	Pole & Guy	75/LD4
T75	85/1	223%	Pole & Guy	85/LD4
T78	75/1	255%	Pole & Guy	75/LD2
T77	85/1	299%	Guy & Pole	85/H1

**RESOLUTION NO. R-31-13**

**A RESOLUTION ACQUIRING THE SERVICES OF POWER SYSTEM ENGINEERING, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE CITY OF PIQUA**

WHEREAS, it is deemed advisable for the City to retain the services of Power System Engineering, Inc. as a professional firm to provide engineering services for the Power System; and

WHEREAS, Power System Engineering, Inc. will provide professional services for which the solicitation of bids would, in the City Manager's judgment, be of no material benefit.

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: Power System Engineering, Inc. is hereby retained by the City of Piqua as a professional engineering firm.

SEC. 2: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasury according to contract terms, not to exceed \$42,000.

SEC. 3: It is found and determined that all formal actions of this Commission concerning and relating to the adoption of this resolution were adopted in an open meeting of this Commission, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements;

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

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

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

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

**Commission Agenda  
Staff Report**

<b>MEETING DATE</b>	March 5, 2013		
<b>REPORT TITLE</b> <small>(Should match resolution/ordinance title)</small>	A RESOLUTION ACQUIRING THE SERVICES OF POWER SYSTEM ENGINEERING, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE CITY		
<b>SUBMITTED BY</b>	Name & Title: Nick Berger, Asst. Power System Director		
<b>SUBMITTED BY</b>	Department: Power System		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution
<b>AGENDA CLASSIFICATION</b>			<input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
<b>APPROVALS/REVIEWS</b>	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
<b>BACKGROUND</b> <small>(Includes description, background, and justification)</small>	<p>On July 17, 2012, the City Commission approved Resolution R-106-12 which allowed the Power System to acquire the services of Power System Engineering, Inc. (PSE). PSE performed an assessment and redesign of the transmission line between substation 4 and 5 including a section of line that catastrophically failed during the wind storm on June 29, 2012. Since then, the damaged facilities have been redesigned and rebuilt to current codes and utility standards. In addition, PSE provided the line hardening design to the Power System.</p> <p>As a continuation of these efforts, the Power System sent out a Request for Proposal (RFP) to three engineering firms to perform a similar assessment and redesign of the transmission line between Substation 3 and 4. After reviewing the different RFP it was determined that PSE is best suited for the project. The Power System has included a 20% contingency to PSE's proposal to cover any unforeseen expenses.</p>		

<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$55,000
	Expenditure \$:	\$42,000
	Source of Funds:	401-291-923-7553
	<b>Narrative:</b>	Included in the 2013 Power System budget is \$55,000 for an engineering analysis of the transmission line between substation 3 and 4. Resolution No. R-31-13 has a not to exceed price of \$42,000.
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve Resolution No. R-31-13 acquiring the services of Power System Engineering, Inc. to provide professional engineering services to the City
	2.	Do not approve the Resolution and provide staff with further direction
	3.	
	4.	
<b>PROJECT TIMELINE</b>	The line assessment and redesign for Substation 3 to 4 line will commence around the first week of June. The design efforts will last approximately two to three months.	
<b>STAFF RECOMMENDATION</b>	Approve Resolution No. R-31-13 acquiring the services of Power System Engineering, Inc. to provide professional engineering services to the City	
<b>ATTACHMENTS</b>	1. PSE Transmission Assessment Proposal	

February 21, 2013

*[Sent via Email: nberger@piquaoh.org]*

Mr. Nicolas J. Berger  
Assistant Director – Technical Services  
City of Piqua Power System  
123 Bridge Street  
Piqua, OH 45356

***Subject: Response to RFP – Sub 4 to Sub 3 69kV Line Engineering Analysis***

Dear Nick,

In response to your February 6, 2013 Request for Proposal, Power System Engineering (PSE) is pleased to provide the following proposed scope of work and associated cost estimate for supporting The City of Piqua with professional engineering services. Upon agreement of this proposal, we are ready to commit the resources required to support you with these efforts and can begin as soon as February 27, 2013.

### **Background**

Following a catastrophic transmission line failure resulting from a strong wind storm on June 29, 2012, the City of Piqua retained professional engineering services of PSE to assess and redesign the City's 69kV line between substations 4 and 5 with the intent to mitigate further damages from similar storms. Since then, the damaged facilities have been redesigned and rebuilt to current codes and utility standards. In addition, a design has been submitted to the City for the transmission line between substations 4 and 5 that will harden it from future storm damage.

As a continuation of these efforts, the City has requested PSE to provide a proposal to perform a similar assessment and redesign of the City's 69kV line between substations 3 and 4.

### **Proposed Scope of Work and Deliverables**

Based on our understanding of the RFP, provided maps, existing plan & profile drawings, recent discussions, and past projects we have performed that are similar in nature, the following is our proposed scope of work and associated deliverables.

#### **Assessment and Redesign of Sub 4 to Sub 3 Line**

##### **1. Right-of-Way and Environmental**

###### ***Scope of Work***

The transmission assessment and redesign will utilize the established corridor of the existing line and therefore efforts with right-of-way, including easements, permits, and licensing, will not be required by the engineer. The City has verified that all right-of-way and environmental documents are current and valid.

***Deliverables***

- None.

2. Line Route Survey

***Scope of Work***

The design will be dependent on a topographical survey coordinated and provided to PSE by the City. The survey data, containing ground elevation of the centerline, will be provided electronically in a .dxf format.

***Deliverables***

- Utilize survey data provided by the City.
- Import survey data into PLS-CADD.
- Incorporate publicly available aerial photo imagery in PLS-CADD.

3. Assessment of Existing Facilities

***Scope of Work***

PSE will model the existing line between Substations 3 and 4 in PLS-CADD and PLS-POLE. Through these models, we will identify areas where NESC loading exceeds the structure strength.

***Deliverables***

- Model existing line in PLS-CADD and PLS-POLE
- Assessment of the line's strength
- Report of assessment results
- Review of redesign options and philosophy

4. Engineering and Design

***Scope of Work***

Tasks within the design efforts include: 1) establishing the design standards, 2) field inspection of line route, 3) developing the design within PLS-CADD, 4) developing design support documents, and 5) developing the construction book.

The design standards will be based on C2-2012 NESC Grade B construction, associated loading factors, RUS Bulletin 1724E-200 Design Manual for High Voltage Transmission Lines, and the City's additional design criteria. The design standards will be documented within a summary table that will be referenced throughout the project and made available to the City as part of the final deliverables. The main design document will be in the form of a Plan and Profile generated in PLS-CADD and staking sheets generated to the City's specifications.

Following the pre-design site visit, PSE will begin developing the preliminary design of the entire line route. PSE will determine the need and coordinate the design of any self-supporting structures, as well as work with the City to coordinate any required geotechnical work.

Plan and Profile drawings, staking sheets, framing and guying guides, sag and tension tables, and construction assembly guides to The City. A construction book will also be assembled to be included in construction bidding documents. An example of the design and construction books can be made available per The City's request.

### ***Deliverables***

- Design standard summary
- Initial site review
- Design within PLS-CADD including a mix 336 ACSR and 477 ACC transmission, 1/0 AAAC distribution underbuild, and 3/8" HSS static as well as ADSS fiber.
- Design support documents including plan & profile drawings, sag & tension tables, phasing diagrams (where needed), structure framing drawings, and assembly drawings.
- Construction book to be supplied to contractors for construction.

### ***Assumptions***

- All angle and tap structures will be anchored and guyed.
- No self-supporting structures will be required.
- 69kV riser structure and substation termination structures are not included as part of this project.

## 5. Bill of Material

### ***Scope of Work***

PSE will develop a bill of material needed for construction of the line using The City's approved materials list. The approved material list, including manufacturer part numbers, will be provided by The City.

### ***Deliverables***

- Bill of material

## 6. Contract Procurement

### ***Scope of Work***

PSE will provide the necessary documentation for the contract labor and material bidding process. We intend to follow the City's procurement policies and procedures for issuing and evaluating all construction labor contracts and materials. In addition to sending out the bidding documents to prospective contractors and suppliers, PSE will assist the City with review and evaluation.

### ***Deliverables***

- Develop bidding documents.
- Send bidding documents to prospective contractors and suppliers.
- Review and evaluate.

## **Overall Assumptions**

It is assumed that the following items have been, or will be completed by the City, and are therefore not considered part of the scope of this proposal:

- Right of Way acquisition
- Construction staking
- Line route survey
- Procurement of environmental approvals
- Attendance of public meetings

**Cost Estimate for the Above Scope of Work and Deliverables**

We have estimated 251 hours of total engineering and technician time that is required to complete the scope of services outlined in the RFP. The total not-to-exceed estimated cost for these efforts is \$35,000. Similar to other projects we have done with the City, we will only bill for actual efforts with the goal of coming in below this estimated amount.

The following table provides a breakdown of our estimated hours, labor and expenses for the assessment and redesign of the transmission line between substations 3 and 4.

Description	Hours	% of Total Hours	Labor	% of Total Labor	Expenses	Cost
Assessment	60	24%	\$ 8,700	26%	\$ 800	\$ 9,500
Engineering and Line Design	145	58%	\$ 18,500	55%	\$ 800	\$ 19,300
Bill of Materials	16	6%	\$ 2,100	6%	\$ -	\$ 2,100
Construction Procurement	30	12%	\$ 4,100	12%	\$ -	\$ 4,100
<b>TOTAL</b>	<b>251</b>	<b>100%</b>	<b>\$ 33,400</b>	<b>100%</b>	<b>\$ 1,600</b>	<b>\$ 35,000</b>

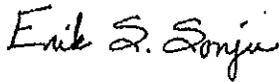
**Timeframe**

Based on our current work load, we proposed that these efforts commence around the first week of June. Once we have started, the design efforts will last approximately two to three months before engineering documents are ready for material and labor procurement. We then proposed to begin the material and labor procurement process immediately following the engineering or at a later time indicated by the City.

If there are other milestone dates that better fit the City’s budgets, goals, and internal scheduling, we are open to modifying the proposed timeframe.

Please feel free to contact me if you have any questions, need additional information, or would like us to redefine our proposed scope of work and deliverables.

Sincerely,



Erik S. Sonju  
Vice President, Power Delivery Planning and Design

cc: Mike Mezera, PSE  
Jeff Triplett, PSE

**Endorsement**

The undersigned accepts this proposal for engineering and design services and hereby authorizes Power System Engineering, Inc. to proceed with the services outlined herein.

By: \_\_\_\_\_  
City of Piqua

Date: \_\_\_\_\_

**RESOLUTION NO. R- 32 -13**

**A RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT FILED BY DONALD E. APPLE FOR PARCELS N44-076881 AND N44-076907 IN THE CITY OF PIQUA**

WHEREAS, Donald E. Apple has submitted an application to designate parcels N44-076881 and N44-076907 as an agricultural use; and

WHEREAS, parcels N44-076881 and N44-076907 are devoted exclusively for agricultural use; and

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

WHEREAS, this Resolution was adopted at an advertised public meeting, which also served as a public hearing on the application for the identified parcels herein;

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

SEC. 1: The application to place parcels N44-076881 and N44-076907 in an agricultural use district as provided by Ohio Revised Codes Section 929.02 is hereby approved;

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

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

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

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



**DO NOT COMPLETE FOR OFFICIAL USE ONLY**

Action of County Auditor

Application Approved \_\_\_\_\_ Rejected \_\_\_\_\_\*

Date Filed with County Auditor 2-15-13

Date Filed (if required) with Clerk of Municipal Corporation \_\_\_\_\_

County Auditor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Date Decision Mailed to Applicant \_\_\_\_\_ Certified Mail No. \_\_\_\_\_

Action of Legislative Body of Municipal Corporation

Application Approved \_\_\_\_\_ Approved with Modifications \_\_\_\_\_ \* Rejected \_\_\_\_\_\*

Date Application Filed with Clerk \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_

Date of Legislative Action \_\_\_\_\_ Clerk's Signature \_\_\_\_\_ Date \_\_\_\_\_

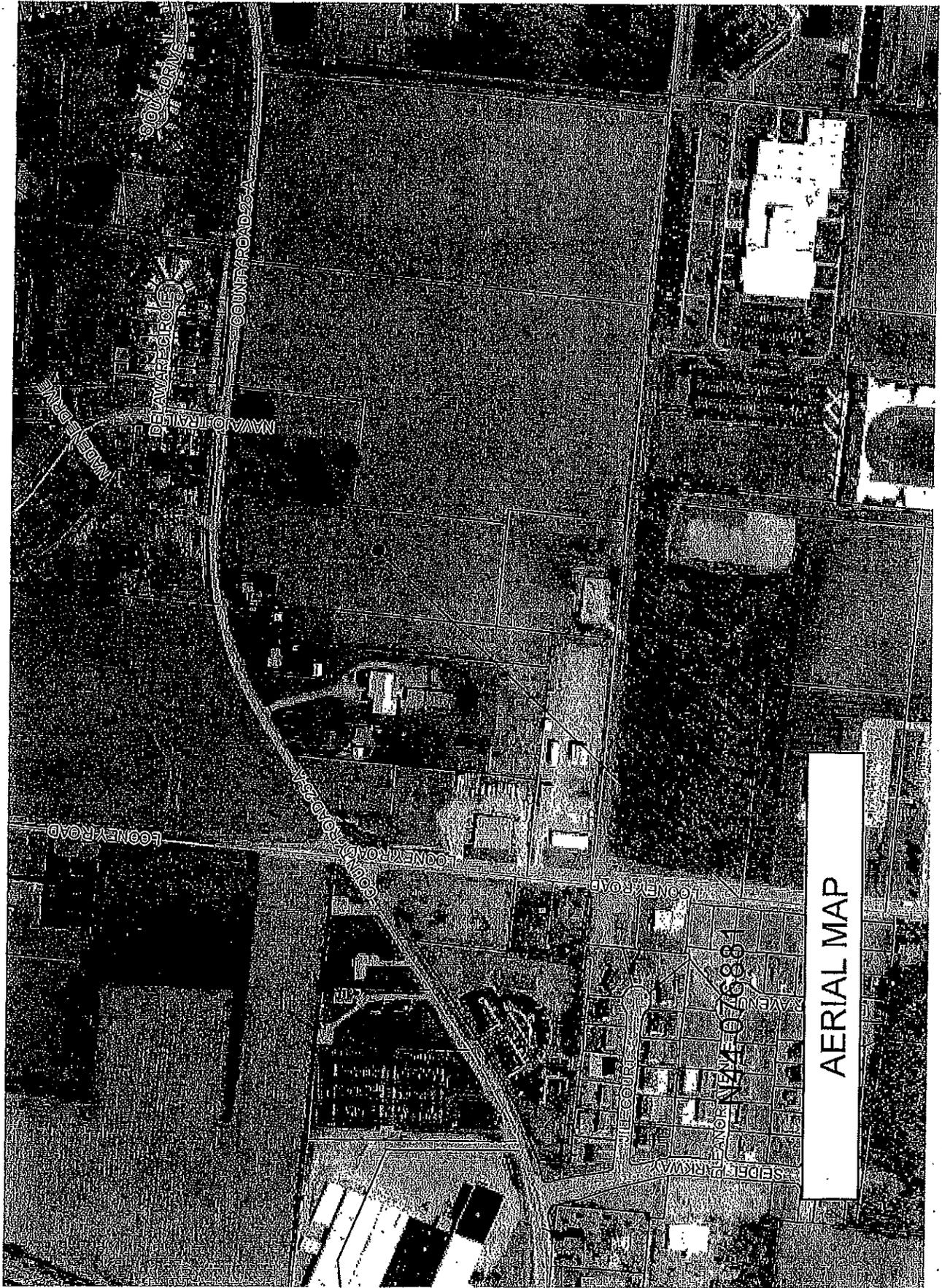
Date Decision Mailed to Applicant \_\_\_\_\_ Certified Mail No. \_\_\_\_\_

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

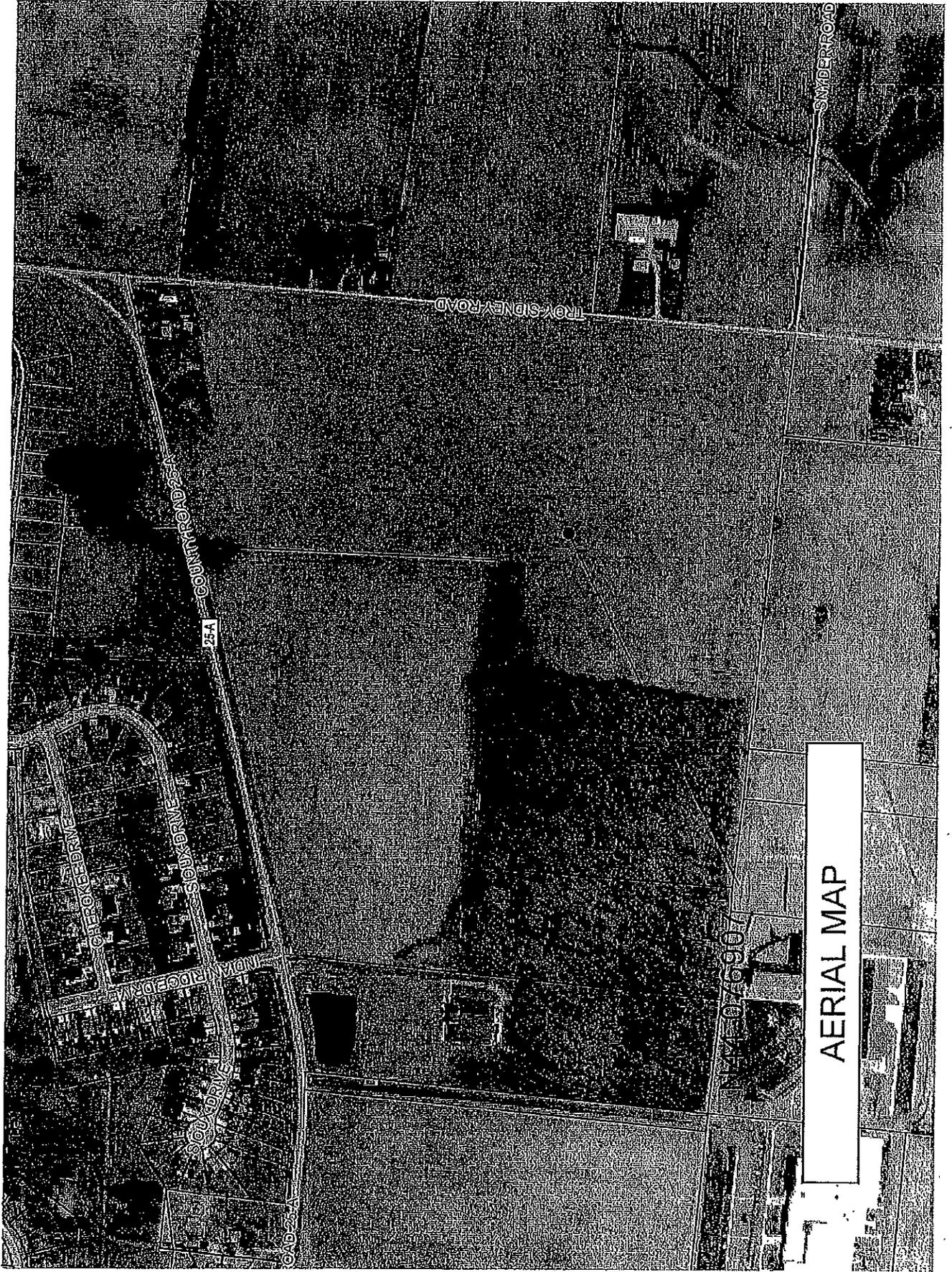
**RECEIVED**

FEB 20 2013

CITY OF PIQUA  
DEVELOPMENT OFFICE







AERIAL MAP



**REVISED 3-4-2013**

**RESOLUTION NO. R-33-13**

**A RESOLUTION AUTHORIZING THE PURCHASE OF 650 WOOD STREET, PARCEL NO. N44-013960**

WHEREAS, 650 Wood Street is a vacant commercial structure; and

WHEREAS, the City of Piqua has received grant funding from the Ohio Development Services Agency to purchase and demolish said structure; and

WHEREAS, the property owner desires to sell 650 Wood Street to the City of Piqua; and

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

SEC. 1. The City Manager is hereby authorized to purchase 650 Wood Street, Parcel No. **N44-013960**, in an amount not to exceed sixteen thousand dollars and no cents (\$16,000.00).

SEC. 2. There is a public benefit of purchasing 650 Wood Street to facilitate the demolition of a blighting influence in the community.

SEC. 3 The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to the contract terms, not exceeding a total of \$16,000.

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

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

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

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

REBECCA J. COOL  
CITY COMMISSION CLERK

**Commission Agenda  
Staff Report**

<b>MEETING DATE</b>	March 5, 2013		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	A Resolution Authorizing the Purchase of 650 Wood Street, Parcel No. N44-013960		
<b>SUBMITTED BY</b>	Name & Title: William Lutz, Development Program Manager Department: Development		
<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 type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	X Asst. City Manager/Development		X Law Director
	X Department Director;		X Other: City Planner
<b>BACKGROUND</b> (Includes description, background, and justification)	The City recently received their FY 2012 Community Development Block Grant. As part of the program of work approved by the Ohio Development Services Agency, the City of Piqua will purchase and demolish the commercial structure at 650 Wood Street. City Staff, under guidance from the Ohio Development Services Agency has negotiated the purchase price of \$16,000 for the structure, which is fair market value of the structure. This purchase is completely financed by the Community Development Block Grant.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$16,000	
	Expenditure \$:	\$16,000	
	Source of Funds:	Community Development Block Grant	
<b>OPTIONS</b> (Include Deny /Approval Option)	<b>Narrative:</b>		
	1.	Approve the Resolution and allow the purchase to take place	
	2.	Do not approve the Resolution and find another financing source for the purchase.	
	3.	Do not approve the Resolution and deny the project.	
	4.		
<b>PROJECT TIMELINE</b>	The purchase can be executed within five business days of commission approval. Demolition work can begin with ninety days.		
<b>STAFF RECOMMENDATION</b>	Staff would recommend that the purchase be approved.		
<b>ATTACHMENTS</b>	None		