

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, JULY 2, 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**

**GOVERNMENT ACADEMY GRADUATES**

**VIOLA AULT  
JIM CHRISMAN  
JEAN HALE  
TED JONES  
TRACY QUINTER**

**ALEX BARLAGE  
JESSE DOTSON  
KAZY HINDS  
MIKE McGONAGLE  
RALPH QUINTER**

**WILLIAM CARTER  
RALPH GREEN  
KRISTIN JONES  
CATHY ODA  
JUANITA VENTURA**

**REGULAR CITY COMMISSION MEETING**

**CONSENT AGENDA**

1. **APPROVAL OF MINUTES**  
Approval of the minutes from the June 13, 2013 City Commission Work Session and the June 18, 2013 Regular City Commission Meeting

**OLD BUSINESS**

2. **ORD.NO. 7-13 (3<sup>rd</sup> Reading)**  
An Ordinance to authorize the annexation of contiguous territory owned by the Municipal Corporation and the State
3. **ORD. NO. 8-13 (3<sup>rd</sup> Reading)**  
An Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Piqua
4. **ORD. NO. 9-13 (2<sup>nd</sup> Reading)**  
An Ordinance amending Chapter 96 (Trees) of the Piqua Municipal Code

**NEW BUSINESS**

5. **RES. NO. R-101-13**  
A Resolution adopting the Electric Fund Balance Guidelines
6. **RES. NO. R-102-13**  
A Resolution authorizing the City Manager to enter into a contract with Homrich, Inc. for Environmental Remediation, Demolition and Construction activities at the Piqua Municipal Power Plant

**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.)

**OTHER:**

**CITY MANAGER'S REPORT**

**COMMISSIONERS COMMENT**

**ADJOURNMENT**

**MINUTES  
PIQUA CITY COMMISSION WORK SESSION  
THURSDAY June 13, 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. Mayor Fess called the meeting to order. Present were Commissioners Terry, Martin, Wilson, and Vogt. Absent: None. Also present were: City Manager Gary Huff, Law Director Stacy Wall, Finance Director/Assistant City Manager Cynthia Holtzapple, Health & Sanitation Director Amy Welker, Development Program Bill Lutz.

**Code Enforcement Compliance**

City Manager Huff stated the Commissioners have inquired about the status of Code Enforcement in the City and provided information regarding code enforcement within the City of Piqua. One of the options is to use an outside source to help with code enforcement in the City of Piqua. We want to be pro-active with citizens and be fair in administering the program.

Health & Sanitation Director Amy Welker provided background on code enforcement stating there are three main code enforcement areas. They include: Nuisance, Property Maintenance, and Zoning. Ms. Welker provided the number of complaints they have received in each category in 2013, along with statistical information dating back to 2008.

One of the options discussed to help with the code enforcement is the use of an outside company, National Inspection Corporation. Ms. Welker provided cost information on adding new employees versus the use of an outside source.

Andrew McKenzie of National Inspection Corporation was present and provided information regarding the various types of services his company can provide.

City Manager Huff stated he would like to go with the National Inspection Corporation for six months using the property maintenance service section to see how the program works, and possibly expanding it in the future to other areas. City staff has spoken to several other communities who are using the National Inspection Corporation now and they stated they would never go back to doing it in house again, and are very satisfied with NIC.

There was discussion of the various ways citizens are notified of violations, the time limits, the steps that are taken to achieve the end result, and the response to the letters by the citizens who receive them.

All Commissioners present stated they were in favor of moving forward with using National Inspection Corporation at this time on a trial basis.

Mr. McKenzie explained how the inspection process would be handled. Ms. Welker stated National Inspection Corporation is willing to work with the City's current computer system which will be a great asset as far as being able to see the progress being made on the inspections.

**Community Development Block Grant**

City Manager Huff provided a brief overview of the projects that are in process at this time. The building on Wood Street is scheduled in the future for demolition and will be coming down soon. There was discussion of screening the empty lot on Wood Street after the building comes down.

For the fiscal year 2014, the City has been allocated only \$72,000 this year which is down from the \$92,000 received last year. Public hearings were held on the best use of the funds. Staff

recommended improvements to the infrastructure and paving of W. High Street from Downing Street to College Street.

The city has approved the demolition of six houses using Moving Ohio Forward funds, with the possibility of doing four more. There may be a second round of Moving Ohio Forward funds and hope to receive more money in the future, state City Manager Huff.

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

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

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

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

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday June 18, 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 Terry, Vogt, Martin, and Wilson.

**REGULAR CITY COMMISSION MEETING**

**Special Presentation**

City Manager Gary Huff asked Police Chief Bruce Jamison and his family to come forward. City Manager stated back in 1992 a young Police Officer was named Piqua Police Officer of the Year, and he was presented a plaque. Unfortunately Officer Jamison's name was misspelled on the plaque, and was never returned to him. City Manager Huff stated he found out about this recently and now twenty-one years later he would like to make sure the 1992 Police Officer of the Year receives his plaque. City Manager Huff presented the "1992 Police Officer of the Year Plaque" to Police Chief Jamison stating "it is a little late but congratulations". Police Chief Jamison thanked the City Manager and the City of Piqua for the plaque stating it was very much a surprise as he thought he would never see the plaque again.

**PRESENTATION: ACTIVITY DAY AT FOUNTAIN PARK – NATHAN BURKHOLDER**

Nathan was a summer intern last year working in the Administration Department, and this year he is working in the Public Works Department.

Nathan provided background on the Second Annual Piqua Activity Day held at Fountain Park. Nathan initiated the first Piqua Activity Day in 2012, and announced the 2<sup>nd</sup> Annual Piqua Activity Day will be held on July 20, 2013 at Fountain Park. Registration begins at 9:30 A.M. with events starting at 10:00 A.M. through 1:30 P.M. Registration forms are available on the Piqua web site or the day of the event at the Park. Children from pre-school through sixth grade are welcome, there will be games appropriate for each age group, and snacks will be provided. Volunteers are needed and encouraged citizens to come out and volunteer their time. The Piqua Activity Day last year was a major stepping stone along with the City of Piqua's beautiful parks in helping Piqua gain National Recognition as being a Playful City USA Award winner, stated Mr. Burkholder.

Mayor Fess thanked Nate for taking the time to plan and supervise such a wonderful and exciting activity for the children of Piqua.

**PROCLAMATION: NATIONAL GO SKATEBOARDING DAY – JUNE 21, 2013**

Mayor Fess read the proclamation and presented it to Park Board Chairman, Jim Cruse. Mr. Cruse provided a brief overview of the planned event. City Manager Huff stated this is a great opportunity to showcase the new Piqua Skateboard Park and appreciate the effort of the Park Board and the volunteers in planning this event.

**Consent Agenda**

Approval of the minutes from the June 4, 2013 Regular Piqua City Commission Meeting.

**RES. NO. R-95-13**

A Resolution accepting the resignation of Cheryl Burkhardt as a member of the Park Board

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

**NEW BUSINESS**

**ORD. NO. 9-13** (1<sup>st</sup> reading)

An Ordinance amending Chapter 96 (Trees) of the Piqua Municipal Code

Bob Graeser, Project Manager, explained the original tree ordinance was passed in 1978 and has become outdated and is in need of updates. The Tree Committee provided input and the ordinance reflects the implementing of the best standards of Arboriculture practice within the public right-of-way and in public places, stated Mr. Graeser. This will improve the street trees and remove the hazard trees and make sure trees are being planted in areas that best suited for that type of tree.

Mayor Fess stated there is a lot of good information on the types of trees that should be planted in various places around the city.

**Public Comment**

No one came forward to speak for or against Ordinance No. 9-13.

Ordinance No. 9-13 was given a first reading.

**ORD. NO. 7-13** (2<sup>nd</sup> Reading)

An Ordinance to authorize the annexation of contiguous territory owned by the Municipal Corporation and the State

Bill Murphy, Economic Development Director/Assistant City Manager provided a brief overview of the request for the annexation. This ordinance will authorize the filing of an annexation petition to annex City of Piqua and State of Ohio properties located near State Route 66 and Hardin Road. The City desires to annex the 40+ acre tract in anticipation of the construction of the new water treatment facility slated to begin construction in 2014.

**Public Comment**

No one came forward to speak for or against Ordinance No. 7-13.

Ordinance No. 7-13 was given a second reading.

**ORD. NO. 8-13** (2<sup>nd</sup> Reading)

An Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Piqua

Law Director Stacy Wall explained this is a routine housekeeping procedure that is done once a year after American Legal Publishing Corporation reviews and recommends the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the Ohio Code.

**Public Comment**

No one came forward to speak for or against Ordinance No. 8-13.

Ordinance No. 8-13 was given a second reading.

**RES. NO. R- 96-13** (Public Hearing)

A Resolution accepting for statutory purposes a budget for the calendar year 2014

Finance Director Cindy Holtzapple stated the City is required to file an approved Resolution and County Tax Budget with the Miami County Budget Commission on or before July 20, 2013. This is the public hearing for the proposed budget.

**Public Comment**

No one came forward to speak for or against Resolution No. R-96-13.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-96-13 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-96-13 adopted.

**RES. NO. R-97-13**

A Resolution approving the Community Development Block Grant formula allocation program application for fiscal year 2013

Development Program Manager, Bill Lutz stated each year the City of Piqua receives an allocation from the Ohio Development Services Agency to implement local activities through the Community Development Block Grant program. The allocation for 2013 is only \$72,000 due to federal budget cuts, and is considerably less than the \$95,000 the city received in 2012. Projects were solicited from city staff and it was agreed that the project would be proposed for funding for repaving West High Street between Downing Street and College Street.

**Public Comment**

No one came forward to speak for or against Resolution No. R-97-13.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-97-13 be adopted. Roll call, Aye: Wilson, Vogt, Terry, Fess, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-97-13 adopted.

**RES. NO. R-98-13**

A Resolution authorizing the City manager to enter into a lease agreement to permit the usage of a portion of Fountain Park, Hardman Field, and Hance Pavilion to the Piqua Fourth of July Association

Law Director Stacy Wall explained the reason for the lease of the City owned property to the Fourth of July Association. The Fourth of July Association must provide a significant insurance coverage in order to lease the city owned property.

There was discussion on the possibility of extending the lease for more than one year, but after discussion it was decided that the lease should be reviewed yearly.

Diane Miller, President of the Fourth of July Association came forward and gave a brief overview of the activities and the vendors that would be in attendance this year.

City Manager Huff stated there have not been any issues that he has been made aware of in the past. Mayor Fess thanked Ms. Miller and the rest of the Fourth of July Association members and volunteers for all the work they put into the celebration for all citizens to enjoy.

**Public Comment**

No one came forward to speak for or against Resolution No. R-98-13.

Moved by Commissioner Martin, seconded by Commissioner Terry, to approve Resolution No. R-98-13. Roll call, Aye: Vogt, Terry, Fess, Wilson and Martin. Nay: None. Motion carried unanimously.

Mayor Fess then declared Resolution No. R-98-13 adopted.

**RES. NO. R-99-13**

A Resolution authorizing the City Manager to enter into the LPA Federal Local-Let Project agreement with the Ohio Department of Transportation (ODOT) for the Safe Routes to School (SRTS) infrastructure projects

City Engineer, Amy Havenar stated a Resolution was brought to the City Commission in February of 2012 to enter into an agreement with ODOT for this project as an ODOT Local Let project. The city has decided to take on this project as Local Let project, which means the City will be responsible for the plan reviews, bidding and construction administration. This new legislation reflects the change in the project designation to a Local Let project.

In May of 2012 the city was notified of the award of the Safe Routes to School (SRTS) grant for the construction of infrastructure projects. The project will consist of infrastructure improvements around the Piqua Junior High School site, Washington Intermediate School site, and the Wilder Intermediate School site. The improvements will consist of the installation of new pavement markings and signage, installation of ADA compliant curb ramps, replacement of damaged sidewalk and curbs, construction of a multi-use path to the Junior High School from Looney Road and various other miscellaneous projects.

There was discussion on some of curb bump-outs, and when the project would begin.

**Public Comment**

No one came forward to speak for or against Resolution No. R-99-13.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-99-13 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-99-13 adopted.

**RES. NO. R-100-13**

A Resolution awarding a contract to Christy Construction for the 2013 sidewalk ADA Compliance Program

City Engineer, Amy Havenar stated on Juke 7, 2013 three bids were received for the 2013 Sidewalk, ADA Compliance Program. The work will consist of the installation of concrete curbing, sidewalk, and truncated dome pavers at the radii and other miscellaneous locations along the streets to be resurfaced as part of the 2013 Street Resurfacing Program.

**Public Comment**

No one came forward to speak for or against Resolution No. R-100-13

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-100-13 be adopted. Roll call, Aye: Fess, Wilson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-100-13 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.

No one came forward to speak at this time.

**City Manager's Report**

Economic Development Update – Mr. Bill Murphy

Economic Development Director/Assistant City manager Bill Murphy provided a brief update on the Economic Development activities for 2013.

**Commissioners Comment**

Commissioner Vogt stated it is summer time and time to remember the City Parks and to get out and enjoy them. On July 20<sup>th</sup>, 2013 the City of Piqua Car Show will be held at Fountain Park. The entertainment this year will be the Van Dells with the show beginning at 7:00 P.M. in Hance Pavilion, presale tickets will be available on July 1, 2013 for \$5.00 each for non-car show members. Proceeds from this year's car show will go to the Rehabilitation of the Pitsenbarger Sports Complex, stated Commissioner Vogt. City Manager Huff stated Commissioner Vogt has done a tremendous job on promoting the car show.

Commissioner Vogt reminded citizen to send in their donations to the Friends of the Parks. Commissioner Vogt also explained the Coco Cola Company will be giving several donations to city Parks and Piqua would like to be one of the winners of the funds. Citizens can go on line and vote as many times as they like at Take it to the Park.com. Information is also posted on the city web site, so take a minute and vote for Pitsenbarger Park.

Commissioner Terry inquired as to when the Garbry Road Bridge Project would be completed. City Engineer Amy Havenar stated the project should be completed in the fall of 2013.

Commissioner Terry reminded citizens of several events. The Piqua Arts Council recently sponsored the Kettering Banjo Society on June 14<sup>th</sup> which was very well attended, the Brown Bag Lunch series will be held on Thursday June 20<sup>th</sup>, and the Civic Band will hold four consecutive evening concerts on Thursday evenings. Commissioner Terry stated the downtown planters are beautiful but reminded citizens not to use them for trash receptacles. Please send your votes in to Take it to the Park.com help Piqua win the much needed money for Pitsenbarger Park. This is an easy way to help support even if you can't make a donation.

Commissioner Wilson provided statistics on recycling in 2011 and 2012, stating there are still a lot of citizens that do not recycle, and encouraged citizens to recycle. Recycling bins can be picked up in the Utility and Health Departments.

Commissioner Wilson reminded citizens to attend the Open House at the Piqua Community Gardens on Saturday, June 22, 2013 11:00 A.M. - 1:00 P.M. Commissioner Wilson also encouraged citizens to visit the new Skateboard Park and see all the activities going on there.

Mayor Fess stated she attended the Industrial Spring Ribbon Cutting on Country Club recently, further stating they are very happy to be in Piqua, and plan to expand within the next three years.

Mayor Fess announced Industry Products received the Supplier Award from Honda and congratulated them.

Commissioner Vogt inquired about the missing American flags from the poles along Ash Street. City Manager Huff stated they have either been damaged or blown down.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 8:30 P.M. Voice vote, Aye: Terry, Wilson, Fess, and Vogt. Nay: None. Motion carried unanimously.

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LUCINDA L. FESS, MAYOR

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

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

**ORDINANCE NO. 7-13**

**AN ORDINANCE TO AUTHORIZE THE ANNEXATION OF CONTIGUOUS TERRITORY OWNED BY THE MUNICIPAL CORPORATION AND THE STATE**

WHEREAS, the City of Piqua and State of Ohio own territory contiguous to the limits of the municipal corporation, as described by Exhibit 'A' and shown in Exhibit 'B', hereinafter referred to as the territory; and,

WHEREAS, the city of Piqua desires to annex the territory in anticipation of the construction of a new water treatment facility; and

WHEREAS, Ohio Revised Code §§ 709.13 through 709.21 provide the process for the annexation of municipal and state territory contiguous to the municipal corporation;

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

SEC. 1: Pursuant to the process of annexation provided for by Ohio Revised Code §§ 709.13 through 709.21, this Commission hereby authorizes the annexation of the subject property.

SEC. 2: The City Manager shall execute the necessary annexation petition document.

SEC. 3: The Law Director shall prosecute the proceedings necessary to effect the annexation.

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

1<sup>st</sup> Reading 6-4-2013  
2<sup>nd</sup> Reading 6-18-2013

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

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

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

REBECCA J. COOL  
CLERK OF COMMISSION



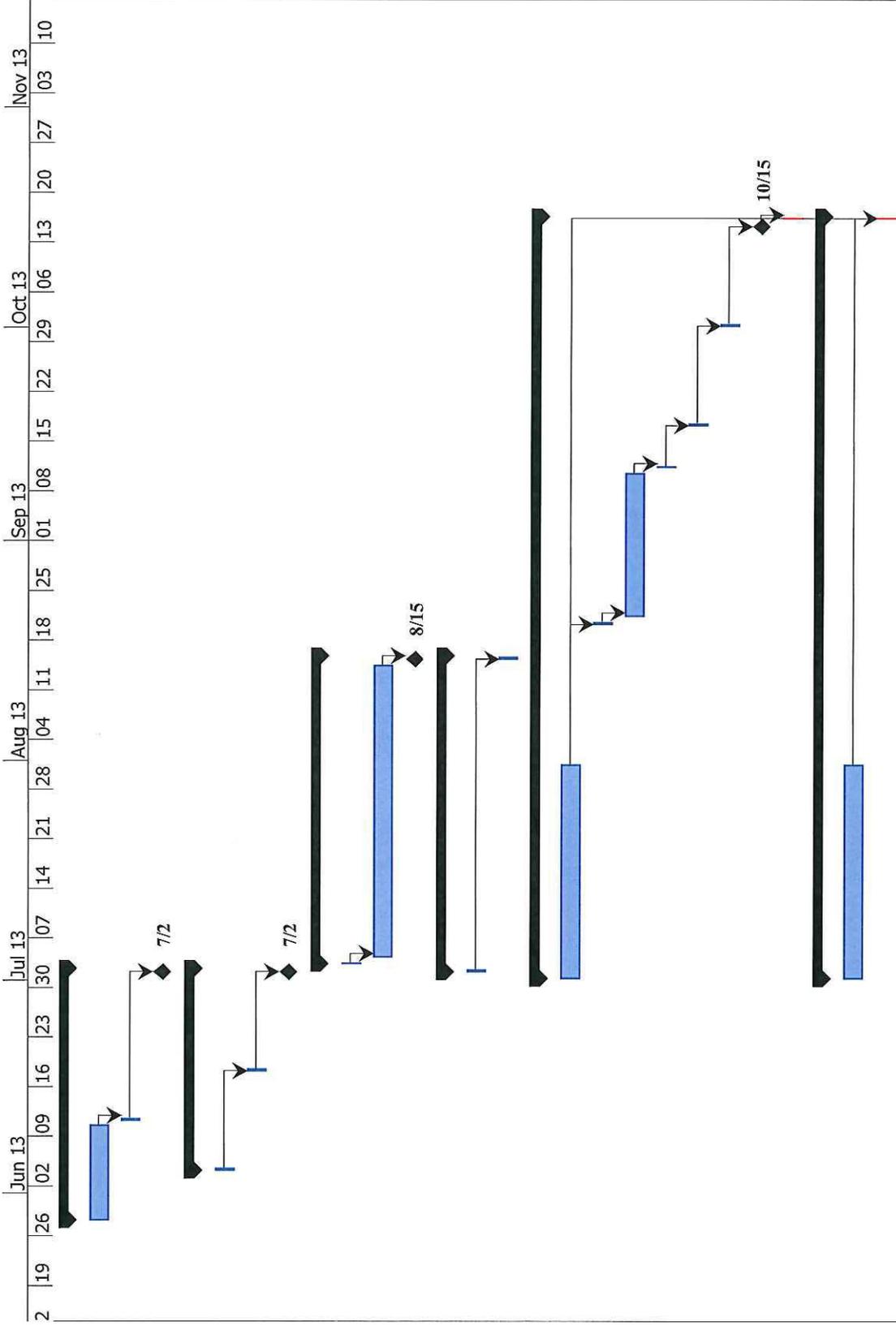
# Commission Agenda Staff Report

Item# 2

<b>MEETING DATE</b>	June 17, 2013		
<b>REPORT TITLE</b>	A RESOLUTION TO ACCEPT THE RECOMMENDED ZONING DESIGNATION CONCERNING THE PETITION FOR ANNEXATION OF 45.503+/- ACRES FROM WASHINGTON TOWNSHIP		
<b>SUBMITTED BY</b>	Chris Schmiesing, City Planner		
	Development Department		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input 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"/> City Planner		<input checked="" type="checkbox"/> Planning Commission
<b>BACKGROUND</b> (Description, background, justification)	In response to the petition for annexation of the property located at the intersection of SR 66 and Hardin Road the Planning Commission has held a public hearing to study the territory and recommend an appropriate zoning designation of the property upon annexation. With reference to the zoning designation and characteristics of the surrounding properties, the planned use of the subject location, and the Conservation and Development Map included in the Plan It Piqua 2007 Comprehensive Plan Update adopted by the City Commission, the Planning Commission recommended a zoning of OS Open Space be designated for the subject property upon annexation of the territory into the City of Piqua. It is now necessary for the City Commission to accept or reject the recommendation.		
<b>BUDGET/FINANCIAL IMPACT</b> (Project costs and funding sources)	Budgeted \$:	0	
	Expenditure \$:	0	
	Source of Funds:	N/A	
	Narrative:		
<b>OPTIONS</b> (Include deny /approval option)	1.	Adopt the resolution to accept the recommended zoning designation.	
	2.	Deny the resolution to reject the recommended zoning designation.	
<b>PROJECT TIMELINE</b>	June 2013 – The City Commission considers a petition to annex municipal and state territory contiguous to the municipal corporation.		

	June 2013 – Planning Commission recommend zoning designation. July 2013 – Annexation petition and recommended zoning to be approved or denied by City Commission.
<b>STAFF RECOMMENDATION</b>	Approve the resolution.
<b>ATTACHMENTS</b>	PC Resolution 09-13; Conservation and Development Map included in the Plan It Piqua 2007 Comprehensive Plan Update

		Name	Duration	Start	Finish
1		<input checked="" type="checkbox"/> <b>Zoning Designation</b>	<b>26 days</b>	<b>5/28/13 8:00 AM</b>	<b>7/2/13 5:00 PM</b>
2		Public Hearing Advertisement Period	10 days	5/28/13 8:00 AM	6/10/13 5:00 PM
3		PC Public Hearing	1 day	6/11/13 8:00 AM	6/11/13 5:00 PM
4		CC Resolution	1 day	7/2/13 8:00 AM	7/2/13 5:00 PM
5		<input checked="" type="checkbox"/> <b>Authorization to Annex</b>	<b>21 days</b>	<b>6/4/13 8:00 AM</b>	<b>7/2/13 5:00 PM</b>
6		CC 1st Reading Ordinance	1 day	6/4/13 8:00 AM	6/4/13 5:00 PM
7		CC 2nd Reading Ordinance	1 day	6/18/13 8:00 AM	6/18/13 5:00 PM
8		CC 3rd Reading Ordinance	1 day	7/2/13 8:00 AM	7/2/13 5:00 PM
9		<input checked="" type="checkbox"/> <b>Annexation Proceedings</b>	<b>32 days</b>	<b>7/3/13 8:00 AM</b>	<b>8/15/13 5:00 PM</b>
10		File petition with County Clerk	1 day	7/3/13 8:00 AM	7/3/13 5:00 PM
11		County Commission Action	30 days	7/4/13 8:00 AM	8/14/13 5:00 PM
12		Annexation Complete	1 day	8/15/13 8:00 AM	8/15/13 5:00 PM
13		<input checked="" type="checkbox"/> <b>Township Exclusion Proceedings</b>	<b>33 days</b>	<b>7/2/13 8:00 AM</b>	<b>8/15/13 5:00 PM</b>
14		CC Resolution	1 day	7/2/13 8:00 AM	7/2/13 5:00 PM
15		File with County Commission	1 day	8/15/13 8:00 AM	8/15/13 5:00 PM
16		<input checked="" type="checkbox"/> <b>Right of Way Vacation Proceedings</b>	<b>78 days</b>	<b>7/1/13 8:00 AM</b>	<b>10/16/13 5:00 PM</b>
17		Prepare Replat Survey	23 days	7/1/13 8:00 AM	7/31/13 5:00 PM
18		CC Declaration of Intent	1 day	8/20/13 8:00 AM	8/20/13 5:00 PM
19		Public Hearing Advertisement Period/Certified Mailing	15 days	8/21/13 8:00 AM	9/10/13 5:00 PM
20		PC Public Hearing	1 day	9/11/13 8:00 AM	9/11/13 5:00 PM
21		CC 1st Reading Ordinance	1 day	9/17/13 8:00 AM	9/17/13 5:00 PM
22		CC 2nd Reading Ordinance	1 day	10/1/13 8:00 AM	10/1/13 5:00 PM
23		CC 3rd Reading Ordinance	1 day	10/15/13 8:00 AM	10/15/13 5:00 PM
24		Record Vaction Plat	1 day	10/16/13 8:00 AM	10/16/13 5:00 PM
25		<input checked="" type="checkbox"/> <b>Replat Property</b>	<b>78 days</b>	<b>7/1/13 8:00 AM</b>	<b>10/16/13 5:00 PM</b>
26		Prepare Replat Survey	23 days	7/1/13 8:00 AM	7/31/13 5:00 PM
27		Record Replat Survey	1 day	10/16/13 8:00 AM	10/16/13 5:00 PM



## Exhibit 'A'

### 45.503 ACRES

Situated in the Township of Washington, County of Miami, State of Ohio; also being a part of Section 1, Town 8, Range 5 East and a part of Section 36, Town 9, Range 5 East and a part of Section 6, Town 6, Range 6 East; also being those lands as conveyed to City of Piqua as described in Official Record 225 Page 484 and Official Record 232 Pages 795 through 818 and a tract of land owned by the City of Piqua (the former Piqua Hydraulic Feeder Canal) and a portion of those lands within the rights-of-way of State Route 66 (right-of-way varies) and Hardin Road No. 110 (60' right-of-way) and Hardin Road Alternate (60' right-of-way) and a portion of those lands as conveyed to State of Ohio as described in Deed Book 426 Page 70; being more particularly described as follows:

Commencing at the northeast corner of Section 1, Town 8, Range 5 East, said point also being along the southerly line of Lot 1 of Northwood Hills Subdivision Section One as recorded in Plat Book 10 Page 13, said point also being along the northerly line of a 2.6768 acre tract as conveyed to Carl D. & Michele L. Hutcherson as described in Official Record 45 Page 453; thence,

Along the division line between Section 1, Town 8, Range 5 East and Section 36, Town 9, Range 5 East, also being along the southerly lines of said Lot 1 and then along the southerly line of Lot 21 and then along a portion of the southerly line of Lot 22 of Northwood Hills Subdivision Section 2 as recorded in Plat Book 10 Page 95, also being along a portion of the northerly line of said 2.6768 acre tract, ***North 89° 40' 39" West for a distance of 367.17'*** to a point, said point being the northwesterly corner of said 2.6768 acre tract, said point also being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the westerly line of said 2.6768 acre tract, ***South 0° 03' 26" East, for a distance of 223.26'*** to the southwest corner of said 2.6768 acre tract; thence,

Along the southerly line of said 2.6768 acre tract, ***North 89° 56' 34" East, for a distance of 471.26'*** to a point along the centerline of Hardin Road No. 110 (60' right-of-way); thence,

Along the centerline of Hardin Road No. 110, ***North 30° 02' 53" East, for a distance of 74.47'*** to a point; thence,

Along the centerline of Hardin Road No. 110, ***North 14° 34' 50" East, for a distance of 160.40'*** to a point along the northerly line of Section 6, Township 6, Range 6 East; thence,

Along the northerly line of said Section 6, ***South 89° 40' 39" East, for a distance of 30.95'*** to a point along the easterly line of Hardin Road No. 110, said point also being along the division line between the City of Piqua and Washington Township; thence the following 8 courses along the easterly right-of-way line of Hardin Road No. 110 and the division line between the City of Piqua and Washington Township,

***South 14° 34' 50" West, for a distance of 172.10'*** to a point; thence,

***South 30° 02' 53" West, for a distance of 828.21'*** to a point; thence,

***South 33° 23' 13" West, for a distance of 310.44'*** to a point; thence,

***South 31° 28' 33" West, for a distance of 167.15'*** to a point; thence,

***South 18° 18' 04" West, for a distance of 313.51'*** to a point; thence,

## Exhibit 'A'

Along a curve to the left, said curve being non-tangent to the previous course, said curve having a *radius of 3407.75'*, *an arc length of 213.12'*, *a central angle of 3° 35' 00"*, *and a chord that bears South 16° 30' 34" West for a distance of 213.09'* to a point; thence,

*South 15° 54' 28" East, for a distance of 48.21'* to a point; thence,

*South 10° 18' 16" West, for a distance of 207.00'* to a point along the northerly right-of-way line of State Route No. 66 (right-of-way varies) and along the division line between the City of Piqua and Washington Township; thence,

Along the northerly right-of-way line of State Route No. 66, also being along the division line between the City of Piqua and Washington Township, *South 17° 21' 48" East, for a distance of 473.81'* to a point; thence,

Along the same, *South 24° 38' 18" East, for a distance of 111.95'* to a point along a southerly line of a 162.823 acre tract as conveyed to State of Ohio as described in Deed Book 426 Page 70; thence,

Along a portion of a southerly line of said 162.823 acre tract and then along the extension of said southerly line, *South 65° 28' 57" West, for a distance of 90.00'* to a point along the centerline of State Route No. 66; thence,

Along the centerline of State Route No. 66, also being along the division line between the City of Piqua and Washington Township starting at a distance of 549.67' from the beginning of this course, *North 24° 38' 18" West, for a distance of 2243.10'* to a point of curvature; thence,

Along the centerline of State Route No. 66, also being along the division line between the City of Piqua and Washington Township, following a curve to the left having a *radius of 5729.58'*, *an arc length of 789.87'*, *a central angle of 7° 53' 55"*, *and a chord that bears North 28° 35' 16" West for a distance of 789.24'* to a point at the intersection of the centerlines of State Route No. 66 and Hardin Road Alternate; thence,

Along the centerline of Hardin Road Alternate, *South 54° 09' 29" East, for a distance of 444.05'* to a point; thence,

Along the centerline of Hardin Road Alternate, *South 54° 11' 39" East, for a distance of 289.80'* to a point, said point being the southeasterly corner of a 1.026 acre tract as conveyed to Warren O. Price, Jr. & Marilyn J. Price, Trustees as described in Deed Book 729 Page 233; thence,

Along the easterly line of said 1.026 acre tract, *North 1° 09' 46" West, for a distance of 334.79'* to a point along the southerly line of a 25.078 acre tract as conveyed to John M. & Deborah Owsiniy as described in Official Record 284 Page 791, said point also being along the division line between Section 1, Town 8, Range 5 East and Section 36, Town 9, Range 5 East; thence,

Along a portion of the southerly line of said 25.0783 acre tract and then along a portion of the southerly line of Lot 22 of Northwood Hills Subdivision Section 2, also being along the division line between Section 1, Town 8, Range 5 East and Section 36, Town 9, Range 5 East, *South 89° 40' 39" East, for a distance of 937.26'* to the point of beginning containing 45.503 acres of land, more or less, of which 44.881 acres is in Section 1, Town 8, Range 5 East, 0.549 acres is in Section 6, Town 6, Range 6 East, and 0.073 acres is in Section 36, Town 9, Range 5 East; as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in June, 2011

## Exhibit 'A'

and September, 2012, as filed in Miami County Recorder's Record of Plats Volume \_\_\_\_\_ Page \_\_\_\_\_.

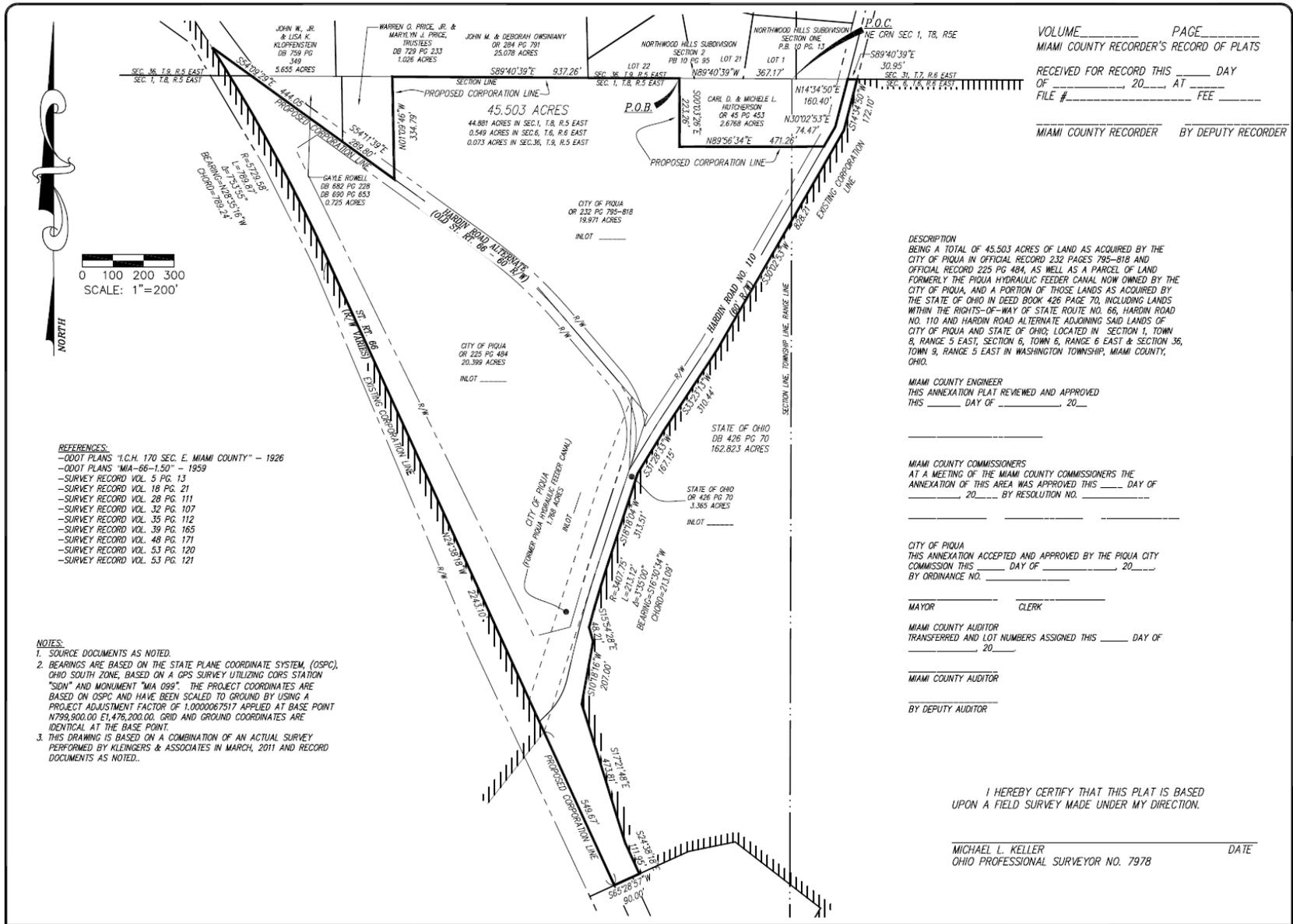
Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-2007) as determined by a VRS-GPS survey utilizing CORS station "SIDN" as maintained by the Ohio Department of Transportation and station "MIA 099".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

Legal description prepared by Michael L. Keller, Professional Surveyor, Ohio License No. 7978

Exhibit 'B'



VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_  
 MIAMI COUNTY RECORDER'S RECORD OF PLATS  
 RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY  
 OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_  
 FILE # \_\_\_\_\_ FEE \_\_\_\_\_  
 MIAMI COUNTY RECORDER BY DEPUTY RECORDER

DESCRIPTION  
 BEING A TOTAL OF 45.503 ACRES OF LAND AS ACQUIRED BY THE CITY OF PIQUA IN OFFICIAL RECORD 232 PAGE 795-818 AND OFFICIAL RECORD 225 PG 484, AS WELL AS A PARCEL OF LAND FORMERLY THE PIQUA HYDRAULIC FEEDER CANAL NOW OWNED BY THE CITY OF PIQUA, AND A PORTION OF THOSE LANDS AS ACQUIRED BY THE STATE OF OHIO IN DEED BOOK 428 PAGE 70, INCLUDING LANDS WITHIN THE RIGHTS-OF-WAY OF STATE ROUTE NO. 66, HARDIN ROAD NO. 110 AND HARDIN ROAD ALTERNATE ADJOINING SAID LANDS OF CITY OF PIQUA AND STATE OF OHIO; LOCATED IN SECTION 1, TOWN 8, RANGE 5 EAST, SECTION 6, TOWN 6, RANGE 6 EAST & SECTION 36, TOWN 9, RANGE 5 EAST IN WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO.

MIAMI COUNTY ENGINEER  
 THIS ANNEXATION PLAT REVIEWED AND APPROVED  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

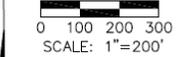
MIAMI COUNTY COMMISSIONERS  
 AT A MEETING OF THE MIAMI COUNTY COMMISSIONERS THE ANNEXATION OF THIS AREA WAS APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ BY RESOLUTION NO. \_\_\_\_\_

CITY OF PIQUA  
 THIS ANNEXATION ACCEPTED AND APPROVED BY THE PIQUA CITY COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_

MAYOR \_\_\_\_\_ CLERK \_\_\_\_\_  
 MIAMI COUNTY AUDITOR  
 TRANSFERRED AND LOT NUMBERS ASSIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 MIAMI COUNTY AUDITOR \_\_\_\_\_  
 BY DEPUTY AUDITOR \_\_\_\_\_

I HEREBY CERTIFY THAT THIS PLAT IS BASED UPON A FIELD SURVEY MADE UNDER MY DIRECTION.

MICHAEL L. KELLER \_\_\_\_\_ DATE \_\_\_\_\_  
 OHIO PROFESSIONAL SURVEYOR NO. 7978



- REFERENCES:
- ODOT PLANS "I.C.H. 170 SEC. E. MIAMI COUNTY" - 1926
  - ODOT PLANS "MA-66-1.50" - 1959
  - SURVEY RECORD VOL. 5 PG. 13
  - SURVEY RECORD VOL. 18 PG. 21
  - SURVEY RECORD VOL. 28 PG. 111
  - SURVEY RECORD VOL. 32 PG. 107
  - SURVEY RECORD VOL. 35 PG. 112
  - SURVEY RECORD VOL. 39 PG. 165
  - SURVEY RECORD VOL. 48 PG. 171
  - SURVEY RECORD VOL. 53 PG. 120
  - SURVEY RECORD VOL. 53 PG. 121

- NOTES:
- SOURCE DOCUMENTS AS NOTED.
  - BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, (OSPC), OHIO SOUTH ZONE, BASED ON A GPS SURVEY UTILIZING CORS STATION "SDM" AND MONUMENT "MA 099". THE PROJECT COORDINATES ARE BASED ON OSPC AND HAVE BEEN SCALED TO GROUND BY USING A PROJECT ADJUSTMENT FACTOR OF 1.0000067517 APPLIED AT BASE POINT N799,900.00 E1,476,200.00. GRID AND GROUND COORDINATES ARE IDENTICAL AT THE BASE POINT.
  - THIS DRAWING IS BASED ON A COMBINATION OF AN ACTUAL SURVEY PERFORMED BY KLEINGERS & ASSOCIATES IN MARCH, 2011 AND RECORD DOCUMENTS AS NOTED.



REVISIONS	

ANNEXATION TO THE CITY OF PIQUA  
 45.503 ACRES  
 SECTION 1, TOWN 8, RANGE 5 EAST,  
 SECTION 6, TOWN 6, RANGE 6 EAST &  
 SECTION 36, TOWN 9, RANGE 5 EAST  
 WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO

SCALE: 1"=100'  
 DATE: 09/10/12  
 DRAWN: MLK  
 DESIGNED:  
 CHECKED: MLK  
 JOB NO.: 110048.003

Page  
 1  
 Of  
 1

6305 Centre Park Drive, West Chester, OH 45069  
 (613) 779-7851 Fax (613) 779-7852  
 www.KLEINGERS.com

**ORDINANCE NO. 8-13**

**AN ORDINANCE ENACTING AND ADOPTING A  
SUPPLEMENT TO THE CODE OF ORDINANCES  
FOR THE CITY OF PIQUA**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2012 supplement to the Code of Ordinances of the City of Piqua, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this City of Piqua; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the Ohio Code; and

WHEREAS, it is the intent of the Piqua City Commission to accept these updated sections in accordance with the changes of the law of the State of Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the City of Piqua and for the immediate preservation of the public peace, health, safety and general welfare of the City of Piqua that this ordinance take effect at an early date.

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

SEC 1: That the 2012 supplement to the Code of Ordinances of the City of Piqua as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, is hereby adopted by reference as is set out in its entirety.

SEC. 2: Such supplement shall be deemed published as of the day of its adoption and approval by the Piqua City Commission and the Clerk of Commission is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk of Commission.

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

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

1<sup>st</sup> Reading 6-4-2013  
2<sup>nd</sup> Reading 6-18-2013

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

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

**ORDINANCE NO. 9-13**

**AN ORDINANCE AMENDING CHAPTER 96  
(TREES) OF THE PIQUA MUNICIPAL CODE**

WHEREAS, the City of Piqua Municipal Code has had laws and procedures dealing with planting and the maintenance of trees within the right of way; and

WHEREAS, the City has redefined new standards consistent with the best practices of Arboriculture; and

WHEREAS, the City of Piqua will enforce these practices to continue to enrich the City's urban forest; and

WHEREAS, the proposed amendments will renew and advance this ordinance into a contemporary document to ensure a sustained partnership with the City and its future tree canopy.

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 96 Trees of the Piqua Municipal Code as set forth below: (added language is indicated by the underline)

**§ 90.01 DEFINITIONS.**

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

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

***ARBORIST.*** A person qualified in the planting, maintenance, protection, control and removal of trees.

***PUBLIC AREA.*** Parks, playgrounds, or other property owned, leased, or controlled by the city and street, alley, sidewalk, or other public rights-of-way.

***SHRUB.*** A low, usually several-stemmed, woody plant.

***TREE.*** A woody perennial plant having a single, usually elongated main stem generally with few or no branches on its lower part.

***TREE COMMITTEE.*** The committee set up by the City Commission and whose organization is described in Ordinance No. 11-76 and in §§ 32.075 through 32.077 of this code.

***TREE LAWN.*** That part of the roadway right-of-way laying between the property line and that portion of the roadway used for vehicular traffic.

***TREE TOPPING.*** The removal and/or disfigurement of a tree's normal canopy as a result of cutting back large limbs within the tree's crown.

## **§ 96.02 ENFORCING AUTHORITY.**

(A) The City Engineer or his or her duly authorized representative shall be charged with enforcement of this chapter.

(B) An arborist shall be retained by the city to serve as an advisor to the City Engineer concerning problems related to tree selection and care, diseases of trees, tree adaptability and other related problems.

(C) The Tree Committee shall be advised of all actions concerning trees in a monthly report and shall review and act upon all recommendations presented by the City Engineer concerning tree removal or special planting programs.

## **§ 96.03 PLANTING TREES WITHIN CITY.**

(A) No permits are required to plant trees in accordance with this chapter, however, no trees shall be planted within any public right-of-way without written permission from the City Engineer.

(B) All trees and shrubs hereafter planted in any public area in the city shall conform as to species and to the street tree plan designated Exhibit A, which is made part of this chapter and copies of which are on file in the offices of the City Clerk and the City Engineer.

(C) (1) It shall be unlawful to plant within the city the trees listed in Exhibit A, Part 2, Section D; "Recommended Trees for Planting in the City" a copy of which is on file at the municipal offices, without the written approval of the City Engineer.

(2) It shall be unlawful to plant within the city the trees listed in § 91.37

## **§ 96.04 REMOVAL.**

(A) The City Engineer, or his or her duly authorized representative, may cause to be trimmed or pruned any trees, shrubs, plants or vegetation in a tree lawn or public area.

(B) The City Engineer, after approval by the Tree Committee, may cause to be removed any trees, shrubs, plants or vegetation in a tree lawn or public area.

(C) The property owner is responsible for the maintenance and care of trees, shrubs, plants or vegetation on the tree lawn abutting the property.

(D) The failure to comply with division (C) above, after 30-days notice by the city, shall be deemed a violation of this chapter.

(E) All trees shall be removed to a depth of four inches below existing ground.

(F) All trees, shrubs, plants or vegetative plantings located or to be located in any public area hereafter planted, trimmed, or removed, shall conform to the City of Piqua's Standards of Practice, hereby adopted by reference, and may from time to time be revised by the Tree Committee as accepted plantings and practices change; current copies of which are on file in the offices of the City Clerk and the City Engineer.

### **§ 96.05 DANGEROUS TREES.**

(A) Any trees, shrubs, plants or vegetation growing in a public area or in private property, which are endangering, or which in any way may endanger, the security or usefulness of any public street, sidewalk or utility, as determined by the City Engineer, are declared to be a public nuisance and the city may remove or trim, or may require the property owner to remove or trim, the trees, shrubs, plants or vegetation.

(B) Failure to remedy the danger after 30-days notice by the city shall be deemed a violation of this chapter and the City Engineer, with approval of the Tree Committee, may remove or trim the trees, shrubs, plants or vegetation and assess the costs against the property.

### **§ 96.06 APPEALS.**

(A) Appeals from orders made hereunder may be made by filing written notice thereof with the Tree Committee. The appeal request will be sent to the City Engineer.

(B) The Tree Committee shall review the appeal and hear evidence from the property owner and the city and render a decision within thirty (30) days of the hearing.

(C) If either side is not satisfied with the decision of the Tree Committee, they may appeal in writing to the City Commission, who shall hear evidence and render a decision.

### **§ 96.07 DAMAGE TO TREES.**

It shall be a violation of this chapter to do any of the following.

(A) Abuse, destroy, top or mutilate any tree, shrub or plant in a public area.

(B) Attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other things to or on any tree growing in a public area.

(C) Cause or permit any wire charged with electricity to come in contact with any tree in a public area.

(D) Allow any gaseous, liquid or solid substance which is harmful to trees to come in contact with their roots or leaves.

SECTION 2. All other sections of Chapter 96 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 6-18-2013

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LUCINDA L. FESS, MAYOR

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

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

REBECCA J. COOL  
CITY COMMISSION CLERK



# Commission Agenda Staff Report

<b>MEETING DATE</b>	June 18, 2013		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	An Ordinance amending Chapter 96 Trees of the Piqua Municipal Code		
<b>SUBMITTED BY</b>	Name & Title: Bob Graeser, Project Manager		
	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 checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	The original tree ordinance was passed in 1978 and has become outdated and is in need of updates. The amendments to the ordinance are as a result of working with the Tree Committee and reflect implementing the best standards of Arboriculture practice within the public right-of-way and in public places.		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:		
	<b>Narrative</b>	There will be no financial impact to change the ordinance.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the ordinance to amend Chapter 96 Trees, as submitted.	
	2.	Do not approve the ordinance and keep the current Tree Ordinance in effect.	
<b>PROJECT TIMELINE</b>	This has no time line restraints.		
<b>STAFF RECOMMENDATION</b>	Approve the ordinance to allow for best practice standards to be implemented to better control unwanted trees within the right-of-ways and public areas.		
<b>ATTACHMENTS</b>	Exhibit A		

## EXHIBIT A

### (Part 1)

#### CITY OF PIQUA, OHIO STANDARDS OF PRACTICE

##### Planting, Maintenance, Protection, Control and Removal of Trees

#### I. POLICY

- A. The Standards of Practice shall be adhered to at all times, but may be amended by the City Engineer with the approval of the Tree Committee at anytime that experience, new research, or laws indicate, or whenever circumstances make it advisable.
- B. The City shall cooperate with the public and property owners.
- C. The City list of recommended trees for planting shall be used as a guide and can be changed, deleted from, or added to as new technology and information becomes available or as situations change. Changes shall be approved by the Tree Committee.

#### II. PLANTING

##### A. Size

- 1. Trees shall conform to the American Association of Nurseryman Standards unless otherwise specified herein or by the City.
- 2. Medium and large tree species shall be at least 1¼" inches in diameter, six (6) inches above ground level, and be at least eight (8) feet in height when planted.
- 3. Small tree species shall be at least five (5) feet in height and have six (6) or more branches.

##### B. Grade

- 1. All trees shall have straight trunks, well-developed leaders and tops, and good root characteristics.
- 2. All trees shall be free of insects, disease, mechanical injury, and other objectionable features.

##### C. Location and Spacing

1. No small size tree as defined in Exhibit A (Part 2) Section VI (A) shall be planted in a tree lawn less than four (4) feet in width, unless the City Engineer so authorizes.
2. No medium size tree shall as defined in Exhibit A (Part 2) Section VI ( B) be planted in a tree lawn less than six (6) feet in width nor within twenty (20) feet of an overhead utility wire.
3. No large size tree as defined in Exhibit A (Part 2) Section VI (C) shall be planted in a tree lawn less than-eight (8) feet in width nor within twenty (20) feet of an overhead utility wire.
4. In tree lawns less than four (4) feet in width or where overhead lines, utilities or building setbacks are special problems, the site and species shall be subject to the City Engineer's approval.
5. No trees shall be planted within thirty (30) feet of a stop sign or intersection on a local street, within fifty (50) feet of a stop sign or intersection on a collector or arterial street, within fifteen (15) feet of an alley, or within ten (10) feet of a utility pole, pedestal, fire hydrant, or underground utility conduit; said distances being as measured from the nearest edge of the tree to the object referenced.
6. Generally, large trees shall be planted with a minimum separation of forty (40) feet center to center, medium trees a minimum separation of thirty (30) feet on center and small trees a minimum separation of twenty (20) feet on center unless local conditions or tree characteristics dictate otherwise, as determined by the City Engineer
7. Tree planting in areas where the street and sidewalk are unimproved shall be located so that improvements shall not require the removal of or result in the destruction of the tree.
8. Tree plantings shall be more or less centered in the available tree lawn width, with the species selected and situated so that the nearest edge of the matured tree will not be nearer than two (2) feet to the back of the curb line, nearest edge of pavement, or the public sidewalk.

#### D. Methods of Planting and Support

1. Roots of bare-rooted trees shall be protected against drying out.
2. All coniferous trees shall be balled and burlapped when moved. They shall be protected against drying out or freezing.
3. Pits dug for planting shall be twelve (12) inches larger than the diameter of the root system ball of soil.

4. Consideration shall be given to artificial drainage in poorly drained soil.
5. Acceptable soil mixture shall be used for backfilling and the entire area saturated with water after planting.
6. Trees shall be suitably guyed and wrapped according to accepted arboricultural practices. Guys shall not be a hinderance to public safety.

### III. EARLY MAINTENANCE

- A. A thorough watering each five (5) to ten (10) days depending on conditions should be provided for each tree.
- B. Nutrients should be available after growth starts.
- C. Frequent and thorough inspections should be made for disease and insects. Controls used for disease or insects should be safe and effective.
- D. Pruning
  1. Pruning shall be practiced as necessary to assure sturdy crotch development.
  2. Tree heads shall be raised as growth characteristics dictate. Lower branches should eventually be removed to a height of at least seven (7) feet unless lower branches can be justified.

### IV. GENERAL MAINTENANCE

- A. Pruning and Removal
  1. Topping or dehorning of other trees is not permitted without written consent of the City Engineer.
  2. All trees over the public right-of-way shall be pruned to maintain a minimum vertical clearance of twenty (20) feet from the roadway surface, and a minimum vertical clearance of ten (10) feet from the public sidewalk surface. Pruning cuts shall be made with a saw or pruner and only at nodes or crotches. No stubs shall be left. No spurs or climbing irons shall be used.
  3. All dead, crossed, or rubbing branches shall be removed.
  4. Tools used on trees suspected of being infected with contagious disease shall be disinfected after each cut and between trees.
  5. Stumps of all trees removed in the public area shall be removed at least four inches below ground level.

V. SPRAYING

- A. Precautions shall be taken to protect and warn the public that spraying is being done.
- B. Spraying shall be done only for control of specific diseases or insects and shall conform to State and Federal regulations.

**EXHIBIT A  
(Part 2)**

VI. RECOMMENDED TREES FOR PLANTING IN CITY

- A. Small trees less than 25 feet in height.
  - 1. Hedge Maple (*Acer campestre*) – usually pest free; needs little maintenance; excellent in dry locations; tolerates exhaust fumes.
  - 2. Trident Maple (*Acer buergerianum*) – readily transplanted; drought resistant.
  - 3. Tatarian Maple (*Acer tataricum*) – good, small tree for street use; tolerates city conditions; slow growing; drought tolerant.
  - 4. Lavelle Hawthorn (*Crataegus lavellei*) – no major pest problems; can endure soot and grime; adaptable to soil conditions.
  - 5. Washington Hawthorn (*Crataegus phaenopyrum*) – easily transplanted; fairly free of pests; best hawthorn for city.
  - 6. Winter King Hawthorn (*Crataegus virdis*) – good landscape tree; used in medium loam or heavy soils.
  - 7. Pauls Scarlet Hawthorn (*Crataegus oxycantha pauli*) – needs spray to control aphids and fire blight.
  - 8. American Hornbeam (*Carpinus caroliniana*) – slow growth rate; deep rooted; difficult to transplant; grows well in shade.
  - 9. Golden-rain Tree (*Koelreuteria paniculata*) – week wooded; tolerates polluted air; withstands heat and drought.

10. Callery Pear (*Pyrus calleryana*) – low maintenance; drought resistant; moderate growth rate.
11. Autumn Brilliance Serviceberry (*Amelanchier grandiflora*).
12. Japanese Tree Lilac (*Syringa reticulata*).
13. Thornless Hawthorn (*Crataegus crusgalli* var. *inermis*).
14. Flowering Crabapple ( *Malus* )– hardy; scab resistant; adapts to soil. The following crabapple trees are resistant to apple scab and fire blight:

American Beauty	Coral Burst	Golden Hornet
Kilbele	Liset	Mary Potter
Red Jewel	Red Splendor	Royal Ruby
	White Angel	Winter Gold
Zumi Calocarpa		

- B. Medium trees between 25 and 60 feet in height and suitable for tree lawns over 4 feet in width and for planting more than 20 feet from utility wires.
1. Norway Maple (*Acer platanoides*) – good street tree; shallow root system; hard to grow grass under.
  2. Columnar Maple (*Acer platanoides columnare*) – tolerates city conditions; shallow root system; few serious diseases or insect pests.
  3. Erect Norway Maple (*Acer platanoides erectum*) – needs little care; withstands city conditions; few serious diseases or pests.
  4. Callery Pear (*Pyrus calleryana*) – low maintenance; drought resistant; moderate growth rate.
  5. Ruby Horsechestnut (*Carpinus betulus*) – slow growing; resistant to pests and diseases; rarely needs pruned.
  6. European Hornbeam (*Carpinus betulus*) – slow growing; resistant to pests and diseases; rarely needs pruned.
  7. Yellowwood (*Cladrastis lutea*) – tolerates almost any soil; deep rooted; tolerates drought; bleeds profusely so trim in early summer.

8. Amur Cork Tree (*Phellodendron amurense*) – pest free; drought resistant; low maintenance; good street tree.
9. Columnar Sargent Cherry (*Prunus sargentii columnare*) – hardiest of all cherries; low maintenance.
10. Willow Oak (*Quercus phellos*) – good, clean tree; tolerates moist soil; requires acid soil; shallow rooted.
11. Japanese Pagoda Tree or Chinese Scholar Tree (*Sophora japonico*) – tolerates dry soil; withstands city conditions; requires ample room.
12. Crimean Linden (*Tilia euchlora*) – very hardy; moderate growth rate.
13. Red Maple (*Acer rubrum*) – good street tree; withstands moist soils; good in parks.
14. Winter King Hawthorn (*Crataegus viridis*).

C. Large trees over 60 feet tall when mature in height. These trees should have a planting width of 8 feet or more and should not be planted with wires overhead.

1. Ginkgo (*Ginkgo biloba*) – no pests; slow growing; thrives under city conditions; plant male trees only..
2. Red Oak (*Quercus borealis*) – withstands city conditions; needs plenty of room.
3. Pin Oak (*Quercus palustris*) – fast growing; transplants easily; requires regular pruning; needs acid soil.
4. Pyramidal English Oak (*Quercus robur fastigata*) – free from serious pest problems; tolerates adverse soil conditions; fast growing.
5. Littleleaf Linden (*Tilia cordata*) – does well in city; low maintenance; cold tolerant; few diseases or insect pests.
6. Silver Linden (*Tilia tomentosa*) – withstands heat and drought; requires ample space; will not do well in dusty or sooty air.
7. Zelkova (*Zelkova serrata*) – tolerates drought; resists dutch elm disease; used as elm substitute.
8. Autumn Blaze Maple (*Acer freemanii*).

9. Swamp White Oak (*Quercus Sp.*).
10. Northern Red Oak (*Quercus rubra*).

D. Undesirable trees for planting in public areas for reasons including structural problems, insect infestation, disease susceptibility, early leaf drop, fruit litter, root problems for utilities, susceptible to wind damage.

Box elder ( <i>Acer negundo</i> )	Silver Maple ( <i>Acer saccharinum</i> )	Horsechestnut ( <i>Aesculus hippocastanum</i> )
Catalpa ( <i>Catalpa speciosa</i> )	Tulip Tree <i>Liriodendron</i> <i>Tulipifera</i> )	Apple
Mulberry ( <i>Morus</i> )	Poplars ( <i>Populus</i> )	Black Locust ( <i>Robinia</i> )
Willows ( <i>Salix</i> )		Siberian Elm ( <i>Ulmus pumila</i> )
Tree-of-Heaven ( <i>Ailanthus altissima</i> )	Buckeye ( <i>Aesculus</i> )	Birch ( <i>Betula</i> )
Fruit Trees	Maidenhair Tree ( <i>Ginkgo biloba</i> Female )	Black Walnut ( <i>Jugians nigra</i> )
Nut Trees	Conifers	Ash Trees ( <i>Fraxinus</i> )

**RESOLUTION NO. R-101-13**

**A RESOLUTION ADOPTING THE ELECTRIC FUND  
BALANCE GUIDELINES**

WHEREAS, the City of Piqua is a participant in a number of capital-intensive power generation projects currently in-service and under development by American Municipal Power, Inc. (AMP); and

WHEREAS, AMP requires its members to be financially sound and credit worthy to participate in such projects; and

WHEREAS, AMP measures the financial soundness and creditworthiness of its members through its annual Credit Scoring Program; and

WHEREAS, adoption of the Electric Fund Balance Guidelines will improve the City of Piqua's annual AMP Credit Score and ultimately help ensure lower borrowing and power costs for Piqua's electric customers.

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 Electric Fund Balance Guidelines (attached hereto as "Exhibit A") are hereby adopted.

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



# Commission Agenda Staff Report

<b>MEETING DATE</b>	July 2, 2013			
<b>REPORT TITLE</b>	A RESOLUTION ADOPTING THE ELECTRIC FUND BALANCE GUIDELINES			
<b>SUBMITTED BY</b>	Name & Title: Ed Krieger, Power System Director			
	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 checked="" type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
	<input checked="" type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Energy Board	
<b>BACKGROUND</b>	<p>The City of Piqua is a participant in a number of capital-intensive power generation projects currently in-service (AMP Fremont Energy Center natural gas plant and the Prairie State coal-fired plant), as well as those under construction (Cannelton, Smithland, Willow Island, Meldahl and Greenup hydro projects). AMP requires its members to be financially sound and credit worthy to participate in these projects. AMP measures the financial soundness and creditworthiness of its members through its annual Credit Scoring Program.</p> <p>This program has been relied upon by rating agencies, bond insurers, and the investment banking community to determine the financial health of members and through this the AMP projects. AMP projects can receive higher bond ratings if project participants are financially sound and creditworthy. This results in lower borrowing costs and subsequently lower power costs for project participants.</p> <p>In May of 2010, the Piqua Energy Board adopted Electric Fund Balance Guidelines that specified minimum and ideal cash reserve levels. Power System cash reserves have not fallen below the specified minimum levels, since the Energy Board adopted these guidelines.</p> <p>In May of 2012, at the prompting of the financial community, AMP changed the adoption of a Cash Reserve Policy by City Commission from a bonus to a required element of the annual Credit Scoring process. As a result, Piqua Energy Board members have recommended that Piqua's June 2013 Electric Fund Balance Guidelines be formally adopted by City Commission.</p>			

<b>BUDGETING AND FINANCIAL IMPACT</b>	<b>Narrative:</b>	The Piqua Energy Board has recommended that City Commission formally adopt the Electric Fund Balance Guidelines approved by the Piqua Energy Board at the June 25, 2013 Energy Board meeting. Formal adoption of these guidelines by City Commission will enhance the long-term financial stability of the Power System, improve Piqua's AMP annual credit score and serve to ultimately provide lower power costs for Piqua customers.
<b>OPTIONS</b>	1.	Approve Resolution No. R-101-13 formally adopting the City of Piqua's Electric Fund Balance Guidelines
	2.	Do not approve the Resolution, which reduces AMP's annual credit score of Piqua by ten points
<b>STAFF RECOMMENDATION</b>	Approve Resolution No. R-101-13 formally adopting the City of Piqua's Electric Fund Balance Guidelines and enhancing Piqua's annual AMP credit score	
<b>ATTACHMENTS</b>	1. Electric Fund Balance Guidelines – Exhibit A	

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**THE CITY OF PIQUA**  
**ELECTRIC FUND BALANCE GUIDELINES**  
**JUNE 2013**

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**INTRODUCTION**

In recent years the compounded impacts of power supply cost uncertainties, a sluggish economy, volatile energy prices, and rising capital improvement costs have posed challenges to maintaining stable rates and cash reserves. It is important for utilities to maintain the financial flexibility to smooth rate increases and stagger rate adjustments for customers of the utility.

Minimum cash reserve guidelines proposed in this report should be set to allow reserves to fluctuate upward from the minimum guidelines. The decision to hold more money than the established minimum cash guidelines should be based on the assessments of uncertainties and other financial policies such as:

- The financial risk facing the utilities
- Rate setting policies
- Variability in power costs
- Debt policies
- Future capital improvements needed by utility

The adequacy of the guidelines may be reviewed internally each year, and if appropriate, revised guidelines may be recommended.

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**THE CITY OF PIQUA**  
**ELECTRIC FUND BALANCE GUIDELINES**  
**JUNE 2013**

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The following are guidelines for the Piqua Power System (City) to use for calculating an optimal level for its electric fund balance. While it is recognized that the ideal electric fund balance would be the sum of items 1 through 5 as listed below, the sum of items 1, 3 and 5 should be considered the minimum electric fund balance.

Minimally an annual review at budget time/year-end should be completed to calculate the balance in accordance with the below guidelines.

1. **Nine months of non-power supply operating expenses** provides reserves for expenses not recovered through the PCA. The ratio of operating funds in reserve to operating expenses is considered by financing entities and credit rating agencies.
  
2. **Two years of capital expenditures** provides the City funds for unplanned capital improvement projects that may exceed funds available from annual revenues. For instance, a new substation or distribution feeder could be funded from this reserve.
  
3. **One year Debt Service Reserve** provides funds to ensure the City meets its debt obligations and to be used to fulfill reserve requirements that may be stipulated in future financing arrangements.
  
4. An **Emergency fund of \$2,000,000** provides funds in case of a catastrophic event that would require the City to replace self-insured assets like lines, poles and transformers and to pay the deductible on insured assets.
  
5. A **Contingency for Cash Flow of \$2,500,000** provides funds that may be needed for ample cash flow as electric collections flow into the City.

**RESOLUTION NO. R-102-13**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HOMRICH, INC. FOR ENVIRONMENTAL REMEDIATION, DEMOLITION AND CONSTRUCTION ACTIVITIES AT THE PIQUA MUNICIPAL POWER PLANT**

WHEREAS, on November 18, 2011, the Board of Commissioners of Miami County, on behalf of the City of Piqua was awarded a Clean Ohio Revitalization Fund grant for environmental remediation, demolition and construction activities at the Piqua Municipal Power Plant from the Ohio Department of Development; and

WHEREAS, the City of Piqua competitively procured proposals from qualified firms to perform the environmental remediation, demolition and construction activities at the Piqua Municipal Power Plant; and

WHEREAS, the City of Piqua has retained the firm of SSOE Group to review all submitted proposals; and

WHEREAS, it was determined by SSOE Group that Homrich, Inc. of Carleton, Michigan was the lowest and most responsive bid for the project,

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

SEC. 1: The City Manager is hereby authorized to enter into all necessary agreements with Homrich, Inc. for environmental remediation, demolition and construction activities at the Piqua Municipal Power Plant in accordance with the Clean Ohio Revitalization Fund Grant Agreement between the Ohio Department of Development and the Board of Commissioners of Miami County, on behalf of the City of Piqua;

SEC. 2: The Finance Director certifies that the funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$1,047,600;

SEC. 3: The firm of Homrich, Inc. is authorized to proceed with all necessary steps to proceed with the project.

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>	July 2, 2013		
<b>REPORT TITLE</b>	A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HOMRICH, INC. FOR ENVIRONMENTAL REMEDIATION, DEMOLITION AND CONSTRUCTION ACTIVITIES AT THE PIQUA MUNICIPAL POWER PLANT		
<b>SUBMITTED BY</b>	Name & Title: Ed Krieger, Power System Director		
	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 checked="" type="checkbox"/> Asst. City Manager/Finance
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Energy Board
<b>BACKGROUND</b>	<p>In late 2011, the Board of County Commissioners of Miami County received a \$1,404,363 grant to remediate, demolish structures and develop a new park behind the City's Power Plant at 919 S. Main Street. The County was approached to apply on the City's behalf since the City could not legally be the applicant; therefore, the City and the County are working cooperatively on this project.</p> <p>Collaboratively, the City and County requested qualification statements from firms for the Certified Professional services required by the grant. Brownfield Restoration Group, LLC was selected to provide these services. In addition, SSOE Group was commissioned to provide engineering services required for completion of this project, including the development of bid specifications and documents, as well as to serve at the Owner's Engineer on this project.</p> <p>On June 21, bids for the project were received and SSOE Group is recommending that the contract for environmental remediation, demolition and construction activities be awarded to Homrich, Inc. of Carleton, Michigan. SSOE Group's bid review and recommendation is attached.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b>	Budgeted \$:	\$1,876,263	
	Expenditure \$:	\$1,047,600	

	Source of Funds:	75% CORF Grant - \$1,404,363 25% Piqua Power System Match - \$471,900
	<b>Narrative:</b>	On November 18, 2011, the Board of Commissioners of Miami County, on behalf of the City of Piqua was awarded a \$1,404,363 Clean Ohio Revitalization Fund grant for environmental remediation and demolition activities at the Piqua Municipal Power Plant. The City of Piqua Power System is required to contribute 25% of the estimated \$1,876,263 project cost, or \$471,900.
<b>OPTIONS</b>	1.	Approve Resolution No. R-102-13 awarding Homrich, Inc. a contract for environmental remediation, demolition and construction activities at the Piqua Municipal Power Plant for a not to exceed cost of \$1,047,600
	2.	Do not approve the Resolution and provide staff with further direction
<b>PROJECT TIMELINE</b>	Homrich, Inc. has provided a schedule to complete environmental remediation and demolition activities of 180 days.	
<b>STAFF RECOMMENDATION</b>	Approve Resolution No. R-102-13 awarding Homrich, Inc. a contract to complete environmental remediation, demolition and construction activities at the Piqua Municipal Power Plant for a not to exceed cost of \$1,047,600	
<b>ATTACHMENTS</b>	1. SSOE Group Bid Review and Recommendation	