

**REGULAR PIQUA CITY COMMISSION MEETING**  
**TUESDAY, NOVEMBER 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**

**REGULAR CITY COMMISSION MEETING**

**CONSENT AGENDA**

1. **APPROVAL OF MINUTES**

Approval of the minutes from the October 10, 2013 Piqua City Commission Worksession and the October 15, 2013 Regular City Commission Meeting

**OLD BUSINESS**

2. **ORD. NO. 15-13 (2<sup>nd</sup> Reading)**

An Ordinance to vacate a portion of Public Right-of-Way

**NEW BUSINESS**

3. **RES. NO. R-131-13**

A Resolution authorizing the City of Piqua to apply for grant funding from Local Government Innovation Fund for a feasibility study to determine the suitability of establishing a Joint Use Facility

4. **RES. NO. R-132-13**

A Resolution authorizing the City Manager to contract with the Miami County Public Defender Commission

5. **RES. NO. R-133-13**

A Resolution acquiring the services of Vaughn Industries, LLC for the Power System

**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 SEPTEMBER 10, 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 Vogt, Martin, and Wilson. Absent: None. Also present: City Manager Gary Huff, Bill Murphy Economic Development Director/Assistant City Manager, Law Director Stacy Wall, City Planner Chris Schmiesing, Police Chief Bruce Jamison, and Finance Director/Assistant City Manager Cynthia Holtzapple, Parks Director Brian Brookhart, Becky Cool, and Jim Dziatkowicz of EMHT.

Also present: Edna Stiefel, Ruth Koon, Kazy Hinds, Dan French, Dan Henthorn, Cindy Pearson, Al Cooper, Don Cavender, Tom Hudson, Kevin Pryfogle, Brad Boehringer, Jim Cruse, Bethany Royer, Butch Thompson, Doug Haines, Cathy Oda.

Moved by Commissioner Martin, seconded by Commissioner Wilson to excuse Commissioner Terry from the October 10, 2013 Piqua City Commission Work Session. Voice vote, Aye: Fess, Martin, Wilson, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Wilson, seconded by Commissioner Martin to add a fourth item to the Work Session Agenda for discussion. The topic is Metal Detecting in Public Parks. Voice vote, Aye: Wilson, Martin, Vogt, and Fess. Nay, None.

**Park Master Plan**

City Planner Chris Schmiesing stated the Park Board members were invited and some of them were in attendance. The previous Park Master Plan was completed in 2000 and not all of the components were included for a Master Plan. Mr. Schmiesing explained the reasons for implementing and having a Master Plan. One of the main reasons is to be able to apply for Government Grants as a Master Plan is required to be in place before applying. Mayor Fess stated it is time to develop a new Master Plan since it has been thirteen years.

Mr. Schmiesing introduced Jim Dziatkowicz Landscape Architect from EMHT who has completed numerous Park Master Plans in the area including Kettering and Grove City, to provide an overview of what a Master Plan is and benefits.

Jim Dziatkowicz came forward and provided a brief overview of a Park Master Plan and the need for such a document. Mr. Dziatkowicz stated he was surprised at the Linear Parks in place already in Piqua, further stating that Piqua is really far ahead of other communities in putting a Park Master Plan together. Mr. Dziatkowicz provided samples of other Park Master Plans and went over the steps in putting together a Park Master Plan. This plan includes: framework for sensible facility & service departments; community input opportunities; sharing information about programs & facilities; and having a clear sense of direction.

There were several questions regarding the information included in a Master Plan. City Manager Huff explained it is an accepted process to have a Master Plan in place before applying for any grants, as a Master Plan must be submitted with any Grant Application. City Manager Huff also explained that the CDC grant money would be used for the Historic East Piqua project.

Several Park Board members were present and voiced their opinions on the use of grant funds and how much the city has to put in with matching funds. The Parks Department only has 3 employees and some things are not getting done; with the new fiber optics coming would it be possible to install video cameras in the City Parks to help curb vandalism.

City Manager Huff stated the purpose of the meeting is to explain what a Park Master Plan is.

The Park Board has a member from each one of the Neighborhood Associations on board to provide neighborhood input. Mayor Fess stated there are a lot of things happening in the City of Piqua, and the Park Board is doing a great job.

Tom Hudson stated the bridge over the river is very important asset to the City of Piqua, as Piqua is becoming the Crossroads of America for bicycling.

Doug Haines stated Piqua is on the map with the Bike Trail now, Ash Street connects the downtown with the Mall area, and there is a need to have the bike path on the south side to continue on the path. All of this work is a positive move for the City, and by utilizing a roundabout at Looney Road and Garbry Road this would be a step in the right direction to help promote economic development in the area.

Commissioner Vogt stated we need to have a current Park Master Plan in place so we can possibly receive additional grants to complete some of the projects. City Manager Huff stated if the City receives additional grant money it can be used to improve the recreational trail. It was noted that is about a six to nine month process to put together a Park Master Plan.

Mayor Fess thanked Mr. Dziatkowicz for coming and providing information on the need for a Park Master Plan, and also thanked the Park Board members for attending.

#### **U.S. Route 36 Enhancements-Phase II**

City Manager Huff stated the city is currently working on Phase I of the US Route 36 Enhancements and would like to begin the process to apply for funding for Phase II. This will need to be put on the next City Commission Agenda which is October 15, in order to meet the deadline for applying if all are in agreement, stated City Manager Huff.

City Planner Chris Schmiesing passed out a handout showing the suggested improvements to US Route 36 they would like to make if the grant money is received. Mr. Schmiesing also presented Slide and went over each of the area of improvements and how they would be implemented. This includes: tree plantings, removing a portion of the slopes for a better visual of the businesses and easier maintenance, new crosswalks across U S Route 36, bike/pedestrian lanes, and sidewalks are all part of the plan to enhance the community.

City Manager Huff stated we are not asking for funding at this time for any of the projects, we are only asking the Commissioners for approval to apply for the grant funding. This work would not be scheduled until 2018/2019.

City Planner Schmiesing stated this is merely a concept plan at this time.

There was discussion on the location of the bike/pedestrian lane on the bridge, the absence of an entrance sign when coming into the City of Piqua, comments were also presented concerning the roundabout discussion at Looney Road and Garbry Road intersections, traffic lane issues of only one lane for traffic, possibly providing screening to hid the backs of some of the buildings, and the need for paint on the Railroad Bridge over US RT 36.

After discussion all Commissioners present were in favor of moving forward with applying for the grant money at this time.

Mayor Fess thanked Mr. Schmiesing for his presentation.

### **Vehicle Impoundment**

City Manager Huff stated we need to do more to resolve the issue of junk vehicles and how we are currently handling the removal of them.

Law Director Stacy Wall gave a brief overview of several situations that have occurred in other communities and how they are proceeding with the removal of junk vehicles. Ms. Wall stated the City of Piqua needs to revisit the current policies and procedures on the books at this time and make some changes to be in compliance with the State Code.

Police Chief Bruce Jamison stated the City of Piqua needs to review and change the whole process of the way they are towing vehicles. Chief Jamieson explained the reason for asking for the changes.

There was discussion regarding the impound fees, who is paying them, the length of time the vehicles are being held, and the location. Butch Thompson, Miami Auto Salvage came forward and voiced his concerns with the current process on junk vehicles and impounding.

Police Chief Jamison further stated the City has to go through a process when towing a vehicle of notifying not only the owner of the vehicle, but also the lien holder, which is sometimes hard to locate.

After a brief discussion of the necessary changes that need to be made, City Manager Huff stated he will continue to work on the changes and keep the Commission updated.

### **Metal Detecting In Public Parks**

Don Cavender came forward to ask that changes be made to the City Code regarding the use of metal detecting equipment in the Piqua City Parks. Mr. Cavender asked if the City has received any complaints about citizens using metal detectors in the City Parks. City Manager Huff stated he was not aware of any complaints regarding metal detecting in the City Parks. The current law states no metal detecting is allowed in City Parks.

Mayor Fess asked if there was any way the Ordinance could be amended to allow metal detecting in the City Parks, if any damage occurs they would be responsible for making restitution.

Mr. Cavender stated the City of Troy and Tipp City allow metal detecting in their Public Parks.

City Manager Huff stated he was concerned that not everyone using a metal detector would be responsible, and there is the liability issue if someone would dig holes and leave them.

Jim Cruse, Park Board member stated that Mr. Cavender came to the Park Board asking permission to use the metal detector in the Park. The Park Board stated they had not received any complaints.

City Manager Huff stated if the City knowingly lets that happen they will be liable. Same as if we know ground hogs are digging holes and we did not take any action to stop them the City would be liable also, stated City Manager Huff. Law Director Wall stated if permits were to be issued to allow this how would it be monitored? There was discussion on the issue of someone digging holes and leaving them for someone to fall in or twist an ankle.

Mr. Cavender stated why is the City of Piqua so concerned about the use of metal detectors in the City Parks when Troy and Tipp City are not concerned about it. If I can't dig in the City Parks can I dig anywhere else in the City, the ordinance just references the City Parks, stated Mr. Cavender.

Mayor Fess stated appreciates Mr. Cavender bringing this to the Commissions attention, but does not feel there is enough support to change the Ordinance at this time. We will see that signs are posted in the City Parks regarding the use of metal detectors.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 9:30 P.M. Voice vote, Aye: Vogt, Fess, 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 October 15, 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, Wilson, Vogt, and Martin.

Also present: Jim Hemmert, Jim Cruse, Brad Boehringer.

**REGULAR CITY COMMISSION MEETING**

**Consent Agenda**

Moved by Commissioner Martin, seconded by Commissioner Wilson to bring the tabled September 17, 2013 Minutes back to the table. Voice vote, Aye: Martin, Wilson, Vogt, Terry and Fess. Nay, None.

**Approval of Minutes (Tabled October 1, 2013)**

Approval of the revised minutes from the September 17, 2013 Commission Meeting.

Approval of the minutes from the October 1, 2013 Regular Piqua City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adopt the revised Minutes of the September 17, 2013, and the October 1, 2013 City Commission Minutes. Voice vote, Aye: Martin, Fess, Vogt, Terry, and Wilson. Nay: None. Motion carried unanimously.

**Old Business**

**ORD. NO. 14-13** (3rd Reading)

An Ordinance amending Section 151.135, 151.70, 151.71, and 151.73 of Chapter 151 of the City of Piqua Code of Ordinance to establish construction performance requirements for subdivision improvements

City Planner Chris Schmiesing stated this is the final reading on the changes in chapter 151 of the Piqua Code. This will amend the subdivision regulations to include construction performance requirements for subdivision improvements. The proposed amendments will provide a means for ensuring that the approved subdivision improvements will be constructed within a reasonable timeframe and that all of the work items incidental to the approved improvement will be complete prior to any individual lot improvements being permitted.

Mr. Schmiesing stated the Commissioners have received a copy of the Code Section 151 explaining the drainage tile, in reference to the question that Commissioner Martin asked at the previous City Commission Meeting.

**Public Comment**

No one came forward to speak for or against Ordinance 14-13.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Ordinance No. 14-13 be adopted. Roll call, Aye: Terry, Martin, Vogt, Wilson, and Fess. Nay, None. Motion carried unanimously.

**ORD. NO. 15-13** (1<sup>ST</sup> Reading)

An Ordinance to vacate a portion of Public Right-of-Way

City Planner Chris Schmiesing stated the applicant desires to vacate a platted portion of Hardin Road Alternate (Old State Route 66) right of way between Hardin Road and State Route 66. The Right of way is located within the boundaries of the new water treatment plant construction site.

The Planning Commission held a public hearing to study the request and receive public comments. No one from the public spoke concerning the item, and upon review the Planning Commission recommended approval of this vacation.

**Public Comment**

No one came forward to speak for or against Ordinance No. 15-13.

Several questions were raised concerning the existing road, and if there would be a back entrance into the Water Treatment Plant. It was noted that there would be a turnaround at the end of the roadway and not just a dead-end.

After a brief discussion Ordinance No. 15-13 was given a first reading.

**RES. NO. R- 129-13**

A Resolution of authorization to submit an application for Ohio Public Works Commission State Capital Improvement and Local Transportation Improvement Program(s) and to execute contracts as required for the County Road 25-A Phase III Reconstruction Project

City Engineer Amy Havenar explained this Resolution would allow the City Manager to file an application with the Ohio Public Works Commission (OPWC) for funding in the amount of \$400,000 for the County Road 25-A Phase III Reconstruction Project. In July the City submitted an application for funding and this is the formal application to receive funding. The project will consist of reconstruction of CR 25-A from Looney Road to just east of Indian Ridge Drive and will include new granular base, asphalt pavement, concrete curb and gutters, new storm sewer, and the construction of a 10' wide multi-use path on the north side of the roadway. This project is currently under design and is scheduled to begin construction in the summer of 2015.

**Public Comment**

No one came forward to speak for or against Resolution No. R-129-13.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-129-13 be adopted. Roll call, Aye: Wilson, Fess, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-129-13 adopted.

**RES. NO. R-130-13**

A Resolution of Authorization to submit an application for Federal Map-21 Funds through the Miami Valley Regional Planning Commission

City Engineer Amy Havenar explained that the Miami Valley Regional Planning Commission is in the process of soliciting for new transportation projects using MVRPC regionally controlled federal funds (STP, TA, & CMAQ). Projected projects for submission include the Garbry Road/Looney Road Intersection Improvement Project, and the East Ash Street (US Route 36) Separated Bike Lane/Pedestrian Facility. Ms. Havenar explained what each project would consist of.

City Manager Huff stated both projects are not going to be started until 2018/2019, and only if the city receives funding. Several questions were raised concerning the projects, is the city locked into these two particular projects with this funding, or could it be used for other projects; there were concerns voiced over using the east bound lane for the Bike Path/Pedestrian lane, and the use of a roundabout at the Looney Road/Garbry Road intersection. City Manager Huff explained that no money has been set aside for either of these projects at this time. Commissioner Vogt voiced his concern over the city streets that are in need of repairs and like to see money put in for these repairs first. How we can ask our citizens to donate money for our Parks Project when we do not

take care of the current infrastructure, stated Commissioner Vogt. City Manager Huff stated we are not taking any money from the General Fund. Mayor Fess stated when we receive grant money it is stated specifically what it is to be used for. We are not asking for money at this time for these two projects, just asking for permission to apply for the funding. This will have to come back to the Commission before either of the projects is considered if the city even receives the funding. This will be the 2018 City Commissioners responsibility, stated Mayor Fess.

Commissioner Martin asked if the State would hold the city to what is stated in Resolution R-130-13. City Manager Huff stated the City will go through a design process first. City Engineer Havenar explained the process steps for starting a project. Commissioner Martin also stated he was concerned about what was stated in the staff report. Ms. Havenar stated the staff report is not part of the Resolution and will not be sent in with the Resolution.

Commissioner Wilson stated that the majority of the citizens do not want to see a roundabout, and inquired if there were any accident reports available regarding the intersection in question. Commissioner Wilson also voiced his opinion about the separate 10' width of the bike lane, stating he would like to keep the 2 lanes on the east side. City Manager Huff stated he would look into the concerns.

A question was raised on whether or not the Resolution should be amended. Law Director Stacy Wall stated there is no need to amend the Resolution, as the staff report is not part of Resolution No. R-130-13 and will not be sent in.

#### **Public comment**

Brad Boehringer, Mound Street came forward and voiced his opinion on the usage of the bridge and the Pedestrian/Bike Path. City Manager Huff stated there have been several counts and they are used quite heavily. Mr. Boehringer also voiced his opinion of the use of a roundabout at the Looney Road/Garbry Road intersections, stating it has been turned down previously by Commission so why is it coming back again. City Manager Huff stated they have crash reports dating back to 2010. It was noted that if a roundabout were to go in it would help with the increase in traffic as the area around it develops in the future. City Manager Huff gave a brief overview of the use of roundabouts in areas he has been in previously and how they help with the flow of traffic.

Moved by Commissioner Wilson, seconded by Commissioner Vogt, to delete Section 1 of Resolution No. R-130-13. Roll call, Aye: Vogt, Wilson. Nay: Terry, Martin, and Fess. Motion was denied on a 2-3 vote.

Moved by Commissioner Martin, seconded by Commissioner Terry to approve Resolution No. R-130-13 with the understanding that the Pedestrian Bike Path width across the bridge would be determined at a later date. Law Director Wall indicated to City Commission that based on the City Commission discussion they were moving to approve the resolution but not based on the details of the staff report defining a 10' wide Bike Path and did not want the details of the staff report submitted with the Resolution for funding. Roll call, Aye: Terry, Martin, Fess. Nay: Vogt, and Wilson. Motion passed on a 3-2 vote. Mayor Fess then declared Resolution No. R-130-13 adopted.

#### **PUBLIC COMMENT**

Jim Hemmert, Boone Street came forward stating the Pedestrian/Bike Path is really a Multi-Use Path not just for bicycles. Mr. Hemmert cited several events that have taken place on Path which include the Moonlight Bike and Stride and the Groovy Gourd Bike Ride. Mr. Hemmert explained the usage of the path, further stating a survey was completed recently, and over 1800 people used the bike path, not only Piqua residents but residents from other communities such as Dayton, Maria Stein, and Greenville for example. Mr. Hemmert encouraged residents to come out for the Groovy Gourd Bike Tour on Saturday October 19, 2013.

Jim Cruse, County Road 25A, came forward and voiced his concern about the condition of the city streets, and asked if the lanes on the Pedestrian/Bike Path on the bridge have to be a certain width to be regulation size? City Manager Huff stated the streets are one of the major issues we have to address, and we are working on getting more funding to do the necessary repairs and repaving.

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

City Manager Huff announced the Phase I Public Hearing on the Stormwater Master Plan will be held on Wednesday October 16, 2013 from 4:00 – 6:00 P.M. in the Commission Chambers.

The Fort Piqua Plaza Gala celebrating the 5<sup>th</sup> Year Anniversary will take place on October 16, 2013 at the Fort Piqua Plaza beginning at 7:00 P.M. with the Dayton Philharmonic Orchestra performing.

The Miami County Economic Development Forum will take place at Hartzell Propeller on Thursday October 17, beginning at 8:00 A.M.

The Chamber Regional Business Showcase will take place at the Piqua High School on Thursday October 17, beginning at 4:00 P.M. and is a free event.

Mainstreet Piqua will host the Groovy Gourd Bike Tour that will take place on Saturday October 19, with registration beginning at 8:00 A.M. outside of the Municipal Government Complex.

The City of Piqua employees Give Committee is collecting nonperishable food items for the Back Pack Program in cooperation with the Piqua School District. The first collection is running through October 25, 2013. These items will go to high school needy students who might not have food on the weekends.

### **Commissioners Comments**

Commissioner Wilson stated he has received several calls concerning the single lane of traffic during the construction on Route 36, and wanted to assure citizens there will still be two lanes of traffic when the construction work is completed.

Commissioner Wilson thanked Unity Banks "Unity in the Community" volunteers for working on the Public Square mulching and cleaning. Unity Bank has offices in Piqua, Troy, and Tipp City and these 52 plus volunteers are donating their time to better their communities in various ways. Commissioner Wilson stated maybe they will inspire other local businesses to come up with other public service projects to do in the community.

Commissioner Vogt reminded citizens that Halloween is coming up soon to be careful, and watch out for the little ones on the streets during Trick or Treat.

Mayor Fess congratulated Susie Wise on receiving the Miami County Women of Excellence Award provided by the YWCA.

Mayor Fess addressed the issue of House Bill 5 by reading a letter that was written by Bill Duncan, Mayor of Oakwood, that he has asked other communities to read regarding House Bill 5. Mayor Fess asked City Manager Huff to provide a little of the background on House Bill 5.

City Manager Huff provided a brief overview of House Bill 5 and what it would mean to local cities if it is passed.

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

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

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

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

## **ORDINANCE NO. 15-13**

### **AN ORDINANCE TO VACATE A PORTION OF PUBLIC RIGHT-OF-WAY**

WHEREAS, pursuant to Piqua Charter Section 98, the City Commission adopted Resolution No. R-124-13 declaring its intent to vacate a portion of public right of way known as Hardin Road Alternate; and

WHEREAS, a notice of the declaration of intent to vacate the subject right of way was served to the abutting property owners and published in the local newspaper; and

WHEREAS, the notice of the declaration of intent stated the time and place at which objections could be presented before the Planning Commission; and

WHEREAS, the Planning Commission met at in open sessions and took public comment regarding the proposed public right of way vacation; and

WHEREAS, the Planning Commission after hearing the item and considering the public comments and information provided, recommended approving the vacation of a portion public right of way known as Hardin Road Alternate, as shown on the vacation plat, included herewith as exhibit A, and described by the legal description, included herewith as Exhibit B; and

WHEREAS, pursuant to Piqua Charter Section 98, vacation of public right of way must be adopted by Ordinance by this Commission.

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: This Commission hereby takes the action necessary to authorize and approve the vacation of a portion public right of way known as Hardin Road Alternate, as shown on the vacation plat, included herewith as exhibit A, and described by the legal description, included herewith as Exhibit B.

SEC. 2: The City Manager shall cause the affected portion of right of way to be vacated and all appropriate and necessary legal instruments supporting such action to be properly recorded.

SEC. 3: This Ordinance shall take precedent over all prior Ordinances or Resolutions pertaining to the affected portion of the subject public right of way.

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 10-15-2013**

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

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

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

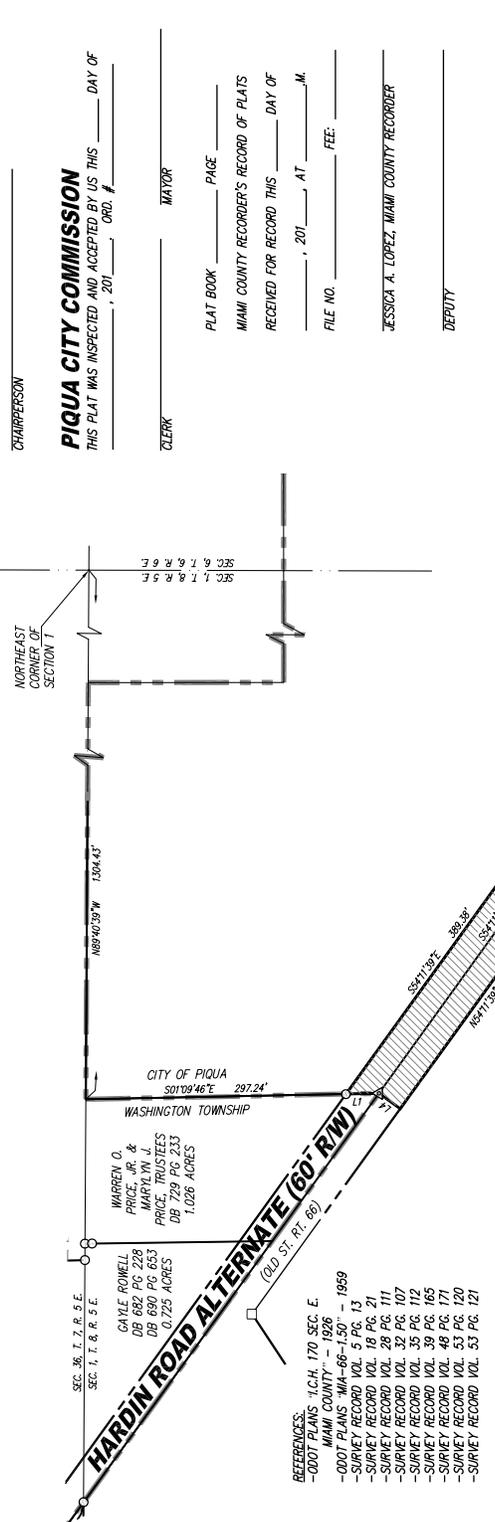


# Commission Agenda Staff Report

Item #2

<b>MEETING DATE</b>	October 15, 2013 November 5, 2013 – 2 <sup>nd</sup> Reading			
<b>REPORT TITLE</b> (Match resolution/ordinance title)	AN ORDINANCE TO VACATE A PORTION OF PUBLIC RIGHT-OF-WAY			
<b>SUBMITTED BY</b>	Chris Schmiesing, City Planner			
	Development Department			
<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"/> City Planner		<input checked="" type="checkbox"/> Planning Commission	
<b>BACKGROUND</b> (Description, background, justification)	The applicant desires to vacate a platted portion of Hardin Road Alternate (Old State Route 66) right of way between Hardin Road and State Route 66. The subject right of way is located within the boundaries of the new water treatment plant construction site.			
<b>BUDGET/FINANCIAL IMPACT</b> (Project costs and funding sources)	Budgeted \$:	0		
	Expenditure \$:	0		
	Source of Funds:	N/A		
	Narrative:	The Planning Commission held a public hearing to study the request and receive public comments. No one from the public spoke concerning the item and upon review of the request Planning recommended approval of this item.		
<b>OPTIONS</b> (Include deny /approval option)	1.	Adopt the ordinance to vacate the subject right of way.		
	2.	Defeat the ordinance and deny the vacation of the subject right of way.		
<b>PROJECT TIMELINE</b>	<input checked="" type="checkbox"/> September 2013 – City Commission – Declare Intent to Vacate <input checked="" type="checkbox"/> October 8, 2013 – Planning Commission – Public Hearing <input type="checkbox"/> October 15, November 5 and 19, 2013 - City Commission – Reading of Ordinance			
<b>STAFF RECOMMENDATION</b>	Approve the proposed ordinance.			
<b>ATTACHMENTS</b>	Vacation plat; Legal description			

**DESCRIPTION:**  
BEING THE VACATION OF THAT PART OF HARDIN ROAD ALTERNATE (OLD S.R. 66) LOCATED ADJACENT TO INLOTS 8997, 8998 AND 8999 IN THE CITY OF PIQUA, MIAMI COUNTY, OHIO AND OWNED BY THE CITY OF PIQUA AS SHOWN HEREON.



- LEGEND**
- ▲ MAG. NAIL FOUND
  - 5/8" IRON PIN FOUND
  - CONCRETE RIGHT OF WAY MONUMENT FOUND
  - △ RAILROAD SPIKE FOUND

CURVE TABLE			
CURVE	RADIUS	DELTA	CHORD
C2	1462.70	1334°33'	345.77
C3	317.90	35°40'53"	194.79
C4	257.90	58°55'09"	253.68
C5	1402.70	1334°33'	331.58
C6	257.90	144.73 32°09'16"	142.84
C7	257.90	120.47 26°45'53"	119.38

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°09'46"W	37.55
L2	S31°28'33"W	150.09
L3	N18°18'04"E	20.72
L4	N35°48'21"E	30.00
L5	S31°28'33"W	93.58
L6	S31°28'33"W	56.51
L7	N01°59'12"E	175.39
L8	N21°04'34"E	65.46

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION.  
*David A. Cox*  
DAVID L. COX  
OHIO PROFESSIONAL SURVEYOR NO. 7101

DATE  
10/08/13

**CITY OF PIQUA PLANNING COMMISSION**  
THIS PLAT WAS INSPECTED AND APPROVED BY US THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

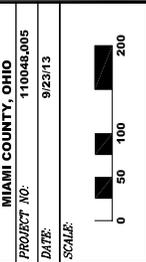
**CHAIRPERSON** \_\_\_\_\_  
**CLERK** \_\_\_\_\_  
**PIQUA CITY COMMISSION**  
THIS PLAT WAS INSPECTED AND ACCEPTED BY US THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ ORD. # \_\_\_\_\_  
MAYOR \_\_\_\_\_  
PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
MIAMI COUNTY RECORDER'S RECORD OF PLATS RECEIVED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT \_\_\_\_\_ M.  
FILE NO. \_\_\_\_\_ FEE. \_\_\_\_\_  
JESSICA A. LOPEZ, MIAMI COUNTY RECORDER  
DEPUTY \_\_\_\_\_  
TRANSFERRED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
MATTHEW W. GERRARDY  
MIAMI COUNTY AUDITOR  
BY: \_\_\_\_\_  
DEPUTY AUDITOR \_\_\_\_\_

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**NO. DATE DESCRIPTION**  
1 10/8/13 ISSUED-DKY

**HARDIN ROAD ALTERNATE VACATION PLAT**  
(OLD S.R. 66)  
PART INLOTS 8997, 8998 & 8999  
SECTION 1, TOWN 6, RANGE 5 EAST  
CITY OF PIQUA  
MIAMI COUNTY, OHIO  
PROJECT NO.: 110048.005  
DATE: 9/23/13  
SCALE: 1" = 100'



**SHEET NAME:**  
**VACATION PLAT**  
**SHEET NO. 1 OF 1**



CINCINNATI  
COLUMBUS  
DAYTON

6305 Centre Park Drive  
West Chester, OH 45069  
phone ▶ 513.779.7851  
fax ▶ 513.779.7852  
[www.kleingers.com](http://www.kleingers.com)

### LEGAL DESCRIPTION VACATION OF A PORTION OF HARDIN ROAD ALTERNATE

Situated in Section 1, Town 8, Range 5 East, and being part of Inlots 8997, 8998, and 8999 of the City of Piqua, Miami County, Ohio as conveyed to the City of Piqua in O.R. Volume 232 Page 795 and O.R. Volume 225 Page 484 and being more particularly described as follows:

Commencing at the northeast corner of Section 1;

Thence along the north line of Section 1, N89°40'39"W a distance of 1304.43 feet to the northwest corner of Inlot 8997;

Thence along the west line of said Inlot 8997, S01°09'46"E a distance of 297.24 feet to the True Point of Beginning in the northerly right-of-way line of Hardin Road Alternate (60' R/W);

Thence along said northerly right-of-way line the following four courses:

- 1.) S54°11'39"E a distance of 389.38 feet to a point of curvature;
- 2.) Along a curve to the right, an arc distance of 346.58 feet to a point of tangency, said curve having a radius of 1462.70 feet, a central angle of 13°34'33", and a chord bearing S47°24'22"E for 345.77 feet;
- 3.) S40°37'06"E a distance of 265.77 feet to a point of curvature;
- 4.) Along a curve to the right, an arc distance of 197.97 feet to a point in the westerly right-of-way line of Hardin Road (60' R/W), said curve having a radius of 317.90 feet, a central angle of 35°40'53", and a chord bearing S22°46'39"E for 194.79 feet;

Thence along the westerly right-of-way line of said Hardin Road, S31°28'33"W a distance of 150.09 feet;

Thence leaving the westerly right-of-way line of Hardin Road and along the southerly right-of-way line of Hardin Road Alternate, N18°18'04"E a distance of 20.72 feet to a point of curvature;

Thence continuing along said southerly right-of-way line, the following four courses:



- 1.) Along a curve to the left, an arc distance of 265.21 feet to a point of tangency, said curve having a radius of 257.90 feet, a central angle of  $58^{\circ}55'09''$ , and a chord bearing  $N11^{\circ}09'31''W$  for 253.68 feet;
- 2.)  $N40^{\circ}37'06''W$  a distance of 265.77 feet to a point of curvature;
- 3.) Along a curve to the left, an arc distance of 332.36 feet to a point of tangency, said curve having a radius of 1402.70 feet, a central angle of  $13^{\circ}34'33''$ , and a chord bearing  $N47^{\circ}24'22''W$  for 331.58 feet;
- 4.)  $N54^{\circ}11'39''W$  a distance of 366.80 feet to a point;

Thence crossing Hardin Road Alternate,  $N35^{\circ}48'21''E$  a distance of 30.00 feet to the southwest corner of Inlot 8997, said point being in the centerline of Hardin Road Alternate;

Thence along the west line of Inlot 8997,  $N01^{\circ}09'46''E$  a distance of 37.55 feet to the Point of Beginning, containing 1.664 acres more or less and being subject to easements, restrictions, and rights-of-way of record.

Bearings are referenced to the Ohio State Plane Coordinate System – South Zone, based on a GPS survey utilizing CORS Station "SIDN" and monument "MIA 099".

This description was prepared on October 7, 2013 by The Kleingers Group, under the direction of David L. Cox, Ohio Professional Surveyor No. 7101 and is based on prior surveys performed by The Kleingers Group in March and June, 2011.



*David L. Cox*

**RESOLUTION NO. R-131-13**

**A RESOLUTION AUTHORIZING THE CITY OF PIQUA TO APPLY  
FOR GRANT FUNDING FROM LOCAL GOVERNMENT INNOVATION FUND FOR A  
FEASIBILITY STUDY TO DETERMINE THE SUITABILITY OF ESTABLISHING A JOINT USE  
FACILITY**

WHEREAS, the Ohio Development Services Agency has developed a grant program to provide funding to units of local government to promote efficiencies in service delivery and sharing resources, and

WHEREAS, the City of Piqua has submitted an application for funding to the Local Government Innovation Fund for a grant for Round Seven of the Local Government Innovation Fund program, and

WHEREAS, the City of Piqua has reached out to other governmental jurisdictions to establish a joint use facility.

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

SEC. 1: The City Manager of the City of Piqua is hereby authorized to submit an application to the Local Government Innovation Fund.

SEC 2: The City of Piqua is a partner of the Joint Use Facility Feasibility Study for funding from the Local Government Innovation Fund and is proposed by the City of Piqua.

SEC 3: The 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>	November 5, 2013		
<b>REPORT TITLE</b> (Should match resolution/ordinance title)	<b>A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION TO THE LOCAL GOVERNMENT INNOVATION FUND FOR THE FUNDING OF A FEASIBILITY STUDY FOR A SHARED SERVICE FACILITY</b>		
<b>SUBMITTED BY</b>	Name & Title: William Lutz, Development Program Manager		
	Department: Development Department		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>In 2012, the State of Ohio introduced the Local Government Innovation Fund. The fund was developed to provide loans and grants to local governments (including counties, townships, municipalities, school districts and other joint districts) to encourage collaborative efforts and pursue innovative practices.</p> <p>Internal discussions about the program were held and it was determined that the program would be an appropriate use of funds to request a grant for a feasibility study for a shared service facility. The facility would be used to share fleet management and repair facility with other local government agencies which are, Piqua City School District, Ohio Department of Transportation – District VII, Miami East Local School District and the Covington Exempted Village School District.</p> <p>The funding would pay for the feasibility study to determine if cost savings can be had from all participants by having shared fleet management services.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:	Local Government Innovation Fund	
	<b>Narrative</b>	There is no cost to apply for the funds. The request for this study is the maximum request, which is \$100,000.	
<b>OPTIONS</b> (Include Deny /Approval Option)	1.	Approve the resolution and allow the City to apply for Local government Innovation Fund grant request.	
	2.	Do not approve the resolution and provide further direction.	
<b>PROJECT TIMELINE</b>	The City should be made aware of whether the funding request was approved by June 30, 2013. Upon successful funding, the study should be complete by		

	December 31, 2013.
<b>STAFF RECOMMENDATION</b>	Approve the resolution to file the application.
<b>ATTACHMENTS</b>	None.

**RESOLUTION NO. R-132-13**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO CONTRACT WITH THE MIAMI COUNTY PUBLIC  
DEFENDER COMMISSION**

WHEREAS, the City recognizes its responsibility to provide legal services to indigents charged with loss-of-liberty offenses under the Piqua Code; 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 proposed contract by and between the City of Piqua and the Miami County Public Defender Commission commencing January 1, 2014 and shall terminate on December 31, 2014 is hereby approved;

SEC. 2: The Finance Director certifies that funds are available is hereby authorized to draw three warrants on the appropriate account of the city treasury in the total amount of \$20,341.13 consisting of three installments according to Section 2 of said contract;

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

**CONTRACT FOR COUNTY PUBLIC DEFENDER SERVICES  
TO MUNICIPAL CORPORATIONS**

AGREEMENT

THIS AGREEMENT entered into between the Miami County Public Defender Commission hereinafter called the "Commission" and the City of Piqua, Ohio, hereinafter called the "City".

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with loss of liberty offense in its Municipal Court, and

WHEREAS, the city in furtherance of the execution of its legal responsibilities, desires that the legal services of the Commission be delivered to the City's indigent citizens and others so situated;

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. Scope of Work.

The Commission shall in a satisfactory and proper manner under the terms and conditions contained herein, perform the following services:

Provide legal counsel to indigent persons charged with loss of liberty offenses under, by or through, the Codified Ordinances of the City of Piqua, Ohio. The within representation shall include such cases filed in the Miami County Municipal Court, and/or Miami County Common Pleas Court, and Miami County Juvenile Court.

2. Compensation.

The City shall pay to the Commission a sum not to exceed Twenty Thousand Three Hundred Forty One Dollars and Thirteen Cents (\$20,341.13) which shall constitute full and complete payment for all the Commissions services during the term of this contract. Said sum shall be paid in the following manner: One Third of this contract, to wit, Six Thousand Seven Hundred Eighty Dollars and Thirty Seven Cents (\$6,780.37) shall be paid upon the execution of this contract; thereafter Commission shall be paid the balance in two equal payments of one third of the contract price, the first of said payments at the expiration of the first four (4) months of the term of this contract in the amount of Six Thousand Seven Hundred Eighty Dollars and Thirty Eight Cents (\$6,780.38), and the second at the expiration of the first eight (8) months of this contract in the same amount of Six Thousand Seven Hundred Eighty Dollars and Thirty Eight Cents (\$6,780.38).

3. Term of Service.

The duration of this contract shall be for one (1) year commencing January 1, 2014, and shall terminate on December 31, 2014.

4. Non-Assignment.

The Commission shall not assign all or any part of this Agreement without the prior written consent of the city, which consent shall not be unreasonably withheld.

5. Termination.

If the Commission shall fail to fulfill in a reasonable timely and proper manner its obligations under this Agreement, or if the Commission shall substantially violate any of the covenants, agreements or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Commission of such termination and specifying an effective date thereof at least sixty (60) days before the effective date of said termination. Termination by the City shall not constitute a waiver of any other right or remedy it may have at law or in equity for breach of this Agreement by the Commission.

6. Amendments.

All Amendments to this Agreement agreed upon by the parties shall be in writing and made a part of this Agreement.

7. Anti-Discrimination.

There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex or national origin. This provision shall apply to but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, raises of pay or other forms of compensation, and selection for training including apprenticeship. The Commission shall insert a similar provision in any sub-contract for services covered by this Agreement.

8. Conflicts.

Commission covenants that it presently has no interest and shall not acquire any interest direct or indirect, which would conflict in any manner with the performance of services required under this Agreement. No members of, nor delegates to, the Congress of the United States of America, and no resident Commissioner shall share in any part hereof or any benefits to arise herefrom.

9. Indigent Eligibility Standards.

In determining the indigent status of all individuals receiving representation pursuant to this agreement, all applicable standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the Ohio Public Defender will be followed.

10. Verification of Contract Amount.

Payment by the municipality, whether by contractual amount or a fee schedule, does not exceed the fee schedule in effect and adopted by the county commissioners of the said herein county wherein the municipal corporation is located.

IN WITNESS WHEREOF, the parties have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED AS TO FORM:

MIAMI COUNTY PUBLIC  
DEFENDER ASSOCIATION

BY \_\_\_\_\_  
OHIO PUBLIC DEFENDER  
COMMISSION

BY \_\_\_\_\_  
JOHN COTNER  
CHAIRMAN

CITY OF PIQUA, OHIO

BY   
City Manager

**RESOLUTION NO. R-133-13**

**A RESOLUTION ACQUIRING THE SERVICES  
OF VAUGHN INDUSTRIES, LLC FOR THE  
POWER SYSTEM**

WHEREAS, the present operations of the Power System require the services of a construction contractor;

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

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

SEC. 1: Vaughn Industries, LLC is hereby retained by the City of Piqua as a construction contractor.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrant on the appropriate account of the city treasury according to contract terms, not to exceed \$445,000.

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>	November 5, 2013		
<b>REPORT TITLE</b>	A RESOLUTION ACQUIRING THE SERVICES OF VAUGHN INDUSTRIES, LLC FOR THE POWER SYSTEM		
<b>SUBMITTED BY</b>	Name & Title: Nicholas Berger, Asst. 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"/> Other: Energy Board
<b>BACKGROUND</b>	<p>In 2012, the power system preformed an assessment of the transmission line between substation 4 and 5. The assessment resulted in the need to replace thirty-two (32) main-line poles. On April 16, 2013 the power system received bids from nine different construction contractors. At that time, it was determined that P&amp;G Power, LLC provided the lowest and best bid to complete the 69kV Transmission Line Hardening Project.</p> <p>On October 11, the power system terminated its contract with P&amp;G Power, LLC. P&amp;G Power completed 16 of the 32 poles replacements before the contract was terminated.</p> <p>The next lowest contractor based on the bids received on April 16 is Vaughn Industries, LLC. The power system has used Vaughn Industries on past projects. Most recently, Vaughn rebuilt our damaged transmission line after the June 29, 2012 wind storm. Based on Vaughn's unit pricing, the remaining work will cost \$369,392. The power system is requesting a 20% contingency which will bring the amount to \$445,000.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b>	Budgeted \$:	\$575,000	
	Expenditure \$:	\$445,000	

	Source of Funds:	190-3355 (\$575,000) 190-3392 (\$300,000)
	<b>Narrative:</b>	The services to date provided by P&G Power, the steel poles purchased from Bridgewell, and the materials from HD Supply totaled \$499,397. Once Vaughn Industries costs are added, the total cost to complete this project is \$944,397.
<b>OPTIONS</b>	1.	Approve Resolution No. R-133-13 acquiring the services of Vaughn Industries, LLC at a cost not to exceed \$445,000.
	2.	Do not approve the Resolution and provide staff with further direction
<b>PROJECT TIMELINE</b>	Vaughn Industries has provided a tentative start date of Dec. 9 <sup>th</sup> .	
<b>STAFF RECOMMENDATION</b>	Approve Resolution No. R-133-13 acquiring the services of Vaughn Industries, LLC.	
<b>ATTACHMENTS</b>	1. Exhibit A – Bid Summary	

Project  
Bid Opening

69kV Transmission Line Sub #4 to Sub #5 Line Hardening  
Tuesday, April 16, 2013 at 10:00AM

<b>Company</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Total Bid</b>
P&G Power	16 South Grace St.	Wheatfield	IN	46392	\$ 422,067.36
Vaughn Industries, LLC	1201 East Findlay St.	Carey	OH	43316	\$ 635,795.50
Pike Electric, LLC	100 Pike Way	Mount Airy	NC	27030	\$ 892,707.18
Thayer Power	7400 Market Rd	Fairview	PA	16415	\$ 1,118,000.00
Power Secure	1609 Heritage Commerce Ct.	Wake Forest	NC	27587	\$ 1,145,290.00
New River Electrical Corp	6005 Westerville Rd.	Westerville	OH	43081	NO BID
N. G. Gilbert Corp.	101 S. Main St	Parker City	IN	47368	NO BID
L.E. Meyers Company	6220 South Belmont	Indianapolis	IN	46217	NO BID
Davis H. Elliot	PO Box 12108	Lexington	KY	40580	NO BID