

AMENDED-12-15-2014
REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, DECEMBER 16, 2014
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION - JUANITA SUPINGER- RETIREMENT FROM THE SALVATION ARMY

GOVERNMENT ACADEMY GRADUATION

Beverly Gilberg
Rich Gilberg
Krista Leece
Evelyn Mahrt
Artie Parker
Jessie Parker
Jenna Parker
Corryn Parker
Debbie Robart
Melinda Sillman
Virginia Thompson

ADJOURNMENT TO EXECUTIVE SESSION

- a. To consider the purchase or sale of property for public purposes specifically Sherry Property on Fox Drive, purchase of property for Riverfront Development and property acquisition of Fort Piqua Plaza

ADJOURNMENT

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
Approval of the minutes from the December 2, 2014 Regular Piqua City Commission Meeting

OLD BUSINESS

2. ORD. NO. 15-14 (3rd Reading)
An Ordinance amending Ordinance No. 33-66 relating to the Municipal Income Tax
3. ORD. NO. 16-14 (3rd Reading)
An Ordinance amending Ordinance No. 8-14 and codified as Ordinance No. 52.20, Exhibit A, Electrical Service Rates and Terms
4. ORD. NO. 17-14 (3rd Reading)
An amended Ordinance to make appropriations for the City of Piqua, Ohio for the year 2015

5. ORD. NO. 18-14 (3rd Reading)
An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees
6. ORD. NO. 19-14 (3rd Reading)
An Ordinance repealing Schedule A-1 of Chapter 33 of the Piqua Code and adopting a new Schedule A-1 of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees
7. ORD. NO. 20-14 (3rd Reading)
An Ordinance repealing existing Chapter 33 and enacting a new Chapter 33 of the Piqua Code, relating to Employee Policy

NEW BUSINESS

8. ORD. NO. 21-14 (1st Reading)
An Emergency Ordinance to make Appropriations for the City of Piqua, Ohio for the year 2014
9. ORD. NO. 22-14 (1st Reading)
An Ordinance to authorize the detachment of property consisting of 45.503 acres in the City of Piqua to Washington Township, Miami County, Ohio
10. ORD. NO. 23-14 (1st Reading)
An Ordinance to authorize the annexation of contiguous territory owned by the Municipal Corporation and the State
11. RES. NO R-128-14
A Resolution authorizing transfers of cash from the General Fund to the other funds for the fiscal year 2014
12. RES. NO. R-129-14
A Resolution authorizing transfer of cash from the General Fund to the other funds for the fiscal year 2015
13. RES. NO. R-130-14
A Resolution requesting authorization to enter into an agreement with Delta Airport Consultants, Inc. for the engineering design services for the runway, taxiway, and apron pavement crack sealing and pavement marking project for the Hartzell Field at the Piqua Municipal Airport
14. RES. NO. R-131-14
A Resolution authorizing the City Manager to accept property
15. RES. NO. R-132-14
A Resolution authorizing to accept easement
16. RES. NO. R-133-14
A Resolution authorizing the City Manager to apply for City Membership to American Municipal Power, Inc.
17. RES. NO. R-134-14
A Resolution retaining the services of Cooperative Response Center, Inc. to provide Professional Customer Call Answering and Dispatch Services for the Power System

18. RES. NO. R-135-14

A Resolution authorizing the City Purchasing Agent to purchase #2 fuel oil on the open and spot market

19. RES. NO. R-136-14

A Resolution retaining the services of Sawvel and Associates to provide professional consulting and engineering services for the Power System

20. RES. NO. R-137-14 (Amended 12-15-2014)

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

21. RES. NO. R-138-14

A Resolution accepting ownership of a lift station

22. RES. NO. R-139-14

A Resolution authorizing purchase orders to Chemical Services Inc., Greer Lime Company, Marubeni Specialty Chemicals Inc, Univar USA Inc. and the City of Dayton for the 2015 purchase of various water treatment chemicals

23. RES. NO. R-140-14

An Emergency Resolution authorizing the execution, the conformation and reaffirmation of unconditional guaranty of the City of Piqua

24. RES. NO. R-141-14

An Emergency Resolution authorizing consent to the Piqua Improvement Corporation for liquidation and dissolution of the Fort Piqua Redevelopment Corporation and to Piqua Improvement Corporation's assumption of the Corporation Note upon such liquidation and dissolution

25. RES. NO. R-142-14

An Emergency Resolution for the City of Piqua to enter into an agreement with the Piqua Improvement Corporation for all real property including the Fort Piqua Plaza, Assignment of Rents and the Assignment and Assumption of Lease in exchange for release of mortgage and promissory note

MONTHLY REPORTS – OCTOBER 2014

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
Tuesday, December 2, 2014
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Martin, Vogt, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of Minutes

Approval of the minutes from the November 18, 2014 Regular City Commission Meeting.

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

OLD BUSINESS

ORD. NO. 15-14 (2nd Reading)

An Ordinance amending Ordinance No. 33-66 relating to the Municipal Income Tax

Cynthia Holtzapple, Assistant City Manager/Finance Director provided the Staff Report.

Ms. Holtzapple stated this is the second reading of Ordinance 15-14, and with the passage of the safety levy on November 4, 2014, Ordinance No.15-14 adds the new rates for the additional .25% tax beginning January 1, 2015.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No, 15-14.

Ordinance No. 15-14 was given a second reading.

ORD. NO. 16-14 (2nd Reading)

An Ordinance amending Ordinance No .8-14 and codified as Ordinance No. 52.20, Exhibit A, Electrical Service Rates and Terms

Ed Krieger, Power Systems Director presented the Staff Report.

The City has moved from a Power Supply mainly composed of market purchases to one that is primarily asset ownership. A recently completed cost-of-service study recommends implementation of the amended electric rates to ensure proper cost allocation among customer classes. Ordinance 16-14 amends Ordinance 8-14 and is codified as Section 52.20.

Mayor Fess asked Mr. Krieger to provide a brief overview on how AMP Ohio and Dayton Power and Light provide electric service to the city.

Mayor Fess thanked Mr. Krieger for the brief explanation of services.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 16-14.

Ordinance No. 16-1-4 was given a second reading.

ORD. NO. 17-14 (2nd Reading)

An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2015

Cynthia Holtzapple, Assistant City Manager/Finance Director provided the Staff Report.

This is the second of three reading of Ordinance No. 17-14. The City Commission reviewed the Department Budgets at their Budget Meetings on November 13, and November 20, 2014.

The City is required to present and pass the 2015 Annual Budget by the end of the year, and would like to have it passed at the December 16 Commission Meeting, stated Ms. Holtzapple.

City Manager Gary Huff stated the City is waiting to see what happens with House Bill 5, further stating it will be divesting for many communities including Piqua if it is passed.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 17-14.

Ordinance No. 17-14 was given a second reading.

ORD. NO. 18-14 (2nd Reading)

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

City Manager Huff provided the Staff Report.

During the past year the City completed a pay classification study, as this had not been completed in several years. The study only considered positions listed on Schedule A, with 29 surveys being sent out. Positions and pay ranges were reviewed to ensure that not only external comparability had been taken into consideration but also internal comparability, stated City Manager Huff.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 18-14.

Ordinance No. 18-14 was given a second reading.

ORD. NO. 19-14 (2nd Reading)

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

City Manager Huff provided the Staff Report.

The State of Ohio has increased the minimum wage effective January 1, 2015 from \$7.95 per hour to \$8.10 per hour. The wages on Schedule A-12 have been changed to reflect the increase, and is the only change made to Schedule A-1 at this time, stated City Manager Huff.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 19-14.

Ordinance No. 19-14 was given a second reading.

ORD. NO. 20-14 (2nd^t Reading)

An Ordinance repealing existing Chapter 33 and enacting a new Chapter 33 of the Piqua Code Relating to Employee Policy

City Manager Huff provided the Staff Report.

Staff recommends the changes to Chapter 33 revising the date of the health insurance coverage to reflect the current benefit year as well as the reduction to the City's contribution to the employee's health savings or health reimbursement account, and increasing the amount that an employee can earn by participating in certain wellness activities

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 20-14.

Ordinance No. 20-14 was given a second reading.

NEW BUSINESS

RES. NO. R-125-14

A Resolution of Appreciation for the Public Service of Cecelia Stoler as a City Employee

Mayor Fess read the proclamation stating the city appreciates her service over her 30 years of service to the citizens of Piqua.

Commissioner Wilson stated Cecelia was very personable and worked well with the public.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-125-14.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-125-14 be adopted. Roll call, Aye: Vogt, Wilson, Terry, Martin, and Fess. Nay, None. Mayor Fess then declared Resolution No. R-125-14 adopted.

RES. NO. R-126-14

A Resolution authorizing a purchase order to Miami Valley Risk Management Association for purchase of insurance.

Stacy Wall, Law Director, provided the Staff Report.

The City of Piqua has carried property and liability insurance through the Miami Valley Risk Management Association since 2002 and would like to continue for the calendar year 2015. The premium for 2015 will be \$348,236.00, which is a decrease from the 2014 premium, stated Ms. Wall.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-126-14.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-126-14 be adopted. Roll call, Aye: Wilson, Terry, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously.

RES. NO. R-127-14

A Resolution requesting authorization to increase the purchase order to CDM Smith for Additional Design Services incurred during the design phase of the New Water Treatment Plant

Don Friesthler, Water Plant Superintendent provided the Staff Report.

The City of Piqua entered into an agreement with CDM Smith in November of 2012 for engineering design services for the new Water Treatment Plant. During the course of the design, several additional items were included that were not part of the original scope of the work, One of the items is the relocation of two existing transmission lines from underneath the bridge on SR 66 and being buried underground, and also design on an on-site septic system.

Throughout the bid process items were needed to be amended through addendums in the plans and project manuals. Conformed Documents are needed to incorporate changes that were made to the design of the plant during the bid process and combine them into one set of construction drawings and specifications, stated Mr. Friesthler.

Bob Yoxthimer of CDM Smith came forward and provided additional information regarding the reason for the increase in the project funds at this time.

Commissioners asked several questions with Mr. Yoxthimer providing answers to their inquiries.

Mayor Fess asked what the anticipated time frame is on the project. Mr. Friesthler stated they hope to award the contract at the first City Commission Meeting in January of 2015, with construction beginning in February or March, which is anticipated to take approximately 30 months to complete, and hope to be up and running in 2017.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-127-14.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-127-14 be adopted. Roll call, Aye: Terry, Martin, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously.

PUBLIC COMMENT

No one came forward to speak at this time.

CITY MANAGER'S REPORT

City Manager Huff stated the city employees are participating in the Give Program, providing food items for high school students during the holiday break.

City Manager Huff also stated that the city employees are working with the Salvation Army again this year, adopting a family to provide gifts and food for the holiday.

City Manager Huff announced MainStreet Piqua will be hosting Christmas on the Green on Friday evening December 5, from 6:00 P.M. - 9:00 P.M. and encouraged all to attend.

City Manager Huff also announced the City of Piqua will be participating and will have a float in the Holiday Parade on Saturday December 6 at 2:00 P.M , and encouraged citizens to

come downtown and enjoy the parade and activities.

City Manager Huff announced the 2014 Holly Jolly 5K/10K Run will take place on Saturday December 6, at 10:00 A.M.

City Manager Huff stated the Piqua City School District will dedicate the two new Primary Schools on Sunday, December 7, 2014. Springcreek School at 1:30, and Washington School at 3:30 P.M.

COMMISSIONERS COMMENTS

Commissioner Vogt congratulated Cecelia Stoler on her retirement, stating she was always a very congenial employee.

Commissioner Vogt encouraged citizens to come downtown Friday and Saturday to enjoy Christmas on the Green, and the Holiday Parade.

Commissioner Martin stated he echoed all of Commissioner Vogt's comments.

Commissioner Terry also congratulated Cecelia on her 30 years of service to the citizens of Piqua.

Commissioner Wilson challenged citizen to do something nice for someone this holiday season. Pay it forward by helping a neighbor or someone who needs a helping hand. Think about what you have, and help make someone else's holiday season a happy one, stated Commissioner Wilson.

Mayor Fess also commented on the pay-it-forward program, and encouraged citizens to Volunteer at the many organizations in Piqua, and lend a helping hand this holiday season.

Mayor Fess encouraged citizens to attend Christmas on the Green, and the Holiday Parade to Come down and enjoy the fellowship with the community.

Mayor Fess thanked Cecelia Stoler for her 30 years of service to the citizens of Piqua, further stating the whole Huffman family has always been very supportive of the City

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular City Commission Meeting at 8:14 P.M. Voice vote: Aye: Fess, Vogt, Martin, Terry, and Wilson. Nay, None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 15-14

AN ORDINANCE AMENDING ORDINANCE NO. 33-66,
RELATING TO THE MUNICIPAL INCOME TAX

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

SECTION 1. Ordinance No. 33-66 as enacted July 5, 1966 and as subsequently amended by Ordinance Numbers 18-67, 26-71, 28-71, 10-76, 67-78, 76-79, 24-83, 36-84, 29-88, 20-89, 84-89, 18-90, 7-97, 34-00, 39-00, 27-02, 20-03, 22-04, and 25-08 is hereby amended to read as follows (with deletions lined out and additions underlined):

Section 1: Purpose

To provide funds for the purposes of permanent improvements, new equipment, extension and enlargement of municipal services and facilities, capital improvements and operating expenses of the City of Piqua, there shall be, and is hereby levied, a tax on income, qualifying wages, commissions and other compensation, net profits, and other taxable income as hereinafter provided.

Section 2: Definitions

As used in this ordinance, the following words shall have the meaning ascribed to them in this Section, except as and if the context clearly indicates or requires a different meaning.

ADJUSTED FEDERAL TAXABLE INCOME – A C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

- a. Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
- b. Add an amount equal to five percent (5%) of intangible income deducted under Section (2)(a), but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;
- c. Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

- d. (1) Except as provided in Section (2)(d)(2) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;
- (2) Section (2)(d)(1) does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the internal Revenue Code.
- e. Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;
- f. In the case of a real estate investment trust and regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;
- g. If the taxpayer is not a C corporation and is not an individual, the taxpayer shall compute adjusted federal taxable income as if the taxpayer were a C corporation, except;
 - (1) Guaranteed payments and other similar amounts paid or accrued to a partner, former partner, member, or former member shall not be allowed as a deductible expense; and
 - (2) Amounts paid or accrued to a qualified self-employed retirement plan with respect to an owner or owner-employee of the taxpayer, amounts paid or accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction.

Nothing in Section 2 shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

Nothing in this ordinance shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.

ADMINISTRATOR – The individual designated by the Director of Finance, with the approval of the City Manager, to administer and enforce the provisions of the ordinance.

ASSIGNMENT – The assignment made by a resident of the City of Piqua of claim for refund due from another taxing municipality granting credit to non-residents thereof.

ASSOCIATION – A partnership, limited partnership, limited liability company (including a single owner LLC), Chapter S corporation as defined in the federal tax code, 26 U.S.C. 1361, or any other form of unincorporated enterprise owned by two or more persons.

BOARD OF REVIEW – The Board created by and constituted as provided in Section 13 of this ordinance.

BUSINESS – An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, including but not limited to the renting or leasing of property, real, personal or mixed.

CORPORATION – A corporation or joint stock association organized under the laws of the United States, the State of Ohio or any other state, territory or foreign country or dependency, but not including Chapter S corporations.

THE DIRECTOR OF FINANCE – The Director of Finance of the City of Piqua, Ohio.

DOMICILE – The permanent legal residence of a taxpayer. A taxpayer may have more than one residence, but not more than one domicile.

EMPLOYEE – One who works for qualifying wages, commission or other type of compensation in the service of an employer.

EMPLOYER – An individual, partnership, association, corporation, governmental body, unit or agency or any other entity, whether or not organized for profit, who or that employs one or more persons on a qualifying wage, commission or other compensation basis.

FISCAL YEAR – An accounting period of twelve (12) months or less ending on any day other than December 31, and used by the taxpayer for Federal Income Tax purposes.

FORM 2106 – The Internal Revenue Service Form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

GROSS RECEIPTS – The total revenue derived from sales, work done, or service rendered before any deductions, exceptions or credits are claimed.

INCOME – Shall include all monies derived from any source whatsoever, including but not limited to:

- a. All qualifying wages, commissions, other compensation and other income from whatever source received by residents of Piqua.

- b. All qualifying wages, commission, other compensation and other income from whatsoever source received by nonresidents for work done or services performed or rendered or activities conducted in Piqua.
- c. The portion attributable to the city of the net profits of all unincorporated businesses, associations, professions, corporations or other entities from sales made, work done, services performed or rendered, and business or other activities conducted in Piqua.

INTANGIBLE INCOME – Income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. Intangible income does not include prizes, awards, or other income associated with any lottery winnings or other similar games of chance.

INTERNAL REVENUE CODE – The Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

JOINT ECONOMIC DEVELOPMENT DISTRICT – Districts created under the Ohio Revised Code sections 715.70 through 715.83, as amended from time to time.

LIMITED LIABILITY COMPANY – A limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.

MUNICIPALITY – The City of Piqua.

NET PROFITS – A net gain from the operation of a business, profession, enterprise or other activity after provision for all ordinary and necessary expenses, either paid or accrued in accordance with the accounting system used by the taxpayer for Federal Income Tax purposes, without deduction of taxes imposed by this ordinance, federal, state and other taxes based on income; and in the case of an association, without deduction of qualifying wages paid to partners and other owners; and otherwise adjusted to the requirements of this ordinance.

Net profits shall include any amount or value received, realized or recognized in a sale or other disposition of tangible personal property or real property used in business, in excess of book value.

NON-RESIDENT – An individual domiciled outside the City of Piqua.

NON-RESIDENT UNINCORPORATED BUSINESS ENTITY – An unincorporated business entity not having an office or place of business within the City of Piqua.

NONQUALIFIED DEFERRED COMPENSATION PLAN – A compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

PERSON – Every natural person, partnership, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a penalty, the term “person” as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

PLACE OF BUSINESS – Any bona fide office (other than a mere statutory office), factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity, individually or through one or more of his regular employees regularly in attendance.

QUALIFIED PLAN – A retirement plan satisfying the requirements under Section 401 of the Internal Revenue Code as amended.

QUALIFYING WAGES – Wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted in accordance with Section 718.03(A) of the Ohio Revised Code.

RESIDENT – An individual domiciled in the City of Piqua.

RESIDENT UNINCORPORATED BUSINESS ENTITY – An unincorporated business entity having an office or place of business within the City of Piqua.

RULES AND REGULATIONS – Administrative directives promulgated by the Administrator and approved by the Board of Review for the purpose of administering this ordinance.

SCHEDULE C – The Internal Revenue Service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.

SCHEDULE E – The Internal Revenue Service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.

SCHEDULE F – The Internal Revenue Service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.

S CORPORATION – A corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

TAXABLE INCOME – Qualifying wages, and other compensation paid by an employer or employers before any deductions and/or the net profits from the operation of a business, profession or other enterprise or activity adjusted in accordance with the provisions of the ordinance. Please refer to **INCOME**.

TAXABLE YEAR – The calendar year, or the fiscal year upon the basis of which the net profits are to be computed under the ordinance and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.

TAXING MUNICIPALITY – Any municipal corporation levying a municipal income tax on income, qualifying wages, commissions and other compensation earned by individuals, and on the net profits and other taxable income earned from the operation of a business, profession or other activity.

TAXPAYER – A person, whether an individual, partnership, association or any corporation or other entity, required under this ordinance to file a return or pay a tax.

Section 3: Imposition of Tax

- A. Subject to the provisions of Section 16 of this ordinance, an annual tax for the purposes specified in Section 1 hereof shall be imposed at the rate of ~~one and three-fourths~~ two percent (1.75%) (2%) per annum.

The first one percent (1%) of said tax shall be levied until repealed by this commission; the next ~~one-half~~ three-fourths percent (~~.5%~~) (.75%) until repealed by the electorate; and the remaining one-fourth percent (.25%) from January 1, 1991 through December 31, 2020 and upon:

1. All qualifying wages, commissions, other compensation and other income earned or received during the effective period of this ordinance by residents of the City of Piqua.
2. All qualifying wages, commissions, other compensation earned and other income earned or received during the effective period of this ordinance by nonresidents for work done or services performed or rendered in the City of Piqua.
3. a. The portion attributable to the City of Piqua of the net profits earned or received during the effective period of this ordinance, of all resident unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Piqua.
- b. The portion of the distributive share of net profits earned or received during the effective period of this ordinance of a resident partner or owner of a resident unincorporated business entity not attributable to the City of Piqua and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner, taxable hereunder on income attributable to another taxing municipality, shall be subject to the Relief and Reciprocity Provisions of Section 15 hereof.

4. a. The portion attributable to the City of Piqua of net profits earned or received during the effective period of this ordinance of all non-resident unincorporated businesses, professions or other entities, derived from sales made, work done or services performed or rendered and business or other activities conducted in the City of Piqua, whether or not such unincorporated business entity has an office or place of business in the City of Piqua.
 - b. The portion of the distributive share of net profits earned or received during the effective period of this ordinance of a resident partner or owner of a nonresident unincorporated business entity not attributable to the City of Piqua and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner taxable hereunder on income attributable to another taxing municipality shall be subject to the Relief and Reciprocity provisions of Section 15 hereof.
5. The portion attributable to the City of Piqua of net profits earned or received during the effective period of this ordinance of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Piqua, whether or not such corporations have an office or place of business in the City of Piqua.
 6. All income received as gambling winnings as reported on IRS Form W-2G, Form 5754 and or any other Form required by the Internal Revenue Service that reports winnings from gambling, prizes and lottery winnings. Gambling losses are not deductible unless losses are supported by an independent verifiable statement.
- B. The portion of the net profits attributable to the City of Piqua of a taxpayer conducting a business, profession or other activity, both within and without the boundaries of the City of Piqua, shall be determined as provided in Section 718.02 of the Revised Code of Ohio and in accordance with the Rules and Regulations.

C. OPERATING LOSSES

- a. The Municipality does not allow a net operating loss carryback or carryforward.
- b. Losses from federal schedules and other sources reported for federal income tax purposes cannot be used to offset qualifying wages, commissions, other compensation and other taxable income earned or received by residents or nonresidents of the Municipality.

If an individual is engaged in two or more taxable business activities to be included in the same return, the net loss of one unincorporated business activity may be used to offset the profits of another (except any portion of a loss or profit separately reportable for municipal tax purposes to another taxing entity) for purposes of arriving at overall net profits or net operating loss.

D. CONSOLIDATED RETURNS

1. Any affiliated group, which files a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code, may file a consolidated return with the City of Piqua. However, once the affiliated group has elected to file a consolidated return or a separate return with Piqua, the affiliated group may not change its method of filing in any subsequent tax year without written approval from Piqua.
2. In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the City of Piqua, constituting a portion only of its total business, the Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City of Piqua. If the Administrator finds net profits are not properly allocated to the City of Piqua by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity or by some other method, the Administrator shall make such allocations as the Administrator deems appropriate to produce a fair and proper allocation of net profits to the City of Piqua.

Section 4: Effective Period

The first one percent (1%) of said tax shall be levied, collected and paid with respect to the income, qualifying wages, commissions and other compensation, and with respect to net profits of businesses, professions or other activities earned from January 1, 1977, and until repealed by this Commission.

The next one-half percent (.5%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1984 and until repealed by the electorate.

The next one-fourth percent (.25%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 2015 and until repealed by the electorate.

The remaining one-fourth percent (.25%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1991 through December 31, 2020.

Section 5: Return and Payment of Tax

- A. Each taxpayer who engages in business or other activity or whose qualifying wages, commissions, other compensation and other taxable income is subject to the tax imposed by this ordinance, and every resident shall, make and file a return on or before April 15th of each year, whether or not a tax is due. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed by the 15th day of the fourth month from the end of such fiscal year or period. The Administrator is hereby authorized to provide by regulation in accordance with Rules and Regulations that the return of an employer or employers, showing the amount of tax deducted by said employer or employers from the qualifying wages, commissions, other compensation or other income of nonresident employee, and paid by the employer or employers to the Administrator, shall be accepted as the return required of any nonresident employee whose sole income, subject to tax under this ordinance, is such qualifying wages, commissions, other compensation or other income.

The Administrator shall also have authority to require that certain retired individuals may be exempt from this section, providing that no reportable or taxable income exists beyond income exempt from taxation as provided by this ordinance.

- B. The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from such Administrator, or on a generic form, setting forth:
1. a. The aggregate amount of qualifying wages, commissions, other compensation and other income earned or received; and
 - b. The gross income from a business, profession or other activity less allowable expenses incurred in the acquisition of such gross income;
 - c. Such income shall include only income earned or received during the year, or portion thereof, covered by the return and subject to the tax imposed by this ordinance;
 2. a. The amount of tax imposed by this ordinance on income reported,
 - b. Any credits to which the taxpayer may be entitled under the provisions of Sections 6, 7 and 15 of this ordinance; and
 3. Such other pertinent statements, information returns or other information as the Administrator may require.
 4. A generic form once completed and filed must contain all of the information required to be submitted with Piqua's prescribed returns, reports or documents, and must be in a similar format that will allow processing of the generic forms

without altering Piqua's procedures for processing forms. The taxpayer or return preparer filing the generic form must also otherwise comply with the rules or ordinances of Piqua governing the filing of returns, reports or documents. Determination as to whether a generic form meets this criteria shall be the responsibility of the Administrator.

- C. The Administrator may extend the time for filing of the annual return upon the request of the taxpayer for a period of not to exceed six (6) months, or one (1) month beyond any extension requested of or granted by the Internal Revenue Service for filing of the Federal Income Tax Return (whichever occurs later). The Administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due.

No penalty or interest shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended.

- D. 1. The taxpayer making a return shall, at the time of filing thereof, pay to the Administrator the balance of tax due, if any, after deducting:
- a. The amount of City of Piqua Income Tax deducted or withheld at the source pursuant to Section 6 hereof;
 - b. Such portion of the tax as has been paid on declaration by the taxpayer pursuant to Section 7 hereof;
 - c. Any credit allowable under the provisions of Section 15 hereof.
2. Should the return, or the records of the Administrator, indicate an overpayment of the tax to which the City of Piqua is entitled under the provisions of this ordinance, such overpayment shall first be applied against any existing liability and the balance, if any, at the election of the taxpayer communicated to the Administrator, shall be refunded or transferred against any subsequent liability. Provided, however, that overpayment of less than five dollars (\$5.00) shall not be refunded.
- E. 1. **AMENDED RETURNS.** Where necessary, an amended return must be filed in order to report additional income and pay any additional tax due, or claim a refund of tax overpaid, subject to the requirements and/or limitations contained in Sections 11 and 15. Such amended returns shall be on a form obtainable on request from the Administrator. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return.
2. Within three (3) months from the final determination of any federal tax liability affecting the taxpayer's City of Piqua tax liability, such taxpayer shall make and file an amended City of Piqua return showing income subject to the City of Piqua

tax based upon such final determination of federal tax liability, and pay any additional tax shown due thereon or make claim for refund of any overpayment.

Section 6: Collection at Source

- A. 1. Each employer within or doing business within the City of Piqua who employs one or more persons on a qualifying wage, commission, other compensation or other income basis shall, at the time of payment thereof, deduct the tax of ~~one and three-fourths~~ two percent (1.75%) (2%) from the qualifying wages, commissions, other compensation or other income earned or received by Piqua residents regardless of where such compensation was earned or received and shall deduct the tax of ~~one and three-fourths~~ two percent (1.75%) (2%) from the qualifying wages, commissions, other compensation or other income earned or received within Piqua by non-residents;
2. Notwithstanding the provisions of paragraph A. 1. of this Section, where such employer employs a Piqua resident in another taxing municipality requiring such employer to deduct its tax from all employees engaged therein, such employer shall withhold for, and remit to, the City of Piqua only the difference, if any, between the tax imposed by such other taxing municipality and the tax imposed by this ordinance;
3. Each employer shall, on or before the 15th day of the month or quarter following such withholding, make a return and remit to the City of Piqua the tax hereby required to be withheld. Employers shall deposit withholding to the City of Piqua on a monthly basis if the tax liability for the previous year equals or exceeds three thousand dollars (\$3,000.00). Such return shall be on a form or forms prescribed by, or acceptable to, the Administrator and shall be subject to the Rules and Regulations. Such employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have, in fact, been withheld.
4. On or before the 28th day of February following any calendar year, such employer shall file with ~~the~~ Administrator an information return for each employee from whom City of Piqua Income Tax has been, or should have been, withheld, showing the name, address and Social Security number of the employee, the total amount of compensation paid during the year and the amount of City of Piqua Income Tax withheld from such employee. Employers with more than 100 employees shall provide the information required by this Section 6(A)(4) in the format and on the electronic media specified in the rules and regulations.
5. An employer is not required to make any withholding with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of the corporation with respect to whose stock the option has been issued.

6. a. An employee is not relieved from liability for a tax by the failure of the employer to withhold the tax as required by a municipal corporation or by the employer's exemption from the requirements to withhold the tax.
 - b. The failure of an employer to remit to the municipal corporation the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer in connection with the failure to remit the tax withheld.
- B. Such employer, in collecting said tax, shall be deemed to hold the same until payment is made by such employer to the City of Piqua, as a Trustee for the benefit of the City of Piqua and any such tax collected by such employer from his employees shall, until the same is paid to the City of Piqua, be deemed a trust fund in the hands of such employer.
 - C. All employers that provide any contractual service within Piqua, and who employ subcontractors in conjunction with that service, shall provide Piqua the names and addresses of the subcontractors. The subcontractors shall be responsible for all income tax withholding requirements under this ordinance.
 - D. In addition to the wage reporting requirements of this section, any person required by the Internal Revenue Service to report on Form 1099-Misc. payments to individuals not treated as employees for services performed shall also report such payments to the Municipality when the services were performed in the Municipality. The information may be submitted on a listing, and shall include the name, address and social security number (or federal identification number), and the amount of the payments made. Federal form(s) 1099 may be submitted in lieu of such listing. The information shall be filed annually on or before February 28 following the end of such calendar year.
 - E. DOMESTIC SERVANTS. No person shall be required to withhold the tax on the qualifying wages, commissions, other compensation, and other taxable income paid domestic servants employed exclusively in or about such person's residence. However, such domestic servants shall be responsible for filing and paying their own returns and taxes.

Section 7: Declarations

- A. Every person who anticipates any taxable income which is not subject to Section 6 hereof, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 3 hereof shall file a declaration setting forth such estimated income of the estimated profit or loss from such business activity, together with the estimated tax due thereon, if any.
- B. 1. Such declaration shall be filed on or before April 15 of each year during the life of this ordinance, except that no penalties or interest shall be assessed, for not filing a declaration, on any resident taxpayer who was not domiciled in Piqua on the

first day of January of the year in which they became subject to estimated payments, nor shall penalties or interest be assessed on estimated payments if the taxpayer has remitted an amount equal to one hundred percent of the previous year's tax liability, provided that the previous year reflected a twelve-month period.

2. Those taxpayers reporting on a fiscal year basis shall file a declaration within 15 days of the fourth month after the beginning of each fiscal year or period.
- C.
1. Such declaration shall be filed upon a form furnished by, or obtainable from, the Administrator, or on a generic form. Credit shall be taken for Piqua income tax to be withheld, if any, from any portion of such income. In addition, credit may be taken for tax payable to other taxing municipalities in accordance with the provisions of Section 15 hereof.
 2. The original declaration (or any subsequent amendment thereof) may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.
 3. A generic form once completed and filed must contain all of the information required to be submitted with Piqua's prescribed returns, reports or documents, and must be in a similar format that will allow processing of the generic forms without altering Piqua's procedures for processing forms. The taxpayer or return preparer filing the generic form must also otherwise comply with the rules or ordinances of Piqua governing the filing of returns, reports or documents. Determination as to whether a generic form meets this criteria shall be the responsibility of the Administrator.
- D. The taxpayer making the declaration shall, at the time of the filing thereof, pay to the Administrator at least one-fourth (1/4) of the estimated annual tax due after deducting:
1. Any portion of such tax to be deducted or withheld at the source pursuant to Section 6 hereof;
 2. Any credits allowable under the provisions of Section 15 hereof; and
 3. Any overpayment of previous year's tax liability which taxpayer has not elected to have refunded. Provided, however, the taxpayer may elect to apply any overpayment of previous tax liability to any one or more installments of the estimated annual tax.

At least a similar amount shall be paid on or before the 15th day of the sixth, ninth and thirteenth month after the beginning of taxpayer's taxable year, provided that in case an amended declaration has been duly filed, or the taxpayer is taxable for a portion of

the year only, the unpaid balance shall be paid in equal installments on or before the remaining payment dates.

- E. On or before the 15th day of the fourth month of the year following that for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the City of Piqua shall be paid therewith in accordance with the provisions of Section 5 hereof.

Section 8: Duties of the Administrator

- A. 1. It shall be the duty of the Administrator to receive the tax imposed by this ordinance in the manner prescribed herein from the taxpayers; to keep an accurate record thereof; and to report all monies so received to the Director of Finance.

2. It shall be the duty of the Administrator to enforce payment of all taxes owed the City of Piqua, to keep accurate records for a minimum of six (6) years showing the amount due from each taxpayer required to file a declaration and/or make any return, including taxes withheld, and to show the dates and amounts of payments thereof.
- B. Said Administrator is hereby charged with the enforcement of the provisions of this ordinance, and is hereby empowered, subject to the approval of the Board of Review, to adopt and promulgate and to enforce Rules and Regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this ordinance, including provisions for the re-examination and correction of returns.
- C. In any case where a taxpayer has failed to file a return or has filed a return which does not show the proper amount of tax due, the Administrator may determine the amount of tax appearing to be due the City of Piqua from the taxpayer and shall send to such taxpayer and tax practitioner a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.
- D. Subject to the consent of the Board of Review and pursuant to the Rules and Regulations, the Administrator shall have the power to compromise any interest or penalty, or both, imposed by Section 10 of this ordinance.

Section 9: Investigative Powers of the Administrator Penalty for Divulging Confidential Information

- A. The Administrator, or any authorized employee, is hereby authorized to examine the books, papers, records and Federal Income tax returns of any employer or of any taxpayer or person subject to, or whom the Administrator believes is subject to the

provisions of this ordinance, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this ordinance.

Every such employer, supposed employer, taxpayer or supposed taxpayer is hereby directed and required to furnish upon written request by the Administrator, or the Administrator's duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations are hereby authorized.

- B. The Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before the Administrator and may examine such person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and Federal Income Tax returns and the attendance of all persons before the Administrator, whether as parties or witnesses, whenever the Administrator believes such persons have knowledge of such income or information pertinent to such inquiry.
- C. The refusal to produce books, papers, records and Federal Income Tax returns, or the refusal to submit to such examination by any employer or person subject or presumed to be subject to the tax, or by any officer, agent or employee of a person subject to the tax or required to withhold tax, or the failure of any person to comply with the provisions of this Section or with an order or subpoena of the Administrator authorized hereby, shall be deemed a violation of this ordinance punishable as provided in Section 12 hereof.
- D. Any information gained, as the result of any returns, investigations, hearings or verifications required or authorized by this ordinance shall be confidential, except for official purposes, or except in accordance with proper judicial order. Any person divulging such information in violation of this ordinance shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be subject to a fine or penalty of not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both. Each disclosure shall constitute a separate offense.

In addition to the above penalty, any employee of the City of Piqua who violates the provision of this Section relative to the disclosure of confidential information shall be guilty of an offense punishable by immediate dismissal.

- E. Every taxpayer shall retain all records necessary to compute his or her tax liability for a period of six (6) years from the date his or her return is filed, or the withholding taxes are paid.

Section 10: Interest and Penalties

- A. All taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this ordinance and remaining unpaid after they become due shall bear interest at the rate of one percent (1%) per month.

B. In addition to interest as provided in paragraph A hereof, penalties based on the unpaid tax are hereby imposed as follows:

1. For failure to pay taxes due, a penalty of one percent (1%) per month with a maximum of twenty-five percent (25%) of the net tax liability and with an annual minimum \$20. The \$20 minimum is waived for first-time filers and if taxes are paid within two weeks of filing.
2. For failure to remit taxes withheld or required to be withheld from employees: Three percent (3%) per month.
3. Where the taxpayer has failed to file a return by the due date or by the date resulting from extension, a failure to file fee of twenty-five dollars (\$25.00) may be assessed.
4. Where the employer has failed to file monthly or quarterly returns by the due dates, a failure to file fee of twenty-five dollars (\$25.00) may be assessed per each return.

C. EXCEPTIONS

1. A penalty shall not be assessed on an additional tax assessment made by the Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Administrator, or filed in accordance with Article VII, Section C of the Rules and Regulations; and provided further, that in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit, providing an amended return is filed and the additional tax is paid within three (3) months after final determination of the federal tax liability.
2. The city shall not impose any penalty, interest, or other similar assessment or charge against a taxpayer for the late payment or nonpayment of estimated tax liability in either of the following circumstances:
 - (a) The taxpayer is an individual who resides in the city but was not domiciled there on the first day of January of the current calendar year;
 - (b) The taxpayer has timely remitted an amount at least equal to one hundred percent (100%) of the taxpayer's tax liability for the preceding year as shown on the return filed by the taxpayer for the preceding year, provided that the return for the preceding year reflected a twelve-month period and taxpayer filed a return for the preceding year.

- D. A return check fee will be assessed in an amount set periodically in the Rules and Regulations promulgated by the Tax Administrator.
- E. Upon recommendation of the Administrator, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Administrator to recommend abatement of penalty and interest, the Board may nevertheless abate penalty or interest, or both.

Section 11: Collection of Unpaid Taxes and Refunds of Overpayment

- A. All taxes imposed by this ordinance shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amounts are recoverable. Except in the case of fraud, omission of twenty-five percent (25%) or more of income subject to this tax, or failure to file a return, an additional assessment shall not be made after three (3) years from the time the return was due or filed, whichever is later. In the case of fraud, omission of 25% or more of income subject to this tax, or failure to file a return, all additional assessments shall be made and all prosecutions to recover Piqua's income taxes and penalties and interest thereon shall be brought within six (6) years after the tax was due or the return was filed, whichever is later. In those cases in which the Commissioner of Internal Revenue and the taxpayer have executed a waiver of the federal statute of limitation, the period within which an additional assessment may be made by the Administrator shall be one (1) year from the time of the final determination of the federal tax liability.
- B. Those officers or employees having control or supervision of, or charged with, the responsibility of filing the return and making payments for a corporation or association shall be personally liable for failure to file the return or pay the taxes and penalties and interest due as required. The dissolution, bankruptcy, or reorganization of any employer does not discharge the officers' or employees' liability for a prior failure of such business to file a return or pay the taxes due.
- C. Taxes erroneously paid shall not be refunded unless a claim for refund is made within three (3) years from the date which such payment was made or the return was due, or within three (3) months after final determination of the federal tax liability, whichever is later.
- D. Amounts of less than five dollars (\$5.00) shall not be collected or refunded.

Section 12: Violations – Penalties

- A. Any person who shall:
 - 1. Fail, neglect or refuse to make any return or declaration required by this ordinance; or

2. Make any incomplete, false or fraudulent return; or
3. Fail, neglect or refuse to pay the tax, penalties or interest imposed by this ordinance; or
4. Fail, neglect or refuse to withhold the tax from his employees or remit such withholding to the Administrator; or
5. Refuse to permit the Administrator or any duly authorized agent or employee to examine his or her books, records, papers and Federal Income Tax returns relating to the income or net profits of a taxpayer; or
6. Fail to appear before the Administrator and to produce his or her books, records, papers or Federal Income Tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Administrator; or
7. Refuse to disclose to the Administrator any information with respect to the income or net profits of a taxpayer; or
8. Fail to comply with the provisions of this ordinance, the Rules and Regulations or any order or subpoena of the Administrator authorized hereby; or
9. Give to an employer false information as to his or her true name, correct Social Security number and residence address, or fail to promptly notify an employer of any change in residence address and date thereof; or
10. Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and City of Piqua tax withheld, or to knowingly give the Administrator false information; or
11. Attempt to do anything whatever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this ordinance.

Shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months or both, for each offense.

- B. All prosecutions under this Section must be commenced within three (3) years from the time to the offense complained of except in the case of failure to file a return or in the case of filing a false or fraudulent return, in which event the limitation of time within which prosecution must be commenced shall be six (6) years from the date the return was due or the date the false or fraudulent return was filed.
- C. The failure of any employer or person to receive or procure a return declaration or other required form shall not excuse him or her from making any information return, return or declaration, from filing such form, or from paying the tax.

Section 13: Board of Review

- A. A Board of Review, consisting of the City Manager, who shall act as chairman, and two other individuals, each to be appointed by the Mayor of the City of Piqua, is hereby created. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board may be conducted privately and the provisions of Section 9 hereof, with reference to the confidential character of information required to be disclosed by this ordinance, shall apply to such matters as may be heard before the Board of Review.

- B. All Rules and Regulations and amendments or changes thereto, which are adopted by the Administrator under the authority conferred by this ordinance, must be approved by the Board of Review before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Administrator, and, at the request of the taxpayer or Administrator, is empowered to substitute alternate methods of allocation.

- C. Any person dissatisfied with any ruling or decision of the Administrator, which is made under the authority conferred by this ordinance, may appeal therefrom to the Board of Review within thirty (30) days from the announcement of such ruling or decision by the Administrator provided the taxpayer making the appeal has filed with the City of Piqua the required return or other documents concerning the obligation at issue. The appeal shall be in writing and shall state why the decision should be deemed incorrect or unlawful. The Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof.

Section 14: Use of Funds

The total income tax funds collected under the provisions of this ordinance shall be held by the Director of Finance in a separate fund known as the "INCOME TAX FUND" and shall be deposited in a separate account, or accounts, in such bank or banks, as the Director in his or her sole discretion may decide.

Relating to the first one percent (1%), not less than twenty-eight percent (28%) shall be used for the construction, operation and maintenance of streets, including the draining thereof. Not less than twenty-one percent (21%) shall be used for permanent improvements and operation of the Safety Department. Not less than seven percent (7%) shall be used for permanent improvements and operation of City parks. Not more than forty-four percent (44%) shall be used for General Fund purposes, other than those listed above, and for the purpose of paying the cost of collecting the tax levied by this ordinance and the cost of administering and enforcing the provisions thereof.

The funds collected under the provisions of this ordinance relating to the next ~~one-half~~ three-fourths percent (~~.5%~~) (.75%) levy in excess of one percent (1%) shall be used entirely for capital and operating needs of police, fire and public safety-related services.

The funds collected under the provisions of this ordinance relating to the remaining one-fourth percent (.25%) levy shall be used entirely for the construction, reconstruction and resurfacing of streets and alleys, including the installation, maintenance and reconstruction of storm drainage lines, manholes and catch basins.

Section 15: Relief and Reciprocity Provisions

It is the intent of this section that a taxpayer, subject to tax in more than one municipality on the same income, who has complied with the provisions hereof, shall not be required by this ordinance to pay a total municipal income tax on such income greater than the tax imposed at the higher rate.

- A. When a resident of Piqua is subject to and has paid, or has acknowledged liability for, a municipal income tax in another municipality on the same income taxable under this ordinance, and such other municipality does not allow a credit to its non-residents, such Piqua resident may claim a credit of the amount of such tax paid to such other municipality, but not in excess of the tax assessed by this ordinance.
- B. The City of Piqua shall grant a credit against the tax imposed by this ordinance to every taxpayer who works in a joint economic development zone created under section 715.691 or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Ohio Revised Code. The credit shall not exceed the tax assessed by this ordinance on such income earned in such joint economic development zone or joint economic development district where such tax is paid.

Section 16: Saving Clause

If any sentence, clause, section or part of this ordinance, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this ordinance. It is hereby declared to be the intention of the Commission of the City of Piqua that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 17: Exclusions From Taxation

The provisions of this Ordinance shall not be construed as levying a tax upon the following:

- A. Military pay or allowances of members of the Armed Forces of the United States and of members of their reserve components, including the National Guard.
- B. Poor relief, pensions, including Social Security benefits, unemployment compensation or similar payments, including disability benefits received from private industry or local, state or federal governments, or from charitable, religious or educational organizations.
- C. Alimony received
- D. Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.
- E. Any charitable, educational, fraternal or other type of non-profit association or organization enumerated in Section 718.01 of the Revised Code of Ohio, which is exempt from payment of real estate taxes, is exempt from payment of the tax imposed by this ordinance.
 - a. Any association or organization falling in the category listed in the preceding paragraph not exempt from the payment of real estate taxes is required to file declarations and final returns and remit the taxes levied under this ordinance on all business activities of a type ordinarily conducted for profit by taxpayers operating for profit.
 - b. Where such non-profit association or organization conducts income-producing business, both within and without the corporate limits, it shall calculate its profits allocable to the City of Piqua under the method or methods provided above.
- F. Any association, organization, corporation, club or trust, which is exempt from federal taxes on income by reason of its charitable, religious, educational, literacy, scientific, etc. purposes.
- G. Gains from involuntary conversion and capital gains, cancellation of indebtedness, interest on federal obligations, items of income already taxed by the State of Ohio, as of the date of enactment of Ordinance 33-66 (being 7/5/66), and income of a decedent's estate during the period of administration (except such income from the operation of a business).
- H. Earnings and income of all persons 17 years of age and under. Earnings and income will be taxable for the portion of the year after which they become 18.

- I. Parsonage allowance, to the extent of the rental allowance or rental value of a house provided as a part of an ordained minister's compensation. The minister must be duly ordained, commissioned or licensed by a religious body constituting a church or church denomination.
- J. Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars (\$1,000) annually.
- K. Intangible income.
- L. The income of a public utility, when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the Ohio Revised Code, except a municipal corporation may tax the following, subject to Chapter 5745 of the Ohio Revised Code:
 - a. The income of an electric company or combined company;
 - b. The income of a telephone company.

As used in Section 17 (L) of this ordinance, "combined company", "electric company", and "telephone company" have the same meanings as in Section 5727.01 of the Ohio Revised Code.
- M. The City of Piqua shall not tax the compensation paid to a nonresident individual for personal services performed by the individual in the City of Piqua on twelve (12) or fewer days in a calendar year unless one of the following applies:
 - a. The individual is an employee of another person, the principal place of business of the individual's employer is located in another municipality in Ohio that imposes a tax applying to compensation paid to the individual for services paid on those days; and the individual is not liable to that other municipality for tax on the compensation paid for such services.
 - b. The individual is a professional entertainer or professional athlete, the promoter of a professional entertainment or sports event, or an employee of such promoter, all as may be reasonably defined by the City of Piqua.

Section 18: Collection of Tax After Termination of Ordinance

- A. This ordinance shall continue effective insofar as the levy of taxes is concerned until repealed by the electorate, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this ordinance are concerned, it shall continue effective until all of said taxes levied in the aforesaid period are fully paid and any and all suits and

prosecutions for the collection of said taxes or for the punishment of violations of this ordinance shall have been fully terminated, subject to the limitations contained in Sections 11 and 12 hereof.

- B. Annual returns due for all or any part of the last effective year of this ordinance shall be due on the date provided in Sections 5 and 6 of this ordinance as though the same were continuing.

SECTION 2: Ordinances 33-66, 18-67, 26-71, 28-71, 10-76, 67-78, 76-79, 24-83, 36-84, 29-88, 20-89, 84-89, 18-90, 7-97, 34-00, 39-00, 27-02, 20-03, 22-04 and 25-08 as previously enacted, are hereby repealed;

SECTION 3: This Ordinance shall take effect and be in force beginning January 1, ~~2009~~ 2015.

1st Reading – 11/18/2014

2nd Reading 12/02/2014

PASSED: _____

LUCINDA L. FESS, MAYOR

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 18, 2014 December 2, 2014 December 16, 2014		
REPORT TITLE (Should match resolution/ordinance title)	An Ordinance Amending Ordinance No.33-66, Relating to the Municipal Income Tax		
SUBMITTED BY	Name & Title: Cynthia Holtzapple, Assistant City Manager, Finance Director Department: Income Tax/Finance		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<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 type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	With the passage of the safety levy on November 4, 2014, we need to update the ordinance with the correct rates for collection of the additional (.25%) tax beginning January 1, 2015. This also includes W-2 filing via electronic media for entities with more than 100 employees.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$	
	Expenditure \$:	\$	
	Source of Funds:	Tax Collections	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Approve Ordinance No. 15-14 accepting the amendments for municipal income tax for the City of Piqua.	
	2.	Do not approve the Ordinance and advise staff of alternatives.	
PROJECT TIMELINE	Changes will be effective January 1, 2015		
STAFF RECOMMENDATION	We are requesting approval of Ordinance No. 15-14 accepting the Ordinance to reflect the proper tax rate beginning January 1, 2015.		
ATTACHMENTS			

ORDINANCE NO. 16-14

**AN ORDINANCE AMENDING ORDINANCE NO. 8-14
AND CODIFIED AS ORDINANCE NO. 52.20, EXHIBIT A,
ELECTRICAL SERVICE RATES AND TERMS**

WHEREAS, the City has moved from a Power Supply portfolio mainly composed of market purchases to one that is primarily asset ownership; and

WHEREAS, a recently completed cost-of-service study recommends implementation of amended electric rates to ensure proper cost allocation among customer classes.

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

SECTION 1: That Ordinance No. 8-14 and Codified as Section No. 52.20, Exhibit A is hereby amended in accordance with attached Exhibit A.

SECTION 2: This Ordinance shall take effect and be in force from and after the earliest period allowed by law such that all billings issued after January 15, 2015 shall conform to this Ordinance.

1ST Reading 11/18/2014

2ND Reading 12/02/2014

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

Piqua Municipal Power System
Electric Rates

RESIDENTIAL SERVICE – SCHEDULE R

APPLICABLE:

This schedule is applicable to electric service for residential dwellings, and churches.

CHARACTER OF SERVICE:

Single or three phase, 60 Hertz, alternating current will be supplied at standard voltages as available through one transformer.

MONTHLY RATES AND CHARGES (Effective For Billings After 01/15/2015):

	Effective For Billings After 01/15/2007	Effective For Billings After 01/15/2008	Effective For Billings After 01/15/2009
Customer Charge:	\$15.060	\$5.60	\$5.60
Energy Charge (\$/kWh):	<u>\$0.09969</u>		
First 500 kWh	\$0.07773	\$0.08240	\$0.08706
All over 500 kWh	\$0.07246	\$0.07681	\$0.08116

Minimum Charge: The Customer Charge

POWER COST ADJUSTMENT:

Bills computed in accordance with the foregoing rates and charges are subject to adjustment for changes in the cost of fuel and purchased power pursuant to Schedule PCA.

OHIO EXCISE TAX:

Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

2 Piqua Municipal Power System
Electric Rates
Exhibit A
Ordinance No. 816-14

~~RATE STABILIZATION RIDER CREDIT:~~

~~Bills computed in accordance with the foregoing rates are subject to the Rate Stabilization Rider Credit, Schedule RSRC.~~

TERMS AND CONDITIONS:

Service hereunder is subject to the General Service Regulations of the City applicable to Electric Service.

Piqua Municipal Power System
Electric Rates

GENERAL POWER SERVICE – SCHEDULE GP

APPLICABLE:

This schedule is applicable to all commercial and industrial customers that do not qualify under Residential Service – Schedule R.

If a customer requests service from the City and that customer is atypical of customers receiving service under the current rate design, the City will revisit its Cost of Service analysis and develop a rate that is representative of the cost to serve such customer. The City may also require a contract for service with said customer if an atypical investment is associated specifically with serving the customer. The City reserves the right to determine, in its sole judgment, the applicability of this Schedule to a customer requesting service.

CHARACTER OF SERVICE:

Single or three phase, 60 Hertz alternating current will be supplied at standard voltages as available through one transformation.

MONTHLY RATES AND CHARGES (Effective For Billings After 01/15/2015):

Commercial
Customer Demand Less than 500 Kilowatts

Where customer demand for the billing period was less than 500 kilowatts.

	Effective For Billings After 01/15/2007	Effective For Billings After 01/15/2008	Effective For Billings After 01/15/2009
Customer Charge:	\$ <u>208.0056</u>	\$ <u>8.56</u>	\$ <u>8.56</u>
Demand Charge (\$/kW):			
First 5 kW	\$0.00	\$0.00	\$0.00
All Above 5 kW	\$ <u>157.900</u>	\$ <u>10.80</u>	\$ <u>14.65</u>
Energy Charge (\$/kWh):			
First 600 kWh	\$0. <u>1110690</u>	\$0. <u>07943</u>	\$0. <u>08955</u>
	1		
Next 4,400 kWh	\$0. <u>05898</u>	\$0. <u>04955</u>	\$0. <u>03992</u>
Next 20,000 kWh	\$0. <u>05524</u>	\$0. <u>04082</u>	\$0. <u>02625</u>
All over <u>25,0600</u> kWh	\$0.04 <u>8592</u>	\$0. <u>03597</u>	\$0. <u>02590</u>

Minimum Charge: The Customer Charge

Industrial

Customer Demand 500 Kilowatts or More (Effective For Billings After 01/15/2015):

Where customer demand for the billing period was greater than or equal to 500 kilowatts.

	Effective For Billings After 01/15/2007	Effective For Billings After 01/15/2008	Effective For Billings After 01/15/2009
Customer Charge:	\$ <u>658.0056</u>	\$8.56	\$8.56
Demand Charge (\$/kW):			
All kW	\$ <u>150.154</u>	\$12.01	\$13.49
Energy Charge (\$/kWh):			
First 200,000 kWh	\$0.04 <u>753900</u>	\$0.03331	\$0.02762
Next <u>300,000 kWh</u>	\$0.03860	\$0.03256	\$0.02651
All over <u>2500,000 kWh</u>	\$0.04 <u>557382</u>	\$0.03201	\$0.02582
	†		

Minimum Charge: The Customer Charge plus the Demand Charge

BILLING DEMAND:

The monthly billing demand shall be:

The maximum fifteen (15) minute integrated KW demand for the billing month; determined as follows shall be the greater of:

- a. On peak is defined as 100% of the maximum demand recorded during the hours beginning 0800 until 2330 on Monday through Friday.
- b. Off peak is defined as 25% of the maximum demand recorded during all hours not included in a) and in addition shall also include the following Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

ADJUSTMENT FOR PRIMARY METERING:

Where a transformer installation (regardless of ownership) is utilized solely to furnish service to a single customer, the Piqua Municipal Power System may elect to

- 5 Piqua Municipal Power System
- Electric Rates
- Exhibit A
- Ordinance No. 816-14

meter the service on the primary side of the transformer in which case the metered demand and energy shall each be reduced 1%.

ADJUSTMENT FOR PRIMARY SERVICES:

If, at the option of the customer, electric service is rendered and metered at a primary voltage of the Piqua Municipal Power System, metered demand will be reduced 5% and metered energy will be reduced 1%. To qualify for this adjustment, customer must own, operate and maintain all necessary transforming, controlling, regulating and protective equipment.

ADJUSTMENT FOR POWER FACTOR:

The maximum fifteen-minute kilowatt of demand for the month shall be increased by 1% for each 1% or major fraction thereof that the average power factor is less than 85% lagging.

$$\text{AVERAGE POWER FACTOR} = \frac{\text{KWH}}{\sqrt{\text{KWH}^2 + \text{KVARH}^2}}$$

POWER COST ADJUSTMENT:

Bills computed in accordance with the foregoing rates and charges are subject to adjustment for changes in the costs of fuel and purchased power pursuant to Schedule PCA.

OHIO EXCISE TAX:

Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

~~RATE STABILIZATION RIDER CREDIT:~~

~~Bills computed in accordance with the foregoing rates are subject to the Rate Stabilization Rider Credit, Schedule RSRC.~~

TERMS AND CONDITIONS:

Service hereunder is subject to the General Service Regulations of the City applicable to Electric Service.

Piqua Municipal Power System
Electric Rates

PRIVATE OUTDOOR LIGHTING SERVICE – SCHEDULE OL

APPLICABLE:

To all consumers served by the Piqua Municipal Power System.

CHARACTER OF SERVICE:

This service is available for all outdoor lighting service to any consumer when such service can be supplied by the installation of lighting fixtures on existing City poles and supplied directly from existing secondary circuits, except as provided herein. The Piqua Municipal Power System reserves the right to approve or disapprove any or all customer requests for private outdoor lighting installations, including the application, number and location of fixtures, poles and aerial spans.

RATE (Effective For Billings After 01/15/2015):

For each lamp with luminaire and, where needed, an upsweep arm not over six (6) feet in length, controlled automatically, where service is supplied from existing facilities of the City:

		<u>Estimated kWh</u>
100 Watt High Pressure Sodium	\$ 7.9235 per month	<u>41</u>
250 Watt High Pressure Sodium	\$ 109.2835 per month	<u>103</u>
400 Watt Metal Halide	\$ 172.2630 per month	<u>157</u>
1000 Watt Metal Halide	\$ 2016.9500 per month	<u>331</u>

POWER COST ADJUSTMENT

Bills computed in accordance with the foregoing rates and charges are subject to adjustment for changes in the costs of fuel and purchased power pursuant to Schedule PCA.

OHIO EXCISE TAX:

Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

AERIAL SERVICE:

Secondary aerial spans shall be supplied, where necessary, for an additional charge of \$0.60 per month per span.

Additional 30 ft. class 6 wood poles shall be supplied and installed, only on the consumer's private property, for an additional charge of \$1.90 per month per standard wood pole.

Additional 35 ft. class 4 wood poles shall be supplied and installed, only on the consumer's private property, for an additional charge of \$2.30 per month per standard wood pole.

TERMS AND CONDITIONS:

All service and necessary maintenance will be performed only during the regular scheduled working hours of the City. It is the intent of the Piqua Municipal Power System to effect repairs within three (3) days of failure notification except during system emergency conditions.

All electric service of the City is rendered under and subject to the General Service Regulations.

Piqua Municipal Power System
Electric Rates

TEMPORARY ELECTRIC SERVICE – SCHEDULE TS

APPLICABLE:

Applicable service for only a short period of time such as traveling shows, carnivals, fairs, church socials, construction sites, etc. Not applicable to service to recurring seasonable loads.

MONTHLY RATES AND CHARGES (Effective For Billings After 01/15/2015):

In cases where service is available from existing Piqua Municipal Power System facilities, the customer will be billed a \$100 temporary service charge. In addition, the customer will be billed under the appropriate rate schedule for power usage.

Where the Piqua Municipal Power System is required to install additional facilities that will not be used in providing permanent service to the customer, the customer will be charged the total estimated cost of installing and removing the temporary facilities. This estimated temporary facility charge will take the place of the normal \$100 charge outlined above. In addition, the customer will be billed under the appropriate rate schedule for power usage.

OHIO EXCISE TAX:

Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

POWER COST ADJUSTMENT:

Bills computed in accordance with the above provisions are subject to adjustment for changes in the cost of fuel and purchased power pursuant to Schedule PCA.

Piqua Municipal Power System
Electric Rates

OHIO EXCISE TAX RIDER- SCHEDULE - OET

APPLICABLE:

In accordance with Section 5727 of the Ohio Revised Code an Excise Tax Surcharge shall be assessed on all monthly-consumed kWhs (kilowatt-hours) of electricity distributed through the meter of an end user in the State of Ohio, by the City of Piqua Municipal Power System. "The meter of an end user in this state means the last meter used to measure the kilowatt hours distributed by an electric distribution company to a location in this state or the last meter located outside of this state that is used to measure the kilowatt hours consumed at a location in this state. If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours distributed to an un-metered location in this state".

CHARGE:

The Ohio excise tax is applicable to all electric consumption on and after May 1, 2001. The Rates to be charged are as follows subject to automatic adjustment based on any future amendment to the Ohio Revised Code.

For a consumption period of 30 days the Ohio excise tax is the sum of the following:

First 2,000 kWh consumed times \$0.00465 per kWh
Next 13,000 kWh consumed times \$0.00419 per kWh
Over 15,000 kWh consumed times \$0.00363 per kWh

For a consumption period other than 30 days the Ohio excise tax is the sum of the following:

First 67 kWh consumed times \$.00465 times number of days in the consumption period
Next 433 kWh consumed times \$.00419 times number of days in the consumption period
Over 500 kWh consumed times \$.00363 times number of days in the consumption period

Piqua Municipal Power System
Electric Rates
RATE STABILIZATION RIDER CREDIT SCHEDULE RSRC

APPLICABILITY:

~~—The purpose of the Rate Stabilization Rider Credit is to refund amounts from the Electric Fund cash balance including previously collected revenues from the Rate Stabilization Rider Credit to the customer. The goal is to assist the customer by providing a means to transition into the increased power supply costs the Power System will incur in 2007. The Rate Stabilization Rider Credit is applicable to the following electric rate schedules.~~

~~Residential Service—Schedule R
General Power Service—Schedule GP
City-Owned Parks Facilities—Schedule CP~~

CREDIT:

	Effective For Billings After 01/15/2007	Effective For Billings After 01/15/2008	Effective For Billings After 01/15/2009
Rate Stabilization Rider Credit (\$/kWh):	\$(0.00836)	\$(0.00425)	\$(0.00000)

TERMS AND CONDITIONS:

~~The Rate Stabilization Rider Credit shall be applied to all billings after January 15, 2007 through all billings prior to January 15, 2009. The Rate Stabilization Rider credit is intended to refund to the customer no more than \$2.7 million dollars in 2007 and no more than \$1.4 million dollars in 2008 while maintaining an electric fund balance of no less than \$5 million dollars through December 31, 2009. In the event the actual refund exceeds these levels, or the electric fund balance is projected to drop below \$5 million dollars, the Power System Director shall determine new rates of refund as appropriate to achieve this intent and present such to the City Commission for approval.~~

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Electric Rates
Exhibit A
Ordinance No. 816-14

Piqua Municipal Power System
Electric Rates

POWER COST ADJUSTMENT - SCHEDULE PCA

APPLICABLE:

The Power Cost Adjustment (PCA) is applicable to electric rate schedules as noted herein. The calculation of monthly bills pursuant to the rates and charges therein shall be subject to adjustment for changes in the cost of fuel and purchased power by applying a unit charge or credit to the total kilowatt-hours (~~Kk~~Wh) represented by the bill.

OVERVIEW:

This PCA calculation is intended to be based on forward looking projections of fuel, purchase power and other power supply related costs, including costs associated with the design, planning and development of potential power supply facilities or resources, as well as projections of kWh sales, for the period. The calculation is further intended to be performed at a minimum six month interval or more frequently, if required, to accomplish recovery of fuel related cost in a timely manner. The calculation also includes a provision to reconcile over or under collection of cost from previous periods based on actual cost versus projected cost for the period.

The PCA calculation shall be performed by the Power System Director in a manner consistent with this schedule and initially applied for a maximum seven-month period effective for billings after January 15, 2015~~07~~. Thereafter, the PCA calculation shall be effective for a maximum of six months. The Power System Director shall review the PCA calculation and shall make new projections for the subsequent six-month periods (i.e., August 15 and February 15 of each year). Following such PCA review and calculation, the Power System Director shall direct the PCA to be applied, as deemed necessary to accomplish recovery of the fuel, purchase power, and other power supply related costs as defined herein in a timely manner. The PCA shall be applied each month as hereinafter stated. The Power System Director shall recalculate and direct application of the PCA at intervals more frequent than six months if actual fuel and purchase power cost vary significantly from projections.

DEFINITION OF FUEL COST:

The cost in dollars and cents of all projected fuel used in the production of electric energy at the Piqua Municipal Power Plant during the applicable time period determined from the projected weighted average cost of such fuel applied to the projected quantity used. The projected weighted average cost of fuel as used shall be defined as the cost of fuel consumed in the Electric System's generating facilities priced at the Piqua Municipal Power System's cost including freight, demurrage, and taxes, of fuel on hand at the beginning of the applicable time period, plus projected cost of fuel received during the

applicable time period, divided by the total quantity of fuel on hand and projected to be received.

DEFINITION OF PURCHASED POWER COST:

The net cost in dollars and cents of all projected purchased power required to supplement the projected generating capacity and energy production of the Electric System during the applicable time period.

The net cost of purchased power shall be the projected total cost billed to the Piqua Municipal Power System for power and energy received from other suppliers, including service and dispatch fees and any power supply related charges billed to the Piqua Power System by its suppliers, less the projected total cost billed by the Piqua Municipal Power System for delivery of power and energy to other parties.

Power supply related charges shall include all costs associated with the design, planning and development of potential power supply facilities or resources.

DETERMINATION OF PCA UNIT CHARGE OR CREDIT:

This adjustment is applicable to and becomes a part of each electric service contract and rate schedule in which reference is made to Power Cost Adjustment, Schedule PCA.

When total fuel cost and purchased power cost increases above or decreases below \$0.~~07805440~~ per kilowatt-hour sold, the rate for electric service shall be increased or decreased in accordance with the following formula:

$$PCA = \frac{P + R}{S} - B$$

Where;

- PCA = Power Cost Adjustment factor, expressed in dollars per kWh rounded to the nearest five decimal places.
- P = Total projected fuel cost and projected purchased power cost during the applicable time period expressed as dollars (\$) as defined in this schedule.
- S = Projected sales (kWh) for the applicable time period for which the fuel cost and purchased power cost (P) is computed.
- R = Reconciliation of the actual cumulative over or under recovery of fuel cost and purchased power cost from preceding applicable time periods including over or under recovery of fuel cost and

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Electric Rates
Exhibit A
Ordinance No. ~~816~~-14

purchased power cost before January 15, 20~~15~~⁰⁷ expressed as dollars (\$).

B = Base power supply cost for the schedule of rates and charges provided by this Ordinance, B shall be \$0.~~0780~~⁵⁴⁴⁰ per kWh sold.

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Electric Rates
Exhibit A
Ordinance No. 816-14

Piqua Municipal Power System
Electric Rates

CITY OWNED PARKS FACILITIES – SCHEDULE CP

APPLICABLE:

This schedule is applicable to electric service for all City owned park facilities.

CHARACTER OF SERVICE:

Single or three phase, 60 Hertz, alternating current will be supplied at standard voltages.

MONTHLY RATES AND CHARGES (Effective For Billings After 01/15/2015):

Customer Charge: \$15.0026 per month

Energy Charge: \$0.09969614 per kKWhH for all kilowatt hours

Minimum Charge: Customer Charge

POWER COST ADJUSTMENT:

Bills computed in accordance with the foregoing rates and charges are subject to adjustment for changes in the cost of fuel and purchased power pursuant to Schedule PCA.

OHIO EXCISE TAX:

Bills computed in accordance with the foregoing rates are subject to the Ohio Excise Tax Rider, Schedule OET.

TERMS AND CONDITIONS:

The first 75,000 kKWhH used by the City owned parks facilities each year shall be provided at no charge. All electric provided above 75,000 kKWhH annually will be billed under this rate schedule.

~~RATE STABILIZATION RIDER CREDIT:~~

~~————— Bills computed in accordance with the foregoing rates are subject to the Rate Stabilization Rider Credit, Schedule RSRC.~~



Electric Cost of Service and Rate Design Summary

Piqua City Commission Meeting

November 18, 2014

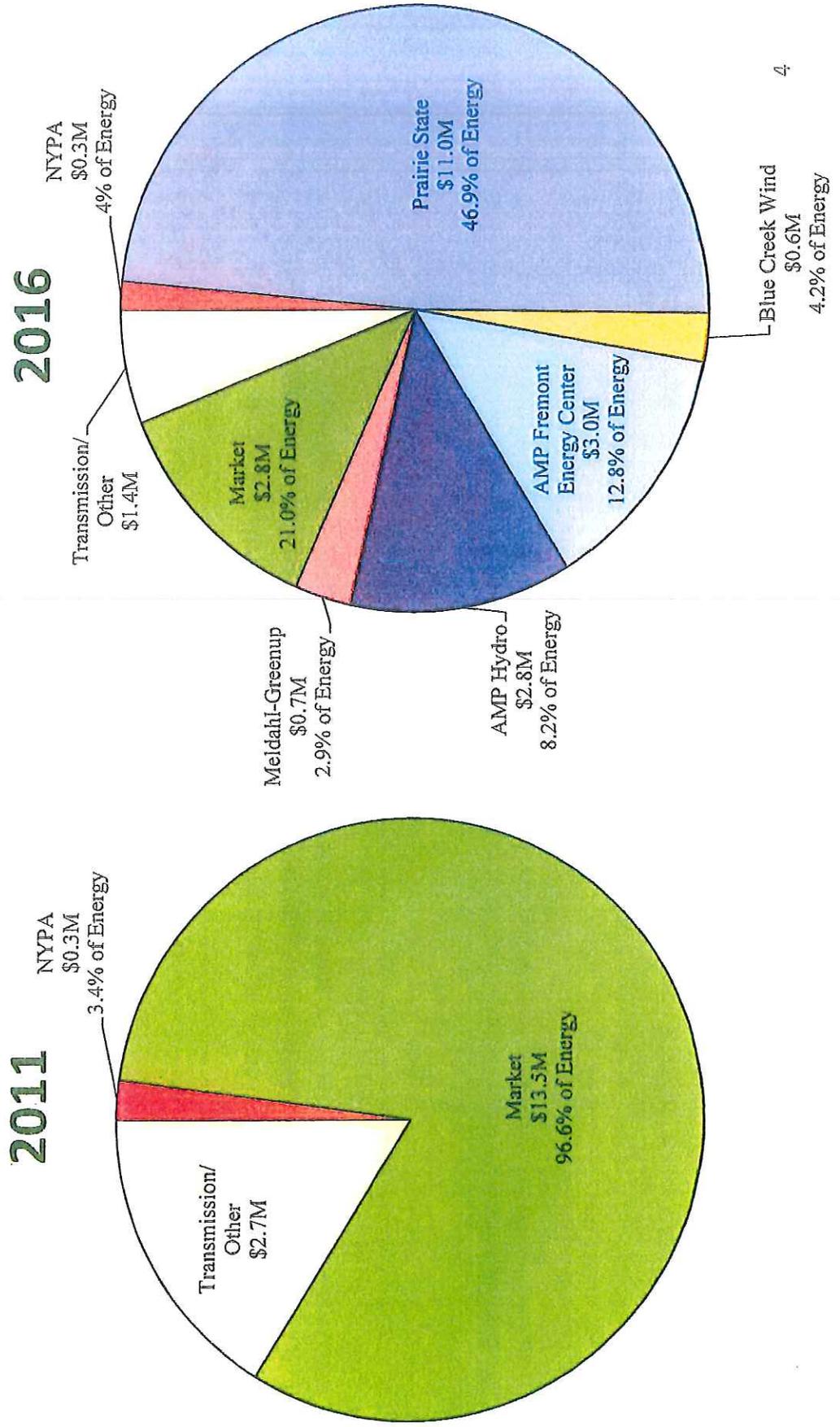
Need for Cost of Service Study

- Power Supply Costs Changing
- As Power Supply Costs Change, Rate Class Revenue Will Become Out of Line With Cost to Serve Each Rate Class
- A Proactive Approach to Rate Adjustments (≈Every 5 Years) Helps to Prevent Large Adjustments to Rates
- AMP Credit Scoring Requires Cost of Service Study Every 5 Years and Timely Implementation of Study Recommendations
- Rates Last Modified 2009 (Began 2007)

Long-Term Power Supply Plan

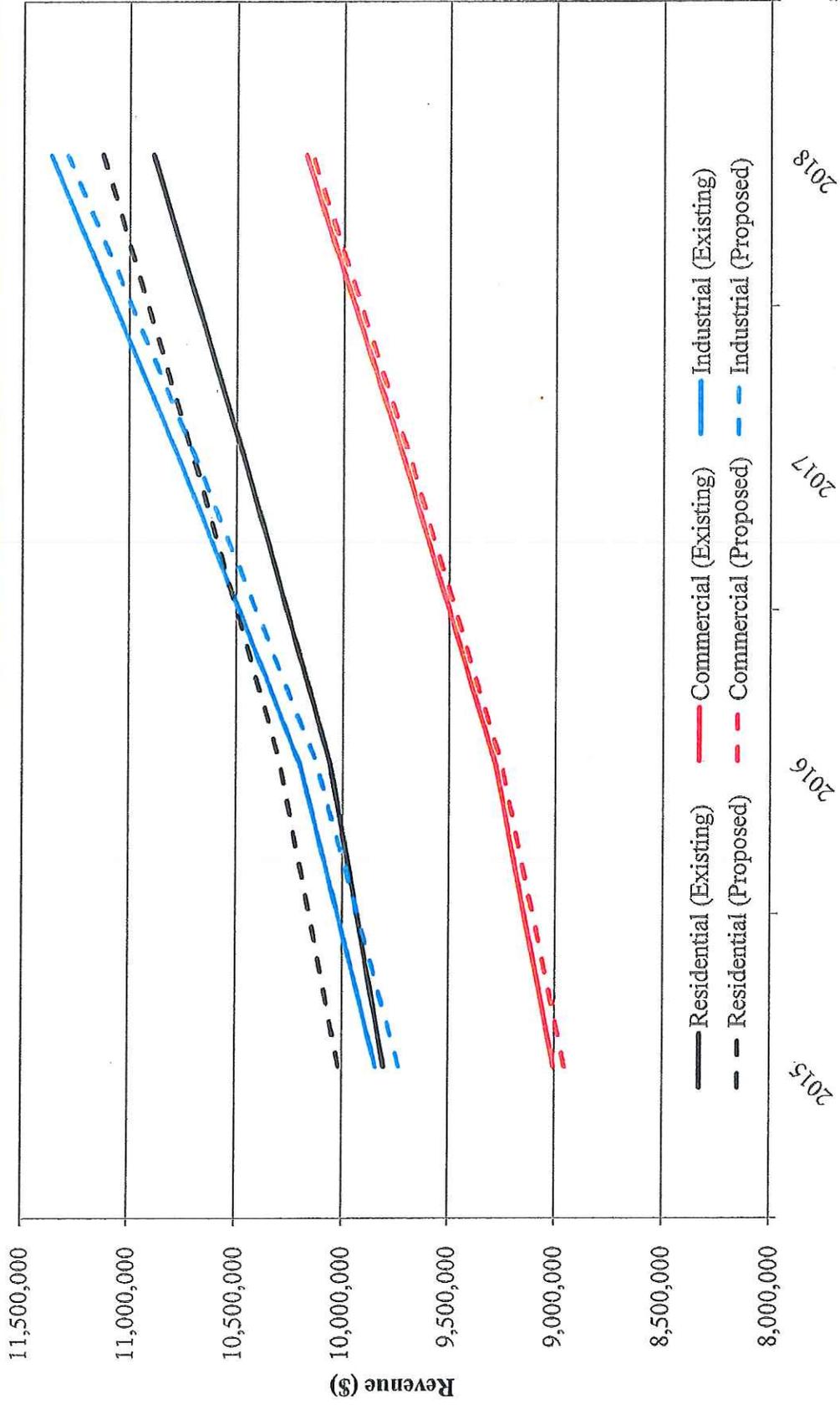
- Decrease Reliance on Energy Market
- Asset Ownership to Help Predict and Stabilize Costs
 - Prairie State Generating Campus (2012)
 - AMP Fremont Energy Center (2012)
 - AMP Hydroelectric Project (2015-16)
 - Meldahl-Greenup Hydroelectric Project (2015)
- Demand Costs Increasing, Energy Costs Decreasing

Resource Cost and Energy Mix



Annual Rate Class Revenue Comparison

Existing Versus Proposed



Rate Design Guidelines

- Fairly and Equitably Allocate Costs to Each Customer Rate Class
- Include Power Supply Costs in Base Rates
- Provide Positive Operating Margin
- Meet Electric Fund Balance Guidelines
- Rate Stability

What is Cost of Service?

- Process of Assigning a Proportionate Share of the Costs of Owning, Operating, Maintaining and Upgrading the Utility to the Customers It Serves
- Costs Are Assigned Using the Following Methods:
 - Functionalization
 - Classification
 - Allocation

Assigning Costs to Customer Classes

- Functionalize
 - Production, Transmission, Distribution, Customer Related
- Classify
 - Demand, Energy, Customer, Direct
- Allocation
 - Energy Use, Coincident Demand, Non-Coincident Demand, Number of Customers

Existing and New Rates

Rate Class	Description	Existing ⁽²⁾	Proposed ⁽³⁾
Residential	Customer Charge (\$/Month)	5.60	15.00
	Energy Charge (\$/kWh) First 500 kWh	0.08706	0.09969
	All over 500 kWh	0.08116	0.09969
City Owned Parks Facilities ⁽¹⁾	Customer Charge (\$/Month)	5.26	15.00
	Energy Charge (\$/kWh) All kWh	0.06140	0.09969
General Power - Commercial (<500 kW)	Customer Charge (\$/Month)	8.56	20.00
	Energy Charge (\$/kWh) First 600 kWh	0.08955	0.11110
	Next 4,400 kWh	0.03992	0.04800
	Next 20,000 kWh	0.02625	0.04800
	All over 25,000 kWh	0.02590	0.04800
Demand Charge (\$/kW-Month)	First 5 kW	0.00	0.00
	All over 5 kW	14.65	15.90

⁽¹⁾ First 75,000 kWh per year provided at no charge.

⁽²⁾ Does not include the Power Cost Adjustment. The PCA as of September 15, 2014 is \$0.01750/kWh.

⁽³⁾ Does not include the Power Cost Adjustment. The PCA as of January 15, 2015 is projected to be a credit of \$0.00731/kWh.

Existing and New Rates

Rate Class	Description	Existing ⁽¹⁾	Proposed ⁽²⁾
General Power - Industrial (>=500 kW)	Customer Charge (\$/Month)	8.56	65.00
	Energy Charge (\$/kWh) First 200,000 kWh Next 300,000 kWh	0.02762	0.04750
		0.02651	0.04557
	Demand Charge (\$/kW-Month) All kW	0.02582	0.04557
Private Outdoor Lighting		13.49	15.15
	100 Watt High Pressure Sodium	7.35	7.92
	250 Watt High Pressure Sodium	9.35	10.28
	400 Watt Metal Halide	12.30	17.26
	1000 Watt Metal Halide	16.00	20.95

⁽¹⁾ Does not include the Power Cost Adjustment. The PCA as of September 15, 2014 is \$0.01750/kWh.

⁽²⁾ Does not include the Power Cost Adjustment. The PCA as of January 15, 2015 is projected to be a credit of \$0.00731/kWh.

Typical Monthly Bill Comparisons (\$)

Rate Class	Usage	Piqua		
		Existing 2014	Proposed 2015	Inc./ (Dec.) (%)
Residential	750 kWh	86	88	2.0
Commercial (<500 kW)				
Customer 1	26 kW 4,000 kWh	594	573	(3.6)
Customer 2	88 kW 51,000 kWh	3,739	3,647	(2.5)
Customer 3	420 kW 112,000 kWh	11,472	11,630	1.4
Industrial (>500 kW)				
Customer 1	1,700 kW 765,000 kWh	59,435	58,260	(2.0)
Customer 2	1,840 kW 936,000 kWh	69,352	67,544	(2.6)
Customer 3	3,300 kW 900,000 kWh	87,357	88,155	0.9

Proposed Rates Summary

- Include Projected 2016 Power Supply Costs
- Transition from Market to Asset Ownership
- Designed to Allocate Costs More Closely to Cost of Service
- Effective With Bills On or After January 15, 2015

ORDINANCE NO. 17-14
AN AMENDED ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2015

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

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

<u>ACCOUNT</u>	<u>2015 BUDGET</u>
<u>City Building</u>	
Operation and Maintenance	\$132,272
Allocated Expenses	(\$7,067)
TOTAL	\$125,205
<u>City Commission</u>	
Personal Services/Administrative Support	\$35,218
Operation and Maintenance	\$54,886
TOTAL	\$90,104
<u>City Manager</u>	
Personal Services/Administrative Support	\$237,278
Operation and Maintenance	\$33,273
Allocated Expenses	(\$198,043)
TOTAL	\$72,508
<u>Civil Service</u>	
Operation and Maintenance	\$12,085
TOTAL	\$12,085
<u>Engineering</u>	
Personal Services/Administrative Support	\$368,374
Operation and Maintenance	\$36,948
Allocated Expenses	(\$348,740)
Capital	\$23,000
TOTAL	\$79,582
<u>Finance</u>	
Personal Services/Administrative Support	\$560,513
Operation and Maintenance	\$29,858
Allocated Expenses	(\$408,891)
TOTAL	\$181,480
<u>Health</u>	
Personal Services/Administrative Support	\$244,461
Operation and Maintenance	\$113,920
TOTAL	\$358,381
<u>Law</u>	
Personal Services/Administrative Support	\$229,425
Operation and Maintenance	\$21,406
Allocated Expenses	(\$149,486)
TOTAL	\$101,345
<u>Income Tax</u>	
Personal Services/Administrative Support	\$185,558
Operation and Maintenance	\$251,083
TOTAL	\$436,641
<u>Planning & Zoning</u>	
Personal Services/Administrative Support	\$193,007
Operation and Maintenance	\$171,495
Non Government/Transfers/Refunds	\$100
TOTAL	\$364,602
<u>General Government</u>	
Operation and Maintenance	\$311,093
Capital Outlay (including labor)	\$235,000
Non Government/Transfers/Refunds	\$100
TOTAL	\$546,193
<u>Human Resources</u>	
Personal Services/Administrative Support	\$186,668
Operation and Maintenance	\$21,285
Allocated Expenses	(\$183,223)
TOTAL	\$24,730
<u>Purchasing</u>	
Personal Services/Administrative Support	\$84,304
Operation and Maintenance	\$4,932
Allocated Expenses	(\$87,373)

TOTAL

\$1,863

Transfers

Transfer to NIT Fund 104	\$187,145
Transfer to Parks Fund 105	\$200,000
Transfer to Safety Fund 106	\$3,550,000
Transfer to Forest Hill Mausoleum Fund 110	\$6,210
Transfer to Pro Piqua Fund 128	\$74,000
Transfer to Golf 409	\$350,000
Transfer to Ft. Piqua Plaza 410	\$175,000
Transfer to Swimming Pool Fund 415	\$130,000

TOTAL \$4,672,355

TOTAL GENERAL FUND \$7,067,074

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

Personal Services/Administrative Support	\$1,012,316
Operation and Maintenance	\$2,409,937
Capital Outlay (including labor)	\$331,500

TOTAL \$3,753,753

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

Operation and Maintenance	\$1,219,545
Capital Outlay (including labor)	\$4,336,417
Non Government/Transfers/Refunds	\$173,754
Allocated Expenses	(\$60,000)

TOTAL \$5,669,716

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

Personal Services/Administrative Support	\$10,995
Operation and Maintenance	\$176,150

TOTAL \$187,145

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

Personal Services/Administrative Support	\$278,189
Operation and Maintenance	\$190,581
Capital Outlay (including labor)	\$135,754
Non Government/Transfers/Refunds	\$200

TOTAL \$604,724

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

009 Fire Department

Personal Services/Administrative Support	\$3,642,937
Operation and Maintenance	\$511,682
Capital Outlay (including labor)	\$60,000
Non Government/Transfers/Refunds	\$47,562

TOTAL \$4,262,181

014 Police Department

Personal Services/Administrative Support	\$4,211,047
Operation and Maintenance	\$620,269
Capital Outlay (including labor)	\$149,686

TOTAL \$4,981,002

TOTAL PUBLIC SAFETY \$9,243,183

SEC. 7: That there be appropriated from the D.U.I. EDUCATIONAL FUND (109)

Operation & Maintenance	\$5,372
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TOTAL \$5,372

SEC. 8: That there be appropriated from the FOREST HILL MAUSOLEUM FUND (110)

Operation & Maintenance	\$6,210
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TOTAL \$6,210

SEC. 9: That there be appropriated from the MANDATORY DRUG FINE FUND (111)

Operation and Maintenance	\$4,349
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TOTAL \$4,349

SEC. 10:	That there be appropriated from the RENEW PIQUA FUND (114)	
Operation and Maintenance		<u>\$12,814</u>
TOTAL		\$12,814
SEC. 11:	That there be appropriated from the CHIP 2012 FUND (117)	
Operation and Maintenance		<u>\$200,000</u>
TOTAL		\$200,000
SEC. 12:	That there be appropriated from the C.H.I.P. PROGRAM INCOME FUND (119)	
Personal Service/Administrative Support		\$960
Operation and Maintenance		<u>\$45,262</u>
TOTAL		\$46,222
SEC. 13:	That there be appropriated from the POLICE AUXILIARY FUND (120)	
Operation & Maintenance		<u>\$2,625</u>
TOTAL		\$2,625
SEC. 14:	That there be appropriated from the COMMUNITY DEVELOPMENT BLOCK GRANT FUND (122)	
Operation and Maintenance		<u>\$75,000</u>
TOTAL		\$75,000
SEC. 15:	That there be appropriated from the WORKER'S COMP FUND (124)	
Personal Services/Administrative Support		<u>\$270,000</u>
TOTAL		\$270,000
SEC. 16:	That there be appropriated from the INSURANCE RESERVE FUND (125)	
Operation & Maintenance		<u>\$400,000</u>
TOTAL		\$400,000
SEC. 17:	That there be appropriated from the DEMOLITION DEFENSE FUND (126)	
Non Government/Transfers/Refunds		<u>\$59,396</u>
TOTAL		\$59,396
SEC. 18:	That there be appropriated from the PRO PIQUA FUND (128)	
Operation and Maintenance		<u>\$74,000</u>
TOTAL		\$74,000
SEC. 19:	That there be appropriated from the REVOLVING LOAN FUND (130)	
Operation and Maintenance		<u>\$45,670</u>
TOTAL		\$45,670
SEC. 20:	That there be appropriated from the BROWNFIELD EPA GRANT (131)	
Operation and Maintenance		<u>\$467,796</u>
TOTAL		\$467,796
SEC. 21:	That there be appropriated from the COMMUNITY DEVELOPMENT FUND (135)	
Personal Services/Administrative Support		\$231,520
Operation and Maintenance		\$82,619
Allocated Expenses		<u>(\$314,139)</u>
TOTAL		\$0
SEC. 22:	That there be appropriated from the FEMA FUND (139)	
Personal Services/Administrative Support		<u>\$20,000</u>
TOTAL		\$20,000
SEC. 23:	That there be appropriated from the AGRICULTURAL REVOLVING LOAN FUND (142)	
Personal Services/Administrative Support		\$350
Operation and Maintenance		<u>\$38,000</u>
TOTAL		\$38,350

SEC. 24:	That there be appropriated from the SPECIAL ASSESSMENT DEBT SERVICE FUND (202)	
Operation and Maintenance		<u>\$4,355</u>
TOTAL		\$4,355
SEC. 25:	That there be appropriated from the SIB 25A NOTE '08 FUND (216)	
Non Government/Transfers/Refunds		<u>\$173,755</u>
TOTAL		\$173,755
SEC. 26:	That there be appropriated from the SWIMMING POOL DEBT SERVICE FUND (221)	
Non Government/Transfers/Refunds		<u>\$8,430</u>
TOTAL		\$8,430
SEC. 27:	That there be appropriated from the GOLF COURSE EXPANSION G.O. BONDS DEBT SERVICE FUND (243)	
Non Government/Transfers/Refunds		<u>\$167,190</u>
TOTAL		\$167,190
SEC. 28:	That there be appropriated from the WATER TOWER DEBT SERVICE FUND (250)	
Non Government/Transfers/Refunds		<u>\$66,411</u>
TOTAL		\$66,411
SEC. 29:	That there be appropriated from the WATER TOWER DEBT SERVICE FUND 2006 (251)	
Non Government/Transfers/Refunds		<u>\$7,176</u>
TOTAL		\$7,176
SEC. 30:	That there be appropriated from the EQUALIZATION TANK '08 NOTE (OWDA) DEBT SERVICE FUND (254)	
Non Government/Transfers/Refunds		<u>\$303,392</u>
TOTAL		\$303,392
SEC. 31:	That there be appropriated from the FIRE EQUIPMENT '08 G.O. NOTE FUND (255)	
Non/Government/Transfers/Refunds		<u>\$47,563</u>
TOTAL		\$47,563
SEC. 32:	That there be appropriated from the WATER PLANT OWDA DEBT SERVICE FUND (256)	
Non/Government/Transfers/Refunds		<u>\$25,130,100</u>
TOTAL		\$25,130,100
SEC. 33:	That there be appropriated from the WASTEWATER PLANT ENGINEERING DEBT SERVICE FUND (257)	
Non/Government/Transfers/Refunds		<u>\$393,400</u>
TOTAL		\$393,400
SEC. 34:	That there be appropriated from the WATER DEBT SERVICE FUND (258)	
Non/Government/Transfers/Refunds		<u>\$1,881,365</u>
TOTAL		\$1,881,365

SEC. 35:	That there be appropriated from the POWER SYSTEM FUND (401)	
	Personal Services/Administrative Support	\$2,230,861
	Operation and Maintenance	\$26,895,909
	Capital Outlay (including labor)	\$1,847,183
	Overhead Transfers	<u>(\$180,000)</u>
	TOTAL	\$30,793,953
SEC. 36:	That there be appropriated from the WATER SYSTEM FUND (403)	
	Personal Services/Administrative Support	\$2,106,459
	Operation and Maintenance	\$2,083,728
	Capital Outlay (including labor)	\$26,031,035
	Non Government/Transfers/Refunds	<u>\$73,586</u>
	TOTAL	\$30,294,808
SEC. 37:	That there be appropriated from the WASTEWATER SYSTEM FUND (404)	
	Personal Services/Administrative Support	\$1,273,193
	Operation and Maintenance	\$1,338,178
	Capital Outlay (including labor)	\$1,183,828
	Non Government/Transfers/Refunds	<u>\$303,392</u>
	TOTAL	\$4,098,591
SEC. 38:	That there be appropriated from the GARBAGE AND REFUSE FUND (405)	
	Personal Services/Administrative Support	\$531,444
	Operation and Maintenance	\$1,488,619
	Capital Outlay (including labor)	<u>\$130,000</u>
	TOTAL	\$2,150,063
SEC. 39:	That there be appropriated from the CITY INCOME TAX ADMINISTRATION FUND (407)	
	Non Government/Transfers/Refunds	<u>\$8,750,000</u>
	TOTAL	\$8,750,000
SEC. 40:	That there be appropriated from the INFORMATION TECHNOLOGY FUND (408)	
	Personal Services/Administrative Support	\$356,968
	Operation and Maintenance	\$276,644
	Capital Outlay (including labor)	<u>\$64,000</u>
	TOTAL	\$697,612
SEC. 41:	That there be appropriated from the GOLF COURSE FUND (409)	
	Personal Services/Administrative Support	\$180,564
	Operation and Maintenance	\$378,260
	Capital Outlay (including labor)	\$90,000
	Non Government/Transfers/Refunds	<u>\$167,676</u>
	TOTAL	\$816,500
SEC. 42:	That there be appropriated from the FORT PIQUA PLAZA FUND (410)	
	Operation & Maintenance	\$308,957
	Non Government/Transfers/Refunds	<u>\$1,500</u>
	TOTAL	\$310,457
SEC. 43:	That there be appropriated from the STORMWATER UTILITY FUND (411)	
	Personal Services/Administrative Support	\$447,889
	Operation and Maintenance	\$483,459
	Capital Outlay (including labor)	<u>\$1,181,000</u>
	TOTAL	\$2,112,348
SEC. 44:	That there be appropriated from the METER READERS FUND (412)	
	Personal Services/Administrative Support	\$207,465
	Operation and Maintenance	\$39,904
	Allocated Expenses	<u>(\$247,369)</u>
	TOTAL	\$0
SEC. 45:	That there be appropriated from the UTILITIES BUSINESS OFFICE FUND (413)	
	Personal Services/Administrative Support	\$567,022
	Operation and Maintenance	\$425,520
	Non Government/Transfers/Refunds	\$5,000
	Allocated Expenses	<u>(\$997,542)</u>
	TOTAL	\$0

SEC. 46:	That there be appropriated from the SWIMMING POOL FUND (415)	
	Personal Services/Administrative Support	\$89,067
	Operation and Maintenance	\$83,260
	Non Government/Transfers/Refunds	<u>\$8,430</u>
TOTAL		\$180,757
SEC. 47:	That there be appropriated from the UNCLAIMED TRUST (606)	
	Non Government/Transfers/Refunds	<u>\$2,000</u>
TOTAL		\$2,000
SEC. 48:	That there be appropriated from the LAW ENFORCEMENT TRUST (609)	
	Non Government/Transfers/Refunds	<u>\$8,200</u>
TOTAL		\$8,200
SEC. 49:	That there be appropriated from the CONSERVANCY FUND (611)	
	Operation and Maintenance	<u>\$53,700</u>
TOTAL		\$53,700
SEC. 50:	That there be appropriated from the CITY HEALTH INSURANCE FUND (614)	
	Operation and Maintenance	\$20,000
	Capital Outlay (including labor)	<u>\$100,000</u>
TOTAL		\$120,000
SEC. 51:	That there be appropriated from the EMPLOYEE FLEXIBLE SPENDING FUND (615)	
	Administrative Support	<u>\$175,000</u>
TOTAL		\$175,000
SEC. 52:	That there be appropriated from the WEED CUTTING FUND (735)	
	Operation and Maintenance	\$32,000
	Allocated Expenses	<u>(\$30,100)</u>
TOTAL		\$1,900
SEC. 53:	That the sum appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2015. Future commitments representing encumbrances of fund balance or future receipts will be appropriated in the future year when those services or goods are rendered to the city.	
SEC. 54:	That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.	
SEC. 55:	That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2015 when passed and legally contracted for in conformity by law.	
SEC. 56:	That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed \$1,000,000 in the aggregate nor extend past December 31, 2015; except those that are to be reimbursed by federal, state or other grant programs that were previously approved by this Commission.	
SEC. 57:	That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.	

1st Reading - 11/18/2014
2nd Reading - 12/2/2014

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 18, 2014 December 2, 2014 December 16, 2014		
REPORT TITLE (Should match resolution/ordinance title)	An Amended Ordinance to make appropriations for the City of Piqua, Ohio for the year 2015.		
SUBMITTED BY	Name & Title: Cynthia Holtzapple, Assistant City Manager, Finance Director Department: Finance		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<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 type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	We are required to present and pass the 2015 Annual Budget by the end of the year. This is the third reading of this ordinance with one amendment for a potential property purchase.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Appropriations \$:	\$137,002,425 including transfers	
	Source of Funds:	Various	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Approve Ordinance No. 17-14 accepting the Ordinance to make Appropriations for the City of Piqua for the year 2015	
	2.	Approve Ordinance No. 17-14 accepting the Ordinance to make Appropriations for the City of Piqua for the year 2015 with changes being made to the amounts requested.	
PROJECT TIMELINE			
STAFF RECOMMENDATION	We are requesting approval of Ordinance No. 17-14 accepting the Ordinance to make Appropriations for the City of Piqua for the year 2015 after the standard three readings.		
ATTACHMENTS			

ORDINANCE NO. 18-14

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

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

SEC. 1: Schedule A of Chapter 33 of the Piqua Code, as adopted by Ordinance No. 3-14, is hereby repealed; and

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

SEC. 3: This Ordinance shall take effect and be in force from and after January 1, 2015.

1st Reading -- 11/1/8/2014

2nd Reading 12/02/2014

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	NOVEMBER 18, 2014 DECEMBER 2, 2014 DECEMBER 16, 2014		
REPORT TITLE (Should match resolution/ordinance title)	ORDINANCE NO. 20-14 AN ORDINANCE REPEALING EXISTING CHAPTER 33 AND ENACTING A NEW CHAPTER 33 OF THE PIQUA CODE, RELATING TO EMPLOYEE POLICY		
SUBMITTED BY	Name & Title: Elaine Barton, Human Resources Director Department: Human Resources		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	Group insurance appropriated in the 2015 budget	
	Expenditure \$:		
	Source of Funds:	Various funds	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Adopt Ordinance No. 20-14	
	2.	Reject Ordinance No. 20-14 and provide staff with an alternative	
	3.		
	4.		
PROJECT TIMELINE	January 1, 2015		
STAFF RECOMMENDATION	Staff recommends the changes to Chapter 33 revising the date of the health insurance coverage to reflect the current benefit year as well as the reduction to the City's contribution to the employee's health savings or health reimbursement account, and increasing the amount that an employee can earn by participating in certain wellness activities. This is the same language as agreed to in the union contracts.		
ATTACHMENTS	Chapter 33		

EFFECTIVE January 1, 2015		PAY RANGE	SCHEDULE A				Exhibit D	
Class	CLASSIFICATION/TITLE		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Code	Non-exempt positions: (hourly rate)							
105	Custodian	4	17.02693	17.87828	18.77219	19.71080	20.69634	21.73116
108	Administrative Assistant	6	19.13146	20.08803	21.09244	22.14706	23.25441	24.41713
109	Human Resources Assistant	6	19.13146	20.08803	21.09244	22.14706	23.25441	24.41713
110	Executive Assistant	8	21.49611	22.57092	23.69947	24.88444	26.12866	27.43509
112	Administrative Specialist	7	20.27935	21.29332	22.35799	23.47588	24.64968	25.88216
113	Contract & Administrative Specialist	7	20.27935	21.29332	22.35799	23.47588	24.64968	25.88216
	Exempt positions: (weekly salary)							
149	Financial Analyst	9	911.44	957.01	1004.86	1055.10	1107.86	1163.25
150	Acct. & Income Tax Mgr.	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
153	Utility Billing Office Manager	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
154	Asst Dir of Finance & Inc Tax Admin	16	1370.46	1438.98	1510.93	1586.48	1665.80	1749.09
155	Dir of Finance & Inc Tax Admin	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
158	Purchasing Analyst I	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
160	Law Director	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
165	Human Resources Director	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
167	Public Relations Coordinator	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
170	Community Development Manager	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
171	Development Program Manager	14	1219.71	1280.69	1344.73	1411.96	1482.56	1556.69
206	Project Manager	12	1085.53	1139.81	1196.80	1256.64	1319.47	1385.45
207	Engineering Director	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
208	City Planner	15	1292.89	1357.53	1425.41	1496.68	1571.51	1650.09
209	Public Works Director	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
305	IT Administrator	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
307	Director of Information Tech.	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
402	Recreation Coordinator	10	966.12	1014.43	1065.15	1118.41	1174.33	1233.04
403	Golf Professional *	8	859.84	902.84	947.98	995.38	1045.15	1097.40
501	Health & Sanitation Director	19	1632.24	1713.85	1799.55	1889.52	1984.00	2083.20
504	Sanitarian II	12	1085.53	1139.81	1196.80	1256.64	1319.47	1385.45
507	Sanitarian	10	966.12	1014.43	1065.15	1118.41	1174.33	1233.04
510	Code Enforcement Officer	10	966.12	1014.43	1065.15	1118.41	1174.33	1233.04
610	Police Chief	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
660	Fire Chief	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
705	Assistant Public Works Director	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
810	Asst. Underground Utilities Supt.	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
815	Asst. Water System Superintendent	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
820	Water System Superintendent	15	1292.89	1357.53	1425.41	1496.68	1571.51	1650.09
830	Storm Water Coordinator	12	1085.53	1139.81	1196.80	1256.64	1319.47	1385.45
842	Asst. Wastewater Systems Supt.	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
845	Wastewater System Superintendent	15	1292.89	1357.53	1425.41	1496.68	1571.51	1650.09
846	Underground Utilities Superintendent	15	1292.89	1357.53	1425.41	1496.68	1571.51	1650.09
848	Utilities Director	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
874	Power Plant Assistant Manager	13	1150.67	1208.20	1268.61	1332.04	1398.64	1468.57
880	SCADA Administrator	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
881	Associate Engineer	11	1024.09	1075.29	1129.06	1185.51	1244.79	1307.03
890	Power Distribution Manager	16	1370.46	1438.98	1510.93	1586.48	1665.80	1749.09
892	Electrical Engineer	17	1452.69	1525.32	1601.59	1681.67	1765.75	1854.04
893	Asst. Power System Director	18	1539.85	1616.84	1697.69	1782.57	1871.70	1965.28
894	Power System Director	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
896	Asst. City Manager/Development	20	1730.18	1816.68	1907.52	2002.90	2103.04	2208.19
897	Asst. City Manager/Administration	21	1833.99	1925.69	2021.97	2123.07	2229.22	2340.68

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

ORDINANCE NO. 19-14

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

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

SEC. 1: Schedule A-1 of Chapter 33 of the Piqua Code, as adopted by Ordinance
No. 4-14, is hereby repealed; and

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

SEC. 3: This Ordinance shall take effect and be in force from and after
January 1, 2015.

1st Reading 11/18/2014
2nd Reading 12/02/2014

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 18, 2014 December 2, 2014 December 16, 2014		
REPORT TITLE (Should match resolution/ordinance title)	ORDINANCE NO. 19-14 AN ORDINANCE REPEALING SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA CODE AND ADOPTING A NEW SCHEDULE A-1 OF CHAPTER 33 OF THE PIQUA CODE, RELATING TO WAGES OF CERTAIN MUNICIPAL EMPLOYEES.		
SUBMITTED BY	Name & Title: Elaine G. Barton		
	Department: Human Resources		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	The State of Ohio has increased minimum wage effective January 1, 2015 from \$7.95 per hour to \$8.10 per hour. The wages on Schedule A-1 have been changed to reflect this increase. This is the only change made to Schedule A-1.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	Appropriated in the 2015 budget	
	Expenditure \$:		
	Source of Funds:	Various funds	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Adopt Ordinance No. 19-14	
	2.	Reject Ordinance No. 19-14 and be out of compliance with State Law	
	3.		
	4.		
PROJECT TIMELINE	January 1, 2015		
STAFF RECOMMENDATION	Staff recommends the passage of Ordinance No. 19-14. The pay rates for positions currently at minimum wage must be increased to the new minimum wage rate as set by the State of Ohio.		
ATTACHMENTS	Schedule A-1; 2015 Minimum Wage Poster		

CLASSIFICATION/ TITLE	HOURLY RATE	
CLERK TYPIST (CO-OP STUDENT)	\$8.10	
CITY CLERK*	\$8.10	
CLERK TYPIST A	\$8.10	
CLERK TYPIST B	\$8.10	
RECORDS & DATA ENTRY CLERK	\$8.10	
ACCOUNT CLERK*	\$10.14	
SECRETARY I*	\$10.44	
SECRETARY II*	\$12.06	
ADMINISTRATIVE SECRETARY*	\$15.83	
ENGINEERING CO-OP I (STUDENT)	\$9.67	
ENGINEERING CO-OP II (STUDENT)	\$10.54	
ENGINEERING CO-OP III (STUDENT)	\$11.35	
ENGINEERING CO-OP IV (STUDENT)	\$12.21	
PLANNING TECHNICIAN	\$16.81	
INTERNS	\$8.10 to \$12.61	
PARKING CONTROL OFFICER	\$8.10	
ANIMAL CONTROL OFFICER	\$8.10	
POWER DISTRIBUTION STOREKEEPER	\$15.76	
SCADA ADMINISTRATOR (POWER)	\$25.00	
PLUMBING INSPECTOR	\$19.48	
CONSTRUCTION INSPECTOR	\$19.48	
PUBLIC HEALTH NURSE	\$19.48	
STREET SWEEPER	\$10.20	
LABORER A	\$8.10	
LABORER B	\$8.43	
LABORER C	\$9.36	
CUSTODIAN	\$8.10	
REFUSE COLLECTOR	\$8.10	
MAINTENANCE WORKER	\$8.10	
STREET DEPT. MAINTENANCE SUPV.	\$10.11	
SEASONAL GOLF COURSE MAINT. LABORER A	\$8.10	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER B	\$8.43	plus free golf**
SEASONAL GOLF COURSE MAINT. LABORER C	\$9.36	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER A	\$8.10	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER B	\$8.10	plus free golf**
SUMMER GOLF COURSE MAINT. LABORER C	\$8.10	plus free golf**
GOLF COURSE CLUBHOUSE ATTENDANT	\$8.10	plus free golf**
CART/RANGE ATTENDANT	\$8.10	plus free golf**
FOOD SERVICE ATTENDANT (GOLF)	\$8.10	plus free golf**
LIFEGUARD A	\$8.10	
LIFEGUARD B	\$8.10	
LIFEGUARD C	\$8.10	
TICKET WINDOW ATTENDANT A	\$8.10	
TICKET WINDOW ATTENDANT B	\$8.10	
HEAD TICKET WINDOW ATTEND. A	\$8.10	
HEAD TICKET WINDOW ATTEND. B	\$8.10	
RECREATION LEADER	\$8.10	
RECREATION ASSISTANT	\$8.10	
SPORTS INSTRUCTOR	8.80 to 17.61	
DANCE/FITNESS INSTRUCTOR	8.80 to 17.61	
POOL MANAGER	\$534.94	WEEKLY RATE
ASSISTANT POOL MANAGER A	\$9.24	
ASSISTANT POOL MANAGER B	\$9.68	
HEAD LIFE GUARD A	\$8.10	
HEAD LIFE GUARD B	\$8.42	
ASSISTANT LAW DIRECTOR	\$839.87	WEEKLY RATE

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

**hours worked greater than 20 hours per week include a cart if available



2015 MINIMUM WAGE

OHIO DEPARTMENT OF COMMERCE
DIVISION OF INDUSTRIAL COMPLIANCE

JOHN R. KASICH
Governor

ANDRE T. PORTER
Director

www.com.ohio.gov

NON-TIPPED EMPLOYEES

A Minimum Wage of

\$8.10 per hour

"Non-Tipped Employees" includes any employee who does not engage in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips.

"Employers" who gross under \$297,000.00 shall pay their employees no less than the current federal minimum wage rate.

"Employees" under the age of 16 shall be paid no less than the current federal minimum wage rate.

"Current Federal Minimum Wage" is \$7.25 per hour.

TIPPED EMPLOYEES

A Minimum Wage of

\$4.05 per hour PLUS TIPS

"Tipped Employees" includes any employee who engages in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips. Employers electing to use the tip credit provision must be able to show that tipped employees receive at least the minimum wage when direct or cash wages and the tip credit amount are combined.

OVERTIME

1. An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee's wage rate for hours in excess of forty hours in one work week, except for employers grossing less than \$150,000 per year.

HANDICAPPED RATE

To prevent the curtailment of opportunities for employment and avoid undue hardship to individuals whose earning capacity is affected or impaired by physical or mental deficiencies or injuries, a sub-minimum wage may be paid, as provided in the rules and regulations set forth by the Director of the Ohio Department of Commerce.

RECORDS TO BE KEPT BY THE EMPLOYER

1. Each employer shall keep records for at least three years, available for copying and inspection by the Director of the Ohio Department of Commerce, showing the following information concerning each employee:

- A. Name
- B. Address
- C. Occupation
- D. Rate of Pay
- E. Amount paid each pay period
- F. Hours worked each day and each work week

2. The records may be opened for inspection or copying at any reasonable time and no employer shall hinder or delay the Director of the Ohio Department of Commerce in the performance of these duties.

INDIVIDUALS EXEMPT FROM MINIMUM WAGE

1. Any individual employed by the United States;
2. Any individual employed as a baby-sitter in the employer's home, or a live-in companion to a sick, convalescing, or elderly person whose principal duties do not include housekeeping;
3. Any individual employed as an outside salesman compensated by commissions or in a bona fide executive, administrative, or professional capacity, or computer professionals;
4. Any individual who volunteers to perform services for a public agency which is a State, a political subdivision of a State, or an interstate government agency, if
 - (i) the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
 - (ii) such services are not the same type of services which the individual is employed to perform for such public agency;
5. Any individual who works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;
6. Any individual in the employ of a camp or recreational area for children under eighteen years of age and owned and operated by a non-profit organization or group of organizations.
7. Employees of a solely family owned and operated business who are family members of an owner.

For further information about minimum wage issues, please contact: The Ohio Department of Commerce, Division of Industrial Compliance, 6606 Tussing Road, Reynoldsburg, Ohio 43068. Phone: (614) 644-2239. TTY/TDD: 1-800-750-6750.

POST IN A CONSPICUOUS PLACE

Ohio | Department
of Commerce

An Equal Opportunity Employer and Service Provider

(REV. 09/30/14)

ORDINANCE NO. 20-14

**AN ORDINANCE REPEALING EXISTING CHAPTER 33
AND ENACTING A NEW CHAPTER 33 OF THE PIQUA CODE,
RELATING TO EMPLOYEE POLICY**

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

SECTION 1: Existing Chapter 33 of the Piqua Code is hereby repealed;

SECTION 2: Chapter 33 of the Piqua Code (appended hereto as Attachment "A") is hereby enacted;

SECTION 3: This Ordinance shall take effect and be in force from and after January 1, 2015.

1st Reading 11/18/2014

2nd Reading 12/02/2014

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	NOVEMBER 18, 2014 DECEMBER 2, 2014 DECEMBER 16, 2014		
REPORT TITLE (Should match resolution/ordinance title)	ORDINANCE NO. 20-14 AN ORDINANCE REPEALING EXISTING CHAPTER 33 AND ENACTING A NEW CHAPTER 33 OF THE PIQUA CODE, RELATING TO EMPLOYEE POLICY		
SUBMITTED BY	Name & Title: Elaine Barton, Human Resources Director Department: Human Resources		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	Group insurance appropriated in the 2015 budget	
	Expenditure \$:		
	Source of Funds:	Various funds	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Adopt Ordinance No. 20-14	
	2.	Reject Ordinance No. 20-14 and provide staff with an alternative	
	3.		
	4.		
PROJECT TIMELINE	January 1, 2015		
STAFF RECOMMENDATION	Staff recommends the changes to Chapter 33 revising the date of the health insurance coverage to reflect the current benefit year as well as the reduction to the City's contribution to the employee's health savings or health reimbursement account, and increasing the amount that an employee can earn by participating in certain wellness activities. This is the same language as agreed to in the union contracts.		
ATTACHMENTS	Chapter 33		

CHAPTER 33: EMPLOYMENT POLICY

Section

33.01	Classifications and compensation	33.10	Pay equalization of all employees
33.02	Employment conditions	33.11	Job posting
33.03	Holidays and Personal Days	33.12	Weekly pay
33.04	Vacations	33.13	Jury duty
33.05	Sick leave	33.14	Personnel regulations
33.06	Leave of absence	33.15	Police and fire supervisors
33.07	Funeral leave	33.16	Applicability
33.08	Insurance	33.17	Wage schedules adopted
33.09	Compensable injury pay		

§ 33.01 CLASSIFICATIONS AND COMPENSATION.

The classifications and compensation of city employees shall be as set forth in the schedules attached and incorporated herein by reference.

('97 Code, § 31.01) (Ord. 13-01, passed 8-6-01)

§ 33.02 EMPLOYMENT CONDITIONS.

The following provisions shall apply to all Schedule A and A-1 employees except those covered under §33.15 of this chapter:

(A) *Merit increases and performance ratings.*

(1) Each of the pay ranges in Schedule A shall be divided into six steps, A through F. The minimum time in grade for each step before the employee is eligible for a merit increase is as follows.

- A - one year
- B - one year
- C - one year
- D - one year
- E - one year
- F - Top Step

(2) Each employee's performance will be rated by the employee's supervisor before the anniversary date the employee is eligible, by time in classification, for consideration for a merit increase. An employee must receive a performance rating of satisfactory or better to receive a merit increase. An employee denied a merit increase due to a less than satisfactory rating may request a reevaluation after 90 days from the denial of the merit increase.

(3) Performance ratings will also be considered as a factor in advancing probationary employees to regular status and for promoting or transferring employees into new classifications.

(4) Employees at the top step of their pay range will have their performance rated by their supervisor annually. An employee who receives two consecutive ratings of less than satisfactory may be demoted or discharged. Performance ratings, when completed, will be discussed with the employee. The employee is required to sign the performance rating as evidence of the fact that it has been reviewed. A copy will be given to the employee.

(B) *Overtime pay.* Non-exempt employees shall receive one and one-half their regular rate for all hours worked over 40 per week.

(1) The city may in its discretion grant compensatory time to non-exempt employees in place of cash overtime compensation, at the rate of one and one-half hours compensatory time for each hour of overtime worked, provided that the employee agrees in writing, before the performance of the overtime work, to compensatory time in place of cash overtime, and provided further that all FLSA compensatory time requirements are satisfied. No non-exempt employee may accumulate more than 240 hours of compensatory time.

(2) Exempt employees are exempt from overtime payment. However, such employees may receive compensatory time on an hour for hour basis for hours worked in excess of 45 hours per week, upon the approval of the supervisor, department head or City Manager. No exempt employee may accumulate more than 240 hours of compensatory time. Any compensatory time not used before separation from employment shall be forfeited.

(C) *Call-in pay.* Non-exempt employees required to report to work at a time outside the employee's normal work day will receive a minimum of two hours pay at one and one-half the employee's regular rate of pay. If the call-in requires more than two hours of work, then the employee will be paid for the hours actually worked at one and one-half the employee's regular rate of pay.

('97 Code, § 31.02)

(D) *Probationary employees.*

(1) New, rehired or promoted full-time employees will serve a one-year probationary period of close supervision and evaluation in order to assess their ability and adaptation. Probationary employment may be terminated at the will and discretion of the city without advance notice.

(2) The city may extend an employee's probationary period for a specified additional period when the city determines that an extension is necessary to thoroughly evaluate the employee's ability to perform the full scope of assigned duties in an effective and safe manner. In these cases, the employee will be advised in writing of the extended duration of the probationary period before the conclusion of the initial probationary period.

(E) *At-will employment.*

(1) Completion of a probationary period or conferral of regular employee status shall not change an employee's status as an employee-at-will, or in any way restrict the city's right to terminate such employee or change the terms and conditions of employment. Nothing contained in this or other city policies or other material provided to employees in connection with their employment shall require the city to have just cause to terminate that employee, or otherwise restrict the city's right to terminate an employee at any time for any lawful reason.

(2) An employee's at-will status shall not be modified by any statements made by any person or by any writing available to employees or applicants in connection with their employment. No document, whether singly or combined, shall create an express or implied contract concerning any terms or conditions of employment.

(Ord. 55-97, passed 10-20-97; Am. Ord. 57-91, passed 11-4-91; Am. Ord. 18-95, passed 5-15-95; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04; Ord. 21-09 passed 12-21-09)

§ 33.03 HOLIDAYS AND PERSONAL DAYS.

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

(A) The following days are recognized as holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, the day before Christmas and Christmas Day.

(B) If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. If a holiday falls on a Sunday, the following Monday will be observed as a holiday. For employees who work other than a normal schedule, their first day off shall be their Saturday and their second day off shall be their Sunday.

(C) In order for an employee to receive pay for the holiday, the employee must work the employee's scheduled shift before and after the holiday. Employees on vacation, approved sick leave, or a leave of absence with pay (including paid funeral leave) shall be considered as working their regular scheduled day for purposes of this section.

(D) Eligible employees who are not scheduled to work on a designated holiday shall be paid holiday pay in an amount equal to eight hours work at their regular rate of pay. Eligible employees who work on a designated holiday shall be paid their holiday pay, plus one and one-half their regular rate of pay for all hours actually worked.

(E) Employees shall be credited with five personal leave days effective on January 1 of each year. Employees with less than one year's service with the city on

January 1 shall receive a pro-rated amount of personal leave. Personal leave days may be taken only on a day mutually agreeable to the employee and the employee's supervisor. Personal leave days not taken by the following December 31 will be forfeited.

('97 Code, § 31.03) (Am. Ord. 16-90, passed 4-16-90; Am. Ord. 43-00, passed 12-18-00; Am. Ord. 13-01, passed 8-6-01; Am Ord. 1-14, passed 1-21-14)

§ 33.04 VACATIONS.

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

(A) For the purposes of this section, "service" shall mean service by a full-time employee of the city or any other political subdivision of the state.

(B) (1) Each regular full-time employee will receive two weeks vacation with full pay per one full year of service with the city, three weeks annual vacation with full pay after eight years of continuous service, four weeks annual vacation with full pay after 15 years of continuous service, and five weeks annual vacation with full pay after 25 years of continuous service. Employees hired after January 1, 2010 will receive two weeks vacation with full pay per one full year of service with the city, and three weeks annual vacation with full pay after eight years of continuous service and beyond. Vacation credit will be granted on a monthly basis as follows:

(a) An employee entitled to two weeks shall be credited with 6.667 hours for each full month worked.

(b) An employee entitled to three weeks shall be credited with 10 hours for each full month worked.

(c) An employee entitled to four weeks shall be credited with 13.334 hours for each full month worked.

(d) An employee entitled to five weeks shall be credited with 16.3334 hours for each full month worked.

(2) Vacations must be scheduled with the employee's supervisor. The vacation period for each employee will begin on the first anniversary date of employment. In the case of retirement, resignation, dismissal, disability or death, an employee will be paid for all accumulated vacation credits.

(C) (1) Vacation credits must be used during the anniversary year that immediately follows the anniversary year during which the vacation credits were earned. Credits not used within that time will be forfeited. The City Manager may, in special and meritorious cases, permit an employee to accumulate and carry over vacation leave for an additional time period as determined by the City Manager in his sole discretion. Vacation taken in any one continuous period shall not exceed six weeks.

(2) An employee may convert up to three weeks per calendar year to cash on an hour-for-hour basis if the employee notifies the city at least two weeks before the employee wishes the payment but no later than November 15th. An employee hired after January 1, 2010 will not be permitted to convert vacation to cash.

('97 Code, § 31.04) (Am. Ord. 53-87, passed 10-5-87; Am. Ord. 57-91, passed 11-4-91; Am. Ord. 35-94, passed 7-18-94; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 21-09, passed 12-21-09; Am. Ord. 1-14, passed 1-21-14)

§ 33.05 SICK LEAVE.

The following provisions shall apply to all Schedule A and A-1 employees except those covered under §33.15 of this chapter.

(A) For the purposes of this section, "accumulated sick leave" may include up to 120 days of sick leave accumulated by a city employee during prior service with another political subdivision of the state.

(B) Regular full-time employees shall earn and accumulate sick leave credits on the basis of one and one-quarter days for each completed month of service. Regular part-time employees shall earn and accumulate sick leave credits on a pro rata basis. Credit shall be accumulated by an employee on extended sick leave only if there is an intention to and a reasonable expectation of a return to work. Subject to the limitations set forth below, unused sick leave shall be cumulative beyond the year in which it was earned.

(C) In addition to absences covered by the federal Family Medical Leave Act, sick leave may be used for absences due to injury, exposure to a contagious disease and illness in the employee's immediate family. *IMMEDIATE FAMILY* means spouse, parent (natural, step or in-law), children or other relative living in the employee's household. Sick leave will not be granted while an employee is on vacation unless proof of illness or injury is submitted.

(D) An employee with six or more years of service with the city may convert up to a maximum of five days in excess of 60 days accumulated sick leave for the purposes of vacation in any year. This conversion will be on the basis of one day of vacation for each one day of sick leave, without regard to when the sick leave was accumulated or credited. The employee may, at his or her option, have the same sick days converted instead into cash on the same one-for-one conversion basis by request prior to November 15th. An employee hired after January 1, 2010 will not be permitted to convert sick leave to vacation.

(E) For employees hired prior to January 1, 2001, accumulated sick leave up to 120 days will be payable upon permanent layoff or termination of employment other than retirement and death benefits (except discharge for theft or felony) on the following formula:

(1) Less than 8 years service: no conversion.

(2) 8 years to 15 years of service: eight (8) hours pay for each three days of accumulated sick leave.

(3) 16 years to 25 years service: eight (8) hours pay for each two days of accumulated sick leave.

(4) Over 25 years of service: eight (8) hours pay for each day of accumulated sick leave.

(F) For employees hired before January 1, 2001, conversion of unused sick leave credited to employees who receive retirement or death benefits shall be on the basis of one day for each one day accumulated up to a maximum of 1440 hours.

(G) For employees hired after December 31, 2000, accumulated sick leave up to 480 hours will be payable upon permanent layoff or termination of employment other than retirement and death benefits (except discharge for theft or felony) on the following formula:

(1) Less than 8 years service: no conversion.

(2) 8 years to 15 years of service: eight (8) hours pay for each three days of accumulated sick leave.

(3) 16 years to 25 years service: eight (8) hours pay for each two days of accumulated sick leave.

(4) Over 25 years of service: eight (8) hours pay for each day of accumulated sick leave.

(H) For employees hired after December 31, 2000, conversion of unused sick leave credited to employees who receive retirement or death benefits shall be on the basis of one day for each one day accumulated up to a maximum of 720 hours.

(I) For employees hired after January 1, 2010, conversion of unused sick leave credited to employees who receive retirement or death benefits (only) shall be on the basis of one day for each one day accumulated up to a maximum of 480 hours.

(*97 Code, § 31.05) (Ord. 53-87, passed 10-5-87; Am. Ord. 57-91, passed 11-4-91; Am. Ord. 35-94, passed 7-18-94; Am. Ord. 33-00, passed 10-2-00; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 21-09, passed 12-21-09)

§ 33.06 LEAVE OF ABSENCE.

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

(A) Temporary leaves of absence with or without pay, for training purposes or for any other objective related to the employee's work, may be granted and renewed by the City Manager for such periods as the City Manager may consider justifiable within the limitations of the budget.

(B) Leaves of absence without pay may be granted by the City Manager, for periods of time not to exceed one year, for any other reason that the City Manager may consider to be to the benefit of the city, including, but not limited to, leaves of absence by reason of military duties, and by reason of illness or disability not caused by or induced by the actual performance of official duties, in cases where the employee has exhausted accumulated sick leave benefits. Employees returning from military service will be placed in their former classification or one of equal pay range. Seniority will accrue when the employee is on active duty; however, vacation and sick leave do not accumulate for periods beyond six months.

(C) Any leave of absence so granted may be extended or renewed for additional periods of time not to exceed one year for each extension.

(D) If deemed necessary, the City Manager may require any employee who requests or is granted a leave of absence to submit to a medical examination, by an examiner selected by the city, to determine the medical need for the leave or the ability of the employee to perform the essential functions of the employee's position upon the termination of a leave of absence. A copy of the medical report will be furnished to the employee upon request by the employee.

('97 Code, § 31.06) (Ord. 13-01, passed 8-6-01)

§ 33.07 FUNERAL LEAVE.

The following provisions shall apply to all Schedule A and A-1 employees except those covered under §33.15 of this chapter.

(A) A regular full-time employee shall be paid for eight hours at the employee's regular rate of pay due to absence caused by death in an employee's immediate family. A maximum of three days shall be allowed under this section. **IMMEDIATE FAMILY** means spouse, parent (natural, step or in-law), child, grandparent, grandchild, brother or sister (natural, step, or in-law). Other relatives living in the same household as the employee shall be considered as immediate family. One day

may be granted for attendance at a funeral of the following relatives: aunt, uncle, niece, or nephew .

(B) A regular part-time employee will be granted one day to attend the funeral of an immediate family member.

(C) Proof of death and of relationship of the deceased to the employee may be required before payment of funeral leave.

('97 Code, § 31.08) (Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04; Am. Ord. 21-09, passed 12-21-09)

§ 33.08 INSURANCE.

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

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

(B) Employee HSA accounts will be funded by the City in the amount of ~~\$1,500~~ **\$1,000** for individual coverage and ~~\$3,000~~ **\$2,000** for family coverage for the 2014 ~~5~~ plan year, by funding 1/12th of the annual total to be deposited the 1st of each month. Employee HRA accounts will be funded by the City in the amount of ~~\$1,500~~ **\$1,000** for individual coverage and ~~\$3,000~~ **\$2,000** for family coverage for the 2014 ~~5~~ plan year, by funding the entire amount each year in January.

An employee may be reimbursed up to a maximum of ~~\$400~~ **\$1,000** if on a family plan and ~~\$200~~ **\$500** for a single plan each calendar year. The employee and not the family member must participate in the activities below to be eligible for the reimbursement.

Such reimbursement shall be based on participation in self-selected programs identified by the health insurance carrier as a wellness initiative.

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

Eligible Activity	Amount Reimbursed	Special Conditions
Biometric Screening Event	\$ 200 - <u>400</u>	Eligible for reimbursement once each calendar year.
Health Risk Assessment	\$ <u>50</u> - <u>100</u>	Eligible for reimbursement once each calendar year.
Wellness Coaching	\$ <u>50</u> - <u>100</u>	Wellness Coaching is as indicated by the Health Risk Assessment. Eligible for reimbursement once each calendar year.
Registering on health insurance website	\$ <u>50</u> - <u>100</u>	Eligible for reimbursement once each calendar year.
Flu Shot	\$ <u>50</u> - <u>100</u>	Must be received at the City. Eligible for reimbursement once each calendar year.
Exercise	\$ <u>50</u> - <u>100</u>	90 minutes of physical activity per week for each 8 week period completed. Forms must be completed and turned in to Human Resources. The forms are available at HR
BP of less than 130/80 Cholesterol of less than 200 mg BMI of less than 25	\$ <u>100</u> - <u>200</u>	To qualify for reimbursement, the employee must meet two of the three categories.
Prescription Medications	\$100	Employee must switch from brand medication to generic. Must begin only in January and continue for the calendar year. Eligible for each prescription changed.
Prescription Medications	\$50	Employee must switch from brand medication to generic. Must be for a consecutive six month period. Eligible for each prescription changed.
Annual Basic Physical	\$ <u>50</u> - <u>100</u>	Eligible for reimbursement once each calendar year.

Cessation Program	\$100	Employee must complete a program as approved by the HR department and successfully have stopped smoking for a consecutive 6 month period. Employee will be subject to random testing to verify continued success. Eligible for reimbursement only one time during employee's tenure.
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(C) The City shall select the carrier for the HDHP annually after consulting with the Insurance Committee. The City will make every effort to maintain comparable coverage.

(D) Cost Sharing. For the 2014 5 plan year, an employee will contribute 15% of the City's total cost of purchasing the employee's HDHP and funding the employee's HSA or HRA, by bi-weekly payroll deduction.

(E) Option Out. Eligible employees who decline the city offered health insurance benefits, will be entitled to receive a one-time payment per health insurance year (2014 5) of \$2,000 for those eligible for family coverage and \$1,000 for individual coverage.

(F) The city shall provide and pay the necessary premium for group life insurance in an amount equal to two times (not to exceed \$180,000) base salary (as of January 1st) for the following classifications: City Manager, Assistant City Manager, Finance Director, City Engineer, Utilities Director, Public Works Director, Power System Director, Human Resources Director, Health and Sanitation Director, Information Technology Director, Law Director, Economic Development Director, Police Chief and Fire Chief, \$75,000 for exempt Manager/Supervisor positions, and \$50,000 for all other employees.

('97 Code, § 31.09) (Am. Ord. 16-90, passed 4-16-90; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04; Am. Ord. 9-04, passed 5-20-04; Am. Ord. 29-08, passed 12-15-08; Am. Ord. 21-09, passed 12-21-09; Am. Ord. 2-11, passed 4-5-11; Am. Ord. 15-11, passed 12-20-11; Am. Ord. 5-12, passed 2-21-12; Am Ord. 27-12, passed 12-18-12; Am. Ord. 1-14, passed 1-21-14)

§ 33.09 COMPENSABLE INJURY PAY.

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

(A) *Definitions.*

COMPENSABLE INJURY. An injury to a city employee which occurs during the course of his or her employment and while the employee is performing assigned tasks, and which requires the employee to be absent from work, or which renders him or her unable to perform his or her normal duties, and which is determined to be compensable under workers' compensation regulations.

INJURY PAY. The pay provided under this section.

SICK LEAVE. Shall be the same as provided in §33.05.

WORKERS' COMPENSATION REGULATIONS. The statutes of the state concerning workers' compensation, and the rules and regulations of the Bureau of Workers' Compensation and of the Industrial Commission of Ohio presently or hereafter in force.

(B) If an employee suffers a compensable injury during the course of employment with the city and while performing an assigned task, the city will pay the difference between the employee's normal weekly wage and the weekly amount of compensation paid by the state Industrial Commission, for a period of time from one week after the date of injury up to six months after that date. The city may, at its discretion, elect to pay the injured employee the employee's full weekly rate of pay, to take the place of the employee's receipt of temporary total disability payments.

(C) Accrued sick leave may be used for the first week of a compensable injury.

(D) The city may provide and require an employee to perform other duties, within the limitations of the injury, in place of injury pay.

('97 Code, § 31.10) (Ord. 13-01, passed 8-6-01)

§ 33.10 PAY EQUALIZATION OF ALL EMPLOYEES.

(A) All employees of the city who are not otherwise subject to Chapter 36 of this code shall have deducted from their salaries, wages, commission or other personal service compensation the applicable percentage of income tax as provided in Chapter 36, which sum shall be deposited in the income tax fund.

(B) The administrator of Chapter 36 of this code is authorized and directed, subject to the approval of the Board of Review, to adopt, promulgate, and enforce rules, regulations and agreements to the end that a nonresident employee of the city shall be obligated to pay the equivalent of only one municipal income tax.

('97 Code, § 31.11) (Ord. 13-01, passed 8-6-01)

§ 33.11 JOB POSTING.

Except as otherwise provided for those positions listed in Schedules B, C, D and E, job vacancies shall be posted for a minimum of three working days. When an examination is to be given, reasonable notice of the time and place of the examination shall be given.

('97 Code, § 31.12) (Ord. 13-01, passed 8-6-01)

§ 33.12 BI-WEEKLY PAY.

The Director of Finance is authorized and directed to pay on a bi-weekly basis all full-time employees and part-time employees every other Friday for wages and salaries earned for the previous bi-week ending at midnight on the Sunday before pay day.

('97 Code, § 31.13) (Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04; Am. Ord. 1-14, passed 1-21-14)

§ 33.13 JURY DUTY.

Schedule A employees, except those covered under §33.15 of this chapter, required to serve on a jury before a court empowered by law to require that service shall be excused from duty for the time required for that service, and shall be paid the difference between jury pay and regular hourly rate of pay. Employees must present proof of the amount of jury pay received before pay for the hours absent is granted, and must report for duty whenever released from jury service.

('97 Code, § 31.14) (Ord. 13-01, passed 8-6-01)

§ 33.14 PERSONNEL REGULATIONS.

(A) The City Manager is authorized and directed to formulate, establish and promulgate such personnel regulations and procedures as the City Manager deems appropriate in the exercise of sound discretion to control the detailed terms and conditions of employment of employees in the classified and unclassified services of the city.

(B) The policies and procedures established pursuant to division (A) shall not be inconsistent with the terms and conditions of employment of those employees established by the Charter and ordinances of the city or other applicable law.

('97 Code, § 31.15) (Ord. 13-01, passed 8-6-01)

§ 33.15 POLICE AND FIRE SUPERVISORS.

(A) The Chief of Police, is a supervisory and management employee covered by Schedule A. Deputy Police Chiefs and the Chief of Police shall not be paid overtime except as approved in a memorandum of understanding or collective bargaining agreement.

(B) The Fire Chief is a supervisory and management employee covered by Schedule A, Assistant Fire Chiefs and the Fire Chief shall not be paid overtime except as approved in a memorandum of understanding or collective bargaining agreement.

(C) Due to the unique operations of the Police and Fire Departments, the Chief of Police and Fire Chief, with the prior approval of the City Manager, are authorized and directed to formulate and adopt such personnel regulations and procedures as each Chief deems appropriate in the exercise of sound discretion to control the detailed term's and conditions of employment of employees in the Police and Fire Departments. The policies and procedures adopted pursuant to this section shall not be inconsistent with the terms and conditions of employment of such employees established by the Charter, the ordinances of the city, applicable collective bargaining agreements and other applicable law.

('97 Code, § 31.16) (Am. Ord. 16-90, passed 4-16-90; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 3-04, passed 1-20-04, Am. Ord. 6-09, passed 6-15-09, Am. Ord. 1-14, passed 1-21-14)

§ 33.16 APPLICABILITY.

The provisions of this chapter shall be applicable to all employees of the city except as otherwise specified herein or in any collective bargaining contract authorized by the city.

('97 Code, § 31.17) (Ord. 34-86, passed 7-21-86; Am. Ord. 20-97, passed 2-17-97; Am. Ord. 21-97, passed 3-3-97; Am. Ord. 22-97, passed 3-3-97; Am. Ord. 13-01, passed 8-6-01)

§ 33.17 WAGE SCHEDULES ADOPTED.

(A) The wages schedules listed in division (B) of this section are hereby adopted by reference and shall be treated as if set forth in full herein. Such wage schedules shall be maintained in the office of the City Manager. The City Commission may amend any schedule by adoption of an appropriate ordinance or resolution. Such ordinances or resolutions and schedules shall not be codified herein, but the City Manager, or his or her designee, shall cause the appropriate change to be made to the

applicable schedule so that each schedule shall remain current. Current copies of all wage schedules shall be available for public inspection.

(B) The wage schedules of the city include the following:

Schedule A: All full-time management employees and any other full-time employees not specifically covered by any other schedule

Schedule A-1: All part-time, temporary, and seasonal employees

Schedule B: All full-time employees represented by AFSCME Local No. 984 (Blue Collar)

Schedule C: All full-time firefighters/paramedics, Fire Captains, Assistant Fire Chiefs,

Schedule D: All full-time sworn Police Officers represented by the Fraternal Order of Police, Ohio Labor Council, Inc.

Schedule E: All full-time employees represented by AFSCME Local No. 984 (Clerical -Technical)

Schedule F: All full-time civilian employees represented by the Fraternal Order of Police, Ohio Labor Council, Inc.

Schedule G: All full-time sworn Deputy Police Chiefs and Lieutenants represented by Ohio Patrolmen's Benevolent Association

(*97 Code, Appendix: Standard Pay Range) (Ord. 21-96, passed 4-15-96; Am. Ord. 39-96, passed 8-19-96; Am. Ord. 47-96, passed 10-7-96; Am. Ord. 21-97, passed 3-3-97; Am. Ord. 22-97, passed 3-3-97; Am. Ord. 62-97, passed 12-1-97; Am. Ord. 2-98, passed 1-5-98; Am. Ord. 598, passed 2-2-98; Am. Ord. 11-98, passed 3-2-98; Am. Ord. 6-99, passed 2-15-99; Am. Ord. 1499, passed 4-19-99; Am. Ord. 26-99, passed 8-16-99; Am. Ord. 32-99, passed 10-4-99; Am. Ord. 6-00, passed 1-17-00; Am. Ord. 9-00, passed 2-7-00; Am. Ord. 15-00, passed 4-17-00; Am. Ord. 17-00, passed 5-1-00; Am. Ord. 29-00, passed 8-7-00; Am. Ord. 36-00, passed 11-20-00; Am. Ord. 13-01, passed 8-6-01; Am. Ord. 26-02, passed 10-21-02; Am. Ord. 4-03, passed 2-18-03; Am. Ord. 12-03, passed 6-2-03; Am. Ord. 3-04, passed 1-20-04; Am. Ord. 1-14, passed 1-21-14)

§ 33.18 BENEFITS OF THE CITY MANAGER

The City Manager shall be an at-will employee entitled to the benefits that are separately negotiated by contract and approved by the City Commission. Compensation for the City Manager shall be specifically provided for by contract and/or ordinance and shall not be part of Schedule A. Any benefit not expressly covered for by contract or separately established by ordinance or resolution, shall be provided for under this chapter for the City Manager.

ORDINANCE NO. 21-14
AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2014

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

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

<u>ACCOUNT</u>	2014 APPROPRIATIONS	2014 REVISED APPROPRIATION	2014 FINAL APPROPRIATION
<u>City Building</u>			
Operation and Maintenance	\$98,230	\$121,730	\$121,730
Allocated Expenses	(\$7,066)	(\$7,066)	(\$7,066)
TOTAL	\$91,164	\$114,664	\$114,664
<u>City Commission</u>			
Personal Services/Administrative Support	\$34,618	\$34,618	\$34,968
Operation and Maintenance	\$52,097	\$52,097	\$52,097
TOTAL	\$86,715	\$86,715	\$87,065
<u>City Manager</u>			
Personal Services/Administrative Support	\$235,584	\$235,584	\$235,584
Operation and Maintenance	\$30,637	\$30,637	\$30,637
Allocated Expenses	(\$194,873)	(\$194,873)	(\$194,873)
TOTAL	\$71,348	\$71,348	\$71,348
<u>Civil Service</u>			
Operation and Maintenance	\$16,292	\$20,000	\$20,000
TOTAL	\$16,292	\$20,000	\$20,000
<u>Engineering</u>			
Personal Services/Administrative Support	\$349,493	\$349,493	\$349,493
Operation and Maintenance	\$33,253	\$33,253	\$34,958
Allocated Expenses	(\$325,876)	(\$325,876)	(\$325,876)
Capital	\$17,500	\$17,500	\$15,795
TOTAL	\$74,370	\$74,370	\$74,370
<u>Finance</u>			
Personal Services/Administrative Support	\$496,614	\$496,614	\$496,614
Operation and Maintenance	\$27,105	\$27,105	\$27,105
Allocated Expenses	(\$362,725)	(\$362,725)	(\$362,725)
TOTAL	\$160,994	\$160,994	\$160,994
<u>Health</u>			
Personal Services/Administrative Support	\$253,758	\$253,758	\$263,758
Operation and Maintenance	\$111,050	\$111,050	\$111,050
TOTAL	\$364,808	\$364,808	\$374,808
<u>Law</u>			
Personal Services/Administrative Support	\$216,386	\$216,386	\$216,386
Operation and Maintenance	\$19,036	\$19,036	\$19,036
Allocated Expenses	(\$140,311)	(\$140,311)	(\$140,311)
TOTAL	\$95,111	\$95,111	\$95,111
<u>Income Tax</u>			
Personal Services/Administrative Support	\$185,581	\$185,581	\$185,581
Operation and Maintenance	\$275,957	\$275,957	\$275,957
TOTAL	\$461,538	\$461,538	\$461,538
<u>Planning & Zoning</u>			
Personal Services/Administrative Support	\$184,611	\$184,611	\$187,811
Operation and Maintenance	\$70,683	\$70,683	\$70,683
Non Government/Transfers/Refunds	\$100	\$100	\$100
TOTAL	\$255,394	\$255,394	\$258,594
<u>General Government</u>			
Operation and Maintenance	\$278,733	\$278,733	\$278,733
Capital Outlay (including labor)	\$0	\$102,042	\$11,502,042
Non Government/Transfers/Refunds	\$100	\$100	\$100
TOTAL	\$278,833	\$380,875	\$11,780,875
<u>Human Resources</u>			
Personal Services/Administrative Support	\$176,892	\$176,892	\$176,892
Operation and Maintenance	\$21,718	\$22,818	\$25,918
Allocated Expenses	(\$172,988)	(\$172,988)	(\$176,648)
TOTAL	\$25,622	\$26,722	\$26,162
<u>Purchasing</u>			
Personal Services/Administrative Support	\$83,003	\$83,003	\$83,003
Operation and Maintenance	\$4,938	\$4,938	\$4,938
Allocated Expenses	(\$85,959)	(\$85,959)	(\$85,959)
TOTAL	\$1,982	\$1,982	\$1,982

	2014 APPROPRIATIONS	2014 REVISED APPROPRIATION	2014 FINAL APPROPRIATION
Transfers			
Transfer to NIT Fund 104	\$40,288	\$45,788	\$45,788
Transfer to Parks Fund 105	\$100,000	\$111,000	\$111,000
Transfer to Safety Fund 106	\$3,550,000	\$3,550,000	\$3,550,000
Transfer to Forest Hill Mausoleum Fund 110	\$1,050	\$1,050	\$1,050
Transfer to Pro Piqua Fund 128	\$62,000	\$62,000	\$62,000
Transfer to Golf 409	\$250,000	\$250,000	\$350,000
Transfer to Ft. Piqua Plaza 410	\$200,000	\$200,000	\$200,000
Transfer to Swimming Pool Fund 415	\$105,000	\$105,000	\$85,000
TOTAL	\$4,308,338	\$4,324,838	\$4,404,838
TOTAL GENERAL FUND	\$6,292,509	\$6,439,359	\$17,932,349
SEC. 2: That there be appropriated from the STREET DEPARTMENT FUND (101)			
Personal Services/Administrative Support	\$919,531	\$919,531	\$1,004,531
Operation and Maintenance	\$1,817,470	\$1,817,470	\$1,817,470
Capital Outlay (including labor)	\$256,500	\$290,183	\$290,183
TOTAL	\$2,993,501	\$3,027,184	\$3,112,184
SEC. 3: That there be appropriated from the STREET INCOME TAX FUND (103)			
Operation and Maintenance	\$2,097,590	\$2,134,590	\$2,134,590
Capital Outlay (including labor)	\$1,956,211	\$1,956,211	\$1,919,211
Non Government/Transfers/Refunds	\$173,754	\$173,754	\$173,754
Allocated Expenses	(\$60,000)	(\$97,000)	(\$60,000)
TOTAL	\$4,167,555	\$4,167,555	\$4,167,555
SEC. 4: That there be appropriated from the NEIGHBORHOOD IMPROVEMENT PROGRAM FUND (104)			
Personal Services/Administrative Support	\$10,713	\$10,713	\$10,713
Operation and Maintenance	\$29,575	\$35,075	\$47,000
TOTAL	\$40,288	\$45,788	\$57,713
SEC. 5: That there be appropriated from the PARK AND RECREATION FUND (105)			
Personal Services/Administrative Support	\$243,269	\$243,269	\$255,300
Operation and Maintenance	\$223,525	\$239,025	\$243,025
Capital Outlay (including labor)	\$151,000	\$151,000	\$151,000
Non Government/Transfers/Refunds	\$200	\$200	\$250
TOTAL	\$617,994	\$633,494	\$649,575
SEC. 6: That there be appropriated from the PUBLIC SAFETY FUND (106)			
009 Fire Department			
Personal Services/Administrative Support	\$3,395,984	\$3,395,984	\$3,600,000
Operation and Maintenance	\$416,708	\$416,708	\$425,500
Capital Outlay (including labor)	\$170,000	\$170,000	\$6,000
Non Government/Transfers/Refunds	\$71,016	\$71,016	\$182,937
TOTAL	\$4,053,708	\$4,053,708	\$4,214,437
014 Police Department			
Personal Services/Administrative Support	\$3,682,921	\$3,682,921	\$3,682,921
Operation and Maintenance	\$651,399	\$672,399	\$672,399
Capital Outlay (including labor)	\$118,243	\$97,243	\$97,243
Non-Government/Transfers/Refunds	\$17,109	\$17,109	\$107,188
TOTAL	\$4,469,672	\$4,469,672	\$4,559,751
TOTAL PUBLIC SAFETY	\$8,523,380	\$8,523,380	\$8,774,188
SEC. 7: That there be appropriated from the D.U.I. EDUCATIONAL FUND (109)			
Operation & Maintenance	\$6,000	\$6,000	\$6,000
TOTAL	\$6,000	\$6,000	\$6,000
SEC. 8: That there be appropriated from the FOREST HILL MAUSOLEUM FUND (110)			
Operation & Maintenance	\$1,050	\$1,050	\$1,150
TOTAL	\$1,050	\$1,050	\$1,150
SEC. 9: That there be appropriated from the MANDATORY DRUG FINE FUND (111)			
Operation and Maintenance	\$1,000	\$1,000	\$1,000
TOTAL	\$1,000	\$1,000	\$1,000

	2014 APPROPRIATIONS	2014 REVISED APPROPRIATION	2014 FINAL APPROPRIATION
SEC. 10: That there be appropriated from the RENEW PIQUA FUND (114)			
Operation and Maintenance	\$12,814	\$12,814	\$12,814
TOTAL	\$12,814	\$25,628	\$12,814
SEC. 11: That there be appropriated from the CHIP 2012 FUND (117)			
Operation and Maintenance	\$400,000	\$50,000	\$0
TOTAL	\$400,000	\$50,000	\$0
SEC. 12: That there be appropriated from the C.H.I.P. PROGRAM INCOME FUND (119)			
Personal Service/Administrative Support	\$960	\$960	\$3,480
Operation and Maintenance	\$29,112	\$29,112	\$29,112
TOTAL	\$30,072	\$30,072	\$32,592
SEC. 13: That there be appropriated from the POLICE AUXILIARY FUND (120)			
Operation & Maintenance	\$2,625	\$2,625	\$2,625
TOTAL	\$2,625	\$2,625	\$2,625
SEC. 14: That there be appropriated from the COMMUNITY DEVELOPMENT BLOCK GRANT FUND (122)			
Operation and Maintenance	\$75,000	\$88,152	\$88,152
TOTAL	\$75,000	\$88,152	\$88,152
SEC. 15: That there be appropriated from the WORKER'S COMP FUND (124)			
Personal Services/Administrative Support	\$200,000	\$253,900	\$253,900
TOTAL	\$200,000	\$253,900	\$253,900
SEC. 16: That there be appropriated from the INSURANCE RESERVE FUND (125)			
Operation & Maintenance	\$325,511	\$362,960	\$362,960
TOTAL	\$325,511	\$362,960	\$362,960
SEC. 17: That there be appropriated from the DEMOLITION DEFENSE FUND (126)			
Non Government/Transfers/Refunds	\$63,000	\$63,000	\$63,000
TOTAL	\$63,000	\$63,000	\$63,000
SEC. 18: That there be appropriated from the PRO PIQUA FUND (128)			
Operation and Maintenance	\$62,000	\$62,000	\$62,000
TOTAL	\$62,000	\$62,000	\$62,000
SEC. 19: That there be appropriated from the REVOLVING LOAN FUND (130)			
Personal Service/Administrative Support	\$0	\$0	\$60
Operation and Maintenance	\$60,620	\$60,620	\$60,620
TOTAL	\$60,620	\$60,620	\$60,680
SEC. 20: That there be appropriated from the BROWNFIELD EPA GRANT (131)			
Operation and Maintenance	\$548,010	\$548,010	\$548,010
TOTAL	\$548,010	\$548,010	\$548,010
SEC. 21: That there be appropriated from the COMMUNITY DEVELOPMENT FUND (135)			
Personal Services/Administrative Support	\$235,764	\$235,764	\$235,764
Operation and Maintenance	\$78,502	\$78,502	\$78,502
Allocated Expenses	(\$314,266)	(\$314,266)	(\$314,266)
TOTAL	\$0	\$0	\$0
SEC. 22: That there be appropriated from the FEMA FUND (139)			
Personal Services/Administrative Support	\$20,000	\$20,000	\$2,365
Operation and Maintenance	\$0	\$37,000	\$37,000
TOTAL	\$20,000	\$57,000	\$39,365
SEC. 23: That there be appropriated from the AGRICULTURAL REVOLVING LOAN FUND (142)			
Personal Services/Administrative Support	\$0	\$0	\$330
Operation and Maintenance	\$24,250	\$24,250	\$24,250
TOTAL	\$24,250	\$24,250	\$24,580

SEC. 24:	That there be appropriated from the SPECIAL ASSESSMENT DEBT SERVICE FUND (202)			
	Operation and Maintenance	\$24,355	\$36,355	\$36,355
	Non Government/Transfers/Refunds	\$30,202	\$108,379	\$93,655
	TOTAL	\$54,557	\$144,734	\$130,210
SEC. 25:	That there be appropriated from the OWDA-1995 LOAN WASTEWATER DEBT SERVICE FUND (210)			
	Non Government/Transfers/Refunds	\$506,537	\$506,537	\$506,537
	TOTAL	\$506,537	\$506,537	\$506,537
SEC. 26:	That there be appropriated from the SIB 25A NOTE '08 FUND (216)			
	Non Government/Transfers/Refunds	\$173,755	\$173,755	\$173,755
	TOTAL	\$173,755	\$173,755	\$173,755
SEC. 27:	That there be appropriated from the SWIMMING POOL DEBT SERVICE FUND (221)			
	Non Government/Transfers/Refunds	\$8,344	\$8,344	\$8,455
	TOTAL	\$8,344	\$8,344	\$8,455
SEC. 28:	That there be appropriated from the GOLF COURSE EXPANSION G.O. BONDS DEBT SERVICE FUND (243)			
	Non Government/Transfers/Refunds	\$165,479	\$165,479	\$167,576
	TOTAL	\$165,479	\$165,479	\$167,576
SEC. 29:	That there be appropriated from the PFDP PENSION G. O. BONDS DEBT SERVICE FUND (249)			
	Non Government/Transfers/Refunds	\$39,063	\$39,063	\$239,063
	TOTAL	\$39,063	\$39,063	\$239,063
SEC. 30:	That there be appropriated from the WATER TOWER DEBT SERVICE FUND (250)			
	Non Government/Transfers/Refunds	\$132,822	\$132,822	\$132,822
	TOTAL	\$132,822	\$132,822	\$132,822
SEC. 31:	That there be appropriated from the WATER TOWER DEBT SERVICE FUND 2006 (251)			
	Non Government/Transfers/Refunds	\$14,351	\$14,351	\$14,351
	TOTAL	\$14,351	\$14,351	\$14,351
SEC. 32:	That there be appropriated from the EQUALIZATION TANK '08 NOTE (OWDA) DEBT SERVICE FUND (254)			
	Non Government/Transfers/Refunds	\$303,393	\$303,393	\$303,393
	TOTAL	\$303,393	\$303,393	\$303,393
SEC. 33:	That there be appropriated from the FIRE EQUIPMENT '08 G.O. NOTE FUND (255)			
	Non/Government/Transfers/Refunds	\$49,063	\$49,063	\$49,063
	TOTAL	\$49,063	\$49,063	\$49,063
SEC. 34:	That there be appropriated from the WATER PLANT OWDA DEBT SERVICE FUND (256)			
	Non/Government/Transfers/Refunds	\$8,606,900	\$8,852,600	\$1,000,000
	TOTAL	\$8,606,900	\$8,852,600	\$1,000,000
SEC. 35:	That there be appropriated from the WASTEWATER PLANT ENGINEERING DEBT SERVICE FUND (257)			
	Non/Government/Transfers/Refunds	\$1,375,850	\$1,375,850	\$800,000
	TOTAL	\$1,375,850	\$1,375,850	\$800,000
SEC. 36:	That there be appropriated from the GOLF EQUIPMENT LEASE '14 DEBT SERVICE FUND (260)			
	Non/Government/Transfers/Refunds	\$243,000	\$243,000	\$0
	TOTAL	\$243,000	\$243,000	\$0

SEC. 37: That there be appropriated from the POWER SYSTEM FUND (401)

Personal Services/Administrative Support	\$2,168,982	\$2,168,982	\$2,168,982
Operation and Maintenance	\$24,683,293	\$27,320,293	\$27,320,293
Capital Outlay (including labor)	\$2,145,466	\$2,145,466	\$2,145,466
Overhead Transfers	(\$180,000)	(\$180,000)	(\$180,000)
TOTAL	\$28,817,741	\$31,454,741	\$31,454,741

SEC. 38: That there be appropriated from the WATER SYSTEM FUND (403)

Personal Services/Administrative Support	\$1,269,564	\$1,269,564	\$1,269,564
Operation and Maintenance	\$2,965,491	\$2,965,491	\$2,965,491
Capital Outlay (including labor)	\$9,397,540	\$9,397,540	\$9,397,540
Non Government/Transfers/Refunds	\$147,172	\$392,872	\$392,872
TOTAL	\$13,779,767	\$14,025,467	\$14,025,467

SEC. 39: That there be appropriated from the WASTEWATER SYSTEM FUND (404)

Personal Services/Administrative Support	\$1,187,101	\$1,187,101	\$1,187,101
Operation and Maintenance	\$1,124,935	\$1,412,586	\$1,412,586
Capital Outlay (including labor)	\$2,106,850	\$2,106,850	\$2,106,850
Non Government/Transfers/Refunds	\$809,929	\$809,929	\$809,929
TOTAL	\$5,228,815	\$5,516,466	\$5,516,466

SEC. 40: That there be appropriated from the GARBAGE AND REFUSE FUND (405)

Personal Services/Administrative Support	\$527,297	\$527,297	\$527,297
Operation and Maintenance	\$1,229,943	\$1,229,943	\$1,229,943
Capital Outlay (including labor)	\$175,000	\$175,000	\$175,000
TOTAL	\$1,932,240	\$1,932,240	\$1,932,240

SEC. 41: That there be appropriated from the CITY INCOME TAX
ADMINISTRATION FUND (407)

Non Government/Transfers/Refunds	\$7,750,000	\$7,750,000	\$9,100,000
TOTAL	\$7,750,000	\$7,750,000	\$9,100,000

SEC. 42: That there be appropriated from the INFORMATION TECHNOLOGY
FUND (408)

Personal Services/Administrative Support	\$337,956	\$337,956	\$337,956
Operation and Maintenance	\$248,469	\$248,469	\$248,469
Capital Outlay (including labor)	\$106,500	\$106,500	\$106,500
TOTAL	\$692,925	\$692,925	\$692,925

SEC. 43: That there be appropriated from the GOLF COURSE FUND (409)

Personal Services/Administrative Support	\$287,835	\$287,835	\$236,422
Operation and Maintenance	\$348,300	\$348,300	\$348,300
Capital Outlay (including labor)	\$180,000	\$180,000	\$178,500
Non Government/Transfers/Refunds	\$230,776	\$230,776	\$167,776
TOTAL	\$1,046,911	\$1,046,911	\$930,998

SEC. 44: That there be appropriated from the FORT PIQUA PLAZA FUND (410)

Operation & Maintenance	\$288,175	\$294,175	\$315,000
Non Government/Transfers/Refunds	\$3,500	\$3,500	\$3,500
TOTAL	\$291,675	\$297,675	\$318,500

SEC. 45: That there be appropriated from the STORMWATER UTILITY FUND (411)

Personal Services/Administrative Support	\$395,547	\$395,547	\$365,547
Operation and Maintenance	\$379,646	\$434,051	\$474,051
Capital Outlay (including labor)	\$281,000	\$327,006	\$327,006
TOTAL	\$1,056,193	\$1,156,604	\$1,166,604

SEC. 46: That there be appropriated from the METER READERS FUND (412)

Personal Services/Administrative Support	\$203,466	\$203,466	\$203,466
Operation and Maintenance	\$40,453	\$40,453	\$40,453
Allocated Expenses	(\$243,919)	(\$243,919)	(\$243,919)
TOTAL	\$0	\$0	\$0

SEC. 47: That there be appropriated from the UTILITIES BUSINESS OFFICE
FUND (413)

Personal Services/Administrative Support	\$496,567	\$496,567	\$507,567
Operation and Maintenance	\$402,566	\$402,566	\$413,000
Non Government/Transfers/Refunds	\$5,000	\$5,000	\$5,000
Allocated Expenses	(\$904,133)	(\$904,133)	(\$925,567)
TOTAL	\$0	\$0	\$0

SEC. 48:	That there be appropriated from the SWIMMING POOL FUND (415)			
	Personal Services/Administrative Support	\$80,266	\$80,266	\$62,266
	Operation and Maintenance	\$82,077	\$82,077	\$57,000
	Non Government/Transfers/Refunds	\$8,654	\$8,654	\$8,555
	TOTAL	\$170,997	\$170,997	\$127,821
SEC. 49:	That there be appropriated from the UNCLAIMED TRUST (606)			
	Non Government/Transfers/Refunds	\$1,750	\$1,750	\$1,750
	TOTAL	\$1,750	\$1,750	\$1,750
SEC. 50:	That there be appropriated from the LAW ENFORCEMENT TRUST (609)			
	Non Government/Transfers/Refunds	\$12,500	\$12,500	\$12,500
	TOTAL	\$12,500	\$12,500	\$12,500
SEC. 51:	That there be appropriated from the CONSERVANCY FUND (611)			
	Operation and Maintenance	\$38,281	\$52,620	\$52,620
	TOTAL	\$38,281	\$52,620	\$52,620
SEC. 52:	That there be appropriated from the CITY HEALTH INSURANCE FUND (614)			
	Operation and Maintenance	\$5,000	\$5,000	\$5,000
	Capital Outlay (including labor)	\$100,000	\$100,000	\$100,000
	TOTAL	\$105,000	\$105,000	\$105,000
SEC. 53:	That there be appropriated from the EMPLOYEE FLEXIBLE SPENDING FUND (615)			
	Administrative Support	\$175,000	\$175,000	\$175,000
	TOTAL	\$175,000	\$175,000	\$175,000
SEC. 54:	That there be appropriated from the WEED CUTTING FUND (735)			
	Operation and Maintenance	\$500	\$32,000	\$19,700
	Allocated Expenses	\$0	(\$31,500)	(\$16,000)
	TOTAL	\$500	\$500	\$3,700
SEC. 55:	That the sum appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2014. Future commitments representing encumbrances of fund balance or future receipts will be appropriated in the future year when those services or goods are rendered to the city.			
SEC. 56:	That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.			
SEC. 57:	That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2014 when passed and legally contracted for in conformity by law.			
SEC. 58:	That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed \$650,000 in the aggregate nor extend past December 31, 2014; except those that are to be reimbursed by federal, state or other grant programs that were previously approved by this Commission.			
SEC. 59:	That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.			
SEC. 60:	That this ordinance is declared an emergency for immediate preservation of the public peace, health, or safety in the City of Piqua and shall take effect and be in force from and after passage.			

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Ordinance 21-14 Final Appropriation Comparison to Revised Exhibit A

General Fund (001)

City Commission		
Personal Services/Administrative Support	\$	350 Clerk Personnel Cost
Engineering		
Operation and Maintenance	\$	1,705 Moved Capital to O&M
Capital Outlay (including labor)	\$	(1,705)
Health		
Personal Services/Administrative Support	\$	10,000 Retirement
Planning and Zoning		
Personal Services/Administrative Support	\$	3,200 Wage Increase
General Government		
Capital Outlay (including labor)	\$	11,400,000 Fort Piqua Plaza Exchange
Human Resources		
Operation and Maintenance	\$	3,100
Allocated Expenses	\$	(3,660)
Transfer from General Fund to other funds		
Transfer to Golf Fund 409	\$	100,000 Late Spring, less revenue
Transfer to Swimming Pool Fund 415	\$	(20,000) Colder weather
Net Increase to General Fund	<u>\$</u>	<u>11,492,990</u>

Streets Fund (101)

Personal Services/Administrative Support	\$	85,000 Winter plowing costs, wage increase, 2 new employees
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Neighborhood Improvement Program Fund (104)

Operation and Maintenance	\$	11,925 Moving Ohio Forward Grant 2013 Carryover
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Parks and Recreation Fund (105)

Personal Services/Administrative Support	\$	12,031 Wage increase
Operation and Maintenance	\$	4,000 Increased expenses
Non-Government/Transfers/Refunds	\$	50 Increased Refunds

Total Parks and Recreation (105) \$ 16,081

Public Safety Fund (106)

Fire Department 009

Personal Services/Administrative Support	\$	204,016 Retirement and increased overtime
Operation and Maintenance	\$	8,792 Replaced Shower
Capital Outlay (including labor)	\$	(164,000) Grants did not materialize
Non Government/Transfers/Refunds	\$	111,921 Pension Bond Payoff

Total Fire Department 009 \$ 160,729

Police Department 014

Non Government/Transfers/Refunds	\$	90,079 Pension Bond Payoff
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Total Public Safety Fund (106) \$ 250,808

Forest Hill Mausoleum Fund (110)

Operation and Maintenance	\$	100
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CHIP 2012 Fund (117)

Operation and Maintenance	\$	(50,000) Grant not received
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CHIP PROGRAM INCOME Fund (119)

Personal Services/Administrative Support	\$	2,520 Increased services
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Revolving Loan Fund (130)

Personal Services/Administrative Support	\$	60 Increased services
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FEMA Fund (139)			
Personal Services/Administrative Support	\$	(17,635)	Task Force One not deployed
Agricultural Revolving Loan Fund (142)			
Personal Services/Administrative Support	\$	330	Increased services
Special Assessment Debt Service Fund (202)			
Non Government/Transfers/Refunds	\$	(14,524)	Less activity
Swimming Pool Debt Service Fund (221)			
Non Government/Transfers/Refunds	\$	111	Adjust for actual
Golf Course Expansion G.O. Bonds Debt Service (243)			
Non Government/Transfers/Refunds	\$	2,097	Adjust for actual
PFD Pension G.O. Bonds Debt Service (249)			
Non Government/Transfers/Refunds	\$	200,000	Payoff Bonds
Wastewater Plant Engineering Debt Service Fund (257)			
Non Government/Transfers/Refunds	\$	(575,850)	Loan moved to 2015 based on project timing
Golf Equipment Lease '14 Debt Service Fund (260)			
Non Government/Transfers/Refunds	\$	(243,000)	Loan not taken
City Income Tax Administration Fund (407)			
Non Government/Transfers/Refunds	\$	1,350,000	Increased income tax and refunds
Golf Course Fund (409)			
Personal Services/Administrative Support	\$	(50,000)	Retirement
Operation and Maintenance	\$	50,000	Contractual
Capital Outlay (including labor)	\$	(1,500)	Not needed
Non Government/Transfers/Refunds	\$	(63,000)	Reduction of debt
Total Golf Course Fund (409)	<u>\$</u>	<u>(64,500)</u>	
Fort Piqua Plaza Fund (410)			
Operation and Maintenance	\$	20,825	Increased activity
Stormwater Utility Fund (411)			
Personal Services/Administrative Support	\$	(30,000)	Less personnel needs
Operation and Maintenance	\$	40,000	Increased Stormdrains
Total Stormwater Utility Fund (411)	<u>\$</u>	<u>10,000</u>	
Utility Business Office Fund (413)			
Personal Services/Administrative Support	\$	11,000	Retirement
Operation and Maintenance	\$	10,434	Increased Bank fees
Allocated Expenses	\$	(21,434)	
Total Utility Business Office Fund (413)	<u>\$</u>	<u>-</u>	
Swimming Pool Fund (415)			
Personal Services/Administrative Support	\$	(18,000)	Revenue and expenses down for the year
Operation and Maintenance	\$	(25,077)	
Non Government/Transfers/Refunds	\$	(99)	
Total Swimming Pool Fund (415)	<u>\$</u>	<u>(43,176)</u>	
Weed Cutting Fund (735)			
Operation and Maintenance	\$	(12,300)	Decreased nuisance abatement costs
Allocated Expenses	\$	15,500	
Total Weed Cutting Fund (735)	<u>\$</u>	<u>3,200</u>	
Overall Total Changes	\$	12,437,362	

ORDINANCE NO. 22-14
AN ORDINANCE TO AUTHORIZE THE DETACHMENT OF PROPERTY
CONSISTING OF 45.503 ACRES IN THE CITY OF PIQUA TO
WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO

WHEREAS, the City of Piqua Commission approved Ordinance No. 7-13 on July 2, 2013, authorizing the annexation of 45.503 acres from Washington Township for purposes of building a new water treatment plant; and

WHEREAS, the City of Piqua Planning Commission and City Commission approved the annexation pursuant to Ohio Revised Code §709.16 which allows for annexation but places the property in a dual taxing district rather than removing the property from the township boundaries; and

WHEREAS, Ohio Revised Code §709.022 permits the annexation and the removal from the township boundaries; and

WHEREAS, in order to remove the property from the township boundaries, the annexed property will need to be detached from the City of Piqua and then re-annexed; and

WHEREAS, upon the approval of this Resolution, the Law Director will petition Washington Township and the Miami County Commissioners for detachment; and

WHEREAS, this Ordinance is an emergency as for the public interest, the detachment needs to occur so that the property does not fall within a dual taxing district.

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 §709.38, this Commission hereby authorizes the detachment of the 45.503 acres as described in Exhibits A and B.

SEC. 2: The Miami County Commissioners had approved the annexation so the detachment process is necessary. Exhibit C.

SEC. 3: The Law Director shall prosecute the proceedings necessary to effect the detachment and file such petition necessary for detachment.

SEC. 4: This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and so as to avoid the creation of a dual taxing district by the Miami County Auditor.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

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 Owsiniany 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

PETITION FOR ANNEXATION
Municipal Corporation Annexation Procedure

The City of Piqua, being the owner of real estate in the territory hereinafter described, and the State of Ohio, by and through the Department of Administrative Services, being the owner of real estate in the territory hereinafter described, said City of Piqua and State of Ohio territories hereinafter referred to as the "Territory", hereby petition for the annexation the following described Territory to the City of Piqua, Miami County, Ohio, pursuant to the process of annexation provided for by R.C. §§ 709.14, 709.15, and 709.16 .

Petitioner has attached hereto as Exhibit "A" and makes a part of this petition an ordinance adopted in a public meeting by a majority of the members elected to the legislative authority of the municipal corporation, to authorize the annexation requested by this petition and direct the city law director to prosecute the proceedings necessary to effect it, as required by R.C. 709.14.

Petitioner has attached hereto as Exhibit "B" and makes a part of this petition written consent to the granting of the annexation filed by the director of administrative services, the appointed authority acting on behalf of the state, to authorize the annexation requested by this petition, as required by R.C. 709.16.

The described Territory is contiguous with the City of Piqua, Ohio. Petitioner has attached hereto Exhibit "A" and makes a part of this petition a legal description of the perimeter and an accurate map or plat of the Territory sought to be annexed, as required by R.C. 709.15.

Pursuant to the ordinance adopted by the municipal corporation Stacy Wall, Law Director, City of Piqua, 201 W. Water Street, Piqua, Ohio 45356, 937-778-2042, has been appointed agent for the undersigned Petitioner as required by R.C. 709.14, with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase, or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition.

Stacy m. Wall
Stacy Wall, Law Director
City of Piqua, Ohio

OHIO AGENT
SUBMISSION
ALL INFORMATION
8.27.13
Date
RECEIVED

ORDINANCE NO. 23-14

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 §709.022, this Commission hereby authorizes the annexation of the subject property as described in Exhibits A and B.

SEC. 2: It is recognized that the State of Ohio through the Department of Administrative Services has also consented to the annexation. Exhibit C.

SEC. 3: The City Manager shall execute the necessary annexation petition document.

SEC. 4: The Law Director shall prosecute the proceedings necessary to effect the annexation and shall file the necessary petition for the property boundaries to be removed from Washington Township once the annexation is approved. Exhibit D.

SEC. 5: Washington Township is fully aware of this annexation and has entered into an annexation agreement in May 2006 where the City of Piqua and Washington Township have agreed to annexed property being removed from the Township. Exhibit C.

SEC. 6: This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua as the City is ready to commence construction of the water treatment plant on the site and the

financial condition is partly dependent on the property being annexed into the City of Piqua.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

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 Owsiniany 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 _____.

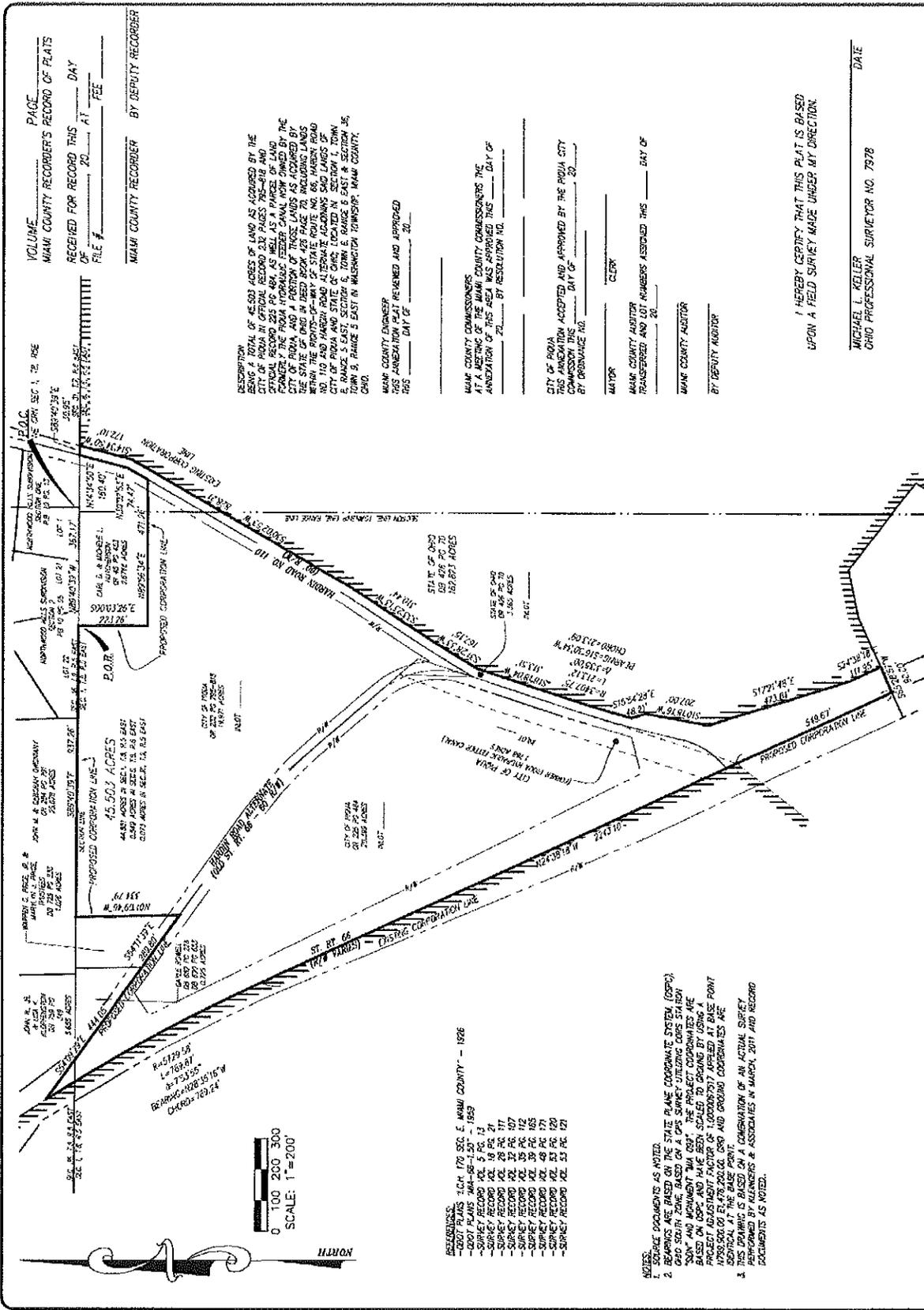
Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-2007) as determined by a VRS-GPS survey utilizing CORS station "SIDN" as maintained by the Ohio Department of Transportation and station "MIA 099".

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 _____ 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 PAGES 782-818 AND
 OFFICIAL RECORD 225 PAGES 484, AS WELL AS A PARCEL OF LAND
 THE CITY OF PIQUA HAS ACQUIRED FROM THE STATE OF OHIO BY
 THE STATE OF OHIO IN DEED BOOK 428 PAGE 70 INCLUDING LANDS
 WITHIN THE RIGHTS-OF-WAY OF STATE ROUTE NO. 66, HARBOUR ROAD
 NO. 110 AND HARBOUR ROAD ALTERNATE ACCORDING SAID LAGES OF
 CITY OF PIQUA AND STATE OF OHIO LOCATED IN SECTION 1, TOWN
 8, RANGE 5 EAST IN WASHINGTON TOWNSHIP, MIAMI COUNTY,
 OHIO.

MIAMI COUNTY ENGINEER
 HAS 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
 HAS ACCEPTED AND APPROVED BY THE PIQUA CITY
 COMMISSIONERS THIS _____ DAY OF _____ 20____
 BY ORDINANCE NO. _____

MAYOR _____ CLERK _____
 MIAMI COUNTY AUDITOR _____ DAY OF _____
 TRANSFERRED AND LOT NUMBERS ASSIGNED THIS _____ DAY OF _____
 BY DEPUTY AUDITOR _____

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

MICHAEL L. KELLER
 OHIO PROFESSIONAL SURVEYOR NO. 7978
 DATE _____



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

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

- RECORDING
- BOOK PLANS 3, CH. 179, SEC. E, MIAMI COUNTY - 1926
 - SURVEY RECORD VOL. 5, PG. 11
 - SURVEY RECORD VOL. 18, PG. 21
 - SURVEY RECORD VOL. 28, PG. 111
 - SURVEY RECORD VOL. 32, PG. 107
 - SURVEY RECORD VOL. 33, PG. 112
 - SURVEY RECORD VOL. 38, PG. 171
 - SURVEY RECORD VOL. 53, PG. 120
 - SURVEY RECORD VOL. 53, PG. 121

- NOTES:
1. STRIKE DOCUMENTS AS NOTED.
 2. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM (OSPC). GRID SOUTH ZONE, BASED ON A GPS SURVEY UTILIZING CORS STATION "SNY" AND MONUMENT "M1087". THE PROJECT COORDINATES ARE BASED ON OSPC AND HAVE BEEN SCALDED TO GRADING BY USING A PROJECT ADJUSTMENT FACTOR OF 1.0000007577 APPLIED AT BASE POINT "GEORICAL" AT THE BASE PRINT.
 3. THIS DRAWING IS BASED ON A COMPARISON OF AN ACTUAL SURVEY PERFORMED BY KLEINGERS & ASSOCIATES IN MARCH, 2011 AND RECORD DOCUMENTS AS NOTED.



REVISIONS

**PETITION FOR ANNEXATION
Municipal Corporation Annexation Procedure**

The City of Piqua, being the owner of real estate in the territory hereinafter described, and the State of Ohio, by and through the Department of Administrative Services, being the owner of real estate in the territory hereinafter described, said City of Piqua and State of Ohio territories hereinafter referred to as the "Territory", hereby petition for the annexation the following described Territory to the City of Piqua, Miami County, Ohio, pursuant to the process of annexation provided for by R.C. §§ 709.14, 709.15, and 709.16 .

Petitioner has attached hereto as Exhibit "A" and makes a part of this petition an ordinance adopted in a public meeting by a majority of the members elected to the legislative authority of the municipal corporation, to authorize the annexation requested by this petition and direct the city law director to prosecute the proceedings necessary to effect it, as required by R.C. 709.14.

Petitioner has attached hereto as Exhibit "B" and makes a part of this petition written consent to the granting of the annexation filed by the director of administrative services, the appointed authority acting on behalf of the state, to authorize the annexation requested by this petition, as required by R.C. 709.16.

The described Territory is contiguous with the City of Piqua, Ohio. Petitioner has attached hereto Exhibit "A" and makes a part of this petition a legal description of the perimeter and an accurate map or plat of the Territory sought to be annexed, as required by R.C. 709.15.

Pursuant to the ordinance adopted by the municipal corporation Stacy Wall, Law Director, City of Piqua, 201 W. Water Street, Piqua, Ohio 45356, 937-778-2042, has been appointed agent for the undersigned Petitioner as required by R.C. 709.14, with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase, or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition.

Stacy m. wall
Stacy Wall, Law Director
City of Piqua, Ohio

OHIO GOVT
COMMISSIONER
8.27.13
RECEIVED

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

1st Reading 6-4-2013
2nd Reading 6-18-2013


LUCINDA L. FESS, MAYOR

PASSED: July 2, 2013

ATTEST: Rebecca J. Cool

REBECCA J. COOL
CLERK OF COMMISSION

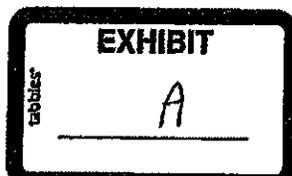


Exhibit 'A'

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 Owsiniany 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"

CONSENT FOR ANNEXATION

To: City of Piqua, Miami County, State of Ohio
Miami County Board of County Commissioners:

The State of Ohio, by and through the Department of Administrative Services, hereby grants its consent to the City of Piqua, Ohio and to the Miami County Board of County Commissioners, to allow the property which is located in the Township of Washington, Miami County, Ohio and that is described in Exhibit A, attached hereto (the "Property") to be annexed to the City of Piqua, Ohio. The State of Ohio, by and through the Department of Administrative Services, acknowledges that the Annexation Petition to be filed by the City of Piqua, Ohio with the Miami County Board of County Commissioners is pursuant to the provisions contained in Ohio Revised Code Section 709.16(D).

The State of Ohio, by and through the Department of Administrative Services, further acknowledges that an accurate map of the Property is attached to this Consent and that the Property proposed to be annexed is contiguous territory owned only by the State of Ohio.

The State of Ohio, by and through the Department of Administrative Services, further authorizes the City of Piqua to file this Consent with the Miami County Board of County Commissioners and to also file the Petition for Annexation of the Property described in Exhibit A with the Miami County Board of County Commissioners.

State of Ohio
Department of Administrative Services

BY:


Robert Blair, Director

Date: 11-5-12

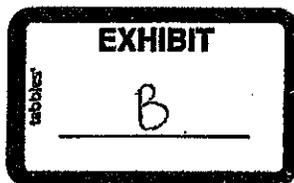
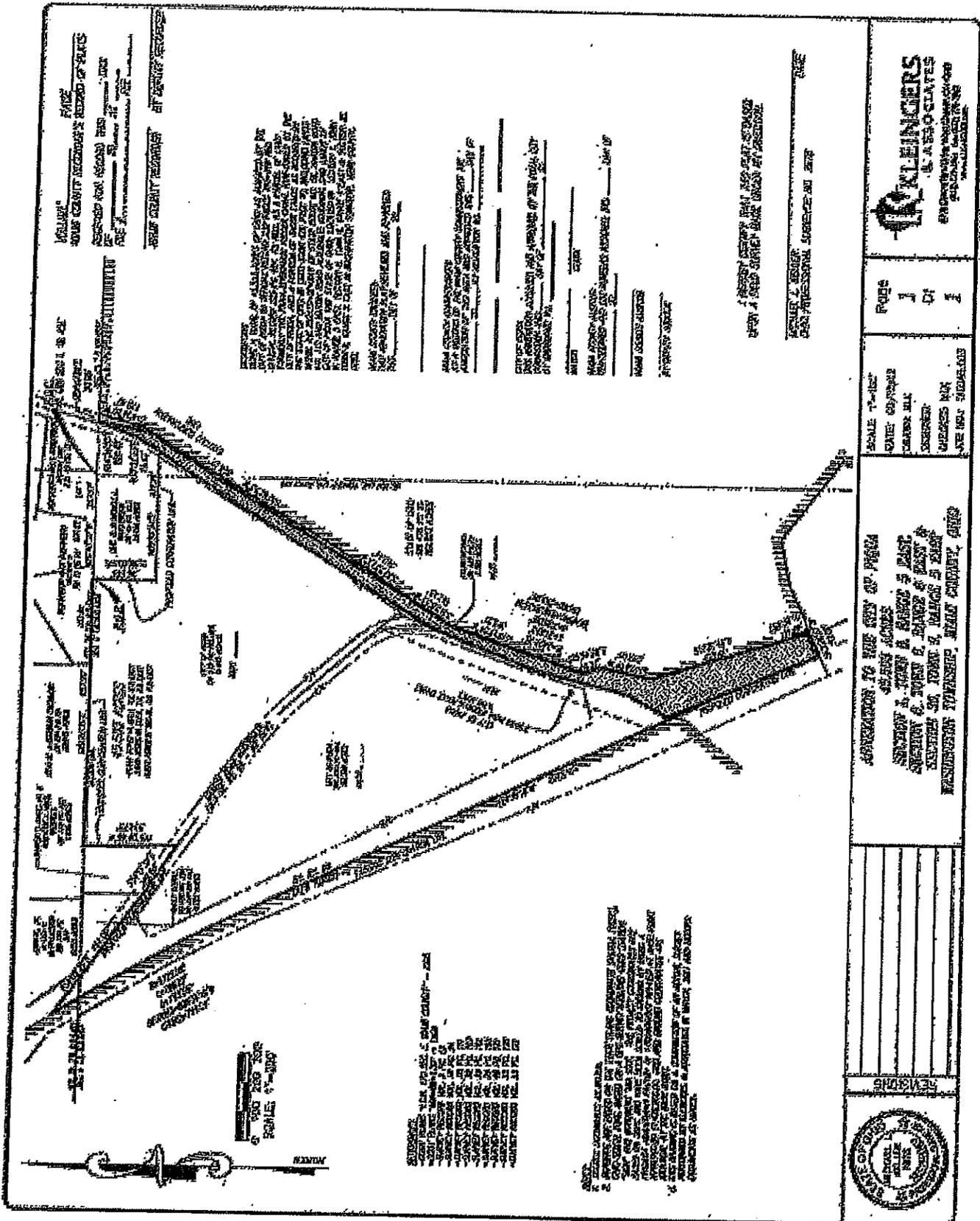


Exhibit "B"



DESIGNED BY
 YOUR COUNTY ENGINEER'S OFFICE
 DRAWN BY
 DATE
 SHEET NO. OF TOTAL SHEETS

THIS DRAWING IS A PART OF THE PROJECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER OF RECORD.

DATE OF DESIGN: _____
 DATE OF CONSTRUCTION: _____

CONTRACT NO. _____
 PROJECT NO. _____

SCALE: _____

BY: _____
 CHECKED BY: _____

DATE: _____

PROJECT LOCATION: _____

PROJECT DESCRIPTION: _____

APPROVED BY: _____

PROFESSIONAL ENGINEER NO. _____

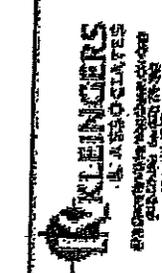


REVISIONS

CONSTRUCTION TO THE CITY OF PEORIA
 STREET CROSSING
 SECTION A. JOHN A. BAKER & PART
 SECTION B. JOHN E. BAKER & PART
 SECTION C. JOHN E. BAKER & PART
 SECTION D. JOHN E. BAKER & PART
 WASHINGTON TOWNSHIP, JEFFERSON COUNTY, MISSOURI

SCALE: 1"=10'
 DATE: 05/08/08
 DRAWN BY: J. BAKER
 CHECKED BY: J. BAKER
 APPROVED BY: J. BAKER

PAGE 1 OF 1



RESOLUTION NO. 13-09-1170

RESOLUTION ACCEPTING THE PETITION SEEKING THE ANNEXATION OF 45.503 ACRES, MORE OR LESS, (CITY OWNED PROPERTY) FROM WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO TO THE CITY OF PIQUA, OHIO, MIAMI COUNTY, AND APPROVING THE ANNEXATION OF 45.503 ACRES, MORE OR LESS, FROM WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO TO THE CITY OF PIQUA, MIAMI COUNTY, OHIO AND ORDERING JOURNALIZATION OF THIS RESOLUTION

MUNICIPAL ANNEXATION

Mr. Evans introduced the following resolution and moved for its adoption:

WHEREAS, a petition asking for the annexation of 45.503 acres, more or less, was filed with the Clerk of the Board of County Commissioners of Miami County, Ohio, on August 28, 2013; and

WHEREAS, this petition was filed pursuant to O.R.C. 709.14, 709.15, and 709.16; and

WHEREAS, the petition for this annexation and accompanying documents indicated that the territory sought to be annexed is contiguous with the City of Piqua, Ohio, is owned by the City of Piqua, Ohio, and is totally situated within the County of Miami, Ohio; and

WHEREAS, the annexation meets the following criteria:

1. The territory described in the petition was authorized to be annexed to the City of Piqua, Ohio, by Ordinance No. 7-13, dated July 2, 2013.
2. Stacy Wall, Law Director has been authorized to prosecute the proceedings necessary to effect the annexation.
3. The petition contains an accurate description and map of the territory to be annexed.
4. The entire territory to be annexed is owned by the City of Piqua Ohio
5. The territory to be annexed is contiguous to the City of Piqua, Ohio.
6. The territory to be annexed is located entirely within the same County (Miami) as the City of Piqua, Ohio.

NOW, THEREFORE BE IT

RESOLVED, by the Board of Miami County Commissioners, to accept the petition for this annexation and to grant the annexation of 45.503 acres, more or less, (CITY OWNED PROPERTY) from Washington Township, Miami County, Ohio to the City of Piqua Ohio, and

to authorize the Clerk of the Board of County Commissioners of Miami County, Ohio to journalize the resolution.

The Board therefore grants the annexation of 45.503 acres, more or less, from Washington Township, Miami County, Ohio, to the City of Piqua, Ohio.

FURTHER BE IT

RESOLVED that the Clerk certify a copy of this resolution to the Clerk of Piqua City, Ohio.

Mr. O'Brien seconded the motion and the Board voted as follows upon roll call:

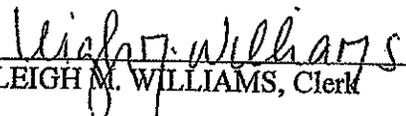
Mr. O'Brien, Yea; Mr. Cultice, Yea; Mr. Evans, Yea;

DATED: September 3, 2013

Mylar was signed this date.

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the Board under the date of September 3, 2013.


LEIGH M. WILLIAMS, Clerk



OFFICE OF
COMMISSIONERS OF MIAMI COUNTY
SAFETY BUILDING, 201 W. MAIN ST., Troy, Ohio 45373-2363

John F. Evans
Commissioner

John W. O'Brien
Commissioner

Richard L. Cultice
Commissioner

Leigh M. Williams
Clerk/Commissioners' Administrator

CERTIFICATION

ANNEXATION TO CITY OF PIQUA, OHIO
OF 45.503 ACRES MORE OR LESS
FROM WASHINGTON TOWNSHIP
MUNICIPAL ANNEXATION

The Board of Miami County Commissioners does hereby certify that the attached petition with the accompanying plat map are true and correct copies filed in these proceedings.

PETITION (ORC 709.14, 709.15 and 709.16)

ENGINEER'S LETTER

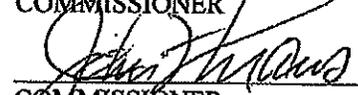
RESOLUTION ACKNOWLEDGING RECEIPT OF PETITION FOR ANNEXATION, APPROVING
ANNEXATION, AND SIGNING MYLAR
(Resolution No. 13-09-1170)

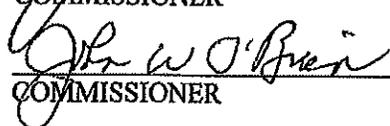
These copies are true and correct transcripts of action taken by the Board:

MIAMI COUNTY COMMISSIONERS:

DATED: September 3, 2013


COMMISSIONER


COMMISSIONER


COMMISSIONER

Leigh M. Williams, Clerk

Miami County Engineer's Office
& County Garage
2100 North County Road 25A
Troy, Ohio 45373

937-440-5656
Fax: 937-440-5659
mce@co.miaml.oh.us



Miami County Tax Map Office
201 West Main Street
Troy, Ohio 45373

937-440-8025
Fax: 937-440-8026
mce@co.miaml.oh.us

Paul P. Huelskamp PE, PS • Miami County Engineer

August 29, 2013

Honorable Board of Miami County Commissioners
County Plaza
Troy, OH 45373

Re: Proposed annexation of 45.503 acres, Section 1, Town 8, Range 5, Section 6,
Town 6, Range 6, and Section 36, Town 9, Range 5, Washington Township, to
the City of Piqua.

Dear Commissioners:

I have reviewed the map and legal description of the territory proposed for
annexation and they meet our requirements.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dennis Ventura, Jr.', written over a horizontal line.

Dennis Ventura, Jr.
Deputy Miami County Engineer

RESOLUTION NO. R-128-14

A RESOLUTION AUTHORIZING TRANSFERS OF CASH
FROM THE GENERAL FUND TO THE OTHER FUNDS
FOR THE FISCAL YEAR 2014

WHEREAS, This Commission has authorized ORDINANCE 16-13 which includes General Fund transfers to various funds, and various other fund transfers to Debt Service Sinking Funds for the year 2014.

WHEREAS, The Auditor of State Ohio Compliance Supplement requires that: "Transfers require a resolution authorizing the transfers."

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: That the Finance Director be authorized to transfer funds from the General Fund to other funds listed in Appendix A in an amount not to exceed the Appropriation Ordinance 16-13 listed in Appendix A.

SEC. 2: That the Finance Director be authorized to transfer from the Originating Funds to the respective Funds in an amount not to exceed the Appropriation Ordinance 16-13

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

APPENDIX A

RESOLUTION NO. 128-14

FOR THE FISCAL YEAR 2014

Transfers from:

The General Fund 001	\$	635,000
Fund 106 Safety Fund	\$	<u>288,125</u>
Total General Fund Transfers from	\$	923,125

Transfers to:

Fund 249 PFDP Pension G.O. Bonds Debt Service	\$	239,063
Fund 255 Fire Equipment 2008 G.O. Note	\$	49,062
Fund 409 Golf Course Fund	\$	350,000
Fund 410 Fort Piqua Plaza	\$	200,000
Fund 415 Swimming Pool Fund	\$	<u>85,000</u>
Total Transfers to	\$	923,125

Transfer from:

Fund 103 Construction	\$	173,754
-----------------------	----	---------

Transfer to:

Fund 216 SIB 25A Note '08	\$	173,754
---------------------------	----	---------

RESOLUTION NO. R-129-14

A RESOLUTION AUTHORIZING TRANSFERS OF CASH
FROM THE GENERAL FUND TO THE OTHER FUNDS
FOR THE FISCAL YEAR 2015

WHEREAS, This Commission has authorized ORDINANCE 17-14 which includes General Fund transfers to various funds, and various other fund transfers to Debt Service Sinking Funds for the year 2015.

WHEREAS, The Auditor of State Ohio Compliance Supplement requires that: "Transfers require a resolution authorizing the transfers."

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: That the Finance Director be authorized to transfer funds from the General Fund to other funds listed in Appendix A in an amount not to exceed the Appropriation Ordinance 17-14 listed in Appendix A.

SEC. 2: That the Finance Director be authorized to transfer from the Originating Funds to the respective Funds in an amount not to exceed the Appropriation Ordinance 17-14

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

APPENDIX A

RESOLUTION NO. 129-14

FOR THE FISCAL YEAR 2015

Transfers from:

The General Fund 001	\$ 680,000
Fund 106 Safety Fund	\$ 47,562
	<hr/>
Total General Fund Transfers from	\$ 727,562

Transfers to:

Fund 255 Fire Equipment 2008 G.O. Note	\$ 47,562
Fund 409 Golf Course Fund	\$ 350,000
Fund 410 Fort Piqua Plaza	\$ 200,000
Fund 415 Swimming Pool Fund	\$ 130,000
	<hr/>
Total Transfers to	\$ 727,562

Transfer from:

Fund 103 Construction	\$ 173,754
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Transfer to:

Fund 216 SIB 25A Note '08	\$ 173,754
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RESOLUTION NO. R-130-14

A RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH DELTA AIRPORT CONSULTANTS, INC. FOR THE ENGINEERING DESIGN SERVICES FOR THE RUNWAY, TAXIWAY, AND APRON PAVEMENT CRACK SEALING AND PAVEMENT MARKING PROJECT FOR THE HARTZELL FIELD AT THE PIQUA MUNICIPAL AIRPORT

WHEREAS, on January 7, 2014, this Commission passed Resolution No. R-3-14 authorizing the City Purchasing Analyst to advertise for bids, according to law, engineering design services; and

WHEREAS, after solicitation of Request for Qualifications, Delta Airport Consultants, Inc. has been determined to be the most qualified provider of these services; 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: A purchase order is hereby authorized to Delta Airport Consultants, Inc. for the necessary Engineering Design Services for the Crack Sealing and Pavement Marking Project;

SEC. 2: The Finance Director certifies 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 \$39,350.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 16, 2014		
REPORT TITLE (Should match resolution/ordinance title)	A Resolution requesting authorization to enter into an agreement with Delta Airport Consultants, Inc. for Engineering Design Services for The Runway, Taxiway, and Apron Pavement Crack Sealing and Pavement Marking Project for the Hartzell Field at the Piqua Municipal Airport.		
SUBMITTED BY	Name & Title: Amy L. Havenar, P.E., City Engineer		
	Department: Engineering		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<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:
BACKGROUND (Includes description, background, and justification)	<p>The City was awarded a grant for the crack sealing and pavement marking for the runway, the taxiway and the aprons at Hartzell Field. As a part of the grant requirements, we need to complete plans and specifications and submit them to the Ohio Department of Transportation Office of Aviation for their review and approval. The City has been working with Delta Airport Consultants for professional services for many years; they have maintained a high quality of expertise and proper adherence to federal and/ or state regulations. Delta Airport Consultants Inc. was instrumental in the City securing this grant, and they have been able to help the City of Piqua navigate through the mandatory FAA regulations.</p> <p>As a part of this work, Delta Airport Consultants would complete the following phases necessary for compliance with the grant:</p> <ul style="list-style-type: none"> • Design Development Phase • Construction Document Phase • Project Administration 		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$39,350	
	Expenditure \$:	\$39,350	
	Source of Funds:	101-113-864-7553 (Street Dept.)	
	Narrative	Through The Ohio Airport Grant Program, the City received \$76,905 for the construction of this project, which is 90% of the total construction cost. They City will provide 10% of the construction cost, which is \$8,545. As with most grants we receive, the grant funding does not pay for the cost of the Engineering design services.	
	1.	Approve the resolution to enter into an agreement with Delta Airport	

OPTIONS (Include Deny /Approval Option)	Consultants, Inc. to provide the Engineering Design Services
	2. Do not approve the resolution and return the funding.
PROJECT TIMELINE	The anticipated schedule is for the work to begin the summer of 2015.
STAFF RECOMMENDATION	Approve the resolution and enter into an agreement with Delta Airport Consultants, Inc. for the Engineering Design Services.
ATTACHMENTS	Attachment "A" – Scope of Work Attachment "B" – Fee Summary

ATTACHMENT "A"
SCOPE OF WORK

Runway, Taxiway, Apron Pavement Crack Sealing and Marking

Piqua-Hartzell Field Airport

Piqua, Ohio

October 31, 2014

This project is to include final design and construction document phase services for the construction of the following project:

Runway, Taxiway, Apron Pavement Crack Sealing and Marking

Bidding phase, grant administration, and other special project services stated below are not included as part of this Agreement, but may be added under a separate agreement.

Delta is to complete the following coordination items with the State of Ohio, Department of Transportation, Office of Aviation (ODOT, OA) and Federal Aviation Administration (FAA):

1. Preparation and electronic submission of a Construction Safety Phasing Plan (CSPP) and associated FAA Form 7460.

The Owner is responsible for providing the following items:

1. Topographic and features survey information for all areas within the project limits of disturbance, as well as selective information outside of the limits of disturbance where this information is required to complete the design. Survey shall be of sufficient accuracy to design the project and tie into existing pavements and/or project features.
2. Information on all relevant airport pavement features which may impact the design of the project.
3. Local required contract forms to be included in the specifications.
4. Local insurance requirements for the Contractor.

This Agreement does not include:

1. Any items identified above as being provided by the Owner.
2. Bidding services.
3. Construction phase services.
4. FAA Flight Check coordination and costs if required to verify as-built pavement markings.

5. All Grant Administration Services (application, pay request, inspection/final inspection/acceptance, etc.).
6. All Environmental Administration Services (NOI, applications, permits, etc.).

END SCOPE OF WORK

**ATTACHMENT "B"
FEE SUMMARY**

Runway, Ataxiway, Apron Pavement Crack Sealing and Remarking
Design Phase Services

Hartzell Field Airport
Piqua, Ohio

Delta Project No. 14044

October 31, 2014

Delta Costs - Design & Bidding	
Basic Services	
Schematic Design Services (SD)	Not Included
Design Development Phase (DD)	\$5,810
Construction Document Phase (CD)	\$27,640
Bidding Phase Services (BD)	Not Included
Subtotal:	\$33,450
Special Services	
Project Administration	\$5,900
Subtotal:	\$5,900

Unit Price Not-to-Exceed Budget Amount:	\$39,350
--	-----------------

RESOLUTION NO. R-131-14

**A RESOLUTION AUTHORIZING THE
CITY MANAGER TO ACCEPT PROPERTY**

WHEREAS, the City of Piqua has been studying and trying to obtain land that has sufficient elevation and space for a new water tower to be constructed; and

WHEREAS, the Sherry Development has land that meets all of the requirements necessary for the construction and placement of a water tower and is donating the land to the City of Piqua; and

WHEREAS, the City of Piqua has not been able to acquire or locate any other land that satisfies the requirements for a water tower; and

WHEREAS, the construction of a new water tower is necessary as it will replace the smaller towers at Spring Street and South Main Street and will increase the water storage capacity.

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 any and all agreements necessary to accept the donation of land from Sherry Development for the purpose of constructing a new water tower with said land being one acre of land for the water tower site and two additional acres with temporary access and easements for the purposes of construction as shown on attached Exhibit A.

SEC. 2: The donation of the land is conditioned on the land being used as a site for a water tower and the City taking ownership no later than December 31, 2014.

SEC. 3: This Resolution is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua as the City will be saving a significant amount in acquisition fees and requires the time necessary to prepare the necessary survey, legal description, deed and transfer of title.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



EASEMENT:
 35' PERMANENT EASEMENT FOR DRIVEWAY=19,570 SQ FT (0.45 ACRES)
 20' PERMANENT EASEMENT FOR WATER MAIN=39,533.10 SQ FT (0.91 ACRES)
 30' TEMPORARY EASEMENT FOR WATER MAIN=19,682.91 SQ FT (0.45 ACRES)
 PARCEL: 1 ACRE

LEGEND:
 PERMANENT EASEMENT _____
 TEMPORARY CONSTRUCTION EASEMENT - - - - -
 WATER MAIN _____
 ACCESS ROAD HATCH [diagonal lines]

10/15/2010 10:00 AM 10/15/2010 10:00 AM 10/15/2010 10:00 AM 10/15/2010 10:00 AM

PROPOSED SITE
NEW CENTRAL WATER TOWER PROJECT

CITY OF PIQUA
PIQUA, OH



100 N. ST. 300

RESOLUTION NO. R-132-14

**A RESOLUTION AUTHORIZING THE
CITY MANAGER TO ACCEPT EASEMENT**

WHEREAS, the City of Piqua has been studying and trying to obtain land that has sufficient elevation and space for a new water tower to be constructed; and

WHEREAS, the Sherry Development has land that meets all of the requirements necessary for the construction and placement of a water tower and is donating the land to the City of Piqua; and

WHEREAS, easements are necessary to get to the site for construction and Paul H. Sherry owns the land needed for easement purposes for the construction of the water line; and

WHEREAS, the construction of a new water tower is necessary as it will replace the smaller towers at Spring Street and South Main Street and will increase the water storage capacity.

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 any and all agreements necessary to accept easements donated from Paul H. Sherry for the purpose of construction of a water line with said easements being dependent on the construction of a water tower with said location being as shown on attached Exhibit A.

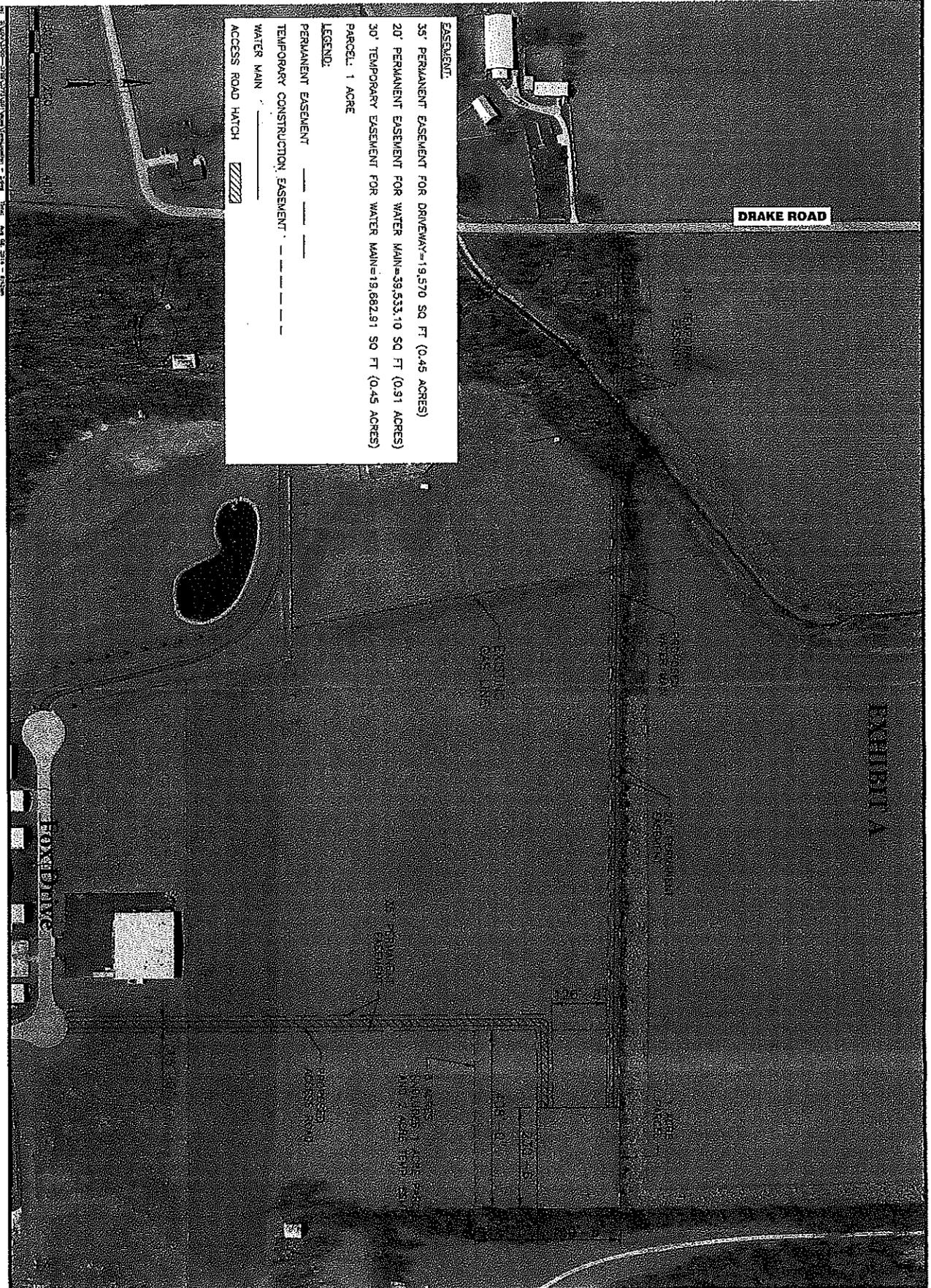
SEC. 2: The acceptance of the easements is dependent on the City taking ownership of the land where the water tower will be located.

SEC. 3. This Resolution is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua as the water line is connected to the construction of the water tower, which with this easement, the City will be saving a significant amount in acquisition fees and requires the time necessary to prepare the necessary survey, legal description and recordable easement.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



EASEMENT

- 35' PERMANENT EASEMENT FOR DRIVEWAY=19,570 SQ FT (0.45 ACRES)
- 20' PERMANENT EASEMENT FOR WATER MAIN=39,533.10 SQ FT (0.91 ACRES)
- 30' TEMPORARY EASEMENT FOR WATER MAIN=19,682.91 SQ FT (0.45 ACRES)

PARCEL: 1 ACRE

LEGEND:

- PERMANENT EASEMENT ————
- TEMPORARY CONSTRUCTION EASEMENT - - - - -
- WATER MAIN ————
- ACCESS ROAD HATCH [Hatched Pattern]

EXHIBIT A

PROPOSED SITE

NEW CENTRAL WATER TOWER PROJECT

**CITY OF PIQUA
PIQUA, OH**



JOB NO. 27732/09

RESOLUTION NO. R-133-14

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR CITY MEMBERSHIP TO AMERICAN
MUNICIPAL POWER, INC.

WHEREAS, Section 30.01 of the Piqua Code requires this Commission's approval for the City Manager to join trade organizations with annual membership dues in excess of \$25,000;

WHEREAS, Piqua receives wholesale Power Supply from AMP. In addition, Piqua participates in the development of long-term generation assets by AMP, Inc. including the the Prairie State Energy Campus, Fremont Energy Center and several hydroelectric projects thus providing the need for the City to continue membership with AMP.

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 and directed to continue the City's membership to AMP for 2015.

SEC. 2: The Finance Director certifies 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 \$75,000;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 16, 2014		
REPORT TITLE	A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR CITY MEMBERSHIP TO AMERICAN MUNICIPAL POWER, INC.		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director		
	Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development	<input type="checkbox"/> Law Director	
	<input checked="" type="checkbox"/> Department Director; Ed Krieger	<input checked="" type="checkbox"/> Other: Energy Board	
BACKGROUND	<p>American Municipal Power was founded in 1971 with the purpose of providing the generation, transmission and distribution of electric power and energy to its members at lower costs. This purpose is served by joint ownership of electric facilities, pooled buying power in the energy markets and pursuing additional means of generating, transmitting and distributing electric power and energy.</p> <p>The original members were all located in Ohio, giving American Municipal Power-Ohio, or AMP-Ohio its name. By 2009, AMP-Ohio had grown to serve member communities in six states, thus the Board of Trustees dropped Ohio from the name to better reflect the growing geographic footprint. AMP membership now includes 129 members, 128 electric municipalities located in the states of Ohio, Michigan, Pennsylvania, Virginia, Kentucky and West Virginia, as well as the Delaware Municipal Electric Corporation who in turn serve over 625,000 electric customers. AMP is owned and governed by its member communities.</p> <p>AMP has been Piqua's power supplier since 2007. Piqua is also participating in several long-term generation assets owned by AMP, including the Prairie State Energy Campus and Fremont Energy Center, as well as those under development which include the Cannelton, Smithland, Willow Island, Meldahl, and Greenup hydroelectric projects. Piqua currently is a governing member of the AMP Board of Trustees.</p>		

BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$75,000
	Expenditure \$:	\$75,000
	Source of Funds:	Power System (401-291-930-7179)
	Narrative:	<p>Included in the 2015 Power System budget is \$75,000 to cover the cost of AMP membership dues.</p> <p>Section 30.01 of the Piqua Code requires commission approval to join trade organizations with annual membership dues in excess of \$25,000. The Energy Board unanimously recommended to Piqua City Commission to continue its membership in American Municipal Power for 2015 during its meeting of November 25, 2014.</p>
OPTIONS	1.	Approve Resolution No. R-133-14 allowing the City of Piqua Power System to continue its membership in American Municipal Power for 2015.
	2.	Do not approve Resolution No. R-133-14 and provide staff with further direction.
PROJECT TIMELINE	This Resolution will allow the City of Piqua Power System to continue its membership in American Municipal Power from 1/1/15 through 12/31/15.	
STAFF RECOMMENDATION	Approve Resolution No. R-133-14, which will allow the City of Piqua Power System to continue its membership in American Municipal Power for 2015.	

RESOLUTION NO. R-134-14

**A RESOLUTION RETAINING THE SERVICES OF COOPERATIVE
RESPONSE CENTER, INC. TO PROVIDE PROFESSIONAL
CUSTOMER CALL ANSWERING AND DISPATCH SERVICES FOR
THE POWER SYSTEM**

WHEREAS, it is deemed advisable for the City to retain the services of Cooperative Response Center, Inc. as a professional firm to provide customer call answering and dispatch services for the Power System; and

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

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

SEC. 1: The Cooperative Response Center, Inc. is hereby retained by the City of Piqua as a professional customer call service firm;

SEC. 2: The Finance Director certifies 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 \$30,000;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 16, 2014		
REPORT TITLE	A RESOLUTION RETAINING THE SERVICES OF COOPERATIVE RESPONSE CENTER, INC. TO PROVIDE PROFESSIONAL CUSTOMER CALL ANSWERING AND DISPATCH SERVICES FOR THE POWER SYSTEM		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director		
	Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>In March of 2007, the Power System began utilizing the Cooperative Response Center (CRC), headquartered in Austin, Minnesota to provide after-hours call answering and dispatch services. This arrangement was necessitated when the steam and hot water system was shutdown in December of 2006. This resulted in the elimination of shift operators who provided these same services for the Power System, although in a significantly less efficient manner.</p> <p>To date, the Power System has been totally satisfied with the level of service provided by CRC, as well as the cost to provide these services. CRC was originally developed by a group of nineteen electric cooperatives in 1992. It has expanded to over 300 members in 41 states. Calls are answered and dispatched from the Austin, Minnesota, Dunlap, Tennessee or Abilene, Texas Contact Centers.</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$30,000	
	Expenditure \$:	\$30,000	
	Source of Funds:	Power System (401-291-923-7553)	
	Narrative:	The 2015 CRC Budget remains at the 2014 level of \$30,000. CRC will provide professional services for which the solicitation of bids would be of no material benefit. CRC has been fully integrated into the operations of the Power System, and provides a significant advantage to our	

		<p>customers in terms of enhanced service reliability through its state-of-the-art after-hour call answering and dispatch services. The Energy Board members unanimously recommended to Piqua City Commission to retain the services of CRC to provide professional customer call and dispatch services for 2015 during the meeting of November 25, 2014.</p>
<p>OPTIONS (Include Deny /Approval Option)</p>	<p>1. 2.</p>	<p>Approve Resolution No. R-134-14 authorizing the City of Piqua Power System to retain the services of the Cooperative Response Center, Inc. to provide professional customer call and dispatch services for 2015.</p> <p>Do not approve Resolution No. R-134-14 and provide staff with further direction.</p>
<p>PROJECT TIMELINE</p>	<p>This Resolution will provide professional customer call and dispatch services for the Power System from 1/1/15 through 12/31/15.</p>	
<p>STAFF RECOMMENDATION</p>	<p>Approve Resolution No. R-134-14, which will authorize the Power System to retain the services of the Cooperative Response Center, Inc. to provide professional customer call and dispatch services for 2015.</p>	

RESOLUTION NO. R-135-14

A RESOLUTION AUTHORIZING THE CITY
PURCHASING AGENT TO PURCHASE
#2 FUEL OIL ON THE OPEN AND SPOT
MARKET

WHEREAS, Section 34.19 of the Piqua Code permits the purchase of supplies for City departments without advertising when, in the judgment of the City Purchasing Agent, advertising would not be of any material economic benefit; and

WHEREAS, it is the judgment of the City Purchasing Agent that purchasing #2 fuel oil for the City, at the best price available when it is needed, on the open and spot market during the year 2015 without advertising, is permissible and advisable by said Section 34.19;

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 Purchasing Agent is authorized to dispense with advertising for the purchase of #2 fuel oil for the City during the year 2015 and to make said purchases at the best price available when it is needed on the open and spot market;

SEC. 2: The Finance Director certifies 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;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 16, 2014		
REPORT TITLE	A RESOLUTION AUTHORIZING THE CITY PURCHASING AGENT TO PURCHASE #2 FUEL OIL ON THE OPEN AND SPOT MARKET		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director		
	Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>The Power System owns and operates two combustion turbine generators that burn #2 fuel oil to generate electricity. These units are peak load generating units, which mean they are only used to meet requirements during the periods of greatest or peak load on the system. These units may also be operated as part of PJM's demand response program, as well as for shaving the City's transmission peak, both of which provide significant financial benefit. The use of these units fluctuates annually.</p> <p>The Power System purchases #2 fuel oil at various times during the year, depending on how often the combustion turbine generators are operated. In previous years these purchases have been made by obtaining quotes from various suppliers prior to placing an order. The quantity and timing of fuel burned annually fluctuates depending on the need to run the generating units. This coupled with the unpredictable fuel market makes it impractical to obtain an annual fixed cost for this commodity. Recent suppliers of fuel oil include:</p> <ul style="list-style-type: none"> • Earhart Petroleum Inc., 1494 Lytle Rd., Troy OH • Schafer Oil Co., 9201 St. Rte. 66, Fort Loramie OH. • Burke Petroleum, 315 W First St., Minster, OH <p>It is necessary for the Power System to purchase #2 fuel oil as needed for 2015 from one or more of the suppliers listed above.</p>		
	Budgeted \$:	\$100,000	

BUDGETING AND FINANCIAL IMPACT	Expenditure \$:	\$100,000
	Source of Funds:	Power System (401-201-501-7233)
	Narrative:	<p>The 2015 Gas Turbine #2 fuel oil budget increased \$25,000 compared to the 2013 level of \$75,000. Section 34.19 of the Piqua Code permits the purchase of supplies for City Departments without advertising when, in the judgment of the City Purchasing Agent, advertising would not be of any material economic benefit.</p> <p>The Energy Board unanimously recommended Piqua City Commission approves #2 fuel oil purchases as needed for 2015 during its meeting of November 25, 2014.</p>
OPTIONS	1.	Approve Resolution No. R-135-14 authorizing the City of Piqua Power System to purchase #2 fuel oil as needed for 2015.
	2.	Do not approve Resolution No. R-135-14 and provide staff with further direction.
PROJECT TIMELINE	This Resolution will allow Power System staff to purchase #2 fuel oil as needed to run the gas turbines from 1/1/15 through 12/31/15.	
STAFF RECOMMENDATION	Approve Resolution No. R-135-14 authorizing the City of Piqua Power System to purchase #2 fuel oil as needed for 2015.	

RESOLUTION NO. R-136-14

A RESOLUTION RETAINING THE SERVICES OF SAWVEL AND ASSOCIATES TO PROVIDE PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR THE POWER SYSTEM

WHEREAS, it is deemed advisable for the City to retain the services of Sawvel and Associates as a professional firm to provide consulting and engineering services for the Power System; and

WHEREAS, Sawvel and Associates will provide professional services for which the solicitation of bids would, in the City Manager's judgment, be of no material benefit.

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

SEC. 1: Sawvel and Associates is hereby retained by the City of Piqua as a professional consulting and engineering firm.

SEC. 2: The Finance Director certifies 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 \$60,000;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 16, 2014		
REPORT TITLE	A RESOLUTION RETAINING THE SERVICES OF SAWVEL AND ASSOCIATES TO PROVIDE PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR THE POWER SYSTEM		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director		
	Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>Sawvel and Associates (Sawvel) is an independent consulting and engineering firm located in Findlay, Ohio. Sawvel provides services to a number of publicly owned utilities in Ohio, Indiana and Michigan. For over twenty years, Sawvel has provided the Piqua Power System with cost-of-service and rate design, advised the City on electric power supply and transmission arrangements, and made recommendations concerning Piqua's potential participation in AMP joint-venture generating projects.</p> <p>I would consider the employees of Sawvel to be an extension of the Power System staff. Over the years, Sawvel employees have proven to be readily available, as well as an invaluable resource to assist with making difficult decisions related to the long-term interests of the Power System. In 2015, Sawvel will work with Piqua staff to complete the following initiatives:</p> <ul style="list-style-type: none"> • Update Long-Range (2015-2024) Business Plan • Evaluate Market Power Purchases • Evaluate AMP Generation Opportunities • Provide Consulting and Engineering on Additional Items as Needed 		
BUDGETING AND	Budgeted \$:	\$60,000	
	Expenditure \$:	\$60,000	

FINANCIAL IMPACT	Source of Funds:	Power System (401-291-923-7553)
	Narrative:	<p>The 2015 Sawvel Budget decreased \$20,000 compared to the 2013 level of \$80,000. Sawvel will provide professional services for which the solicitation of bids would be of no material benefit.</p> <p>The Energy Board unanimously recommended to Piqua City Commission to retain the services of Sawvel and Associates to provide professional consulting and engineering services in 2015 during its meeting of November 25, 2014.</p>
OPTIONS	1.	Approve Resolution No. R-136-14 authorizing the City of Piqua Power System to retain the services of Sawvel and Associates to provide professional consulting and engineering services in 2015.
	2.	Do not approve Resolution No. R-136-14 and provide staff with further direction.
PROJECT TIMELINE	This Resolution will provide professional consulting and engineering services for the Power System from 1/1/15 through 12/31/15.	
STAFF RECOMMENDATION	Approve Resolution No. R-136-14 authorizing the City of Piqua Power System to retain the services of Sawvel and Associates to provide professional consulting and engineering services in 2015.	

RESOLUTION NO. R-137-14

**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 \$300,000.

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

MEETING DATE	December 16, 2014		
REPORT TITLE	A RESOLUTION ACQUIRING THE SERVICES OF VAUGHN INDUSTRIES, LLC FOR THE POWER SYSTEM		
SUBMITTED BY	Name & Title: Nicholas Berger, Asst. Power System Director		
	Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>In anticipation of the new water plant project starting in 2015, a pole-line load analysis was conducted by the Power System of the distribution feed to the new construction site. The current feed is a single phase underbuild on the 69kV transmission line, which will not support the needs of the new facility. As revealed by the analysis, an upgrade to 3-phases will result in the need to replace nine (9) poles to sufficiently accommodate the new 3-phase underbuild. Earlier this year, the Power System purchased the steel poles from Sabre Industries (R-92-14) and the necessary hardware package from Power Line Supply (R-93-14).</p> <p>As such, the Power System sent a RFQ to six different companies for the 69kV transmission lines Sub #4 to Sub #5 and water plant pole replacement project. The Power System received one bid from Vaughn Industries on November 7th. The Power System has used Vaughn on all of our transmission projects since 2012 and we have complete confidence they can complete the job in a quality manner.</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$260,000	
	Expenditure \$:	\$300,000	
	Source of Funds:	Power System (190-3355)	

	Narrative:	Included in the 2015 Power System budget is \$260,000 for the 69kV transmission line Sub #4 to Sub #5 and water plant pole replacement project. The base bid provided by Vaughn Industries totals \$249,198.40. In addition, the power system is requesting a 20% contingency to accommodate any unforeseen expenses bringing the total to \$300,000.
OPTIONS	1.	Approve Resolution No. R-137-14 acquiring the services of Vaughn Industries, LLC at a cost not to exceed \$300,000.
	2.	Do not approve the Resolution and provide staff with further direction
PROJECT TIMELINE	Vaughn is prepared to start mid-January and based on their staffing levels they expect it will take 7-8 weeks to complete.	
STAFF RECOMMENDATION	Approve Resolution No. R-137-14 acquiring the services of Vaughn Industries, LLC.	
ATTACHMENTS	1. Exhibit A – Bid Summary	

Project Bid Opening
 69kV Transmission Line Sub #4 to Sub #5 and Water Plant Pole Replacements
 November 7, 2014 @ 10:am

Company	Address	City	State	Zip	Total Bid
Vaughn Industries, LLC	1201 East Findlay St.	Carey	OH	43316	\$ 249,198.40
Sargent Electric Company	5176 North Clinton St	Terre Haute	IN	47805	BID LATE
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
Pike Electric, LLC	100 Pike Way	Mount Airy	NC	27030	NO BID

RESOLUTION NO. R- 138 -14

A RESOLUTION ACCEPTING OWNERSHIP OF A LIFT STATION

WHEREAS, the Lakeridge Association, Inc. owns a lift station located on common ground within the development and no longer has the means or expertise to maintain a lift station; and

WHEREAS, the Lakeridge Association desires to donate the lift station to the City for maintenance and grant a perpetual easement to the land while maintaining ownership of the land; and

WHEREAS, the City has the ability and desire to take ownership of the lift station as it affects many areas such as Echo Lake.

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 an agreement to accept ownership of the lift station from the Lakeridge Association in exchange for a perpetual easement to run with the land.

SEC. 2: The terms and conditions of the easement and acceptance shall be substantially in the form as set forth in the Agreement attached hereto as Exhibit "A".

SEC. 3. It is a benefit to the City of Piqua for the City to be able to maintain the lift station.

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

MEETING DATE	12-16-14		
REPORT TITLE (Should match resolution/ordinance title)	A Resolution Accepting Ownership of a Lift Station		
SUBMITTED BY	Name & Title: Dave Burtner		
	Department: Utilities Director		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	The Lakeridge Association Inc. is requesting the City of Piqua take ownership of the Lift Station located on Lakeridge Dr., the association does not have the expertise to maintain the Lift Station for Sewage removal from the development to the City of Piqua Collection System. This development is part of the Echo Lake Basin which is part of the drinking water aquifer.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	0.00	
	Expenditure \$:	1.00	
	Source of Funds:	404 Wastewater	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Accept ownership and protect our drinking water source.	
	2.	Deny and ownership remains with Lakeridge Association	
	3.		
	4.		
PROJECT TIMELINE	Upon the approval of all parties involved.		
STAFF RECOMMENDATION	Accept ownership and Wastewater Plant will start maintaining this station along with the rest of the Lift Stations on the system.		
ATTACHMENTS	Agreement between parties, Deed of Utility Easement		

AGREEMENT BETWEEN THE LAKERIDGE ASSOCIATION AND THE CITY OF PIQUA

THIS AGREEMENT is entered into this ____ day of December, 2014, between the City of Piqua, Ohio, a municipal corporation, and the Lakeridge Association, Inc., Craig Mullenbrock, Trustee, owner of Parcel No. N-44076987, lot number 7889 and located in Piqua, Ohio, ("Owner") for the City to take ownership of the lift station located on the common area of the Lakeridge Association and to have the right to enter the land for maintenance and access to the lift station with a perpetual easement being granted to the City of Piqua that would run with the land.

WHEREAS, the Lakeridge Association owns a lift station that is located on the common ground of the housing development and desires to have the City take ownership of the lift station while maintaining ownership of the land; and

WHEREAS, the City maintains other lift stations located on private property and is willing and able to maintain the lift station.

NOW THEREFORE, by Agreement, the City of Piqua is granted ownership of the lift station and has the permanent right to enter the land for purposes of the lift station as defined herein and in accordance with the terms set forth herein.

TERMS

I. DEFINITIONS

- a. City of Piqua. The City of Piqua is a municipal corporation acting under the authority of a City Charter. The City includes any and all employees, officers, contractors or agents authorized to perform work or services under this Agreement or for purposes of carrying out the services to be performed under this Agreement. The City shall be referred to hereafter as "City".
- b. Owner. The Owner of the land is Lakeridge Association, Inc., Craig Mullenbrock, Trustee, and whose tax mailing address is 10 Lakeridge Dr., Piqua, Ohio 45356. The Owner shall be referred to hereafter as "Owner".
- c. Land. The land is Parcel No. N44-076987 and located on Lot number 7889 in the Lakeridge Subdivision, Piqua, Ohio. The land shall be referred to hereinafter as the "Property".

II. RIGHT OF ENTRY AND OWNERSHIP

- a. The Lakeridge Association owns a lift station located on common ground in the Lakeridge Association and desires to have the City take ownership of the lift station while the Association remains the owner of the land. The Association has

maintained the lift station in proper condition and the City shall accept ownership of the lift station in an as is condition.

- b. The City shall have the right to enter the Property at any time for any purpose related to the lift station. Owner understands that the City will require access at any time to maintain the lift station. Owner agrees upon acceptance of the lift station to grant the City of Piqua a perpetual easement for access that will run with the land.
- c. Any maintenance of the lift station shall be conducted in a manner causing the least possible disturbance to the Owner's land. The City agrees to compensate the Owner for any damage to the land that may arise out of, or be incidental, to any work done at the lift station.
- d. By executing this Agreement, Owner acknowledges that the Property has only been used for residential and/or agricultural purposes and is unaware of any hazards that may be present on or contained within the Property.

III. OTHER

- a. Assignment. This Agreement is not assignable without prior written consent of City.
- b. Binding. This Agreement is binding on and will inure to the benefit of the parties here, their personal representatives, heirs, successors and assigns.
- c. Notice. All notices required by this Agreement shall be in writing and sent by regular U.S. mail to the following on behalf of the City:

City Manager
City of Piqua
201 W. Water St.
Piqua, Ohio 45356
- d. Law. This Agreement shall be construed in accordance with the laws of the State of Ohio and any applicable law of the City of Piqua.
- e. Time. City shall accept ownership of the lift station upon passage of a Resolution at a public City Commission meeting and upon execution of this Agreement.
- f. Sale of Property. Should Owner consider selling the property, Owner will notify City prior to the final sale.
- g. Recording. City shall record with the Miami County Recorder the Easement.

VII. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties. Any amendment hereto must be agreed upon by both parties and confirmed in writing as stated herein.

In witness whereof, the parties have set their hands hereto this ____ day of December, 2014 before a Notary Public.

City of Piqua
Gary A. Huff
City Manager

Witness

Sworn to and subscribed before me a Notary Public in and for Miami County, State of Ohio this ____ day of December, 2014.

Notary Public

Lakeridge Association, Inc.
Trustee Craig Mullenbrock

Sworn to and subscribed before me a Notary Public in and for Miami County, State of Ohio this ____ day of December, 2014.

Notary Public

Lakeridge Association, Inc.
President Frederick E. Enderle

Sworn to and subscribed before me a Notary Public in and for Miami County, State of Ohio this ____ day of _____, 2014.

Notary Public

Deed of Utility Easement

KNOW ALL MEN BY THESE PRESENTS, that Lakeridge Association, Inc., Craig Mullenbrock, Trustee, whose tax mailing address is 10 Lakeridge Drive, Piqua, OH 45356, the true owner of the property, hereinafter referred to as Grantor, in consideration of the sum of One Dollar (\$1.00) and all other good and valuable consideration, paid to it by THE CITY OF PIQUA, OHIO, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Piqua, Ohio, hereinafter referred to as Grantee, its successors and assigns forever a perpetual, nonexclusive easement for general utility purposes including the maintenance of a lift station, with the right to construct, operate, maintain, repair, replace and/or remove any facilities that may be necessary for the lift station located on the following described property:

Situate in the City of Piqua, Miami County, Ohio, and being Inlot Number Seven Thousand Eight hundred Eighty-Nine (7889) in said City, being part of Lakeridge Development.

Parcel No.: N44-076987

Executed this ____ day of December, 2014.

By: _____
Lakeridge Association, Inc., Grantor
Craig Mullenbrock, Trustee

By: _____
Lakeridge Association, Inc., Grantor
Frederick E. Enderle, President

STATE OF OHIO, COUNTY OF MIAMI, SS:

Before me, a Notary Public in and for said County and State, personally appeared Craig Mullenbrock, Trustee for Lakeridge Association, Inc., Grantor, who acknowledged that he did sign the foregoing instrument and that the same was the free act and deed of himself as the Trustee.

Witness my official signature and seal this ____ day of _____,
2014.

Notary Public-State of Ohio

STATE OF OHIO, COUNTY OF MIAMI, SS:

Before me, a Notary Public in and for said County and State, personally appeared Frederick E. Enderle, President of Lakeridge Association, Inc., Grantor, who acknowledged that he did sign the foregoing instrument and that the same was the free act and deed of himself as the President.

Witness my official signature and seal this ___ day of _____,
2014.

Notary Public-State of Ohio

THIS INSTRUMENT PREPARED BY:

Stacy M. Wall, Esq.
Law Director
City of Piqua, Ohio
201 W. Water Street
Piqua, OH 45356

RESOLUTION NO. R-139-14

A RESOLUTION AUTHORIZING PURCHASE ORDERS TO CHEMICAL SERVICES INC., GREER LIME COMPANY, MARUBENI SPECIALTY CHEMICALS INC., UNIVAR USA INC. AND THE CITY OF DAYTON FOR THE 2015 PURCHASE OF VARIOUS WATER TREATMENT CHEMICALS

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

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

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

SEC. 1: Purchase orders are hereby authorized to:

<u>Company</u>	<u>Product</u>
Chemical Services Inc.	Soda ash at \$.23 per lb.
Chemical Services Inc.	Ferric sulfate at \$.34 per lb.
Univar USA Inc.	Sodium Hexametaphosphate at \$.94 per lb.
Chemical Services Inc.	Activated Carbon at \$.65 per lb.
Marubeni Specialty Chemicals Inc.	Potassium Permanganate at \$1.85 per lb.
Greer Lime Company	Quicklime at \$159.30 per ton
The City of Dayton	Quicklime up to \$50,000.00

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	Tuesday, December 16, 2014		
REPORT TITLE	A RESOLUTION AUTHORIZING PURCHASE ORDERS TO CHEMICAL SERVICES INC., GREER LIME COMPANY, MARUBENI SPECIALTY CHEMICALS INC., UNIVAR USA INC. AND THE CITY OF DAYTON FOR THE 2015 PURCHASE OF VARIOUS WATER TREATMENT CHEMICALS		
SUBMITTED BY	Name & Title: Don Freisthler, Water Plant Superintendent		
	Department: Water Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	<p>Bids were taken on November 20, 2014 and 15 bids in total were received. The best and lowest bids are being recommended for award with the bid tabulation attached for your reference.</p> <p>We also plan to use the SWOP4G bid award to purchase Liquid Chlorine, Hydrofluosilicic Acid and Liquid Carbon Dioxide this year using their cooperative purchasing discount. This has been our practice for many years. These chemicals do not require Commission approval because the amount spent is below the required threshold.</p> <p>We will also purchase as much Quicklime as possible from the City of Dayton because they will charge us a lower price. However, they do not always have the supply available when we need it which is why we like to have a secondary company approved in case we need it. We expect to spend approximately \$50,000.00 with them this year.</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	In total \$240,818.00 is budgeted for 2015	
	Expenditure \$:	In total \$157,358.12 has been spent in 2014 year to date.	
	Source of Funds:	403-305-641-7151, 403-305-641-7155, 403-305-641-7157, 403-305-641-7159, 403-305-641-7161, 403-305-641-7163, 403-305-641-7164	
	Narrative:	Each chemical has its own budget line item.	
OPTIONS	1.	Approve Resolution R-139-14 authorizing the purchase of water treatment chemicals for 2015.	

	2.	Do not approve the Resolution and risk the safety of the drinking water supply for the citizens of Piqua.
PROJECT TIMELINE	These purchases would not occur until 2015, but they do continue throughout the entire year as needed.	
STAFF RECOMMENDATION	We budget for these chemicals each year as a necessary commodity for the normal operation of our Water Treatment Plant. These purchases allow the community to continue to enjoy safe drinking water. The EPA has stringent regulations and we must purchase these chemicals in order to meet and exceed their standards. Our Water Department staff has done an excellent job of providing safe drinking water to the public over the years. This Resolution will allow them to continue with their normal process of ordering chemicals as needed throughout the year.	
ATTACHMENTS	IFB # 1427 Bid Tabulation	

EXHIBIT "A"

CITY OF PIQUA - BID TABULATION

2015 Chemicals for Water Treatment

Reference No.: IFB 1427

Opened 11/20/14 @ 3:00 p.m.

DESCRIPTION	CITY: STATE & ZIP:	BIDDER No.: NAME: UNIT	BIDDERS						
			1 Greer Industries Morgantown WV 26507 BID:	2 Shannon Chemical Malvern PA 19355 BID:	3 Chemrie Burford GA 30518 BID:	4 Univar USA Cincinnati OH 45246 BID:	5 Calgon Carbon Pittsburgh PA 15205 BID:	6 American International Framingham MA 01701 BID:	7 Water Solutions Unifiltrated Franklin IN 46131 BID:
1	Sodium Hexametaphosphate	5,000 LBS	NB	\$ 5,850.00	\$ 5,450.00	\$ 4,700.00	NB	NB	\$ 5,100.00
2	Activated Carbon	19,800 LBS	NB	NB	NB	\$ 17,028.00	\$ 14,652.00	NB	NB
3	Potassium Permanganate	15,000 LBS	NB	\$ 34,050.00	\$ 30,450.00	\$ 28,800.00	NB	\$ 32,550.00	NB
4	Ferric Sulfate	90,000 LBS	NB	NB	NB	\$ 37,800.00	NB	NB	NB
5	Soda Ash	9,600 LBS	NB	NB	NB	\$ 2,592.00	NB	NB	NB
6	Quicklime	920 TONS	\$ 146,556.00	NB	NB	NB	NB	NB	NB
Jan. 1, 2016 through Dec. 31, 2016			NO	YES	YES	NO	NO	NO	NO

CITY OF PIQUA - BID TABULATION

2015 Chemicals for Water Treatment

Reference No.: IFB 1427
 Opened 11/20/14 @ 3:00 p.m.

DESCRIPTION	BIDDER No.: NAME: CITY: STATE & ZIP:	UNIT	8		9		10		11		12	
			SAL Chemical Weirton WV 26062 BID:		Marubeni Specialty Chemicals, Inc. Tampa FL 33637 BID:		Carmeuse Natural Chemicals Pittsburgh PA 15222 BID:		Cabot Norit Americas Marshall TX 75671 BID:		Chemical Services, Inc. Dayton OH 45414 BID:	
1 Sodium Hexametaphosphate		5,000 LBS	\$ 6,750.00	NB	NB	NB	NB	NB	\$ 4,750.00			
2 Activated Carbon		19,800 LBS	\$ 18,711.00	NB	NB	NB	\$ 16,000.00	\$ 12,771.00				
3 Potassium Permanganate		15,000 LBS	\$ 34,950.00	\$ 27,750.00	NB	NB	NB	NB	\$ 37,950.00			
4 Ferric Sulfate		90,000 LBS	NB	NB	NB	NB	NB	\$ 30,150.00				
5 Soda Ash		9,600 LBS	\$ 2,736.00	NB	NB	NB	NB	\$ 2,160.00				
6 Quicklime		920 TONS	NB	NB	\$ 146,740.00	NB	NB	NB				
Jan. 1, 2016 through Dec. 31, 2016			NO	YES	NO	NO	NO	NO				

CITY OF PIQUA - BID TABULATION

2015 Chemicals for Water Treatment

Reference No.: IFB 1427
 Opened 11/20/14 @ 3:00 p.m.

DESCRIPTION	CITY: STATE & ZIP:	UNIT	BIDDER No.:		
			NAME:	13	14
1 Sodium Hexametaphosphate		5,000 LBS	STERLING Water Tech. Columbia TN 38402 BID: 4,873.50	MISSISSIPPI Lime Company St. Louis MO 63127 BID: NB	F2 Industries Smyrna TN 37167 BID: \$ 5,085.00
2 Activated Carbon		19,800 LBS	NB	NB	\$ 13,186.00
3 Potassium Permanganate		15,000 LBS	NB	NB	\$ 28,650.00
4 Ferric Sulfate		90,000 LBS	NB	NB	NB
5 Soda Ash		9,600 LBS	NB	NB	NB
6 Quicklime		920 TONS	NB	\$ 152,720.00	NB
Jan. 1, 2016 through Dec. 31, 2016					
			YES	NO	YES

RESOLUTION NO. R-140-14

AN EMERGENCY RESOLUTION AUTHORIZING THE
EXECUTION THE CONFIRMATION AND
REAFFIRMATION OF UNCONDITIONAL GUARANTY
OF THE CITY OF PIQUA

WHEREAS, the City of Piqua is a party to that certain Guaranty, made by the City of Piqua, Fort Piqua Redevelopment Corporation, an Ohio corporation, and Piqua Improvement Corporation, an Ohio nonprofit corporation, for the benefit of U.S. Bancorp Community Investment Corporation and Consortium America VIII, LLC, dated December 11, 2006 (the "Guaranty Agreement"); and

WHEREAS, the execution of and delivery by the City of Piqua of the confirmation and reaffirmation of unconditional guaranty and attached hereto as Exhibit A (the "Reaffirmation of Guaranty"), which confirms and reaffirms certain guarantees made by the City of Piqua under the Guaranty Agreement, would be in the best interests of the City of Piqua.

NOW, THEREFORE, be it ordered by the City of Piqua Commission, Miami County, Ohio (the "Commission") the majority of all members elected thereto concurring that:

SEC. 1: That the Reaffirmation of Guaranty is hereby approved, confirmed and ratified in all respects and the City Manager is hereby authorized to execute and deliver the Reaffirmation of Guaranty and all documents necessary to consummate the transactions contemplated thereunder; and

SEC. 2: That the Reaffirmation of Guaranty is in the best interests of the City of Piqua as a part of the overall plan for unwinding of the Fort Piqua Hotel Redevelopment Project.

SEC. 3: That this resolution is declared an emergency for immediate preservation of the public peace, health or safety in the City of Piqua for said reason that the property transfer needs to be completed prior to year-end and shall take effect and be in force from and after passage.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 16, 2014		
REPORT TITLE (Should match resolution/ordinance title)	An Emergency Resolution Authorizing the Execution of the Confirmation and Reaffirmation of Unconditional Guaranty of the City of Piqua		
SUBMITTED BY	Name & Title: Cynthia Holtzapple, Assistant City Manager/Finance Director		
	Department: Finance		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	Time has come for the Fort Piqua Redevelopment Project to unwind. As part of the exit process this Reaffirmation of Guaranty is needed to confirm that obligations under the original Guaranty Agreement dated as of December 11, 2006 survive the exercise of the Put step.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		
	Source of Funds:		
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Approve Resolution No. R-140-14 so the unwind can continue as scheduled for December 31, 2014	
	2.	Approve Resolution No. R-140-14 with changes being made and delaying the unwind process.	
PROJECT TIMELINE	This part of the unwind is scheduled to be completed by December 31, 2014.		
STAFF RECOMMENDATION	Approve the Emergency Resolution so the unwinding of the Fort Piqua Hotel Redevelopment Project can continue.		
ATTACHMENTS	Confirmation and Reaffirmation of Unconditional Guaranty		

CONFIRMATION AND REAFFIRMATION OF UNCONDITIONAL GUARANTY

The City of Piqua, Ohio, Fort Piqua Redevelopment Corporation, an Ohio corporation and Piqua Improvement Corporation, an Ohio corporation (collectively, "*Guarantor*"), provided certain guarantees pursuant to that certain Guaranty Agreement dated as of December 11, 2006 (the "*Guaranty*") for the benefit of U.S. BANCORP COMMUNITY INVESTMENT CORPORATION, a Delaware corporation (together with its successors and assigns, "*USBCIC*") and Consortium America VIII, LLC, a Delaware limited liability company ("*CDE*").

This Confirmation and Reaffirmation of Unconditional Guaranty (the "*Reaffirmation of Guaranty*") is dated as of [_____], 2014.

P R E A M B L E:

WHEREAS, USB NMTF Fund 2007 LLC, a Delaware limited liability company ("*USB Fund*"), is the successor in interest to USBCIC and is the 99.99% member of Piqua Investment Fund, LLC, a Missouri limited liability company ("*Fund*");

WHEREAS, the Fund is governed by that certain Operating Agreement dated as of December 11, 2006 (the "*Initial Operating Agreement*"), as amended by that certain First Amendment to Operating Agreement, dated as of December 19, 2007 (the "*First Amendment*", and together with the Initial Operating Agreement, the "*Operating Agreement*");

WHEREAS, pursuant to that certain Option Agreement by and between USBCIC, Consortium America Advisors, LLC, a Delaware limited liability company ("*Managing Member*") and Piqua Improvement Corporation ("*Purchaser*"), USB Fund, as successor in interest to USBCIC, and Managing Member have exercised their respective rights and options to require Purchaser to purchase all (but not less than all) of USB Fund's and Managing Member's respective interests in the Fund;

WHEREAS, as of the date hereof, USB Fund, Purchaser, Managing Member and the Fund will enter into that certain Membership Interest Purchase Agreement (the "*Purchase Agreement*") whereby Purchaser will purchase all of USB Fund's and Managing Member's respective interests in the Fund; and

WHEREAS, it is a condition precedent to the execution of the Purchase Agreement that Guarantor shall have executed and delivered this Confirmation and Reaffirmation of Unconditional Guaranty.

NOW, THEREFORE, in consideration of the promises and premises contained herein and which are incorporated herein by this reference and which constitute an integral part hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Guarantor agrees as follows:

1. Guarantor shall continue to indemnify USB Fund and CDE pursuant to the terms of the Guaranty and hereby reaffirms its obligations under the Guaranty pursuant to the terms thereof.

2. The Guaranty, as herein confirmed and reaffirmed, continues in full force and effect pursuant to the terms thereof, notwithstanding any action or inaction by USB Fund or CDE of any kind, including, but not limited to, entering into the Purchase Agreement.

3. Guarantor represents and covenants to USB Fund and CDE that it has no defense, claim, right of recoupment or right of offset against USB Fund or CDE under the Guaranty. Guarantor agrees that neither USB Fund nor CDE is under no obligation to seek the consent of any indemnitor or guarantor in the future, irrespective of the requirement that this Confirmation and Reaffirmation of Indemnification Agreement be executed.

4. Guarantor reaffirms its representations, warranties and covenants set forth in the Guaranty.

5. Except as otherwise specifically set forth in this Confirmation and Reaffirmation of Guaranty, all terms defined in the Guaranty shall have the same meanings herein as therein.

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**COUNTERPART SIGNATURE PAGE
CONFIRMATION AND REAFFIRMATION OF GUARANTY**

IN WITNESS WHEREOF, Guarantor has executed this Confirmation and Reaffirmation of Guaranty as of the date first above written.

GUARANTOR:

CITY OF PIQUA, OHIO

By: _____
Name: _____
Title: _____

**FORT PIQUA DOWNTOWN
REDEVELOPMENT CORPORATION**

By: _____
Name: _____

PIQUA IMPROVEMENT CORPORATION

By: _____
Name: _____
Title: _____
Title: _____

**COUNTERPART SIGNATURE PAGE
CONFIRMATION AND REAFFIRMATION OF GUARANTY**

IN WITNESS WHEREOF, USB Fund has accepted this Confirmation and Reaffirmation of Guaranty as of the date first above written.

USB FUND:

USB NMTC FUND 2007 LLC, a Delaware limited liability company

By: U.S. Bancorp Community Development Corporation, a Minnesota corporation, its manager

By: _____

Name: Ashley Weber

Title: Assistant Vice President

**COUNTERPART SIGNATURE PAGE
CONFIRMATION AND REAFFIRMATION OF GUARANTY**

IN WITNESS WHEREOF, CDE has accepted this Confirmation and Reaffirmation of Guaranty as of the date first above written.

CDE:

CONSORTIUM AMERICA VIII, LLC,

a Delaware limited liability company

By: Consortium America, LLC,
a Delaware limited liability company,
its managing member

By: _____
Print: Adam Weers
Title: Authorized Representative

RESOLUTION NO. R-141-14

AN EMERGENCY RESOLUTION AUTHORIZING
CONSENT TO THE PIQUA IMPROVEMENT
CORPORATION FOR LIQUIDATION AND
DISSOLUTION OF THE FORT PIQUA
REDEVELOPMENT CORPORATION AND TO PIQUA
IMPROVEMENT CORPORATION'S ASSUMPTION OF
THE CORPORATION NOTE UPON SUCH LIQUIDATION
AND DISSOLUTION

WHEREAS, Piqua Improvement Corporation, an Ohio nonprofit corporation ("PIC") is the sole shareholder of Fort Piqua Redevelopment Corporation, an Ohio corporation (the "Corporation");

WHEREAS, PIC desires to dissolve the Corporation (the "Dissolution");

WHEREAS, upon and in connection with the Dissolution, that certain Promissory Note in the original principal amount of \$1,733,303 and made by the Corporation payable in favor of the City of Piqua, dated October 16, 2007, (the "Corporation Note"), is to be distributed to and be assumed by PIC (such distribution and assumption to be evidenced by an Assignment and Assumption Agreement between PIC and the Corporation (the "Corporation Note Assumption Agreement");

WHEREAS, the Dissolution and distribution and assumption of the Corporation Note constitutes an Event of Default under the Corporation Note;

WHEREAS, PIC has requested that the City of Piqua consent to the Corporation Note Assumption Agreement and acknowledge and hereby waives the fact that the Dissolution constitutes an Event of Default under the Corporation Note; and

WHEREAS, the Dissolution and the transactions contemplated under the Corporation Note Assumption Agreement are in the City of Piqua's best interests.

NOW, THEREFORE, be it ordered by the City of Piqua Commission, Miami County, Ohio (the "Commission") the majority of all members elected thereto concurring that:

SEC. 1: That the Dissolution shall not constitute an Event of Default under the Corporation Note and the Corporation Note Assumption Agreement is hereby approved, confirmed and ratified in all respects, and the City Manager is hereby authorized to execute and deliver all documents necessary to consummate such transactions, including without limitation, the Corporation Note Assumption Agreement for the purpose of consenting thereto; and

SEC. 2: That the Corporation Note Assumption Agreement is in the best interests of the City of Piqua as a part of the overall plan for the unwinding of the Fort Piqua Hotel Redevelopment Project.

SEC. 3: That this resolution is declared an emergency for immediate preservation of the public peace, health or safety in the City of Piqua for said reason that the property transfer needs to be completed prior to year-end and shall take effect and be in force from and after passage.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 16, 2014		
REPORT TITLE (Should match resolution/ordinance title)	An Emergency Resolution Authorizing Consent to the Piqua Improvement Corporation for Liquidation and Dissolution of the Fort Piqua Redevelopment Corporation and to Piqua Improvement Corporation's Assumption of the Corporation Note Upon Such Liquidation and Dissolution		
SUBMITTED BY	Name & Title: Cynthia Holtzapple, Assistant City Manager/Finance Director		
	Department: Finance		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	Time has come for the Fort Piqua Plaza Redevelopment project to unwind. As part of the exit process the Corporation Note Assumption Agreement evidences Corporation's assignment of its obligations to PIC under Corporation's Promissory Note payable to the City of Piqua, dated October 16, 2007, in principal amount of \$1,733,303, and PIC's assumption of those obligations in connection with the dissolution of the Corporation.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		
	Source of Funds:		
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Approve Resolution No. R-141-14 so the unwind can continue as scheduled for December 31, 2014	
	2.	Approve Resolution No. R-141-14 with changes being made and delaying the unwind process.	
PROJECT TIMELINE	This part of the unwind is scheduled to be completed by December 31, 2014		
STAFF RECOMMENDATION	Approve the Emergency Resolution so the unwinding of the Fort Piqua Hotel Redevelopment Project can continue.		
ATTACHMENTS	Corporation Note Assignment and Assumption Agreement		

CORPORATION NOTE ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment and Assumption Agreement (this "*Agreement*") is executed as of December __, 2014 (the "*Effective Date*"), by and between PIQUA IMPROVEMENT CORPORATION, an Ohio nonprofit corporation (the "*Assignee*"), and FORT PIQUA REDEVELOPMENT CORPORATION, an Ohio corporation (the "*Corporation*")

WHEREAS, the Corporation is the maker of that certain Promissory Note, made in favor of the City of Piqua, dated October 16, 2007, in the principal amount of \$1,733,303 (the "*Corporation Note*");

WHEREAS, the Assignee is the sole shareholder of the Corporation;

WHEREAS, on December 11, 2014, the Assignee's Board of Trustees approved a Plan of Complete Liquidation and Dissolution of the Corporation (the "*Plan*"), pursuant to which Assignee approved the liquidation and dissolution of the Corporation on the Effective Date;

WHEREAS, among other things, upon the liquidation and dissolution of the Corporation, Assignee shall assume all of Corporation's obligations and liabilities under the Corporation Note; and

WHEREAS, the City of Piqua has consented to the Corporation's liquidation and dissolution and to Assignee's assumption of the Corporation Note upon such liquidation and dissolution.

NOW THEREFORE, for and in consideration of the premises and the mutual covenants contained herein, and for other good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. Assignment and Assumption. The Corporation hereby assigns, transfers, distributes and sets over to Assignee all of the Corporation's interest in and obligations and liabilities with respect to the Corporation Note. Assignee hereby accepts such assignment and agrees to observe and perform all of the duties, obligations, terms, provisions and covenants, and to pay and discharge all of the liabilities of the Corporation to be observed, performed, paid or discharged from and after the Effective Date in connection with the Corporation Note. Except as otherwise set forth in the Plan, Assignee assumes no other liabilities of the Corporation.

2. Further Actions. Each of the parties hereto covenants and agrees, at its own expense, to execute and deliver, at the request of the other party hereto, such further instruments of transfer and assignment and to take such other action as such other party may reasonably request to more effectively consummate the assignments and assumptions contemplated by this Assumption Agreement.

3. Governing Law. This Agreement shall be governed by and construed in accordance with, the laws of the State of Ohio, without regard to its conflicts of laws principles and laws.

4. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first above written.

FORT PIQUA REDEVELOPMENT CORPORATION,
an Ohio corporation

PIQUA IMPROVEMENT CORPORATION,
a nonprofit Ohio corporation

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

CONSENT, ACKNOWLEDGEMENT AND WAIVER

The City of Piqua hereby consents to the Corporation's assignment of the Corporation Note to Assignee and Assignee's assumption of the Corporation Note. The City of Piqua further acknowledges and hereby waives the fact that the Dissolution of the Corporation constitutes an Event of Default (as such term is defined in the Corporation Note) under the Corporation Note.

THE CITY OF PIQUA

By: _____
Name: _____
Title: _____

RESOLUTION NO. R-142-14

AN EMERGENCY RESOLUTION FOR THE CITY OF PIQUA TO ENTER INTO AN AGREEMENT WITH THE PIQUA IMPROVEMENT CORPORATION FOR ALL REAL PROPERTY INCLUDING THE FORT PIQUA PLAZA, ASSIGNMENT OF RENTS AND THE ASSIGNMENT AND ASSUMPTION OF LEASE IN EXCHANGE FOR RELEASE OF MORTGAGE AND PROMISSORY NOTE

WHEREAS, the City of Piqua and Piqua Investment Fund, LLC, a Missouri limited liability company ("Investment Fund"), are parties to that certain Loan Agreement, dated December 11, 2006 (the "Loan Agreement"), and that certain Pledge and Security Agreement, dated December 11, 2006 (the "Security Agreement");

WHEREAS, in connection with the Loan Agreement and Security Agreement, Investment Fund executed a Promissory Note, dated December 11, 2006, in the principal amount of \$8,500,000, in favor of the City of Piqua (the "Investment Fund Note" and together with the Loan Agreement and Security Agreement, the "Loan Documents");

WHEREAS, Piqua Improvement Corporation, an Ohio nonprofit corporation ("PIC"), is the maker of that certain Promissory Note executed payable in favor of the City of Piqua, dated October 16, 2007, in the original principal amount of \$1,733,303 (the "Corporation Note");

WHEREAS, upon the closing of certain transactions made in connection with the unwinding of the Fort Piqua Hotel Redevelopment Project, Investment Fund will be a wholly-owned, direct subsidiary of PIC, and The City of Piqua Downtown Redevelopment Project, L.P., an Ohio limited partnership ("LP"), and Fort Piqua Hotel Master Tenant, LLC, an Ohio limited liability company ("Master Tenant"), will be wholly-owned, indirect subsidiaries of PIC;

WHEREAS, in exchange for the (i) satisfaction of all indebtedness owed by Investment Fund pursuant to the Loan Documents, (ii) the satisfaction of all of the indebtedness owed by PIC under the Corporation Note, and (iii) the release of liens under the Security Agreement, LP desires to transfer to the City of Piqua all tracts or parcels of land and the improvements thereon described on Exhibit A (the "Real Property") hereto, free and clear of certain encumbrances that shall be terminated pursuant to a release of mortgage and assignment of rents (the "Release of Mortgage and Assignment of Rents") to be obtained by the LP and that shall be recorded with the County of Miami;

WHEREAS, LP desires to file for recordation a limited warranty deed (the "Limited Warranty Deed") with the County of Miami in order to evidence the transfer of the Real Property from LP to the City of Piqua;

WHEREAS, concurrently with the filing of the Limited Warranty Deed, LP desires to assign to the City of Piqua all of LP's rights, title and interest in and to that certain Sublease Agreement, between Master Tenant and Flesh Public Library, dated as of December 11, 2006 (as assigned from Master Tentant to LP) the ("Library Sublease") (such assignment to be evidenced by an assignment and assumption of lease agreement, the "Assignment and Assumption of Lease");

WHEREAS, under the terms and conditions of the Assignment and Assumption of Lease, LP and the City of Piqua shall also acknowledge that upon the transfer of the Real Property from LP to the City of Piqua, the interests of landlord and tenant under that certain Sublease Agreement, between Master Tenant and the City of Piqua, dated December 11, 2006 (as assigned from Master Tentant to LP) (the "City Lease"), shall merge and effective upon such transfer of the Real Property, the City Lease shall no longer be in full force or effect (collectively, the "City Lease Merger"); and

WHEREAS, in order to clarify the identity of the the landlord after the completion of the foregoing transactions under that certain Lease Agreement, among Charles A. Thoma, Joseph A. Thoma III and The Piqua Improvement Corporation of Piqua, Ohio, dated July 17, 2007 (the "Thoma Lease"), the City of Piqua, as the owner of the Premises (as defined in the Thoma Lease), desires to enter into a ratification of lease ("Ratification of Lease"), pursuant to which the City of Piqua shall acknowledge and agree that the Thoma Lease is in full force and effect and that the City of Piqua is the landlord thereunder.

WHEREAS, the foregoing transactions (the "Contemplated Transactions") are in the best interests of the City of Piqua;

NOW, THEREFORE, be it ordered by the City of Piqua Commission, Miami County, Ohio (the "Commission") the majority of all members elected thereto concurring that:

SEC. 1: That the transfer of the Real Property to the City of Piqua in exchange for the satisfaction of all of the outstanding indebtedness under the Loan Documents and the Corporation Note, and the release of liens under the Security Agreement is hereby approved, confirmed and ratified in all respects and the City Manager is hereby authorized to execute and deliver all documents necessary to consummate such transactions;

SEC. 2: That the filing of the Release of Mortgage and Assignment of Rents and the Limited Warranty Deed with the County of Miami are each hereby approved, confirmed and ratified in all respects and the City Manager is hereby authorized to execute and deliver all documents necessary, if any, in connection therewith;

SEC. 3: That upon the filing of the Limited Warranty Deed and the Release of Mortgage and Assignment of Rents, all of the outstanding indebtedness under the Loan Documents and the Corporation Note shall automatically deemed to be satisfied and all liens securing such indebtedness, including the liens under the Security Agreement, shall automatically be released;

SEC. 4: That the assumption by the City of Piqua of all of LP's rights, title and interest in and to the Library Sublease and the City Lease Merger are each hereby approved, confirmed and ratified in all respects, and the City Manager is hereby authorized to execute and deliver all documents necessary to consummate such transactions, including without limitation, the Assignment and Assumption of Lease;

SEC. 5: That the Ratification Agreement is hereby approved, confirmed and ratified in all respects and the City Manager is hereby authorized to execute and deliver the Ratification Agreement and all documents necessary to consummate the transactions contemplated thereunder; and

SEC. 6: The Contemplated Transactions are in the best interests of the City of Piqua as a part of the overall plan for the unwinding of the Fort Piqua Hotel Redevelopment Project, and the City Manager is hereby authorized to execute and deliver all documents necessary to consummate such transactions.

SEC. 7: That this resolution is declared an emergency for immediate preservation of the public peace, health or safety in the City of Piqua for said reason that the property transfer needs to be completed prior to year-end and shall take effect and be in force from and after passage.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 16, 2014		
REPORT TITLE (Should match resolution/ordinance title)	An Emergency Resolution for the City of Piqua to enter into an Agreement with the Piqua Improvement Corporation for All Real Property including the Fort Piqua Plaza, Assignment of Rents and the Assignment and Assumption of Lease in Exchange for Release of Mortgage and Promissory Note		
SUBMITTED BY	Name & Title: Cynthia Holtzapple, Assistant City Manager/Finance Director Department: Finance		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	Time has come for the Fort Piqua Redevelopment Project to unwind. As part of the exit process to enter into an agreement with the Piqua Improvement Corporation for all real property including the Fort Piqua Plaza, Assignment of Rents and the Assignment and Assumption of Lease in exchange for Release of Mortgage and Promissory Note.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		
	Source of Funds:		
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Approve Resolution No. R-142-14 so the unwind can continue as scheduled for December 31, 2014	
	2.	Approve Resolution No. R-142-14 with changes being made and delaying the unwind process.	
PROJECT TIMELINE	This part of the unwind is scheduled to be completed by December 31, 2014		
STAFF RECOMMENDATION	Approve the Emergency Resolution so the unwinding of the Fort Piqua Hotel Redevelopment Project can continue.		
ATTACHMENTS	Assignment and Assumption of Lease		

ASSIGNMENT AND ASSUMPTION OF LEASE

THIS ASSIGNMENT AND ASSUMPTION OF LEASE (this "Assignment Agreement") is made and effective as of the ____ day of December, 2014, by and between **THE CITY OF PIQUA DOWNTOWN REDEVELOPMENT PROJECT, L.P.**, an Ohio limited partnership ("Assignor"), and **THE CITY OF PIQUA, OHIO**, a municipal corporation and political subdivision duly organized and validly existing under the Constitution and laws of the State of Ohio ("Assignee").

RECITALS:

- A. Assignor transferred to Assignee the real property located at 110 West High Street, Piqua, Ohio 45356, as more fully described on Exhibit "A" attached hereto. Assignor and Assignee have agreed, among other things, for the assignment by Assignor to Assignee of all of Assignor's right, title and interest in and to the Lease Agreement by and between Assignor, as successor in interest to Fort Piqua Hotel Master Tenant, LLC, an Ohio limited liability company, as Lessor and Flesh Public Library, a school district public library, as Lessee, dated as of December 11, 2006, a Memorandum of which was recorded on December 14, 2006 as Volume 49, Page 549 of Miami County Records (the "Lease") and the assumption by Assignee of Assignor's obligations under the Lease.
- B. Assignor, as successor in interest to Fort Piqua Hotel Master Tenant, LLC, an Ohio limited liability company and Assignee are parties to that certain Lease Agreement dated as of December 11, 2006, a Memorandum of which was recorded on December 14, 2006 as Volume 49, Page 543 of Miami County Records (the "City Lease").
- C. The parties hereby acknowledge that upon the transfer of the Property from Assignor to Assignee, the interests of landlord and tenant in the City Lease have merged and effective upon such transfer of the Property, the City Lease is no longer in full force or effect.

WHEREAS, the parties hereto desire to provide for the assignment of such right, title and interest and the assumption of such liabilities and obligations.

NOW, THEREFORE, in consideration of the foregoing premises and in satisfaction of their respective obligations under the Purchase Agreement, the parties hereto hereby agree as follows:

1. Assignment. Assignor does hereby convey, sell, transfer, assign and deliver unto Assignee, effective as of the date hereof, all of its right, title and interest in and to the Lease.

2. Assumption. Assignee hereby assumes and agrees to satisfy and perform the obligations of Assignor arising under the Lease to the extent such obligations first arise or are incurred or are first required to be performed on and after the date hereof.

3. Governing Law. This Assignment Agreement shall be subject to, and construed and enforced in accordance with, the laws of the State of Ohio.

4. Counterparts. This Assignment Agreement may be executed in counterparts.

(the remainder of this page is blank)

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment Agreement as of the date first written above.

ASSIGNOR:

THE CITY OF PIQUA DOWNTOWN REDEVELOPMENT PROJECT, L.P., an Ohio limited partnership

By: Fort Piqua Redevelopment Corporation, an Ohio corporation

Its: General Partner

By: _____

Print Name: _____

Title: _____

STATE OF OHIO)

) SS:

COUNTY OF MIAMI)

Before me, a Notary Public, in and for said county and state, personally appeared THE CITY OF PIQUA DOWNTOWN REDEVELOPMENT PROJECT, L.P., an Ohio limited partnership, by Fort Piqua Redevelopment Corporation, an Ohio corporation, its general partner, by _____, its _____, who acknowledged that s/he did sign the foregoing instrument for and on behalf of said corporation and that the same is his/her free act and deed personally and as such _____.

In witness whereof, I have hereunto set my hand and official seal at _____, Ohio, this ____ day of December, 2014.

Notary Public

My Commission Expires _____

ASSIGNEE:

THE CITY OF PIQUA, OHIO, a municipal corporation and political subdivision duly organized and validly existing under the Constitution and laws of the State of Ohio

By: _____
Print Name: _____
Title: _____

APPROVED AS TO FORM

LAW DIRECTOR

STATE OF OHIO)
) SS:
COUNTY OF MIAMI)

Before me, a Notary Public, in and for said county and state, personally appeared THE CITY OF PIQUA, a municipal corporation and political subdivision duly organized and validly existing under the Constitution and laws of the State of Ohio, by _____, its _____, who acknowledged that he/she signed the foregoing instrument as the fully authorized officer of said City of Piqua, and that the same is his/her free act and deed and the free act and deed of the City of Piqua.

In witness whereof, I have hereunto set my hand and official seal at _____, Ohio, this ____ day of December, 2014.

Notary Public

My Commission Expires _____

This instrument prepared by:

Jodi B. Rich, Esq.
Ulmer & Berne LLP
Skylight Office Tower
1660 West 2nd Street, Suite 1100
Cleveland, Ohio 44113-1448
Direct Dial: (216) 583-7176
Fax: (216) 583-7177

EXHIBIT A

Situated in the City of Piqua, County of Miami, and State of Ohio, and being all of Inlot 51, part of Inlot 52, and part of Inlot 62 in said city, being more particularly described as follows:

Beginning at a point on the North line of High Street, said point being the Southeast corner of Inlot 51, witness a cross cut in the concrete sidewalk bearing South $0^{\circ} 32' 30''$ East a distance of 5 feet;

Thence South $89^{\circ} 25'$ West, along the North line of High Street, and along the South line of Inlots 51 and 62, a total distance of 150.47 feet to a point at the Southwest corner of the parcel herein described, witness a cross cut in the concrete sidewalk bearing South $0^{\circ} 37' 47''$ East a distance of 5 feet;

Thence North $0^{\circ} 37' 47''$ West, crossing Inlot 62, a distance of 107.97 feet to a mag nail found on the North line of said Inlot 62;

Thence North $89^{\circ} 25'$ East, along the North line of said Inlot 62, a distance of 80.06 feet to a mag nail set at a corner common to Inlots 51, 52, 61, and 62;

Thence North $0^{\circ} 37' 30''$ West, along the line between Inlots 52 and 61, a distance of 6.47 feet to a mag nail set;

Thence North $89^{\circ} 15' 10''$ East, crossing partly through said Inlot 52, and along the South line of a 2-story brick building, a distance of 70.58 feet to a point on the South line of said building;

Thence South $0^{\circ} 32' 30''$ East, along the East line of Inlot 51 and its extension, a total distance of 114.64 feet to the place of beginning.

The above tract contains a total area of 0.384 acres, more or less, including 0.175 acres in Inlot 51, 0.011 acres in part of Inlot 52, and 0.198 acres in part of Inlot 62.

The above description prepared according to a field survey performed in April, 2003 by Richard W. Klockner, Registered Surveyor No. 4370, as filed in Volume 24, Page 89, of the Miami County Engineer's Record of Lot Surveys.