

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, DECEMBER 1, 2015
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. **APPROVAL OF MINUTES**
Approval of the minutes from the November 17, 2015 Regular Piqua City Commission Meeting
2. **RES. NO. R-154-15**
A Resolution of Appreciation for the Public Service of Michael W. Scherer as a City Employee

OLD BUSINESS

3. **ORD. NO. 12-15 (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
4. **ORD. NO. 13-15 (2nd Reading)-Amended 11-23-2015**
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
5. **ORD. NO. 14-15 (2nd Reading)**
An Ordinance repealing Chapter 33.08 and enacting a new Chapter 33.08 of the Piqua Code, relating to Employee Insurance
6. **ORD. NO. 15-15 (2nd Reading)**
An Ordinance amending Ordinance No. 33-66, relating to the Municipal Income Tax
7. **ORD. NO. 16-15 (2nd Reading)**
An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2016
8. **ORD. NO. 17-15 (2nd Reading)**
An Ordinance to vacate a portion of Public Right-of-Way

NEW BUSINESS

9. **ORD. NO. 18-15 (1st Reading)**
An Ordinance creating Chapter 38 of the Codified Ordinance of the City of Piqua regarding Municipal Income Tax

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, November 17, 2015 7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Terry, Wilson, and Vogt. Absent: Martin.

Mayor Fess stated Economic Development Director/Assistant City Manager Justin Sommer was sitting in for City Manager Huff due to a family illness.

Moved by Commissioner Vogt, seconded by Commissioner Wilson, to excuse Commissioner Martin from the November 17, 2015 Piqua City Commission Meeting. Voice vote, Aye: Wilson, Fess, Vogt, and Terry. Nay, None.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of Minutes

Approval of the minutes from the November 3, 2015 Regular Piqua City Commission Meeting.

RES. NO. R-147-15

A Resolution appointing a member to the Energy Board

RES. NO. R-148-15

A Resolution appointing a member to the Energy Board

RES. NO. R-149-15

A Resolution appointing a member to the Park Board

RES. NO. R-150-15

A Resolution appointing a member to the Board of Zoning Appeals

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

NEW BUSINESS

ORD. NO. 12-15 (1st 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

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

Ms. Holtzapple stated the employees covered by Schedule A (non-union) will receive a 2% increase in 2016. This has been included in the 2016 appropriations.

Ordinance No. 12-15 was given a first reading.

ORD. NO. 13-15 (1st 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

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

For the past several years it has been more difficult to recruit and retain lifeguards for the Piqua Pool due in part to the cost of the certification. Previously, there were pay increases for each step for lifeguards, but due to the increases in minimum wages the difference between the steps became smaller. Schedule A-1 adjusts those steps. The pay for Assistant Pool Manager and also been adjusted, and an additional step has been added to those employees who work at the golf course in the club house and attending carts, stated Ms. Holtzaple.

Ordinance No. 13-15 was given a first reading.

ORD. NO. 14-15 (1ST Reading)

An Ordinance repealing Chapter 33.08 and enacting a new Chapter 33.08 of the Piqua Code, relating to Employee Insurance

Cindy Holtzaple, Finance Director/Assistant City Manager, provided the Staff Report.

Ms. Holtzaple stated the changes to Chapter 33.08 reflect the new benefit year of 2016, everything else in Chapter 33.08 remains the same.

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

ORD. NO. 15-15 (1ST Reading)

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

Cindy Holtzaple, Finance Director/Assistant City Manager, provided the Staff Report.

With the passage of HB5 in December 2014, and the required creation of a new income tax Chapter 38, there is a need to update the ordinance to keep in conformity with the new tax code beginning January 1, 2016.

Al Fledderman, Harney Drive, came forward and ask if it would be possible for him to get a copy of the proposed changes, and if all the changes were due to House Bill 5?

Mayor Fess stated they would see that Mr. Fledderman receives a copy of the proposed changes.

Ordinance No. 15-15 was given a first reading.

ORD. NO. 16-15 (1ST Reading)

An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2016

Cindy Holtzaple, Finance Director/Assistant City Manager, provided the Staff Report.

Ms. Holtzaple stated each year the City is required to present and pass the 2016 Annual Budget by the end of the year. This is the first of three readings of the Ordinance. The City Commission will review the Department Budgets on November 19, 2015, at 4:00 P.M. in the Municipal Government Complex and the meeting is open to the public.

Ordinance No. 16-15 was given a first reading.

ORD NO. 17-15 (1ST Reading)

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

Chris Schmiesing, City Planner provided the Staff Report.

The applicant is requesting to vacate a platted portion of an alley right of way between Main Street and Wayne Street. The subject right of way is not currently being use for public purposes. The Planning Commission held the Public Heard on November 10, and there were a few of the neighbors in attendance, all were in favor of vacating the right of way, stated Mr. Schmiesing.

Ordinance No. 17-15 was given a first reading.

RES. NO. R-151-15

A resolution of intent to vacate Public Right-of-Way

Chris Schmiesing, City Planner, provided the Staff Report.

The applicant has requested to vacate a platted portion of an alley right of way located west of Ford Drive and south of Young Street. The subject right of way is not currently being used for public purposes at this time.

Mr. Schmiesing stated he is asking the City Commission to approve the intent to vacate the platted portion of an alley right of way so it can go to the Planning Commission for review in December.

Commissioner Vogt stated he is familiar with the property and know there has always been some concern over who owns it.

Public Comment

No one came forward to speak for or against Resolution No. R-151-15.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-151-15 be adopted. Roll call, Aye: Wilson, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-151-15 adopted.

RES. NO. R-152-15

A Resolution authorizing AN AMENDMENT TO Zoning Map to change the zoning designation of 1417, 1421, and 1429 Covington Avenue to B (General Business)

Chris Schmiesing, City Planner, provided the Staff Report.

This item was presented to the Planning Commission in response to a petition requesting a change in the zoning designation at the subject property locations. Currently the properties are zoned R-3 Multi-Family Residential and the applicants have requested a B (General Business) zoning designation.

The Planning Commission held a Public Hearing concerning this item on November 10, 2015. At the Public Hearing the Planning Commission heard from all of the property owners and their agents in support of this request. With reference to the City of Piqua Comprehensive Plan and the Development and Conservation Map, and citing the characteristic of the surround land uses, the Planning Commission recommended the approval of the B (General Business) zoning designation.

Commissioner Wilson asked if there would be a buffer between the business and any of the current residents in the area.

Mr. Schmiesing stated yes, and provided information regarding the zoning code.

Mayor Fess asked if the developer would make public their intent for the properties?

Mr. Schmiesing stated the developer is not sure yet what the plans are at this time.

Public Comment

No one came forward to speak for or against Resolution No. R-152-15.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-152-15 be adopted. Roll call, Aye: Fess, Terry, Wilson, and, Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-152-15 adopted.

RES. NO. R-153-15

A Resolution approving the purchase of excess liability insurance

Stacy Wall, Law Director provided the Staff Report.

The City has had excess liability coverage for over 20 years for the dams and waterways. This is a specialty insurance that is beyond the scope of what MVRMA covers. Coverage has been looked at to ensure that there are no duplicate coverage area between MVRMA and AEGIS. The premium is increased by 1.8% to reflect market conditions, and the continued aging and the dams and the 7.5% increase in water revenues.

Public Comment

No one came forward to speak for or against Resolution No. R-153-15.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-153-15 be adopted. Roll call, Aye: Terry, Wilson, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-153-15 adopted.

MONTHLY REPORTS

Monthly Reports for September, 2015 were accepted.

PUBLIC COMMENT

Paul Bubeck, Camp Street, came forward to voice his concern over the number of rental properties that are in need of repairs, and the lack of enforcement. Mr. Bubeck further stated he would like to see them threatened by court fines if they do not comply with the letters to clean up or make the needed repairs.

Mayor Fess stated the City is doing the best they can at this time, but in 2016 they plan to have a person dedicated to just property maintenance. We need more people like Mr. Bubeck to bring these properties to the city's attention to make the inspections, stated Mayor Fess. Citizens can contact their City Commissioner, Health Department, or the City Manager's Office to report a property.

Al Fledderman, Harney Drive, came forward stating he had taken his four year old granddaughter over to Pitsenbarger Park. She noticed the fence that had the children painted on it with the splashes of color and asked why there are not any girls on the fence just boys.

Mayor Fess stated we will have to check into that and see if we can get some girls painted on the fence also.

City Manager's Report

Mr. Sommer stated the City has become bike friendly community by implementing bike lanes and being a part of the Trail System connecting to Cincinnati. Chris Schmiesing has led that effort, and has been very active making the case that the city is a bike friendly community. It is nice to receive the formal recognition from the League of American Bicyclists and was announced that the City of Piqua has become one of thirteen communities in the State of Ohio to receive the Bronze Recognition.

Mr. Sommer announced Planet Fitness, a national chain, will be locating in Piqua East Ash Street, and will be opening in the Spring of 2016.

Mr. Sommer thanked the Friends of the Piqua Parks for the wonderful presentation and dedication of the Pitsenbarger Statue on Saturday November 14, 2015.

Mr. Sommer announced the City of Piqua Annual Budget Meeting will take place on Thursday, November 19, at 4:00 P.M. in the Administrative Conference Room, in the Municipal Government Complex.

Mr. Sommer announced the Holiday Open House sponsored by Mainstreet Piqua will be held the weekend of November 20, 21, and encouraged citizens to shop locally.

Commissioners Comments

Commissioner Vogt stated he was very pleased with the attendance at the Pitsenbarger dedication held on Saturday, November 14, 2015, further stating it was long overdue.

Commissioner Vogt stated there are a number of citizens who are walking their dogs in Pitsenbarger Park, and reminded citizens to please clean up after their dogs.

Mr. Sommer stated there is a n off the leash dog park located at Hollow Park.

Commissioner Terry commented the Pitsenbarger Dedication was wonderful and agreed it was a long time coming. Commissioner Terry stated she met some of the family of Mr. Pitsenbarger and enjoyed seeing the picture and hearing their stories. Also the Wright Paterson Air Force Base Commander that attended the dedication had such glowing comments about William Pitsenbarger and was glad to be there.

Commissioner Wilson stated he also attended the Dedication and was happy to see they had the statue of William H. Pitsenbarger smiling. Commissioner Wilson also thanked all who donated to the Friends of the Piqua Parks for statue, further commenting on all of the hard work put in by the committee and Ruth Koon. This is indeed a caring community, stated Commissioner Wilson.

Mayor Fess thanked City Planner Chris Schmiesing for all his work for getting the designation of the Bicycle Friendly Community, as this is quite an honor with only thirteen communities in the State of Ohio it sets Piqua apart.

Mr. Schmiesing also stated there were a number of citizens in the community who very much involved, and continue to be very much involved in the efforts. They are the ones who deserve this recognition because it is through their passion and interest in this area things are able to happen. Piqua is one of 370 in the entire nation recognized as a Bicycle Friendly Community.

Mayor Fess stated that Mr. Schmiesing's leadership was a big part of the effort with help from all the citizens to make this possible.

Mayor Fess thanked Vice Mayor/Commissioner Vogt for representing her at the Pitsenbarger Dedication as she was out of town. Mayor Fess thanked the Friends of the Piqua Park for all they did to make this possible. Mayor Fess stated she came into town driving by the statue and saw the lights shining on it, it was breathtaking.

Moved by Commissioner Vogt, seconded by Commissioner Wilson, to adjourn at 8:00 P.M. Voice vote, Aye: Wilson, Fess, Vogt, and Terry. Nay: None.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-154-15

**A RESOLUTION OF APPRECIATION FOR THE
PUBLIC SERVICE OF MICHAEL W. SCHERER
AS A CITY EMPLOYEE**

WHEREAS, Michael W. Scherer has retired as Water Plant Operator III with the Water Department; and

WHEREAS, his retirement follows 30 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of Michael W. Scherer as Water Plant Operator III with the Water Department, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 12-15

**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. 18-14, 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, 2016.

1st Reading 11-17-2015

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	NOVEMBER 17, 2015		
REPORT TITLE (Should match resolution/ordinance title)	Ordinance No. 12-15 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		
SUBMITTED BY	Name & Title: Elaine G. 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 checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	Employees covered by Schedule A (non-union) will receive 2% increase in 2016. Schedule A has been updated to reflect this increase.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	Included in the 2016 budget appropriation	
	Expenditure \$:		
	Source of Funds:	Various	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Adopt Ordinance No. 12-15	
	2.	Reject Ordinance No. 12-15 and provide staff with further direction	
	3.		
	4.		
PROJECT TIMELINE	January 1, 2016		
STAFF RECOMMENDATION	Adopt Ordinance No. 12-15 to allow for a 2% increase for non-union employees. Union employees will also receive a 2% increase in 2016.		
ATTACHMENTS	Schedule A		

EFFECTIVE January 1, 2016		PAY	SCHEDULE A			"Exhibit D"		
Class	CLASSIFICATION/TITLE	RANGE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Non-exempt positions: (hourly rate)								
105	Custodian	4	17.36747	18.23585	19.14763	20.10502	21.11027	22.16578
108	Administrative Assistant	6	19.51409	20.48979	21.51429	22.59000	23.71950	24.90547
109	Human Resources Assistant	6	19.51409	20.48979	21.51429	22.59000	23.71950	24.90547
110	Executive Assistant	8	21.92603	23.02234	24.17346	25.38213	26.65123	27.98379
112	Administrative Specialist	7	20.68494	21.71919	22.80515	23.94540	25.14267	26.39980
113	Contract & Administrative Specialist	7	20.68494	21.71919	22.80515	23.94540	25.14267	26.39980
Exempt positions: (weekly salary)								
149	Financial Analyst	9	929.67	976.15	1024.96	1076.20	1130.02	1186.52
150	Acct. & Income Tax Mgr.	13	1173.68	1232.36	1293.98	1358.68	1426.61	1497.94
153	Utility Billing Office Manager	13	1173.68	1232.36	1293.98	1358.68	1426.61	1497.94
154	Asst Dir of Finance & Inc Tax Admin	16	1397.87	1467.76	1541.15	1618.21	1699.12	1784.07
155	Dir of Finance & Inc Tax Admin	20	1764.78	1853.01	1945.67	2042.96	2145.10	2252.35
158	Purchasing Analyst I	11	1044.57	1096.80	1151.64	1209.22	1269.69	1333.17
160	Law Director	20	1764.78	1853.01	1945.67	2042.96	2145.10	2252.35
165	Human Resources Director	19	1664.88	1748.13	1835.54	1927.31	2023.68	2124.86
167	Public Relations Coordinator	11	1044.57	1096.80	1151.64	1209.22	1269.69	1333.17
170	Community Development Manager	13	1173.68	1232.36	1293.98	1358.68	1426.61	1497.94
171	Development Program Manager	14	1244.10	1306.30	1371.62	1440.20	1512.21	1587.82
206	Project Manager	12	1107.24	1162.61	1220.74	1281.77	1345.86	1413.16
207	Engineering Director	19	1664.88	1748.13	1835.54	1927.31	2023.68	2124.86
208	City Planner	15	1318.75	1384.68	1453.92	1526.61	1602.94	1683.09
209	Public Works Director	19	1664.88	1748.13	1835.54	1927.31	2023.68	2124.86
305	IT Administrator	11	1044.57	1096.80	1151.64	1209.22	1269.69	1333.17
307	Director of Information Tech.	19	1664.88	1748.13	1835.54	1927.31	2023.68	2124.86
402	Recreation Coordinator	10	985.44	1034.72	1086.45	1140.78	1197.82	1257.70
403	Golf Professional *	8	877.04	920.90	966.94	1015.29	1066.05	1119.35
501	Health & Sanitation Director	19	1664.88	1748.13	1835.54	1927.31	2023.68	2124.86
504	Sanitarian II	12	1107.24	1162.61	1220.74	1281.77	1345.86	1413.16
507	Sanitarian	10	985.44	1034.72	1086.45	1140.78	1197.82	1257.70
510	Code Compliance Coordinator	10	985.44	1034.72	1086.45	1140.78	1197.82	1257.70
610	Police Chief	20	1764.78	1853.01	1945.67	2042.96	2145.10	2252.35
660	Fire Chief	20	1764.78	1853.01	1945.67	2042.96	2145.10	2252.35
705	Assistant Public Works Director	13	1173.68	1232.36	1293.98	1358.68	1426.61	1497.94
810	Asst. Underground Utilities Supt.	13	1173.68	1232.36	1293.98	1358.68	1426.61	1497.94
815	Asst. Water System Supt.	13	1173.68	1232.36	1293.98	1358.68	1426.61	1497.94
820	Water System Superintendent	15	1318.75	1384.68	1453.92	1526.61	1602.94	1683.09
830	Storm Water Coordinator	12	1107.24	1162.61	1220.74	1281.77	1345.86	1413.16
842	Asst. Wastewater Systems Supt.	13	1173.68	1232.36	1293.98	1358.68	1426.61	1497.94
845	Wastewater System Supt.	15	1318.75	1384.68	1453.92	1526.61	1602.94	1683.09
846	Underground Utilities Supt.	15	1318.75	1384.68	1453.92	1526.61	1602.94	1683.09
848	Utilities Director	20	1764.78	1853.01	1945.67	2042.96	2145.10	2252.35
874	Substation & Generation Mgr.	13	1173.68	1232.36	1293.98	1358.68	1426.61	1497.94
880	SCADA Administrator	11	1044.57	1096.80	1151.64	1209.22	1269.69	1333.17
881	Associate Engineer	11	1044.57	1096.80	1151.64	1209.22	1269.69	1333.17
890	Power Distribution Manager	16	1397.87	1467.76	1541.15	1618.21	1699.12	1784.07
892	Electrical Engineer	17	1481.74	1555.83	1633.62	1715.30	1801.07	1891.12
893	Asst. Power System Director	18	1570.65	1649.18	1731.64	1818.22	1909.13	2004.59
894	Power System Director	20	1764.78	1853.01	1945.67	2042.96	2145.10	2252.35
896	Asst. City Manager/Development	20	1764.78	1853.01	1945.67	2042.96	2145.10	2252.35
897	Asst. City Manager/Administration	21	1870.67	1964.20	2062.41	2165.53	2273.80	2387.49

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

AMENDED 11/23/2015

ORDINANCE NO. 13-15

**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. 19-14, 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, 2016.

1st Reading 11-17-2015

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 17, 2015 December 1, 2015		
REPORT TITLE (Should match resolution/ordinance title)	<u>AMENDED</u> ORDINANCE NO. 13-15 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)	For the past several years it has been more difficult to recruit and retain lifeguards for the Piqua pool due in part to the cost of the certification. Previously, there were pay increases for each step for lifeguard, however with the increases in minimum wage those differences between the steps became smaller until there was no longer a difference. Schedule A-1 adjusts those steps to mirror those of laborer and golf course worker. The pay for Assistant Pool Manager has been adjusted as well to reflect a differential between the head guard and the Assistants. An additional step has been added to those employees who work at the golf course in the club house and attending to the carts. <u>Added the position of Golf Maintenance Technician at a differential between that position and the Seasonal Workers.</u>		
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. 13-15	
	2.	Reject Ordinance No. 13-15 and provide staff with further direction.	
	3.		
	4.		
PROJECT TIMELINE	January 1, 2016		
STAFF RECOMMENDATION	Staff recommends the passage of Ordinance No. 13-15		
ATTACHMENTS	Schedule A-1		

EXHIBIT E - PT, Seasonal, Temp
CLASSIFICATION/ TITLE

Schedule A-1
HOURLY RATE 2016

Effective Date: January 1, 2016

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	
AUDITOR*	\$25.00	
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	
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	
MAINTENANCE WORKER	\$8.10	
SEASONAL 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**
GOLF MAINTENANCE TECHNICIAN	\$10.36	plus free golf**
GOLF COURSE CLUBHOUSE ATTENDANT	\$8.10	plus free golf**
GOLF COURSE CLUBHOUSE ATTENDANT	\$8.43	plus free golf**
CART/RANGE ATTENDANT	\$8.10	plus free golf**
CART/RANGE ATTENDANT	\$8.43	plus free golf**
FOOD SERVICE ATTENDANT (GOLF)	\$8.10	plus free golf**
FOOD SERVICE ATTENDANT (GOLF)	\$8.43	plus free golf**
LIFEGUARD A	\$8.10	
LIFEGUARD B	\$8.43	
LIFEGUARD C	\$8.85	
HEAD LIFE GUARD	\$9.36	
CONCESSION/TICKET WINDOW ATTENDANT A	\$8.10	
CONCESSION/TICKET WINDOW ATTENDANT B	\$8.43	
RECREATION LEADER	\$8.10	
RECREATION ASSISTANT	\$8.10	
SPORTS INSTRUCTOR	8.80 to 17.61	
DANCE/FITNESS INSTRUCTOR	8.80 to 17.61	
ASSISTANT POOL MANAGER A	\$10.12	
ASSISTANT POOL MANAGER B	\$11.23	
POOL MANAGER	\$534.94	WEEKLY RATE
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

ORDINANCE NO. 14-15

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

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

SECTION 1: Existing Chapter 33.08 (Employee Insurance) of the Piqua Code is hereby repealed;

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

SECTION 3: This Ordinance shall take effect and be in force from and after January 1, 2016.

1st Reading 11-17-2015

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	NOVEMBER 17, 2015 DECEMBER 1, 2015		
REPORT TITLE (Should match resolution/ordinance title)	ORDINANCE NO. 14-15 AN ORDINANCE REPEALING CHAPTER 33.08 AND ENACTING A NEW CHAPTER 33.08 OF THE PIQUA CODE, RELATING TO EMPLOYEE INSURANCE		
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)	The changes to Chapter 33.08 reflect the new benefit year of 2016. Everything else in this chapter remains the same.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	Group insurance appropriated in the 2016 budget	
	Expenditure \$:		
	Source of Funds:	Various funds	
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Adopt Ordinance No. 14-15	
	2.	Reject Ordinance No. 14-15 and provide staff with an alternative.	
	3.		
	4.		
PROJECT TIMELINE	January 1, 2016		
STAFF RECOMMENDATION	Staff recommends the changes to Chapter 33 revising the date of the health insurance coverage to reflect the 2016 benefit year. This is the only change to Chapter 33.08. This language mirrors that in the bargaining unit agreements.		
ATTACHMENTS	Chapter 33.08		

§ 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 \$1,000 for individual coverage and \$2,000 for family coverage for the ~~2015~~ **2016** 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 \$1,000 for individual coverage and \$2,000 for family coverage for the ~~2015~~ **2016** plan year, by funding the entire amount each year in January.

An employee may be reimbursed up to a maximum of \$1,000 if on a family plan and \$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	\$400	Eligible for reimbursement once each calendar year.
Health Risk Assessment	\$100	Eligible for reimbursement once each calendar year.
Wellness Coaching	\$100	Wellness Coaching is as indicated by the Health Risk Assessment. Eligible for reimbursement once each calendar year.
Registering on health insurance website	\$100	Eligible for reimbursement once each calendar year.

Flu Shot	\$100	Must be received at the City. Eligible for reimbursement once each calendar year.
Exercise	\$100	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	\$200	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	\$100	Eligible for reimbursement once each calendar year.
Cessation Program	\$100	Employee must complete a program as approved by the HR department and successfully have stopped smoking for a consecutive 6 month period. Employee will be subject to random testing to verify continued success. Eligible for reimbursement only one time during employee's tenure.

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

(D) Cost Sharing. For the ~~2015~~ **2016** 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 (~~2015~~) **(2016)** 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, Am Ord. 20-14, passed 12/16/14)

ORDINANCE NO. 15-15

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, 25-08 and 15-14 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 two percent (2%) per annum.

The first one percent (1%) of said tax shall be levied until repealed by this commission; the next three-fourths percent (.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 ten dollars (~~\$5.00~~) (\$10.00) 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 two percent (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 two percent (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 estimated tax is at least two hundred dollars (\$200.00).
- 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~~ ten dollars (~~\$5.00~~) (\$10.00) 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 three-fourths percent (.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, 25-08 and 15-14 as previously enacted, are hereby repealed;

SECTION 3: This Ordinance shall take effect and be in force beginning January 1, 2016.

1st Reading 11-17-2015

PASSED: _____

LUCINDA L. FESS, MAYOR

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 17, 2015 December 1, 2015 December 15, 2015		
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 HB5 in December 2014 and the required creation of a new income tax Chapter 38, we need to update this ordinance with some housekeeping items to keep in conformity with the new tax code beginning January 1, 2016.		
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. 15-15 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, 2016		
STAFF RECOMMENDATION	We are requesting approval of Ordinance No. 15-15 accepting the Ordinance to reflect the proper amendments beginning January 1, 2016.		
ATTACHMENTS			

ORDINANCE NO. 16-15
AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2016

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>2016 BUDGET</u>
<u>City Building</u>	
Operation and Maintenance	\$108,661
Allocated Expenses	<u>(\$9,141)</u>
TOTAL	\$99,520
<u>City Commission</u>	
Personal Services/Administrative Support	\$35,524
Operation and Maintenance	<u>\$49,505</u>
TOTAL	\$85,029
<u>City Manager</u>	
Personal Services/Administrative Support	\$255,437
Operation and Maintenance	\$33,103
Allocated Expenses	<u>(\$211,211)</u>
TOTAL	\$77,329
<u>Civil Service</u>	
Operation and Maintenance	<u>\$22,485</u>
TOTAL	\$22,485
<u>Engineering</u>	
Personal Services/Administrative Support	\$396,055
Operation and Maintenance	\$36,975
Allocated Expenses	<u>(\$352,573)</u>
TOTAL	\$80,457
<u>Finance</u>	
Personal Services/Administrative Support	\$572,800
Operation and Maintenance	\$37,250
Allocated Expenses	<u>(\$422,520)</u>
TOTAL	\$187,530
<u>Health</u>	
Personal Services/Administrative Support	\$250,256
Operation and Maintenance	\$113,645
Non Government/Transfers/Refunds	<u>\$175</u>
TOTAL	\$364,076
<u>Law</u>	
Personal Services/Administrative Support	\$238,551
Operation and Maintenance	\$21,319
Allocated Expenses	<u>(\$154,873)</u>
TOTAL	\$104,997
<u>Income Tax</u>	
Personal Services/Administrative Support	\$178,117
Operation and Maintenance	<u>\$202,324</u>
TOTAL	\$380,441
<u>Planning & Zoning</u>	
Personal Services/Administrative Support	\$278,603
Operation and Maintenance	\$90,820
Capital	\$20,000
Non Government/Transfers/Refunds	<u>\$100</u>
TOTAL	\$389,523
<u>General Government</u>	
Operation and Maintenance	\$929,507
Capital Outlay (including labor)	\$383,100
Non Government/Transfers/Refunds	<u>\$100</u>
TOTAL	\$1,312,707
<u>Human Resources</u>	
Personal Services/Administrative Support	\$197,526
Operation and Maintenance	\$23,825
Allocated Expenses	<u>(\$194,107)</u>
TOTAL	\$27,244

<u>Purchasing</u>	
Personal Services/Administrative Support	\$87,984
Operation and Maintenance	\$5,976
Allocated Expenses	(\$92,089)
TOTAL	\$1,871
<u>Transfers</u>	
Transfer to NIT Fund 104	\$87,226
Transfer to Parks Fund 105	\$300,000
Transfer to Safely Fund 106	\$3,550,000
Transfer to Forest Hill Mausoleum Fund 110	\$6,200
Transfer to Pro Piqua Fund 128	\$75,000
Transfer to Golf 409	\$350,000
Transfer to Swimming Pool Fund 415	\$150,000
TOTAL	\$4,518,426
TOTAL GENERAL FUND	\$7,651,635
SEC. 2: That there be appropriated from the STREET DEPARTMENT FUND (101)	
Personal Services/Administrative Support	\$999,456
Operation and Maintenance	\$2,817,694
Capital Outlay (including labor)	\$370,000
TOTAL	\$4,187,150
SEC. 3: That there be appropriated from the STREET INCOME TAX FUND (103)	
Operation and Maintenance	\$545,341
Capital Outlay (including labor)	\$1,196,500
Non Government/Transfers/Refunds	\$173,754
TOTAL	\$1,915,595
SEC. 4: That there be appropriated from the NEIGHBORHOOD IMPROVEMENT PROGRAM FUND (104)	
Personal Services/Administrative Support	\$11,076
Operation and Maintenance	\$76,150
TOTAL	\$87,226
SEC. 5: That there be appropriated from the PARK AND RECREATION FUND (105)	
Personal Services/Administrative Support	\$324,055
Operation and Maintenance	\$252,560
Capital Outlay (including labor)	\$126,000
Non Government/Transfers/Refunds	\$200
TOTAL	\$702,815
SEC. 6: That there be appropriated from the PUBLIC SAFETY FUND (106)	
<u>009 Fire Department</u>	
Personal Services/Administrative Support	\$3,645,266
Operation and Maintenance	\$564,833
Capital Outlay (including labor)	\$362,500
Non Government/Transfers/Refunds	\$50,963
TOTAL	\$4,623,562
<u>014 Police Department</u>	
Personal Services/Administrative Support	\$4,189,854
Operation and Maintenance	\$625,709
Capital Outlay (including labor)	\$277,720
TOTAL	\$5,093,283
TOTAL PUBLIC SAFETY	\$9,716,845
SEC. 7: That there be appropriated from the D.U.I. EDUCATIONAL FUND (109)	
Operation & Maintenance	\$5,372
TOTAL	\$5,372
SEC. 8: That there be appropriated from the FOREST HILL MAUSOLEUM FUND (110)	
Operation & Maintenance	\$6,200
TOTAL	\$6,200
SEC. 9: That there be appropriated from the MANDATORY DRUG FINE FUND (111)	
Operation and Maintenance	\$4,349
TOTAL	\$4,349

SEC. 10:	That there be appropriated from the RENEW PIQUA FUND (114)	
Operation and Maintenance		<u>\$5,664</u>
TOTAL		\$5,664
SEC. 11:	That there be appropriated from the CHIP 2012 FUND (117)	
Operation and Maintenance		<u>\$516,000</u>
TOTAL		\$516,000
SEC. 12:	That there be appropriated from the C.H.I.P. PROGRAM INCOME FUND (119)	
Personal Service/Administrative Support		\$5,645
Operation and Maintenance		<u>\$60,200</u>
TOTAL		\$65,845
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>\$375,000</u>
TOTAL		\$375,000
SEC. 15:	That there be appropriated from the WORKER'S COMP FUND (124)	
Personal Services/Administrative Support		<u>\$285,000</u>
TOTAL		\$285,000
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>\$60,000</u>
TOTAL		\$60,000
SEC. 18:	That there be appropriated from the PRO PIQUA FUND (128)	
Operation and Maintenance		<u>\$75,000</u>
TOTAL		\$75,000
SEC. 19:	That there be appropriated from the REVOLVING LOAN FUND (130)	
Operation and Maintenance		<u>\$47,352</u>
TOTAL		\$47,352
SEC. 20:	That there be appropriated from the BROWNFIELD EPA GRANT (131)	
Operation and Maintenance		<u>\$250,309</u>
TOTAL		\$250,309
SEC. 21:	That there be appropriated from the COMMUNITY DEVELOPMENT FUND (135)	
Personal Services/Administrative Support		\$233,884
Operation and Maintenance		\$81,585
Allocated Expenses		<u>(\$315,469)</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		\$365
Operation and Maintenance		<u>\$30,056</u>
TOTAL		\$30,421

SEC. 24:	That there be appropriated from the SPECIAL ASSESSMENT DEBT SERVICE FUND (202)	
	Operation and Maintenance	<u>\$33,600</u>
	TOTAL	\$33,600
SEC. 25:	That there be appropriated from the SIB 25A NOTE '08 FUND (216)	
	Non Government/Transfers/Refunds	<u>\$173,754</u>
	TOTAL	\$173,754
SEC. 26:	That there be appropriated from the SWIMMING POOL DEBT SERVICE FUND (221)	
	Non Government/Transfers/Refunds	<u>\$8,389</u>
	TOTAL	\$8,389
SEC. 27:	That there be appropriated from the GOLF COURSE EXPANSION G.O. BONDS DEBT SERVICE FUND (243)	
	Non Government/Transfers/Refunds	<u>\$166,381</u>
	TOTAL	\$166,381
SEC. 28:	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. 29:	That there be appropriated from the FIRE EQUIPMENT '08 G.O. NOTE FUND (255)	
	Non/Government/Transfers/Refunds	<u>\$50,963</u>
	TOTAL	\$50,963
SEC. 30:	That there be appropriated from the WATER PLANT OWDA DEBT SERVICE FUND (256)	
	Non/Government/Transfers/Refunds	<u>\$22,977,600</u>
	TOTAL	\$22,977,600
SEC. 31:	That there be appropriated from the WASTEWATER PLANT ENGINEERING DEBT SERVICE FUND (257)	
	Non/Government/Transfers/Refunds	<u>\$2,065,400</u>
	TOTAL	\$2,065,400
SEC. 32:	That there be appropriated from the OWDA WATER TOWER DEBT SERVICE FUND (258)	
	Non/Government/Transfers/Refunds	<u>\$1,881,365</u>
	TOTAL	\$1,881,365
SEC. 33:	That there be appropriated from the STREET SWEEPER DEBT SERVICE FUND (261)	
	Non/Government/Transfers/Refunds	<u>\$266,375</u>
	TOTAL	\$266,375
SEC. 34:	That there be appropriated from the POWER SYSTEM FUND (401)	
	Personal Services/Administrative Support	\$2,339,462
	Operation and Maintenance	\$28,985,377
	Capital Outlay (including labor)	\$2,023,271
	Overhead Transfers	<u>(\$180,000)</u>
	TOTAL	\$33,168,110
SEC. 35:	That there be appropriated from the WATER SYSTEM FUND (403)	
	Personal Services/Administrative Support	\$1,419,526
	Operation and Maintenance	\$2,770,478
	Capital Outlay (including labor)	<u>\$23,928,835</u>
	TOTAL	\$28,118,839

SEC. 36: That there be appropriated from the WASTEWATER SYSTEM FUND (404)		
Personal Services/Administrative Support		\$1,386,025
Operation and Maintenance		\$1,434,504
Capital Outlay (including labor)		\$2,434,100
Non Government/Transfers/Refunds		\$303,392
TOTAL		\$5,538,021
SEC. 37: That there be appropriated from the GARBAGE AND REFUSE FUND (405)		
Personal Services/Administrative Support		\$548,907
Operation and Maintenance		\$1,096,142
Capital Outlay (including labor)		\$240,000
TOTAL		\$1,885,049
SEC. 38: That there be appropriated from the CITY INCOME TAX ADMINISTRATION FUND (407)		
Non Government/Transfers/Refunds		\$10,000,000
TOTAL		\$10,000,000
SEC. 39: That there be appropriated from the INFORMATION TECHNOLOGY FUND (408)		
Personal Services/Administrative Support		\$377,101
Operation and Maintenance		\$276,153
TOTAL		\$653,254
SEC. 40: That there be appropriated from the GOLF COURSE FUND (409)		
Personal Services/Administrative Support		\$185,486
Operation and Maintenance		\$435,588
Capital Outlay (including labor)		\$39,000
Non Government/Transfers/Refunds		\$166,481
TOTAL		\$826,555
SEC. 41: That there be appropriated from the FORT PIQUA PLAZA FUND (410)		
Operation & Maintenance		\$249,028
Capital (including labor)		\$20,000
Non Government/Transfers/Refunds		\$1,500
TOTAL		\$270,528
SEC. 42: That there be appropriated from the STORMWATER UTILITY FUND (411)		
Personal Services/Administrative Support		\$432,604
Operation and Maintenance		\$386,308
Capital Outlay (including labor)		\$878,000
Non Government/Transfers/Refunds		\$26,375
TOTAL		\$1,723,287
SEC. 43: That there be appropriated from the METER READERS FUND (412)		
Personal Services/Administrative Support		\$198,770
Operation and Maintenance		\$42,260
Allocated Expenses		(\$241,030)
TOTAL		\$0
SEC. 44: That there be appropriated from the UTILITIES BUSINESS OFFICE FUND (413)		
Personal Services/Administrative Support		\$506,191
Operation and Maintenance		\$426,686
Non Government/Transfers/Refunds		\$5,000
Allocated Expenses		(\$937,877)
TOTAL		\$0
SEC. 45: That there be appropriated from the SWIMMING POOL FUND (415)		
Personal Services/Administrative Support		\$78,757
Operation and Maintenance		\$104,814
Non Government/Transfers/Refunds		\$8,589
TOTAL		\$192,160

SEC. 46:	That there be appropriated from the UNCLAIMED TRUST (606);	
Non Government/Transfers/Refunds		\$2,000
TOTAL		\$2,000
SEC. 47:	That there be appropriated from the LAW ENFORCEMENT TRUST (609);	
Non Government/Transfers/Refunds		\$8,200
TOTAL		\$8,200
SEC. 48:	That there be appropriated from the CONSERVANCY FUND (611);	
Operation and Maintenance		\$53,700
TOTAL		\$53,700
SEC. 49:	That there be appropriated from the CITY HEALTH INSURANCE FUND (614)	
Operation and Maintenance		\$100,000
Capital Outlay (including labor)		\$20,000
TOTAL		\$120,000
SEC. 50:	That there be appropriated from the EMPLOYEE FLEXIBLE SPENDING FUND (615)	
Administrative Support		\$200,000
TOTAL		\$200,000
SEC. 51:	That there be appropriated from the WEED CUTTING FUND (735)	
Operation and Maintenance		\$32,000
Allocated Expenses		(\$30,100)
TOTAL		\$1,900
SEC. 52:	That there be appropriated from the SAFETY EQUIPMENT FUND (809);	
Non Governmental/Transfer/Refunc		\$71,887
TOTAL		\$71,887
SEC. 53:	That the sum appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2016. 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 appropriation 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 2016 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 and extend past December 31, 2016; 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 - 11/17/2015

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 17, 2015 December 1, 2015 December 15, 2015		
REPORT TITLE	An Ordinance to make appropriations for the City of Piqua, Ohio for the year 2016.		
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	We are required to present and pass the 2016 Annual Budget by the end of the year. This is the first of three readings of this ordinance with the Commission reviewing the Department Budgets on November 19, 2015.		
BUDGETING AND FINANCIAL IMPACT	Appropriations \$:	\$137,171,112 including transfers	
	Source of Funds:	Various	
	Narrative:		
OPTIONS	1.	Approve Ordinance No. 16-15 accepting the Ordinance to make Appropriations for the City of Piqua for the year 2016	
	2.	Approve Ordinance No. 16-15 accepting the Ordinance to make Appropriations for the City of Piqua for the year 2016 with changes being made to the amounts requested.	
PROJECT TIMELINE			
STAFF RECOMMENDATION	We are requesting approval of Ordinance No. 16-15 accepting the Ordinance to make Appropriations for the City of Piqua for the year 2016 after the standard three readings.		
ATTACHMENTS			

ORDINANCE NO. 17-15

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

WHEREAS, pursuant to Piqua Charter Section 98, the City Commission adopted Resolution No. R-134-15 declaring its intent to vacate a portion of public right of way known as an alley located between Main Street and Wayne Street, as shown in Exhibit "A" attached hereto; and,

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

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

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

WHEREAS, the Planning Commission after hearing the item and considering the public comments and information provided, recommended approving the vacation of a portion public right of way known as an alley located between Main Street and Wayne Street, as shown in Exhibit "A" attached hereto; and

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

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

SEC. 1: This Commission hereby takes the action necessary to authorize and approve the vacation of a portion public right of way known as an alley located between located between Main Street and Wayne Street, as shown in Exhibit "A" attached hereto.

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

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

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

1st Reading 11-17-2015

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

Item #8

MEETING DATE	November 17, 2015			
REPORT TITLE (Match resolution/ordinance title)	AN ORDINANCE TO VACATE A PORTION OF PUBLIC RIGHT-OF-WAY			
SUBMITTED BY	Chris Schmiesing, City Planner			
	Development Department			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
	<input checked="" type="checkbox"/> City Planner		<input checked="" type="checkbox"/> Planning Commission	
BACKGROUND (Description, background, justification)	The applicant desires to vacate a platted portion of an alley right of way between Main Street and Wayne Street. The subject right of way is not currently being used for public purposes.			
BUDGET/FINANCIAL IMPACT (Project costs and funding sources)	Budgeted \$:	500		
	Expenditure \$:	500		
	Source of Funds:	Street Department		
	Narrative:	The Planning Commission has recommended the approval of this vacation request.		
OPTIONS (Include deny /approval option)	1.	Adopt the ordinance to vacate the subject right of way.		
	2.	Defeat the ordinance to refuse to vacate the subject right of way.		
PROJECT TIMELINE	October 6, 2015 – City Commission – Declare Intent to Vacate November 10, 2015 – Planning Commission – Public Hearing Nov/Dec 2015 - City Commission – Reading of Ordinance			
STAFF RECOMMENDATION	Approve the proposed ordinance.			
ATTACHMENTS	Application petitioning to vacate the subject right of way			

CITY OF PIQUA, OHIO

APPLICATION FOR VACATION OF PUBLIC RIGHT-OF-WAY

- 1. Applicant's Name City of Piqua Public Works Department Phone # (937) 778-2095
Applicant's Address 859 S Main Street, Piqua, OH 45356
- 2. Owner's Name City of Piqua Phone # (937) 778-2095
- 3. Type of legal interest held by applicant Municipal Corporation
- 4. Location of Public Right-Of-Way Vacation request _____
Unimproved public alley platted right of way located between Main Street and Wayne Street, and between Miami Street and Johnson Street
- 5. Describe the reason for the requested Vacation of Public Right-Of-Way
The unimproved public alley serves no purpose useful to public interest.

6. Property owners adjacent to Right-Of-Way to be vacated.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

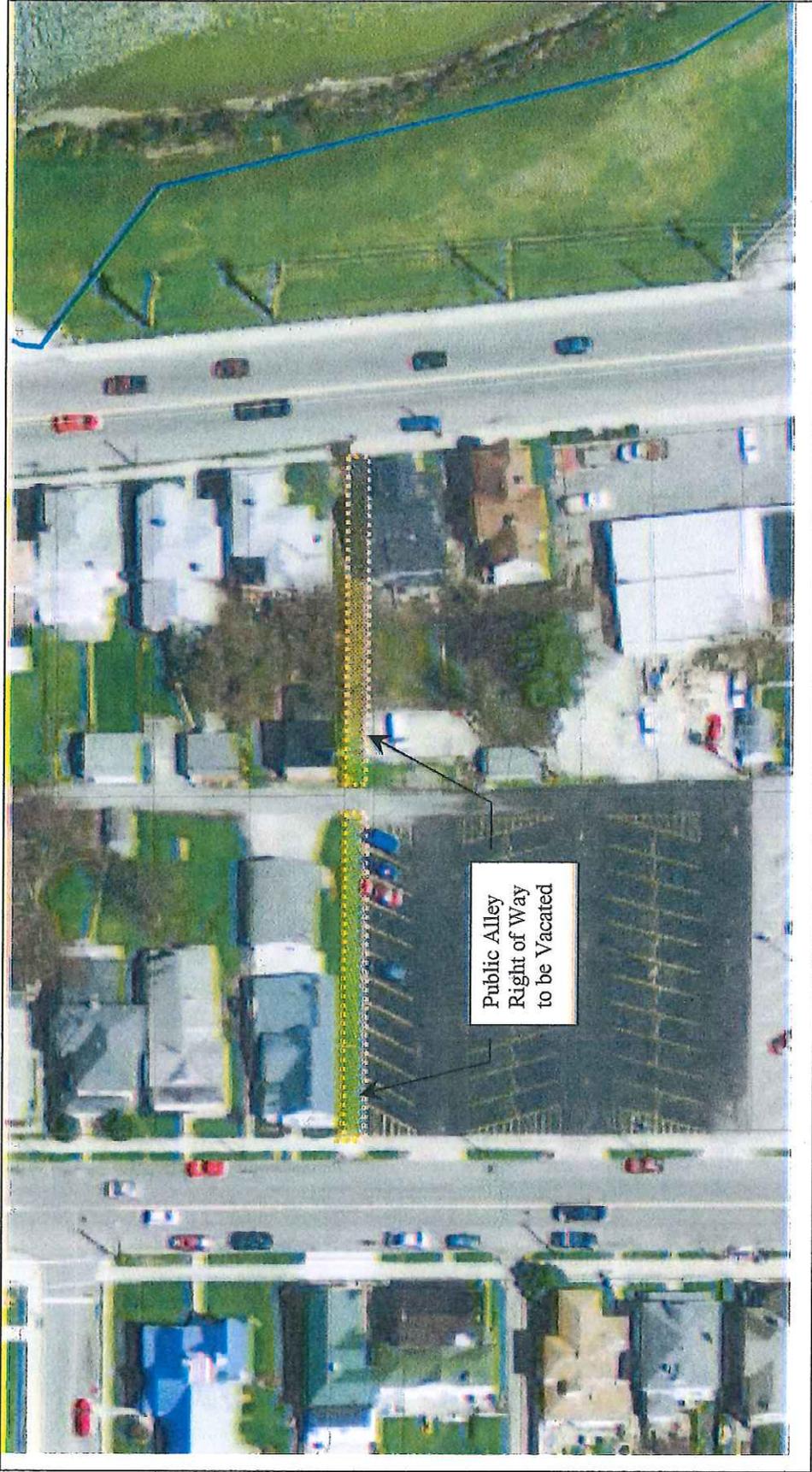
Signature of Applicant  Date 9-21-15

*****OFFICE USE ONLY*****

\$100.00 Fee Paid _____ Date Fee Paid _____

Receipt No. _____ Res. No. _____

Exhibit 'A'



Public Alley
Right of Way
to be Vacated

ORDINANCE NO. 18-15

AN ORDINANCE CREATING CHAPTER 38 OF THE CODIFIED ORDINANCES OF THE CITY OF PIQUA REGARDING MUNICIPAL INCOME TAX

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3, provides that “Municipalities shall have authority to exercise all powers of local self-government,” and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalitie’s power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that “laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;” and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is “levied in accordance with the provisions and limitations specified in [Chapter 718];” and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the City of Piqua, this Ordinance is found and determined by this Commission to enact the amendments required prior to the January 1, 2016 deadline to be in accordance with the provisions and limitations specified in Chapter 718 of the Revised Code; and

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF PIQUA, STATE OF OHIO, THAT:

Section 1. That Chapter 38 of the Codified Ordinances be created to read as set forth in the document entitled “Chapter 38, City of Piqua Municipal Income Tax” attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That Chapter 36 of the Piqua Codified Ordinances remains in full effect for any applicable tax for taxable years prior to January 1, 2016.

Section 3. That this Ordinance shall take effect and be in force from and after January 1, 2016.

PASSED: _____

LUCINDA L. FESS, MAYOR

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

CHAPTER 38
City of Piqua Municipal Income Tax
Effective January 1, 2016

For taxable years beginning with taxable year 2016

38.01 AUTHORITY TO LEVY TAX; CODE ADOPTED

(A) The provisions of Ohio Revised Code Chapter 718 (“ORC 718”), Municipal Income Taxes, is hereby adopted and shall be enforced as the City of Piqua Income Tax, except for those portions thereof that have been or may hereafter be deleted or amended.

(B) The tax on income and the withholding tax established by this Chapter are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax on income and the withholding tax established by this Chapter are deemed to be levied in accordance with, and to be consistent with, the provisions and limitations of ORC 718. This Chapter is deemed to incorporate the provisions of ORC 718.

(C) The tax is an annual tax levied on the income of every person 18 years of age and older, residing in or earning or receiving income in the municipal corporation, and shall be measured by municipal taxable income.

(D) An annual return with respect to the income tax levied on municipal taxable income by the City of Piqua shall be completed and filed by every taxpayer 18 years of age and older for any taxable year for which the taxpayer is subject to the tax, regardless of whether or not income tax is due. The Tax Administrator shall accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer located in the City of Piqua when the nonresident individual taxpayer’s sole income subject to the tax is the qualifying wages reported by the employer, agent of an employer, or other payer, and no additional tax is due to the City of Piqua.

38.02 PURPOSES OF TAX; RATE

(A) 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.

(B) Subject to the provisions of Section 718.05 of the Ohio Revised Code, an annual tax for the purposes specified in Section 38.02 (A) hereof shall be imposed at the rate of two percent (2%) per annum.

38.03 ALLOCATION OF FUNDS

(A) 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 three-fourths percent (.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.

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

38.04 EFFECTIVE DATE

(A) Ordinance 18-15, effective January 1, 2016, and corresponding changes to ORC 718, apply to municipal taxable years beginning on or after January 1, 2016. All provisions of this Chapter apply to taxable years beginning 2016 and succeeding taxable years.

(B) Ordinance 18-15 does not repeal the existing sections of Chapter 36 for any taxable year prior to 2016, but rather adds Chapter 38 effective January 1, 2016. For municipal taxable years beginning before January 1, 2016, the City of Piqua shall continue to administer, audit, and enforce the income tax of the City of Piqua under ORC 718 and ordinances and resolutions of the City of Piqua as that chapter and those ordinances and resolutions existed before January 1, 2016.

38.05 CHANGES IN CODE

Ohio Revised Code Chapter 718 as adopted in Section 38.01 is hereby revised by amendment, addition or repeal of the following sections of the adopted code as are respectively indicated.

(A) Section 718.01-Definitions.

718.01 (A)(1)(a) Delete “and further reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.”

718.01 (A)(1)(b)(i) Delete “and further reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.”

718.01 (A)(1)(b)(ii) Delete entire section.

718.01 (A)(1)(c) Delete “and further reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.”

718.01 (C)(2)(a) Delete “Except as provided in division (C)(2)(b) of this section.”

718.01 (C)(2)(b) Delete entire section.

718.01 (C)(14)(a) Delete “Except as provided in division (C)(14)(b) or (c) of this section.”

718.01 (C)(14)(b) Delete entire section.

718.01 (C)(14)(c) Delete entire section.

718.01 (C)(14)(d) Delete entire section.

718.01 (R)(1)(c) Delete entire section.

718.01 (R)(1)(d) Delete entire section.

718.01 (RR) Delete entire section.

718.01 (SS)(1) Delete entire section.

718.01 (SS)(2) Delete entire section.

(B) Section 718.03-Withholding taxes from qualifying wages.

718.03 (B)(2) Delete entire section.

(C) Section 718.99-Violations: penalties.

718.99 (D) Delete entire section and insert the following:

(D) Whoever violates any provision of this Chapter for which violation no penalty is otherwise provided, 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. By way of an illustrative enumeration, violations of this Chapter shall include but not be limited to the following acts, conduct, and/or omissions:

- (1) Fail, neglect or refuse to make any return/declaration required by this Chapter; or
- (2) Knowingly make any incomplete return; or
- (3) Willfully fail, neglect, or refuse to pay the tax, penalties, and interest, or any combination thereof, imposed by this Chapter; or
- (4) Fail, neglect or refuse to withhold/remit municipal income tax from employees; or
- (5) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his or her books, records, papers, federal and state income tax returns, or any documentation relating to the income or net profits of a taxpayer; or
- (6) Fail to appear before the Tax Administrator to produce his or her books, records, papers, federal and state income tax returns, or any documentation relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator; or

- (7) Refuse to disclose to the Tax Administrator any information with respect to such person's income or net profits, or in the case of a person responsible for maintaining information relating to his or her employers' income or net profits, such person's employer's income or net profits; or
- (8) Fail to comply with the provisions of this chapter or any order or subpoena of the Tax Administrator; or
- (9) To avoid imposition or collection of municipal income tax, willfully give to an employer or prospective employer false information as to his or her true name, correct social security number and residence address, or willfully fail to promptly notify an employer or a prospective employer of any change in residence address and date thereof; or
- (10) Fail, as an employer, agent of an employer, or other payer, to maintain proper records of employees residence addresses, total qualifying wages paid and municipal tax withheld, or to knowingly give the Tax Administrator false information; or
- (11) Willfully fail, neglect, or refuse to make any payment of estimated municipal income tax for any taxable year or any part of any taxable year in accordance with this Chapter; or
- (12) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this Chapter.
- (13) For purposes of this Section, any violation that does not specify a culpable mental state or intent, shall be one of strict liability and no culpable mental state or intent shall be required for a person to be guilty of that violation.
- (14) For purposes of this Section, the term "person" shall, in addition to the meaning prescribed in Section 718.01 of the Ohio Revised Code, include in the case of a corporation, association, pass-through entity or unincorporated business entity not having any resident owner or officer within the city, any employee or agent of such corporation, association, pass-through entity or unincorporated business entity who has control or supervision over or is charged with the responsibility of filing the municipal income tax returns and making the payments of the municipal income tax as required by this Chapter.

38.06 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY

(A) When a resident of the City of Piqua is subject to municipal income tax in another municipality as well as in this City, such resident shall not pay a total municipal income tax on such income greater than the tax imposed at the higher rate.

(B) When a resident of Piqua is subject to and has paid, a municipal income tax in another municipality on the same income taxable under this ordinance, 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. The taxpayer must provide proof of tax paid to another municipality to be eligible for the credit.

38.07 ADOPTION OF RULES

Pursuant to Section 718.30 of the Ohio Revised Code, the City of Piqua, pursuant to this Chapter, grants authority to the City of Piqua Tax Administrator, to adopt rules to administer the income tax imposed by the City of Piqua.

38.08 COLLECTION AFTER TERMINATION OF CHAPTER

(A) This chapter shall continue in full force and effect insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions and proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue in full force and effect until all of the taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of taxes or for the punishment of violations of this chapter have been fully terminated, subject to the limitations contained in Section 718.12 of the Ohio Revised Code.

(B) Annual returns due for all or any part of the last effective year of this chapter shall be due on the date provided in Section 718.05 of the Ohio Revised Code as though the same were continuing.

38.09 SAVINGS CLAUSE

If any sentence, clause, section or part of this chapter, or any tax imposed against, or exemption from tax granted to, any taxpayer or forms of income 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 chapter so found and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of the Commission of the City of Piqua that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included in this chapter.



Commission Agenda Staff Report

MEETING DATE	December 1, 2015 December 15, 2015		
REPORT TITLE (Should match resolution/ordinance title)	An Ordinance Creating Chapter 38 of the Codified Ordinances of the City of Piqua Regarding 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 HB5 in December 2014 an ordinance is required to create a new income tax Chapter 38 beginning January 1, 2016. The major changes are the requirement of a Net Operating Loss (NOL) Carryforward, which will be phased in effective with taxable years after January 1, 2017, the casual entrant ruled will go from 12 to 20 days, penalty and interest charges are uniform, and the minimum collection/refund amount goes from \$5.00 to \$10.00. Other minor changes were already incorporated into our current ordinance.		
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. 18-15 creating Chapter 38, regarding municipal income tax to be in compliance with current law.	
	2.	Do not approve the Ordinance and advise staff of alternatives; however, this would be in non-compliance with current law.	
PROJECT TIMELINE	Changes will be effective January 1, 2016		
STAFF RECOMMENDATION	We are requesting approval of Ordinance No. 18-15 accepting the Ordinance to create Chapter 38, regarding Municipal Income Tax to be in compliance with HB5 beginning January 1, 2016.		
ATTACHMENTS			