

REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, DECEMBER 15, 2015
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL

PRESENTATION

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES

Approval of the minutes from the December 1, 2015 Regular Piqua City Commission Meeting

OLD BUSINESS

2. ORD. NO. 12-15 (3rd Reading)

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

3. ORD. NO. 13-15 (3rd 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

4. ORD. NO. 14-15 (3rd Reading)

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

5. ORD. NO. 15-15 (3rd Reading)

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

6. ORD. NO. 16-15 (3rd Reading) – Amended

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

7. ORD. NO. 17-15 (3rd Reading)

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

8. ORD. NO. 18-15 (2nd Reading)

An Ordinance creating Chapter 38 of the Codified Ordinances of the City of Piqua regarding Municipal Income Tax

NEW BUSINESS

9. ORD. NO. 19-15 (1st Reading]

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

10. RES. NO. R-155-15
A Resolution authorizing transfers of cash from the General Fund to the other funds for the fiscal year 2015
11. RES. NO. R-156-15
A Resolution authorizing transfers of cash from the General Fund to the other funds for the fiscal year 2016
12. RES. NO. R-157-15
A Resolutioun acquiring the services of American Electric Power to provide Professional Development Training for personnel of the Power System for 2016
13. RES. NO. R-158-15
A Resolution authorizing the City Manager to apply for City Membership to American Municipal Power, Inc.
14. RES. NO. R-159-15
A Resolution retaining the services of Cooperative Response Center, Inc. to provide professional customer call answering and dispatch services for the Power System
15. RES. NO. R-160-15
A Resolution authorizing the City Purchasing Agent to purchase #2 fuel oil on the open and spot market
16. RES. NO. R-161-15
A Resolution retaining the services of Sawvel and Associates to provide Professional Consulting and Engineering Services for the Power System
17. RES. NO. R-162-15
A Resolution authorizing a purchase order to Nelson Tree Service, Incorporated for electric power line clearance
18. RES. N. R-163-15
A Resolution acquiring Power System Engineering, Inc. to provide professional services to the City
19. RES. NO. R-164-15
A Resolution amending the total payment to Sulzer Turbo Services for the required repairs to #9 gas turbine
20. RES. NO. R-165-15
A Resolution requesting authorization to enter into an agreement with EMH & T for Engineering Design Services
21. RES. NO. R-166-15
A Resolution authorizing preliminary legislation with the Ohio Department of Transportation (ODOT) for the programming of an intersection improvement project in the City of Piqua
22. RES. NO. R-167-15
A Resolution authorizing purchase orders to Chemical Services Inc., Mississippi Lime Company, F2 Industries, Air Products & Chemicals, Water Solutions Unlimited and the City of Dayton for the 2016 purchase of various water treatment chemicals

23. RES. NO. R-168-15

A Resolution awarding a contract to Pohlkat Inc. in the amount not to exceed \$150,000 annually for removal and disposal of lime residual from the City of Piqua Water Plant Lime Lagoon for 2016-2018

24. RES. NO. R-169-15

A Resolution authorizing the City Manager to enter into a Business First! Intergovernmental Cooperation Agreement with Montgomery County and member jurisdictions

25. RES. NO. R-170-15

A Resolution supporting the Fiscal Year 2016 United States Environmental Protection Agency Brownfields Cleanup Grant Program application

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.)

MONTHLY REPORTS – OCTOBER 2015

CITY MANAGER'S REPORT

COMMISSIONERS COMMENT

ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday, December 1, 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, Martin, and Vogt. Absent: None.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of Minutes

Approval of the minutes from the November 17, 2015 Regular Piqua City Commission Meeting.

RES. NO. R-154-15

A Resolution of Appreciation for the Public Service of Michael W. Scherer as a City Employee

Mayor Fess read the Resolution of Appreciation.

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

OLD BUSINESS

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

Elaine Barton, Human Resource Director, provided the Staff Report.

Ms. Barton stated this is the second reading for Ordinance No. 12-15. The employees covered by Schedule A (non-union) will receive a 2% increase in 2016. This has been included in the 2016 appropriations and is the second reading of the Ordinance.

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

ORD. NO. 13-15 (2nd Reading)

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

Elaine Barton, Human Resource Director, provided the Staff Report.

This is the second reading of Ordinance No. 13-15. 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. Barton.

Ordinance No. 13-15 was given a second 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

Elaine Barton, Human Resource Director, provided the Staff Report.

Ms. Barton stated this is the second reading for Ordinance No. 14-15. 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 second reading.

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

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

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

This is the second reading of Ordinance No. 15-15. 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.

Mayor Fess stated she spoke with Ms. Holtzapple before the meeting about the impact of the tax.

Commissioner Wilson asked the tax would affect the residents or businesses the most?

Ms. Holtzapple explained.

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

ORD. NO. 16-15 (2nd Reading)

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

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

Ms. Holtzapple stated this is the second reading of Ordinance No. 16-15. Each year the City is required to present and pass the 2016 Annual Budget by the end of the year. This is the second 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.

Mayor Fess stated the Commission went over the proposed budget line by line, and stated MS. Holtzapple did a wonderful job in presenting the 2016 appropriations.

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

ORD NO. 17-15 (2nd Reading)

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

Justin Sommer, Economic Development Director/Assistant City Manager provided the Staff Report.

This is the second reading of Ordinance No 17-15. 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. Sommer.

Ordinance No. 17-15 was given a 2nd reading.

NEW BUSINESS

ORD. NO. 18-15 (1ST Reading)

An Ordinance Creating Chapter 38 of the Codified Ordinances of the City of Piqua Regarding Municipal Income Tax

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

With the passage of HB5 in December of 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 causal entrant ruled will go from 12-20 days, penalty and interest charge 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, stated Ms. Holtzapple.

Commissioner Vogt asked several questions regarding the length of time between jobs for new contractors working in the City of Piqua.

Ms. Holtzapple explained.

Ordinance No, 18-15 was given a first reading.

PUBLIC COMMENT

Ruth Koon, Park Avenue, came forward representing Friends of the Piqua Park and announced the Holiday Cabaret with the Lima Symphony Orchestra performing on Sunday December 13, at 7:00 P.M. in the Grand Ballroom in the Ft Piqua Plaza. Tickets are available at Redmore Hallmark.

Ms. Koon also stated there are a lot of other great things going on in the Piqua community. Edison College will be hosting their annual Holiday Evening on Thursday, December 3, St. Paul's Church will be hosting the Full Sound Chamber Group, which consists of five young men, on December 5 at 3:30 P.M., the Piqua Civic Band will be performing at the West Minster Presbyterian Church on Sunday, December 6 at 3:00 P.M., and Piqua High School will hosting their Christmas Concert on Sunday, December 13, in the Hartzell Hall, with two performances 2:30 and 4:30. Ms. Koon further stated there is a lot of wonderful music being presented this season, and encouraged citizens to attend.

City Manager's Report

City Manager Huff announced the City of Piqua was recently named a Bicycle Friendly Community, and City Planner Chris Schmiesing played a key role in achieving this designation We are very proud of this designation, stated City Manager Huff.

Christmas on the Green takes place on Friday, December 4 downtown Piqua, the Holly Jolly Run will take place on Saturday, December 5 at 7:00 A.M., The Holiday Parade will take place on Saturday December 5, at 2:00 P.M. downtown, and the City will be represented by a float in the Parade. Also on Saturday City employees will be ringing the bells for the Salvation Army at the Miami Valley Centre Mail.

City Manager Huff stated he wanted to extend his appreciation to the City Commission and City Staff for their prayers, concerns, and understanding for his family during the past couple of weeks in the loss of his mother.

City Manager Huff stated December 15th is Mayor Fess's last City Commission Meeting , and announced a Community Reception will be held in her honor on December 15th from 5:00 – 7:00 P.M. in the Municipal Government Complex, and encouraged citizens to stop in and wish her well.

Mayor Fess stated her first Commission meeting was January 1, 1992.

Commissioners Comments

Commissioner Terry stated she hopes everyone had a good Thanksgiving. Commissioner Terry congratulated Kazy Hinds on winning the election for the 5th Ward Commission Seat and Mayor seat..

Commissioner Wilson stated there is a lot going on downtown this weekend with Christmas on the Green on Friday, December 4 and the Christmas Parade on Saturday, December 5 at 2:00 P.M. Plan to attend the parade it is going to be a nice day, stay downtown and do some shopping.

Mayor Fess wished Kazy Hinds who was in the audience the best of luck and hopes she will enjoy her tenure as much as she has.

Mayor Fess stated the City will be participating with a float in the Christmas Parade on Saturday, December 5th, and encouraged citizens to attend.

Mayor Fess stated she wanted to extend sympathy from the Commission and the City to City Manager Huff on the loss of his mother. Mrs. Huff was a lovely lady and will be missed by many.

City Manager Huff thanked the city staff for keeping the city running smoothly in his absence.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn at 7:55 P.M. Voice vote, Aye: Wilson, Martin, Fess, Vogt, and Terry. Nay: None.

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

2nd Reading 12-01-2015

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 (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
Code 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.

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

2nd Reading 12-01-2015

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 (Should match resolution/ordinance title)	AMENDED 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 (GO-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	\$8.05	
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

2nd Reading 12-01-2015

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 (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

2nd Reading 12-01-2015

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

<u>Purchasing</u>		
Personal Services/Administrative Support		\$87,984
Operation and Maintenance		\$5,976
Allocated Expenses		<u>(\$92,089)</u>
TOTAL		\$1,871
<u>Transfers</u>		
Transfer to NIT Fund 104		\$87,226
Transfer to Parks Fund 105		\$300,000
Transfer to Safety Fund 106		\$3,550,000
Transfer to Forest Hill Mausoleum Fund 11C		\$6,200
Transfer to Pro Piqua Fund 128		\$75,000
Transfer to Golf 409		\$350,000
Transfer to Swimming Pool Fund 415		<u>\$150,000</u>
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)		<u>\$370,000</u>
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		<u>\$173,754</u>
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		<u>\$76,150</u>
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		<u>\$200</u>
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		<u>\$50,963</u>
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)		<u>\$277,720</u>
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		<u>\$5,372</u>
TOTAL		\$5,372
SEC. 8:	That there be appropriated from the FOREST HILL MAUSOLEUM FUND (110)	
Operation & Maintenance		<u>\$6,200</u>
TOTAL		\$6,200
SEC. 9:	That there be appropriated from the MANDATORY DRUG FINE FUND (111)	
Operation and Maintenance		<u>\$4,349</u>
TOTAL		\$4,349

SEC. 10:	That there be appropriated from the RENEW PIQUA FUND (114)	
	Operation and Maintenance	\$513
	TOTAL	\$513
SEC. 11:	That there be appropriated from the CHIP 2012 FUND (117)	
	Operation and Maintenance	\$516,000
	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	\$60,200
	TOTAL	\$65,845
SEC. 13:	That there be appropriated from the POLICE AUXILIARY FUND (120)	
	Operation & Maintenance	\$2,625
	TOTAL	\$2,625
SEC. 14:	That there be appropriated from the COMMUNITY DEVELOPMENT BLOCK GRANT FUND (122)	
	Operation and Maintenance	\$375,000
	TOTAL	\$375,000
SEC. 15:	That there be appropriated from the WORKER'S COMP FUND (124)	
	Personal Services/Administrative Support	\$285,000
	TOTAL	\$285,000
SEC. 16:	That there be appropriated from the INSURANCE RESERVE FUND (125)	
	Operation & Maintenance	\$400,000
	TOTAL	\$400,000
SEC. 17:	That there be appropriated from the DEMOLITION DEFENSE FUND (126)	
	Non Government/Transfers/Refunds	\$60,000
	TOTAL	\$60,000
SEC. 18:	That there be appropriated from the PRO PIQUA FUND (128)	
	Operation and Maintenance	\$75,000
	TOTAL	\$75,000
SEC. 19:	That there be appropriated from the REVOLVING LOAN FUND (130)	
	Operation and Maintenance	\$47,352
	TOTAL	\$47,352
SEC. 20:	That there be appropriated from the BROWNFIELD EPA GRANT (131)	
	Operation and Maintenance	\$250,309
	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	(\$315,469)
	TOTAL	\$0
SEC. 22:	That there be appropriated from the FEMA FUND (139)	
	Personal Services/Administrative Support	\$20,000
	TOTAL	\$20,000
SEC. 23:	That there be appropriated from the AGRICULTURAL REVOLVING LOAN FUND (142)	
	Personal Services/Administrative Support	\$365
	Operation and Maintenance	\$30,056
	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 SWMMING 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		<u>\$30,985,377</u>
Capital Outlay (including labor, Overhead Transfers		<u>\$2,023,271</u> <u>(\$180,000)</u>
TOTAL		\$35,168,110
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	\$1,366,025
	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
	Capital Outlay (including labor)	\$32,000
	TOTAL	\$685,254
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		<u>\$2,000</u>
TOTAL		\$2,000
SEC. 47:	That there be appropriated from the LAW ENFORCEMENT TRUST (609)	
Non Government/Transfers/Refunds		<u>\$8,200</u>
TOTAL		\$8,200
SEC. 48:	That there be appropriated from the CONSERVANCY FUND (611)	
Operation and Maintenance		<u>\$53,700</u>
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)		<u>\$20,000</u>
TOTAL		\$120,000
SEC. 50:	That there be appropriated from the EMPLOYEE FLEXIBLE SPENDING FUND (615)	
Administrative Support		<u>\$200,000</u>
TOTAL		\$200,000
SEC. 51:	That there be appropriated from the WEED CUTTING FUND (735)	
Operation and Maintenance		\$32,000
Allocated Expenses		<u>(\$30,100)</u>
TOTAL		\$1,900
SEC. 52:	That there be appropriated from the SAFETY EQUIPMENT FUND (809)	
Non Governmental/Transfer/Refund		<u>\$71,887</u>
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 an 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 not 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
2nd Reading - 12/01/2015

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE	An Amended 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.		
BUDGETING AND FINANCIAL IMPACT	Appropriations \$:	\$139,197,961 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 #7

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 _____

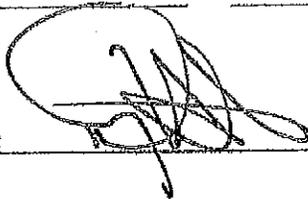
Unimproved public alley platted right of way located between Main Street and Wayne Street, and between Miami Street and Johnson Street

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. _____



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 municipality'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.

1st Reading 12-01-2015

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			

ORDINANCE NO. 19-15
AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2015

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

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

<u>ACCOUNT</u>	<u>2015 APPROPRIATIONS</u>	<u>2015 REVISED APPROPRIATION</u>	<u>2015 FINAL APPROPRIATION</u>
<u>City Building</u>			
Operation and Maintenance	\$132,272	\$132,272	\$132,272
Allocated Expenses	(\$7,067)	(\$7,067)	(\$7,067)
TOTAL	\$125,205	\$125,205	\$125,205
<u>City Commission</u>			
Personal Services/Administrative Support	\$35,218	\$35,218	\$35,218
Operation and Maintenance	\$54,886	\$61,521	\$61,521
TOTAL	\$90,104	\$96,739	\$96,739
<u>City Manager</u>			
Personal Services/Administrative Support	\$237,278	\$246,253	\$246,253
Operation and Maintenance	\$33,273	\$33,273	\$33,273
Allocated Expenses	(\$198,043)	(\$204,613)	(\$204,613)
TOTAL	\$72,508	\$74,913	\$74,913
<u>Civil Service</u>			
Operation and Maintenance	\$12,085	\$22,485	\$22,485
TOTAL	\$12,085	\$22,485	\$22,485
<u>Engineering</u>			
Personal Services/Administrative Support	\$368,374	\$368,374	\$368,374
Operation and Maintenance	\$36,948	\$36,948	\$36,948
Allocated Expenses	(\$348,740)	(\$348,740)	(\$348,740)
Capital	\$23,000	\$23,000	\$23,000
Non Governmental/Transfers/Refunds	\$0	\$80	\$80
TOTAL	\$79,582	\$79,662	\$79,662
<u>Finance</u>			
Personal Services/Administrative Support	\$560,513	\$560,513	\$560,513
Operation and Maintenance	\$29,858	\$29,858	\$29,858
Allocated Expenses	(\$408,891)	(\$408,891)	(\$408,891)
TOTAL	\$181,480	\$181,480	\$181,480
<u>Health</u>			
Personal Services/Administrative Support	\$244,461	\$244,461	\$244,461
Operation and Maintenance	\$113,920	\$113,920	\$113,920
Non Governmental/Transfers/Refunds	\$0	\$175	\$175
TOTAL	\$358,381	\$358,556	\$358,556
<u>Law</u>			
Personal Services/Administrative Support	\$229,425	\$229,425	\$229,425
Operation and Maintenance	\$21,406	\$21,406	\$21,406
Allocated Expenses	(\$149,486)	(\$149,486)	(\$149,486)
TOTAL	\$101,345	\$101,345	\$101,345
<u>Income Tax</u>			
Personal Services/Administrative Support	\$185,558	\$185,558	\$185,558
Operation and Maintenance	\$251,083	\$251,083	\$251,083
TOTAL	\$436,641	\$436,641	\$436,641
<u>Planning & Zoning</u>			
Personal Services/Administrative Support	\$193,007	\$193,007	\$193,007
Operation and Maintenance	\$171,495	\$196,245	\$196,245
Non Government/Transfers/Refunds	\$100	\$100	\$100
TOTAL	\$364,602	\$389,352	\$389,352
<u>General Government</u>			
Operation and Maintenance	\$311,093	\$311,093	\$281,493
Capital Outlay (including labor)	\$235,000	\$235,000	\$264,600
Non Government/Transfers/Refunds	\$100	\$100	\$169,432
TOTAL	\$546,193	\$546,193	\$715,525
<u>Human Resources</u>			
Personal Services/Administrative Support	\$186,668	\$186,668	\$186,668
Operation and Maintenance	\$21,285	\$21,285	\$21,285
Allocated Expenses	(\$183,223)	(\$183,223)	(\$183,223)
TOTAL	\$24,730	\$24,730	\$24,730

	2015 APPROPRIATIONS	2015 REVISED APPROPRIATION	2015 FINAL APPROPRIATION
<u>Purchasing</u>			
Personal Services/Administrative Support	\$84,304	\$84,304	\$84,304
Operation and Maintenance	\$4,932	\$4,932	\$4,932
Allocated Expenses	(\$87,373)	(\$87,373)	(\$87,373)
TOTAL	\$1,863	\$1,863	\$1,863
<u>Transfers</u>			
Transfer to NIT Fund 104	\$187,145	\$187,145	\$187,145
Transfer to Parks Fund 105	\$200,000	\$200,000	\$200,000
Transfer to Safety Fund 106	\$3,550,000	\$3,550,000	\$3,550,000
Transfer to Forest Hill Mausoleum Fund 110	\$6,210	\$6,210	\$2,500
Transfer to Pro Piqua Fund 128	\$74,000	\$74,000	\$74,000
Transfer to Golf 409	\$350,000	\$350,000	\$350,000
Transfer to Ft. Piqua Plaza 410	\$175,000	\$175,000	\$175,000
Transfer to Swimming Pool Fund 415	\$130,000	\$144,900	\$144,900
TOTAL	\$4,672,355	\$4,687,255	\$4,683,545
TOTAL GENERAL FUND	\$7,067,074	\$7,126,419	\$7,292,041
SEC. 2: That there be appropriated from the STREET DEPARTMENT FUND (101)			
Personal Services/Administrative Support	\$1,012,316	\$1,012,316	\$1,012,316
Operation and Maintenance	\$2,409,937	\$2,409,937	\$2,409,937
Capital Outlay (including labor)	\$331,500	\$364,313	\$364,313
TOTAL	\$3,753,753	\$3,786,566	\$3,786,566
SEC. 3: That there be appropriated from the STREET INCOME TAX FUND (103)			
Operation and Maintenance	\$1,219,545	\$1,219,545	\$1,219,545
Capital Outlay (including labor)	\$4,336,417	\$4,406,417	\$4,406,417
Non Government/Transfers/Refunds	\$173,754	\$173,754	\$173,754
Allocated Expenses	(\$60,000)	(\$60,000)	\$0
TOTAL	\$5,669,716	\$5,739,716	\$5,799,716
SEC. 4: That there be appropriated from the NEIGHBORHOOD IMPROVEMENT PROGRAM FUND (104)			
Personal Services/Administrative Support	\$10,995	\$10,995	\$12,570
Operation and Maintenance	\$176,150	\$176,150	\$176,150
TOTAL	\$187,145	\$187,145	\$188,720
SEC. 5: That there be appropriated from the PARK AND RECREATION FUND (105)			
Personal Services/Administrative Support	\$278,189	\$278,189	\$288,189
Operation and Maintenance	\$190,581	\$203,581	\$209,281
Capital Outlay (including labor)	\$135,754	\$122,754	\$117,054
Non Government/Transfers/Refunds	\$200	\$200	\$200
TOTAL	\$604,724	\$604,724	\$614,724
SEC. 6: That there be appropriated from the PUBLIC SAFETY FUND (106)			
<u>009 Fire Department</u>			
Personal Services/Administrative Support	\$3,642,937	\$3,642,937	\$3,902,937
Operation and Maintenance	\$511,682	\$528,899	\$528,899
Capital Outlay (including labor)	\$60,000	\$60,000	\$0
Non Government/Transfers/Refunds	\$47,562	\$47,562	\$47,562
TOTAL	\$4,262,181	\$4,279,398	\$4,479,398
<u>014 Police Department</u>			
Personal Services/Administrative Support	\$4,211,047	\$4,211,047	\$4,211,047
Operation and Maintenance	\$620,269	\$620,269	\$620,269
Capital Outlay (including labor)	\$149,686	\$149,686	\$149,686
TOTAL	\$4,981,002	\$4,981,002	\$4,981,002
TOTAL PUBLIC SAFETY	\$9,243,183	\$9,260,400	\$9,460,400
SEC. 7: That there be appropriated from the D.U.I. EDUCATIONAL FUND (109)			
Operation & Maintenance	\$5,372	\$5,372	\$5,372
TOTAL	\$5,372	\$5,372	\$5,372
SEC. 8: That there be appropriated from the FOREST HILL MAUSOLEUM FUND (110)			
Operation & Maintenance	\$6,210	\$6,210	\$2,500
TOTAL	\$6,210	\$6,210	\$2,500
SEC. 9: That there be appropriated from the MANDATORY DRUG FINE FUND (111)			
Operation and Maintenance	\$4,349	\$4,349	\$4,349
TOTAL	\$4,349	\$4,349	\$4,349

	2015 APPROPRIATIONS	2015 REVISED APPROPRIATION	2015 FINAL APPROPRIATION
SEC. 10: That there be appropriated from the RENEW PIQUA FUND (114)			
Operation and Maintenance	\$12,814	\$12,814	\$12,814
TOTAL	\$12,814	\$12,814	\$12,814
SEC. 11: That there be appropriated from the CHIP 2012 FUND (117)			
Operation and Maintenance	\$200,000	\$20,000	\$20,000
TOTAL	\$200,000	\$20,000	\$20,000
SEC. 12: That there be appropriated from the DISTRESS SET-ASIDE FUND (118)			
Personal Service/Administrative Support	\$0	\$10,000	\$0
Operation and Maintenance	\$0	\$5,000	\$0
TOTAL	\$0	\$15,000	\$0
SEC. 13: That there be appropriated from the C.H.I.P. PROGRAM INCOME FUND (119)			
Personal Service/Administrative Support	\$960	\$960	\$1,500
Operation and Maintenance	\$45,262	\$45,262	\$45,262
Non Government/Transfers/Refunds	\$0	\$0	\$38
TOTAL	\$46,222	\$46,222	\$46,800
SEC. 14: That there be appropriated from the POLICE AUXILIARY FUND (120)			
Operation & Maintenance	\$2,625	\$2,625	\$2,625
TOTAL	\$2,625	\$2,625	\$2,625
SEC. 15: That there be appropriated from the COMMUNITY DEVELOPMENT BLOCK GRANT FUND (122)			
Operation and Maintenance	\$75,000	\$75,000	\$85,897
TOTAL	\$75,000	\$75,000	\$85,897
SEC. 16: That there be appropriated from the WORKER'S COMP FUND (124)			
Personal Services/Administrative Support	\$270,000	\$270,000	\$270,000
TOTAL	\$270,000	\$270,000	\$270,000
SEC. 17: That there be appropriated from the INSURANCE RESERVE FUND (125)			
Operation & Maintenance	\$400,000	\$400,000	\$400,000
TOTAL	\$400,000	\$400,000	\$400,000
SEC. 18: That there be appropriated from the DEMOLITION DEFENSE FUND (126)			
Non Government/Transfers/Refunds	\$59,396	\$59,396	\$59,396
TOTAL	\$59,396	\$59,396	\$59,396
SEC. 19: That there be appropriated from the PRO PIQUA FUND (128)			
Operation and Maintenance	\$74,000	\$74,000	\$74,000
TOTAL	\$74,000	\$74,000	\$74,000
SEC. 20: That there be appropriated from the REVOLVING LOAN FUND (130)			
Personal Service/Administrative Support	\$0	\$0	\$0
Operation and Maintenance	\$45,670	\$45,670	\$45,670
TOTAL	\$45,670	\$45,670	\$45,670
SEC. 21: That there be appropriated from the BROWNFIELD EPA GRANT (131)			
Operation and Maintenance	\$467,796	\$467,796	\$467,796
TOTAL	\$467,796	\$467,796	\$467,796
SEC. 22: That there be appropriated from the COMMUNITY DEVELOPMENT FUND (135)			
Personal Services/Administrative Support	\$231,520	\$231,520	\$231,520
Operation and Maintenance	\$82,619	\$82,619	\$82,619
Allocated Expenses	(\$314,139)	(\$314,139)	(\$314,139)
TOTAL	\$0	\$0	\$0
SEC. 23: That there be appropriated from the FEMA FUND (139)			
Personal Services/Administrative Support	\$20,000	\$20,000	\$20,000
Operation and Maintenance	\$0	\$14,964	\$14,964
TOTAL	\$20,000	\$34,964	\$34,964

	2015 APPROPRIATIONS	2015 REVISED APPROPRIATION	2015 FINAL APPROPRIATION
SEC. 24: That there be appropriated from the AGRICULTURAL REVOLVING LOAN FUND (142)			
Personal Services/Administrative Support	\$350	\$350	\$350
Operation and Maintenance	\$38,000	\$38,000	\$38,000
TOTAL	\$38,350	\$38,350	\$38,350
SEC. 25: That there be appropriated from the SPECIAL ASSESSMENT DEBT SERVICE FUND (202)			
Operation and Maintenance	\$4,355	\$4,355	\$4,355
TOTAL	\$4,355	\$4,355	\$4,355
SEC. 26: That there be appropriated from the SIB 25A NOTE '08 FUND (216)			
Non Government/Transfers/Refunds	\$173,755	\$173,755	\$173,755
TOTAL	\$173,755	\$173,755	\$173,755
SEC. 27: That there be appropriated from the SWMMING POOL DEBT SERVICE FUND (221)			
Non Government/Transfers/Refunds	\$8,430	\$8,430	\$8,430
TOTAL	\$8,430	\$8,430	\$8,430
SEC. 28: That there be appropriated from the GOLF COURSE EXPANSION G.O. BONDS DEBT SERVICE FUND (243)			
Non Government/Transfers/Refunds	\$167,190	\$167,190	\$167,190
TOTAL	\$167,190	\$167,190	\$167,190
SEC. 29: That there be appropriated from the WATER TOWER DEBT SERVICE FUND (250)			
Non Government/Transfers/Refunds	\$66,411	\$66,411	\$66,411
TOTAL	\$66,411	\$66,411	\$66,411
SEC. 30: That there be appropriated from the WATER TOWER DEBT SERVICE FUND 2006 (251)			
Non Government/Transfers/Refunds	\$7,176	\$7,176	\$7,176
TOTAL	\$7,176	\$7,176	\$7,176
SEC. 31: That there be appropriated from the EQUALIZATION TANK '08 NOTE (OWDA) DEBT SERVICE FUND (254)			
Non Government/Transfers/Refunds	\$303,392	\$303,392	\$303,392
TOTAL	\$303,392	\$303,392	\$303,392
SEC. 32: That there be appropriated from the FIRE EQUIPMENT '08 G.O. NOTE FUND (255)			
Non/Government/Transfers/Refunds	\$47,563	\$47,563	\$47,563
TOTAL	\$47,563	\$47,563	\$47,563
SEC. 33: That there be appropriated from the WATER PLANT OWDA DEBT SERVICE FUND (256)			
Non/Government/Transfers/Refunds	\$25,130,100	\$22,977,600	\$22,968,600
TOTAL	\$25,130,100	\$22,977,600	\$22,968,600
SEC. 34: That there be appropriated from the WASTEWATER PLANT ENGINEERING DEBT SERVICE FUND (257)			
Non/Government/Transfers/Refunds	\$393,400	\$393,400	\$1,136,230
TOTAL	\$393,400	\$393,400	\$1,136,230
SEC. 35: That there be appropriated from the WATER DEBT SERVICE FUND (258)			
Non/Government/Transfers/Refunds	\$1,881,365	\$1,881,365	\$0
TOTAL	\$1,881,365	\$1,881,365	\$0

SEC. 36: That there be appropriated from the POWER SYSTEM FUND (401)

Personal Services/Administrative Support	\$2,230,861	\$2,230,861	\$2,280,861
Operation and Maintenance	\$26,895,909	\$26,895,909	\$26,895,909
Capital Outlay (including labor)	\$1,847,183	\$1,847,183	\$1,847,183
Overhead Transfers	(\$180,000)	(\$180,000)	(\$180,000)
TOTAL	\$30,793,953	\$30,793,953	\$30,843,953

SEC. 37: That there be appropriated from the WATER SYSTEM FUND (403)

Personal Services/Administrative Support	\$2,106,459	\$1,392,042	\$1,392,042
Operation and Maintenance	\$2,083,728	\$2,820,745	\$2,820,745
Capital Outlay (including labor)	\$26,031,035	\$26,031,035	\$26,031,035
Non Government/Transfers/Refunds	\$73,586	\$73,586	\$73,586
TOTAL	\$30,294,808	\$30,317,408	\$30,317,408

SEC. 38: That there be appropriated from the WASTEWATER SYSTEM FUND (404)

Personal Services/Administrative Support	\$1,273,193	\$1,273,193	\$1,273,193
Operation and Maintenance	\$1,338,178	\$1,456,078	\$1,456,078
Capital Outlay (including labor)	\$1,183,828	\$1,389,828	\$2,091,000
Non Government/Transfers/Refunds	\$303,392	\$303,392	\$303,392
TOTAL	\$4,098,591	\$4,422,491	\$5,123,663

SEC. 39: That there be appropriated from the GARBAGE AND REFUSE FUND (405)

Personal Services/Administrative Support	\$531,444	\$531,444	\$576,444
Operation and Maintenance	\$1,488,619	\$1,488,619	\$1,488,619
Capital Outlay (including labor)	\$130,000	\$130,000	\$130,000
TOTAL	\$2,150,063	\$2,150,063	\$2,195,063

SEC. 40: That there be appropriated from the CITY INCOME TAX
ADMINISTRATION FUND (407)

Non Government/Transfers/Refunds	\$8,750,000	\$8,750,000	\$10,750,000
TOTAL	\$8,750,000	\$8,750,000	\$10,750,000

SEC. 41: That there be appropriated from the INFORMATION TECHNOLOGY
FUND (408)

Personal Services/Administrative Support	\$356,968	\$356,968	\$356,968
Operation and Maintenance	\$276,644	\$276,644	\$276,644
Capital Outlay (including labor)	\$64,000	\$64,000	\$64,000
TOTAL	\$697,612	\$697,612	\$697,612

SEC. 42: That there be appropriated from the GOLF COURSE FUND (409)

Personal Services/Administrative Support	\$180,564	\$180,564	\$180,564
Operation and Maintenance	\$378,260	\$378,260	\$378,260
Capital Outlay (including labor)	\$90,000	\$90,000	\$90,000
Non Government/Transfers/Refunds	\$167,676	\$167,676	\$168,326
TOTAL	\$816,500	\$816,500	\$817,150

SEC. 43: That there be appropriated from the FORT PIQUA PLAZA FUND (410)

Operation & Maintenance	\$308,957	\$365,118	\$315,000
Capital Outlay (including labor)	\$0	\$5,839	\$5,839
Non Government/Transfers/Refunds	\$1,500	\$1,500	\$1,500
TOTAL	\$310,457	\$372,457	\$322,339

SEC. 44: That there be appropriated from the STORMWATER UTILITY FUND (411)

Personal Services/Administrative Support	\$447,889	\$447,889	\$447,889
Operation and Maintenance	\$483,459	\$573,794	\$573,794
Capital Outlay (including labor)	\$1,181,000	\$1,181,000	\$1,181,000
TOTAL	\$2,112,348	\$2,202,683	\$2,202,683

SEC. 45: That there be appropriated from the METER READERS FUND (412)

Personal Services/Administrative Support	\$207,465	\$207,465	\$207,465
Operation and Maintenance	\$39,904	\$39,904	\$39,904
Allocated Expenses	(\$247,369)	(\$247,369)	(\$247,369)
TOTAL	\$0	\$0	\$0

SEC. 46: That there be appropriated from the UTILITIES BUSINESS OFFICE
FUND (413)

Personal Services/Administrative Support	\$567,022	\$567,022	\$542,022
Operation and Maintenance	\$425,520	\$425,520	\$450,520
Non Government/Transfers/Refunds	\$5,000	\$5,000	\$5,000
Allocated Expenses	(\$997,542)	(\$997,542)	(\$997,542)
TOTAL	\$0	\$0	\$0

SEC. 47: That there be appropriated from the SWIMMING POOL FUND (415)

Personal Services/Administrative Support	\$89,067	\$89,067	\$61,345
Operation and Maintenance	\$83,260	\$83,260	\$80,000
Capital Outlay (including labor)	\$0	\$14,900	\$14,854
Non Government/Transfers/Refunds	\$8,430	\$8,430	\$8,765
TOTAL	\$180,757	\$195,657	\$164,964

SEC. 48: That there be appropriated from the UNCLAIMED TRUST (606)

Non Government/Transfers/Refunds	\$2,000	\$2,000	\$2,000
TOTAL	\$2,000	\$2,000	\$2,000

SEC. 49: That there be appropriated from the LAW ENFORCEMENT TRUST (609)

Non Government/Transfers/Refunds	\$8,200	\$8,200	\$8,200
TOTAL	\$8,200	\$8,200	\$8,200

SEC. 50: That there be appropriated from the CONSERVANCY FUND (611)

Operation and Maintenance	\$53,700	\$53,700	\$53,700
TOTAL	\$53,700	\$53,700	\$53,700

SEC. 51: That there be appropriated from the CITY HEALTH INSURANCE FUND (614)

Operation and Maintenance	\$20,000	\$20,000	\$20,000
Capital Outlay (including labor)	\$100,000	\$100,000	\$0
TOTAL	\$120,000	\$120,000	\$20,000

SEC. 52: That there be appropriated from the EMPLOYEE FLEXIBLE SPENDING FUND (615)

Administrative Support	\$175,000	\$175,000	\$175,000
TOTAL	\$175,000	\$175,000	\$175,000

SEC. 53: That there be appropriated from the WEED CUTTING FUND (735)

Operation and Maintenance	\$32,000	\$32,000	\$32,000
Allocated Expenses	(\$30,100)	(\$30,100)	(\$30,100)
TOTAL	\$1,900	\$1,900	\$1,900

SEC. 54: That the sum appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2015. Future commitments representing encumbrances of fund balance or future receipts will be appropriated in the future year when those services or goods are rendered to the city.

SEC. 55: That the sums expended from the appropriations and which are proper charges against any other department or against any person firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.

SEC. 56: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2015 when passed and legally contracted for in conformity by law.

SEC. 57: That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances shall not exceed \$1,000,000 in the aggregate nor extend past December 31, 2015; except those that are to be reimbursed by federal, state or other grant programs that were previously approved by this Commission.

SEC. 58: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

SEC. 59: That this ordinance is declared an emergency for immediate preservation of the public peace, health, or safety in the City of Piqua and shall take effect and be in force from and after passage.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Ordinance 19-15 Appropriation Comparison to Supplemental Exhibit A

General Fund (001)

General Government

Operation and Maintenance	\$	(29,600)	Budget Neutral
Capital Outlay (including labor)	\$	29,600	
Non Government/Transfers/Refunds	\$	169,332	Payment of Bonds

Transfers

Transfer to Mausoleum Fund 110	\$	(3,710)	Less expense
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Net Increase to General Fund

\$ 165,622

Street Income Tax Fund (103)

Allocated Expenses	\$	60,000	Not available
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Neighborhood Improvement Program (104)

Personal Services/Administrative Support	\$	1,575	Two interns throughout the year
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Parks Fund (105)

Personal Services/Administrative Support	\$	10,000	Extended work season
Operation and Maintenance	\$	5,700	
Capital Outlay (including labor)	\$	(5,700)	Budget neutral

Total Parks Fund (105)

\$ 10,000

Public Safety Fund (106)

Fire Department (009)

Personal Services/Administrative Support	\$	260,000	Retirements
Capital Outlay (including labor)	\$	(60,000)	Generator moved to 2016

Total Public Safety Fund (106)

\$ 200,000

Forest Hill Mausoleum Fund (110)

Operation and Maintenance	\$	(3,710)	Less expense
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Distress Set-Aside Fund (118)

Personal Services/Administrative Support	\$	(10,000)	Grant moved to Fund 122
Operation and Maintenance	\$	(5,000)	Less expense

Total Distress Set-Aside Fund (118)

\$ (15,000)

C.H.I.P. Program Income Fund (119)

Personal Services/Administrative Support	\$	540	Increased activity
Non Government/Transfers/Refunds	\$	38	Grant transfer

Total C.H.I.P. Program Income Fund (119)

\$ 578

Community Development Block Grant Fund (122)

Operation and Maintenance	\$	10,897	Grant funding
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Water Plant OWDA Debt Service Fund (256)

Non Government/Transfers/Refunds	\$	(9,000)	Decreased interest
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Wastewater Plant Engineering Debt Service Fund (257)		
Non Government/Transfers/Refunds	\$	742,830 Project advancement
Water Debt Service Fund (258)		
Non Government/Transfers/Refunds	\$	(1,881,365) Activity moved to 2016
Power Systems Fund (401)		
Personal Services/Administrative Support	\$	50,000 Possible overtime
Wastewater System Fund (404)		
Capital Outlay (including labor)	\$	701,172 CDM Smith - Project advancement
Garbage and Refuse Fund (405)		
Personal Services/Administrative Support	\$	45,000 Container delivery
City Income Tax Administration Fund (407)		
Non Government/Transfers/Refunds	\$	2,000,000 Increased revenue
Golf Course Fund (409)		
Non Government/Transfers/Refunds	\$	650 Refund
Fort Piqua Plaza Fund (410)		
Operation and Maintenance	\$	(50,118) Decreased expenses
Utility Billing Office Fund (413)		
Personal Services/Administrative Support	\$	(25,000)
Operation and Maintenance	\$	25,000
Total Utility Billing Office Fund (413)	<u>\$</u>	<u>-</u> Budget Neutral - Staffing
Swimming Pool Fund (415)		
Personal Services/Administrative Support	\$	(27,722) Final wages
Operation and Maintenance	\$	(3,260) Decreased expenses
Capital Outlay (including labor)	\$	(46) Final capital
Non Government/Transfers/Refunds	\$	335 Increased refunds
Swimming Pool Fund (415)	<u>\$</u>	<u>(30,693)</u>
City Health Insurance Fund (614)		
Capital Outlay (including labor)	\$	(100,000) Project revised
Overall Total	\$	1,898,438

RESOLUTION NO. R-155-15

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

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

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

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

SEC. 1: That the Finance Director be authorized to transfer funds from the General Fund to other funds listed in Appendix A in an amount not to exceed the Appropriation Ordinance 17-14 listed in Appendix A.

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

APPENDIX A

RESOLUTION NO. 155-15

FOR THE FISCAL YEAR 2015

Transfers from:

The General Fund 001	\$	494,900
Fund 106 Safety Fund	\$	47,562
Fund 119 C.H.I.P. Program Income	\$	38
		<hr/>
Total General Fund Transfers from	\$	542,500

Transfers to:

Fund 130 Revolving Loan Fund	\$	38
Fund 255 Fire Equipment 2008 G.O. Note	\$	47,562
Fund 409 Golf Course Fund	\$	350,000
Fund 415 Swimming Pool Fund	\$	144,900
		<hr/>
Total Transfers to	\$	542,500

Transfer from:

Fund 103 Construction	\$	173,754
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Transfer to:

Fund 216 SIB 25A Note '08	\$	173,754
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RESOLUTION NO. R-156-15

**A RESOLUTION AUTHORIZING TRANSFERS OF CASH
FROM THE GENERAL FUND TO THE OTHER FUNDS
FOR THE FISCAL YEAR 2016**

WHEREAS, This Commission has authorized ORDINANCE 16-15 which includes General Fund transfers to various funds, and various other fund transfers to Debt Service Sinking Funds for the year 2016.

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

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

SEC. 1: That the Finance Director be authorized to transfer funds from the General Fund to other funds listed in Appendix A in an amount not to exceed the Appropriation Ordinance 16-15 listed in Appendix A.

SEC. 2: That the Finance Director be authorized to transfer from the Originating Funds to the respective Funds in an amount not to exceed the Appropriation Ordinance 16-15

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

APPENDIX A

RESOLUTION NO. 156-15

FOR THE FISCAL YEAR 2016

Transfers from:

The General Fund 001	\$	500,000
Fund 106 Safety Fund	\$	50,963
		<hr/>
Total General Fund Transfers from	\$	550,963

Transfers to:

Fund 255 Fire Equipment 2008 G.O. Note	\$	50,963
Fund 409 Golf Course Fund	\$	350,000
Fund 415 Swimming Pool Fund	\$	150,000
		<hr/>
Total Transfers to	\$	550,963

Transfer from:

Fund 103 Construction	\$	173,754
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Transfer to:

Fund 216 SIB 25A Note '08	\$	173,754
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RESOLUTION NO. R-157-15

A RESOLUTION ACQUIRING THE SERVICES OF AMERICAN ELECTRIC POWER TO PROVIDE PROFESSIONAL DEVELOPMENT TRAINING FOR PERSONNEL OF THE POWER SYSTEM FOR 2016

WHEREAS, it is deemed advisable for the City to acquire the services of American Electric Power to provide professional development training for personnel of the power system; and

WHEREAS, American Electric Power will provide professional development training for which the solicitation of bids would, in the City Manager's judgment, be of no material benefit.

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

SEC. 1: American Electric Power is hereby retained by the City of Piqua to provide professional development training.

SEC. 2: The Finance Director certifies that the funds are available and is hereby authorized to draw her warrant from time to time on the appropriate account of the city treasury according to contract terms, not to exceed \$30,000.

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE	A RESOLUTION ACQUIRING THE SERVICES OF AMERICAN ELECTRIC POWER TO PROVIDE PROFESSIONAL DEVELOPMENT TRAINING FOR PERSONNEL OF THE POWER SYSTEM FOR 2016		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director		
	Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>Electrical Linemen that construct, maintain, and operate Piqua's electric grid have an extremely dangerous job. It is essential to provide the proper equipment and training which will allow our linemen to perform their duties safely and effectively. In order to become a qualified lineman, the power system has a federally approved four-year apprenticeship program. The three major components of Piqua's apprenticeship program are the following:</p> <ol style="list-style-type: none"> 1. Off-site training at AEP's Line Training Facility in Groveport, Ohio 2. Northwest Lineman College's Apprenticeship Program 3. On-Site job training. <p>This is a structured four-year apprenticeship program consisting of 1,093 hours of training through AEP's Line Training and Northwest Lineman College's Apprenticeship Program. In addition, each apprentice must document 8,000 hours of on-site job training.</p> <p>Aligned with our succession plan, the power system currently has five apprentices. The total training cost to send all five apprentices to AEP's Line Training in 2016 will be \$27,000.</p>		
	Budgeted \$:	\$30,000	

BUDGETING AND FINANCIAL IMPACT	Expenditure \$:	\$30,000
	Source of Funds:	Power System (401-209-588-7578 -- Training)
	Narrative:	
OPTIONS	1.	Approve Resolution No. R-157-15 acquiring the services of American Electric Power to provide professional development training for personnel of the power system.
	2.	Do not approve Resolution No. R-157-15 and provide staff with further direction
PROJECT TIMELINE	The apprentices will attend AEP's Line Training throughout 2016	
STAFF RECOMMENDATION	Approve Resolution No. R-157-15 acquiring the services of American Electric Power to provide professional development training for personnel of the power system.	
ATTACHMENTS		

RESOLUTION NO. R-158-15

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

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

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

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

SEC. 1: The City Manager is hereby authorized and directed to continue the City's membership to AMP for 2016.

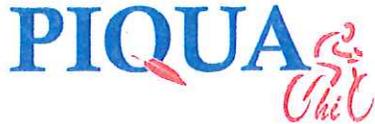
SEC. 2: The Finance Director certifies funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$75,000;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE	A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR CITY MEMBERSHIP TO AMERICAN MUNICIPAL POWER, INC.		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director		
	Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>American Municipal Power was founded in 1971 with the purpose of providing the generation, transmission and distribution of electric power and energy to its members at lower costs. This purpose is served by joint ownership of electric facilities, pooled buying power in the energy markets and pursuing additional means of generating, transmitting and distributing electric power and energy.</p> <p>The original members were all located in Ohio, giving American Municipal Power-Ohio, or AMP-Ohio its name. By 2009, AMP-Ohio had grown to serve member communities in nine states, thus the Board of Trustees dropped Ohio from the name to better reflect the growing geographic footprint. AMP membership includes 131 electric municipalities located in the states of Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia and one joint action agency in Delaware who in turn serve over 675,000 electric customers. AMP is owned and governed by its member communities.</p> <p>AMP has been Piqua's power supplier since 2007. Piqua is also participating in several long-term generation assets owned by AMP, including the Prairie State Energy Campus and Fremont Energy Center, as well as those under development which include the Cannelton, Smithland, Willow Island, Meldahl, and Greenup hydroelectric projects. Piqua currently is a governing member of the AMP Board of Trustees.</p>		

BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$75,000
	Expenditure \$:	\$75,000
	Source of Funds:	Power System (401-291-930-7179)
	Narrative:	<p>Included in the 2016 Power System budget is \$75,000 to cover the cost of AMP membership dues.</p> <p>Section 30.01 of the Piqua Code requires commission approval to join trade organizations with annual membership dues in excess of \$25,000. The Energy Board unanimously recommended to Piqua City Commission to continue its membership in American Municipal Power for 2016 during its meeting of November 24, 2015.</p>
OPTIONS	1.	Approve Resolution No. R-158-15 allowing the City of Piqua Power System to continue its membership in American Municipal Power for 2016.
	2.	Do not approve Resolution No. R-158-15 and provide staff with further direction.
PROJECT TIMELINE	This Resolution will allow the City of Piqua Power System to continue its membership in American Municipal Power from 1/1/16 through 12/31/16.	
STAFF RECOMMENDATION	Approve Resolution No. R-158-15, which will allow the City of Piqua Power System to continue its membership in American Municipal Power for 2016.	

RESOLUTION NO. R-159-15

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

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

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

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

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

SEC. 2: The Finance Director certifies funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$30,000;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE	A RESOLUTION RETAINING THE SERVICES OF COOPERATIVE RESPONSE CENTER, INC. TO PROVIDE PROFESSIONAL CUSTOMER CALL ANSWERING AND DISPATCH SERVICES FOR THE POWER SYSTEM		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>In March of 2007, the Power System began utilizing the Cooperative Response Center (CRC), headquartered in Austin, Minnesota to provide after-hours call answering and dispatch services. This arrangement was necessitated when the steam and hot water system was shutdown in December of 2006. This resulted in the elimination of shift operators who provided these same services for the Power System, although in a significantly less efficient manner.</p> <p>To date, the Power System has been totally satisfied with the level of service provided by CRC, as well as the cost to provide these services. CRC was originally developed by a group of nineteen electric cooperatives in 1992. It has expanded to over 300 members in 41 states. Calls are answered and dispatched from the Austin, Minnesota, Dunlap, Tennessee or Abilene, Texas Contact Centers.</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$30,000	
	Expenditure \$:	\$30,000	
	Source of Funds:	Power System (401-291-923-7553)	
	Narrative:	The 2016 CRC Budget remains at the 2015 level of \$30,000. CRC will provide professional services for which the solicitation of bids would be of no material benefit. CRC has been fully integrated into the operations of the Power System, and provides a significant advantage to our	

		<p>customers in terms of enhanced service reliability through its state-of-the-art after-hour call answering and dispatch services.</p> <p>The Energy Board members unanimously recommended to Piqua City Commission to retain the services of CRC to provide professional customer call and dispatch services for 2016 during the meeting of November 24, 2015.</p>
<p>OPTIONS (Include Deny /Approval Option)</p>	1.	Approve Resolution No. R-159-15 authorizing the City of Piqua Power System to retain the services of the Cooperative Response Center, Inc. to provide professional customer call and dispatch services for 2016.
	2.	Do not approve Resolution No. R-159-15 and provide staff with further direction.
<p>PROJECT TIMELINE</p>	<p>This Resolution will provide professional customer call and dispatch services for the Power System from 1/1/16 through 12/31/16.</p>	
<p>STAFF RECOMMENDATION</p>	<p>Approve Resolution No. R-159-15, which will authorize the Power System to retain the services of the Cooperative Response Center, Inc. to provide professional customer call and dispatch services for 2016.</p>	

RESOLUTION NO. R-160-15

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

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

WHEREAS, it is the judgment of the City Purchasing Agent that purchasing #2 fuel oil for the City, at the best price available when it is needed, on the open and spot market during the year 2016 without advertising, is permissible and advisable by said Section 34.19;

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

SEC. 1: The City Purchasing Agent is authorized to dispense with advertising for the purchase of #2 fuel oil for the City during the year 2016 and to make said purchases at the best price available when it is needed on the open and spot market;

SEC. 2: The Finance Director certifies funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE	A RESOLUTION AUTHORIZING THE CITY PURCHASING AGENT TO PURCHASE #2 FUEL OIL ON THE OPEN AND SPOT MARKET		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>The Power System owns and operates two combustion turbine generators that burn #2 fuel oil to generate electricity. These units are peak load generating units, which mean they are only used to meet requirements during the periods of greatest or peak load on the system. These units may also be operated as part of PJM's demand response program, as well as for shaving the City's transmission peak, both of which provide significant financial benefit. The use of these units fluctuates annually.</p> <p>The Power System purchases #2 fuel oil at various times during the year, depending on how often the combustion turbine generators are operated. In previous years these purchases have been made by obtaining quotes from various suppliers prior to placing an order. The quantity and timing of fuel burned annually fluctuates depending on the need to run the generating units. This coupled with the unpredictable fuel market makes it impractical to obtain an annual fixed cost for this commodity. Recent suppliers of fuel oil include:</p> <ul style="list-style-type: none"> • Earhart Petroleum Inc., 1494 Lytle Rd., Troy OH • Schafer Oil Co., 9201 St. Rte. 66, Fort Loramie OH. • Burke Petroleum, 315 W First St., Minster, OH <p>It is necessary for the Power System to purchase #2 fuel oil as needed for 2016 from one or more of the suppliers listed above.</p>		
	Budgeted \$:	\$100,000	

BUDGETING AND FINANCIAL IMPACT	Expenditure \$:	\$100,000
	Source of Funds:	Power System (401-201-501-7233)
	Narrative:	<p>Section 34.19 of the Piqua Code permits the purchase of supplies for City Departments without advertising when, in the judgment of the City Purchasing Agent, advertising would not be of any material economic benefit.</p> <p>The Energy Board unanimously recommended Piqua City Commission approves #2 fuel oil purchases as needed for 2015 during its meeting of November 24, 2015.</p>
OPTIONS	1.	Approve Resolution No. R-160-15 authorizing the City of Piqua Power System to purchase #2 fuel oil as needed for 2016.
	2.	Do not approve Resolution No. R-160-15 and provide staff with further direction.
PROJECT TIMELINE	This Resolution will allow Power System staff to purchase #2 fuel oil as needed to run the gas turbines from 1/1/16 through 12/31/16.	
STAFF RECOMMENDATION	Approve Resolution No. R-160-15 authorizing the City of Piqua Power System to purchase #2 fuel oil as needed for 2016.	

RESOLUTION NO. R-161-15

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

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

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

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

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

SEC. 2: The Finance Director certifies funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$60,000;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE	A RESOLUTION RETAINING THE SERVICES OF SAWVEL AND ASSOCIATES TO PROVIDE PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR THE POWER SYSTEM		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>Sawvel and Associates (Sawvel) is an independent consulting and engineering firm located in Findlay, Ohio. Sawvel provides services to a number of publicly owned utilities in Ohio, Indiana and Michigan. For over twenty years, Sawvel has provided the Piqua Power System with cost-of-service and rate design, advised the City on electric power supply and transmission arrangements, and made recommendations concerning Piqua's potential participation in AMP joint-venture generating projects.</p> <p>I would consider the employees of Sawvel to be an extension of the Power System staff. Over the years, Sawvel employees have proven to be readily available, as well as an invaluable resource to assist with making difficult decisions related to the long-term interests of the Power System. In 2016, Sawvel will work with Piqua staff to complete the following initiatives:</p> <ul style="list-style-type: none"> • Update Long-Range (2016-2025) Business Plan • Evaluate Market Power Purchases • Evaluate AMP Generation Opportunities • Provide Consulting and Engineering on Additional Items as Needed 		
BUDGETING AND	Budgeted \$:	\$60,000	
	Expenditure \$:	\$60,000	

FINANCIAL IMPACT	Source of Funds:	Power System (401-291-923-7553)
	Narrative:	<p>The 2016 Sawvel Budget decreased \$20,000 compared to the 2013 level of \$80,000. Sawvel will provide professional services for which the solicitation of bids would be of no material benefit.</p> <p>The Energy Board unanimously recommended to Piqua City Commission to retain the services of Sawvel and Associates to provide professional consulting and engineering services in 2016 during its meeting of November 24, 2015.</p>
OPTIONS	1.	Approve Resolution No. R-161-15 authorizing the City of Piqua Power System to retain the services of Sawvel and Associates to provide professional consulting and engineering services in 2016.
	2.	Do not approve Resolution No. R-161-15 and provide staff with further direction.
PROJECT TIMELINE	This Resolution will provide professional consulting and engineering services for the Power System from 1/1/16 through 12/31/16.	
STAFF RECOMMENDATION	Approve Resolution No. R-161-15 authorizing the City of Piqua Power System to retain the services of Sawvel and Associates to provide professional consulting and engineering services in 2016.	

RESOLUTION NO. R-162-15

A RESOLUTION AUTHORIZING A PURCHASE ORDER
TO NELSON TREE SERVICE, INCORPORATED FOR
ELECTRIC POWER LINE CLEARANCE

WHEREAS, the present operations of the City require electric line clearance;
and

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

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

SEC. 1: A purchase order is hereby authorized to Nelson Tree Service,
Inc. for electric line clearance for the City of Piqua pursuant to the bid specifications;

SEC. 2: The agreement with Nelson Tree Service also has an option
for the years 2017 and 2018, which may be exercised pursuant to the bid conditions.

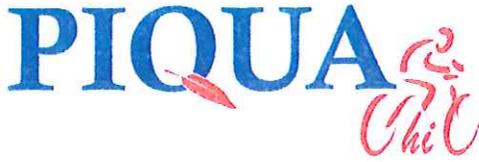
SEC. 3: The Finance Director certifies funds are available and is
hereby authorized to draw her warrants from time to time on the appropriate account
of the city treasury in payment according to contract terms, not exceeding a total of
\$235,000;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE (Should match resolution/ordinance title)	A RESOLUTION AUTHORIZING A PURCHASE ORDER TO NELSON TREE SERVICE, INC FOR ELECTRIC POWER LINE CLEARANCE		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND (Includes description, background, and justification)	<p>Piqua Power System intends to contract one aerial tree-trimming crew in 2016. Sealed bids from pre-qualified contractors were received November 17th. The four bids have been reviewed and the results are attached.</p> <p>The bid from Nelson Tree Service is recommended for award as the lowest responsive bid. Nelson has provided this service to the City of Piqua for the last ten years and their service has been exceptional.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	\$235,000	
	Expenditure \$:	\$235,000	
	Source of Funds:	Power System	
	Narrative:	Included in the 2016 Budget is \$235,000 for line clearance.	
OPTIONS (Include Deny /Approval Option)	1.	Approve Resolution R-162-15 awarding Nelson Tree Service, Inc. the power line clearance contract for 2016 with the option of renewal for the years 2017 and 2018, which may be exercised pursuant to the bid conditions.	
	2.	Approve Resolution R-162-15 awarding Nelson Tree Service, Inc. the power line clearance contract for 2016 without the option of renewal for the years 2017 and 2018.	

	3. Reject Resolution R-162-15 and provide staff with further direction
PROJECT TIMELINE	The initial term is for January 1, 2016 through December 31, 2016. The bid provides option for renewal of this agreement for 2017 and 2018 with the labor rate increases not to exceed three percent (3%) annually.
STAFF RECOMMENDATION	Approve Resolution R-162-15 awarding Nelson Tree Service, Inc. the power line clearance contract for 2016 with the option of renewal for the years 2017 and 2018, which may be exercised pursuant to the bid conditions.
ATTACHMENTS	Exhibit A – Bid Results Trees Trimming

Tree Trimming Bid Opening
11/17/2015 @ 2pm

Company	Labor - Working Foreman		Labor - Journeyman Trimmer		Labor - Apprentice Trimmer		Daily Equipment	Hourly Total	
	Regular	Overtime	Regular	Overtime	Regular	Overtime		Regular	Overtime
Nelson Tree Service, Inc.	\$ 35.53	\$ 53.30	\$ 26.86	\$ 40.29	\$ 24.06	\$ 36.09	\$ 19.50	\$ 105.95	\$ 149.18
Asplundh Tree Expert Co	\$ 32.40	\$ 34.25	\$ 29.26	\$ 30.93	\$ 21.93	\$ 23.19	\$ 21.80	\$ 105.39	\$ 110.17
All Reliable Services, Inc.	\$ 32.45	\$ 47.05	\$ 29.90	\$ 43.36	\$ 26.50	\$ 38.43	\$ 25.75	\$ 114.60	\$ 154.59
Tree Care, Inc.	\$ 62.50	\$ 93.75	\$ 47.25	\$ 70.83	\$ 38.40	\$ 57.60	\$ 18.10	\$ 166.25	\$ 240.33

Additional Equipment Pricing

Company	55 ft Trim Lift	70 ft Trim Lift	Split Dump	Disc Chipper	Hydro-Ax	Stump Grinder	Power Saw	Other	Details
Nelson Tree Service, Inc.	\$ 14.50	\$ 20.30	\$ 7.00	\$ 5.00	\$ 71.05	\$ 22.33	N/A	\$ 52.00	Skid Steer Mower
Asplundh Tree Expert Co	\$ 16.40	\$ 25.20	\$ 9.25	\$ 5.40	N/A	\$ 13.27	N/A	\$ 33.21	Skid Steer Mower
All Reliable Services, Inc.	\$ 19.25	\$ 33.45	\$ 14.90	\$ 6.50	\$ 48.98	\$ 16.50	\$ 1.20	\$ 63.89	Fecon Mower
Tree Care, Inc.	\$ 14.23	\$ 31.20	\$ 14.23	\$ 12.10	\$ 195.00	\$ 75.00	\$ 1.90	\$ 145.00	k-Boom

RESOLUTION NO. R-163-15

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

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

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

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

SEC. 1: The City Manager authorizes the City to enter into a contract with Power System Engineering, Inc. for services of substantial compliance listed in the proposal attached as "Exhibit A."

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrant from time to time on the appropriate account of the city treasury according to contract terms, not to exceed \$40,000.

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

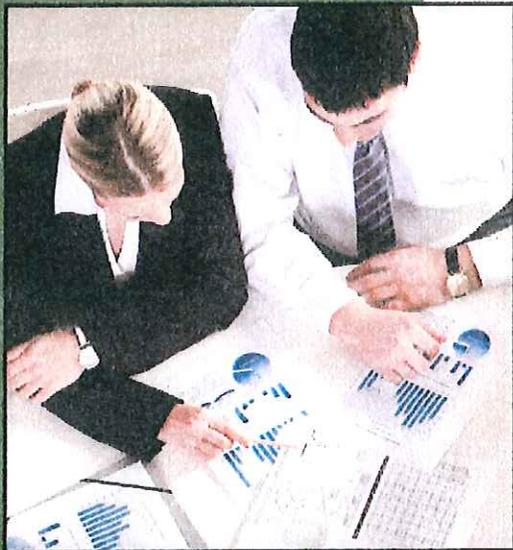
ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015			
REPORT TITLE	A RESOLUTION ACQUIRING POWER SYSTEM ENGINEERING, INC. TO PROVIDE PROFESSIONAL SERVICES TO THE CITY			
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director			
	Department: Power System			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance	
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board	
BACKGROUND	<p>On September 22nd, PSE presented the recently completed Technology Work Plan (TWP) to the Energy Board. Part of the TWP, PSE developed a five year road map and a recommended implementation sequence. One of the major initiatives identified in the TWP is the deployment of an Automatic Meter Infrastructure (AMI). Currently, Piqua reads both the electric and water meters manually. This method has significant costs associated with it. AMI has many advantages including: eliminating billing estimates, outage management, leak detection, automatic disconnects, improved reliability, power quality monitoring, and increasing the efficiency of our customer service representatives.</p> <p>AMI is a project where it is extremely important for both the water and electric departments to work together to deploy a common platform. The water department was recently awarded a grant to replace old water meters with new AMI equipped meters. According to the grant's timeline, all work must be completed by August 2017 with bid specifications developed in early 2016.</p> <p>In addition, American Municipal Power (AMP) has been developing an advanced metering program for its members. AMP has reached out to interested communities to develop a common AMI platform suitable for each</p>			

	<p>community which could be hosted by AMP to provide savings. This program is still under development and will need to be fully evaluated among the other options.</p> <p>Due to these factors, the Power System requested PSE to provide a proposal for consulting services related to the procurement of an AMI system for both the water and electric departments. PSE has led many procurement/deployment projects with both municipal utilities and cooperatives and has experts in the AMI field. PSE developed the proposal on their unique insight which was gained during the TWP project. PSE understands the work support coming from AMP and the possible opportunities of co-contracting and jointly deploying an AMI system with one of the vendors being evaluated by AMP. PSE will closely evaluate both the AMP bids and the bids reviewed in response to the new RFP to determine the strengths and weaknesses of each bid.</p>	
<p>BUDGETING AND FINANCIAL IMPACT</p>	<p>Budgeted \$:</p>	<p>\$40,000</p>
	<p>Expenditure \$:</p>	<p>\$40,000</p>
	<p>Source of Funds:</p>	<p>Electric – 80% or \$32,000 (Acct. No. 401-291-923-7553) Water – 10% or \$4,000 (Acct. No. 403-391-930-7553) Wastewater – 10% or \$4,000 (Acct. No. 404-491-923-7553)</p>
	<p>Narrative:</p>	<p>Resolution No. R-163-15 has a not to exceed price of \$40,000.</p>
<p>OPTIONS</p>	<p>1.</p>	<p>Approve Resolution No. R-163-15 acquiring Power System Engineering, Inc. to provide professional services to the City</p>
	<p>2.</p>	<p>Do not approve the Resolution No. R-163-15 and provide staff with further direction</p>
<p>PROJECT TIMELINE</p>	<p>The six-month procurement timeline is included in the attached PSE's AMI proposal. Once an AMI vendor is selected, the master plan for the electric department is to deploy the communication/IT infrastructure in 2016. The electric AMI meters will be installed in phases starting in 2017.</p>	
<p>STAFF RECOMMENDATION</p>	<p>Approve Resolution No. R-163-15 acquiring Power System Engineering, Inc. to provide professional services to the City</p>	
<p>ATTACHMENTS</p>	<p>1. Exhibit A - PSE's AMI proposal</p>	



AMI Procurement

Proposal Prepared for:
Piqua Municipal Power System

December 2, 2015

Contact: Rick Schmidt

schmidtr@powersystem.org

Direct: 608-268-3502

Mobile: 608-358-5661

Fax: 608-222-9378

1532 W. Broadway
Madison, WI 53713

www.powersystem.org

December 2, 2015

Nick Berger [via email: nberger@piquaoh.org]
Assistant Director – Technical Services
City of Piqua Power System
201 Hemm Ave.
Piqua, OH 45356

Subject: AMI Procurement Consulting Services Proposal

Dear Nick:

We look forward to continuing our relationship with the City of Piqua by providing consulting services related to the procurement of a new AMI system.

We are familiar with Piqua and your AMI system needs because of our recent development of the TWP. In the proposal that follows, we lay out an approach and methodology that we have found to be very effective for obtaining competitive bids with contract terms designed to mitigate your risks. We understand the deployment timeline for water AMI is ahead of the electric deployment; this will be factored into the deployment timeline.

PSE has led many procurement/deployment projects with munis and co-ops and understand the strengths and weaknesses of the AMI vendor community for both electric and water. We also understand the work support coming from AMP and the possible opportunities of co-contracting and jointly deploying an AMI system with one of the vendors being evaluated by AMP. PSE will closely evaluate both the AMP bids and the bids that will be received in response to the new RFP to determine the strengths and weaknesses of each bid.

Should you want us to **modify any aspect of our proposal, please let us know**. We are flexible to tailor tasks, level of detail, schedule, or costs to strike the balance Piqua would like to see.

If you have questions on our proposal or would like to discuss any aspect, I can be reached at schmidtr@powersystem.org, 608-268-3502 (direct line), or 608-358-5661 (mobile). If this proposal is acceptable as is, we can start as soon as requested.

Sincerely,



Rick Schmidt
Vice President, Utility Automation and Communications

You can sign below if the scope meets your requirements, which will allow us to start the project.

R. Schmidt

12/02/2015

Signature and Date

Signature and Date

Rick A. Schmidt- Vice President

Print name and title

Print name and title

Power System Engineering, Inc.

Company Name

Piqua Municipal Power System

Company Name

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1 Scope of Work

Why hire PSE to support the AMI procurement effort? The AMI vendor community is a very competitive business with several viable vendors offering different approaches. But this hyper-competitiveness of the AMI business often creates situations the vendors' proposed solutions can in some ways seem so similar that it becomes very difficult for a utility, who hasn't experienced the bid and deployment process many times, to uncover critical differences. PSE has experienced several TWP projects that involved re-deploying and fixing previous AMI deployments that were not properly implemented or integrated. In these cases, PSE has developed a deep understanding of how the vendors differ and where their deployed strengths and weaknesses are. This is where PSE adds the most value, and this value also carries over into having contract terms with the least amount of risks for the utility.

PSE's proposed scope of work is described below.

1.1 Project Initiation

PSE proposes to begin the project by conducting a project kick-off meeting with Core Team project team(s) from Piqua **via WebEx** at the start of the project. The meeting would consist of:

1. Synching up on the project's deliverables and approach.
2. Discussing Piqua's timeline and key dates for the deliverables.
3. Reviewing Piqua's project team roles and level of time commitment expected.
4. Assessing any demand side management requirements for AMI.
5. Discussing the status of Piqua's communications project and timing for information, such as new tower sites, etc., that would be included in the AMI RFP.

Key Deliverable: Webinar and meeting notes.
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1.2 Assess AMP Bids

As an initial step, PSE will assess the AMP AMI bids received and provide a confidential summary-level review **via WebEx** to identify the highlights and any warning flags and discuss how these might impact the AMI procurement project going forward.

In briefly reviewing some of these bids as part of the TWP, we noticed many key questions were not asked that would generally result in a differentiation between vendors, as well as many critical legal terms that influence the best technology fit. Therefore, as part of PSE's summary, we will identify what additional questions and specifications will be expanded as part of the RFP that PSE will create.

PSE's review of the AMP bids can also be revisited at the time of the RFP response evaluation to compare the responses received with our expanded list of specifications and legal terms.

PSE has been involved in the procurement and evaluation of jointly owned infrastructure for many years and has previously reviewed the merits of partnering with neighboring utilities in various aspects of joint ownership or joint support. PSE has found that each opportunity needs to be evaluated for possible synergies and economy of scale. With AMI, the meters/modules and installation of the meters typically represents about 70% to 75% of the total costs. PSE is already aware what the AMI vendors typically charge for meters and modules and will be able to determine if economy of scale exists or not. The AMI transport infrastructure typically represents about 10% of the total costs and will vary by service territory and type of AMI technology. Some of the vendors have software flexibility for the business model of a "joint-tenant" arrangement, allowing several utilities to securely share the software, and some other vendors don't have this capability.

We will keep this experience, as well as Piqua's unique needs, in mind as we evaluate the AMP bids and as we move toward creating specific requirements for the PSE-created RFP.

Key Deliverable: Assessment of AMP bids, summary presentation via WebEx.

1.3 Facilitate Requirements Gathering Session

PSE will facilitate an on-site **Requirements Gathering Session** to review Piqua's specific program goals and create the AMI requirements. During this one-day session, PSE will review:

1. AMI Requirements. PSE will review with the Piqua team about 100 typical requirements we often create for AMI bids. We will plan to work with your team to prioritize the importance of each requirement, add new requirements through discussion. The requirements will then be used in the RFP.
2. Legal Section. PSE will provide a set of terms and conditions suitable for both AMI and MDM. It will be suggested to share this with the city's legal counsel and then ask for any modifications prior to releasing the bids and then include the legal terms as part of the RFP.
3. Communications Infrastructure Assumptions. The fiber optic network running between the substations and office will be very beneficial and will be included as an exhibit in the bid. Also any available tower structures also will be listed as potential AMI collection points. This is further defined below.
4. Weighted Selection Criteria. PSE will plan conduct a discussion with both the water and electric stakeholders on identifying the bid review and vendor selection criteria. The resulting weighted scale will be used when the bids are scored and reviewed.

AMI Requirements

In order to prepare for this session, PSE will provide a **written set of AMI-related technical requirements** prior to the meeting. Functionality and benefits of AMI may include: time of use billing, remote disconnect/reconnect, voltage monitoring, theft detection, line loss improvement,

leak detection objectives and meter accuracy, reduced costs from process improvement for in and out orders, transformer sizing, impacts on outage detection and restoration, demand response scalability, and the evaluation of dozens of other benefits.

We will then review the requirements with the relevant project team via webinar in order to determine which requirements are the most important. Overall, thinking critically and in a detailed way about what you need an AMI system to do goes a long way toward unifying the project team with a common vision, and—although vendor selection is not our goal at this time—that common vision will ultimately enable a smoother procurement process.

This exercise will result in an extensive list of requirements that will, with minimal refinement, be used as the specifications list for a future request for proposal (RFP) to AMI system vendors.

The PSE team will discuss the AMI utility applications beyond simple meter reads, having a general sense of Piqua's interest in AMI systems' scalability based on our previous work. Some of the areas will include time of use billing, C&I metering, demand-side management, voltage monitoring, and web presentment for retail members. We will also discuss and agree on bid components and options -- key legal terms, meter installation plan, options such as inclusion of load management switches, smart thermostats, under glass disconnect switches, ZigBee, and several other options.

Communications Assumptions for the AMI RFP

PSE will document Piqua's communication assets and include this in the RFP for vendors' benefit. This information will include any the fiber splice points, towers, substations and other sites suitable for AMI collectors. This will also include a definition of the Initial Deployment Area (usually an area of about 500 meters which will be identified specifically for System Acceptance Testing).

PSE plans to use Excel to create various worksheets listing tower sites information, application-level programs and requirements, tower condition, frequencies existing on the towers, and other information. PSE will also request shape files from Piqua's GIS to support backhaul communications network conceptual design.

Weighted Selection Criteria

The development of **weighted selection criteria** for evaluating AMI solutions comes hand-in-hand with the development of requirements. During the webinar, PSE will facilitate a discussion to determine the most important criteria for selection. PSE has in-depth knowledge of vendors' strengths, risks, technology maturity, and other factors that will influence the vendor selection criteria. PSE will work with Piqua to determine the top 10 or so requirements that are most important and document them in an **Excel spreadsheet**, which will be carried forward for use in the RFP response evaluation phase.

<p>Key Deliverable: On-site requirements gathering session. Completed Requirements for the RFP, legal section for the RFP, completed Weighted Selection Criteria spreadsheet, and completed communications assumptions. <i>PSE expects that two PSE staff would facilitate this meeting.</i></p>

1.4 Develop Request for Proposal

Following the Requirements Gathering, PSE will work with Piqua to prepare the RFP.

The RFP will include a minimum of the following:

1. *Contractual Terms and Conditions.* This section will become the contract. PSE has found that creating the Contractual Terms and Conditions as part of the RFP allows the vendors to either approve as is or take exception while noting the exception. Following this approach saves time once the vendor has been selected.
2. *Technical Requirements.* Our requirements spreadsheet asks very detailed functionality questions regarding how the vendor's products perform the task. Vendors are expected to specify whether they comply with each requirements and provide a brief note of explanation.
3. *MultiSpeak Integration.* This spreadsheet itemizes multiple use cases and defines available MultiSpeak calls used for integrations out of and into the AMI head-end software.
4. *Responsibility Matrix.* This spreadsheet clarifies specific responsibilities of the utility, the vendor, and third parties, including installation of AMI infrastructure and meters. This document is critical for setting expectations and ensuring an accurate price quote.
5. *Critical Questions.* This section will include questions that are not classified as a requirement. We try to limit the number of questions and rather convert a typical question into a requirement but we may find that 10 to 20 questions are created as part of the RFP.
6. *Expected system components.* This section will ask the vendors to provide specifications or diagrams of the infrastructure provided by the vendor.
7. *Timeline for implementation.* PSE suggests that the timeline for implementation be defined as part of the RFP to help manage expectations and seek commitments during the bidding process.
8. *References.* The RFP will seek the names and contact information of like utility references (e.g. similar size, same CIS, etc.).
9. *Pricing Schedule.* This section will include listing the count and meter form specific to Piqua's system. The pricing section also captures software fees, recurring maintenance fees, optional adders (such as ZigBee modules or demand response devices), and all other components need in an AMI system.

<p>Key Deliverable: Content for AMI RFP. Conference calls and draft revisions as needed to finalize the document.</p>
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1.5 Bid Evaluation

PSE or Piqua (to be discussed and determined) will issue the RFPs, and PSE will address vendor questions throughout the bidding process. PSE will assemble and prepare any required addendums

or vendor follow up documents as necessary. PSE assumes Piqua will then distribute documents as necessary to all vendors.

PSE will work with the selection committee to provide technical evaluation and interpretations of all received bids. PSE will lead the effort to evaluate, compare, and contrast the vendor proposals by:

1. Reviewing the proposals to assess requirement compliance.
2. Scoring the proposals. We look for signs of accuracy with what PSE has witnessed deployed in the field, schedule-adherence, integrity, professionalism, etc. every step of the way.
3. Reviewing the proposals for completeness.
4. Assisting in preparing questions for conducting reference checks.
5. Comparing and contrasting each of the leading proposals.
6. Making financial assessments of the proposals comparing the Piqua obtained bids versus AMP's bids.
7. Reviewing the proposed initial and life-time costs.
8. Reviewing the level of risk associated with each of the leading solutions.

PSE will produce evaluation documents for Piqua that review and summarize vendor proposals. This is often comprised of comparison tables in Excel format, including a summary of the comparison. We often find inconsistencies in the bid responses that requires vendor clarifications or creating assumptions to "normalize" the bid responses.

PSE will present the results via a conference call to Piqua's selection committee. Based on the results of the proposal analysis, and with input from Piqua's selection committee, we will shortlist the vendors that Piqua would like to invite for a product vendor demonstration.

Key Deliverable: Evaluation document, presentation of PSE's evaluation via webinar.
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1.6 Onsite Vendor Meetings

PSE strongly recommends that Piqua host **onsite vendor demonstrations** for all shortlisted vendors (assuming no more than three vendors). This allows Piqua to see the functioning of the software in real time, meet representatives from the vendors, and ask specific, clarifying questions remaining after the bid evaluation.

We have found it is appropriate to schedule a ¾ day vendor session for each meeting, followed by a procurement team debriefing.

PSE will facilitate these vendor meetings at Piqua's offices. The vendors will be asked to respond to very specific questions and scripted demonstrations of use cases submitted in advance of the

vendor presentations. PSE will coordinate these meetings and facilitate a post-meeting work session with Piqua to collectively select a vendor, conduct additional due-diligence, and coordinate follow-up with the vendors. PSE's experience with other clients has shown that a vendor decision can often be made at these meetings.

Key Deliverables: Facilitation of onsite meetings.

1.7 Contracting Assistance

PSE's experience with and deep knowledge of vendor offerings in the AMI space allow us to be instrumental in securing competitive pricing from vendors. PSE will assist in the negotiation in the final pricing on behalf of Piqua.

Also, as part of the negotiations process and given PSE's closeness to the project and vendors involved, PSE will assist Piqua with the contracting process. Please note that PSE is not a legal counsel, and we assume the involvement of Piqua's legal representative to approve the final negotiated contract and advise on any legal terms specific to Piqua's unique requirements.

In addition, we assume a limitation of involvement for the contracting negotiation process to **10 hours of support**. PSE is not planning to perform a legal role, but rather play a role of the key technical and business advisor.

PSE provides the ability to solidify the contracting process to help manage expectations with both the vendor and Piqua and to help move the process along quickly towards deployment.

Key Deliverables: Contracting support, limited to 10 hours.

2 Fixed Fee Cost

PSE agrees to provide the deliverables specified in this proposal for the scope described herein comprising the procurement of AMI for a **fixed fee cost of \$31,500**. This assumes the attendance of two (2) PSE project team members onsite for the requirements gathering session and one (1) PSE project team member onsite for three (3) days total to facilitate presentations for three (3) shortlisted AMI vendors.

Travel costs are not included in the fixed fee and will be passed through at cost with no markup.

We plan to closely track the tasks worked on, and in the event PSE is asked to perform tasks beyond the effort assumed in this scope document, we will bring this to the attention of Piqua for approval. Any increase/decrease in the number of vendor visits will result in increased/reduced, respectively, cost adjustments of approximately \$1,500/day in PSE's fees.

Travel costs are defined as air, car rental, lodging, meals, mileage reimbursement of personal vehicles when appropriate, fuel for rental cars, and parking tolls, etc. Air travel is at coach fares, hotels are Marriott or Holiday Inn or similar, and a per diem of \$44 per day will be used for meals. Copying, printing, conference bridge fees, and other miscellaneous expenses are included in the estimate as well.

3 Schedule

We have found from previous AMI procurement projects that an approximately six-month timeline strikes the best balance of progressing the project while giving enough time to gather information from the utility, educate, and bring people onboard with decisions that are made.

The schedule shown below is provided as a starting point, and PSE will work with Piqua to determine the most appropriate schedule to meet your needs.

#	Activity	Date (Week of ...)
1	Kick-Off Meeting	Mid-December
2	Complete Assessment of AMP Bids	Early January
3	Facilitate Requirements Gathering Session	Mid-January
4	Issue RFP document	Late February/Early March
5	RFP Responses Due from Vendors	Mid-March
6	Complete Evaluation of Bids	April
7	Onsite vendor presentations (shortlisted vendors)	Late April
8	Vendor Selection, PO, and contracting	May

4 Why PSE?

4.1 The Advantages of Selecting PSE

Our team has deep experience with AMI, MDMS, integration of automation systems, and communications infrastructure. Our qualifications include:

1. **AMI and MDMS vendor expertise:** insights into the capabilities, strengths, and weaknesses of the vendors representing AMI, MDMS/DRM, home automation, DSM/LM and communications infrastructure. All these applications are part of the Utility Automation and Communications department with all employees working on the same floor in the same building.
2. **Multiple disciplines under one roof:** a PSE edge when completing AMI business strategy projects is that we combine all needed disciplines under one project team, such as expertise to understand the process of gathering requirements for an AMI procurement, deep understanding of the vendor products and roadmaps, communications infrastructure, and IT and cyber security experience. We often perform the bridge between the utility's IT, customer service, finance, engineering, and communication departments as we have all of these areas covered well.
3. **Communications infrastructure expertise:** PSE has assessed, designed, and deployed various communications backhaul technologies, including various types of fiber technologies; edge switch/routing equipment; point-to-point microwave; point-to-multipoint radio; licensed and unlicensed radio frequency (RF) products; mobile voice licensed technologies – low band, VHF/UHF, 220 MHz, 700, 800 and 900 MHz for analog, digital, and software-defined radio (SDR); mesh products; and high-bandwidth 700 MHz. Also, PSE has expertise with cellular, paging, and satellite technologies, and various outsourced hybrid commercial models.
4. **Expertise with home automation and demand response:** PSE's strong knowledge base in DSM may prove useful. We have completed many DSM and load control business cases and have about a dozen Department of Energy (DOE) Investment grant clients doing various forms of DSM.
5. **NIST expertise:** PSE's understanding of NIST can offer valuable insights.
6. **Project Management Expertise:** PSE has led many projects of this type and has the professional consulting and project management skills to seek buy-in and consensus from project and management teams. Seeking input from all stakeholders and proper buy-in upfront is an extremely important aspect of the project's success.
7. **Fresh Ideas:** Bringing on a consultant will yield fresh ideas, new insights related to AMI, MDMS, DSM and related industry trends, and an unbiased view of the overall business strategy.

RESOLUTION NO. R-164-15

**A RESOLUTION AMENDING THE TOTAL PAYMENT
TO SULZER TURBO SERVICES FOR THE
REQUIRED REPAIRS TO #9 GAS TURBINE**

WHEREAS, by Resolution No. R-114-15 passed August 18, 2015, this Commission awarded a contract for field service and inspection of the City's #9 gas turbine.

WHEREAS, upon disassembly of the unit and completed evaluation, the required repairs to the City's #9 gas turbine have been identified.

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

SEC. 1: An additional \$3,000,000 is hereby approved to complete the required repairs to the City's #9 gas turbine, thus increasing the contract with Sulzer Turbo Services to \$4,000,000.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrant from time to time on the appropriate account of the city treasury according to contract terms.

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE	A RESOLUTION AMENDING THE TOTAL PAYMENT TO SULZER TURBO SERVICES FOR THE REQUIRED REPAIRS TO #9 GAS TURBINE		
SUBMITTED BY	Name & Title: Ed Krieger, Power System Director		
	Department: Power System		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director; Ed Krieger		<input checked="" type="checkbox"/> Other: Energy Board
BACKGROUND	<p>The Power System owns and operates two combustion gas turbines, #8GT and #9GT. As capacity and peak-shaving resources operating in the PJM Regional Transmission Organization, they provide significant economic benefit to Piqua customers effectively saving our customers over \$1,600,000 annually. In addition, the gas turbines can be black-started and are able to serve over half of the City's electric load, should the need arise.</p> <p>In 2012, Piqua completed control replacements on both #8GT and #9GT. In addition, Piqua completed a rebuild of #8GT which included repairing the rotor due to a catastrophic failure. At this time, #8GT is considered to be in a "like-new" condition. Sulzer Turbo Services successfully completed the rotor repairs in 2012, and since that time the unit has operated admirably in severe winter and summer weather conditions.</p> <p>Piqua's #9GT is a Westinghouse model W191G. It is a 16.5 MW combustion turbine generator set purchased by the Hydro Electric Commission of Ontario in 1966, and moved to Piqua's #5 Substation in the late 1980's. #9GT will be 50 years old in 2016 and to our knowledge has never received an overhaul or a complete inspection which includes opening the main thermal block. As a result, the City has been unable to obtain insurance coverage for #8 & #9 GT.</p>		

	<p>On August 18, 2015, Sulzer Turbo Services was awarded a contract to disassemble #9GT, transport the thermal block to its shop in La Porte, Texas to perform a complete inspection and develop a required repair plan to restore #9GT to “like-new” condition and ensure reliable operation into the foreseeable future.</p> <p>The required repair plan includes similar repairs to those completed on Piqua’s #8GT in 2012. The significant difference between the units is approximately \$1,000,000 in required case repairs needed on #9GT. In addition, #9GT’s compressor section has additional rows of blades which all will be replaced, as were on Piqua’s #8GT.</p> <p>After the required repairs are completed at Sulzer’s Texas shop, Sulzer will transport the “like-new” #9GT thermal block to Piqua for reassembly. Earlier this year, Piqua ordered new air inlet and exhaust systems to replace the old deteriorating systems. Sulzer will install the new air inlet and exhaust systems as part of reassembling #9 GT for service.</p>	
<p>BUDGETING AND FINANCIAL IMPACT</p>	<p>Budgeted \$:</p>	<p>\$4,000,000</p>
	<p>Expenditure \$:</p>	<p>2015 - \$400,000 2016 - \$3,600,000 Estimated Total = \$4,000,000</p>
	<p>Source of Funds:</p>	<p>Power System (401-202-513-7547)</p>
	<p>Narrative:</p>	<p>The required repairs will begin upon passage of this legislation and be completed in May of 2016, in order to meet our capacity obligations in PJM and allow for transmission peak-shaving during the summer of 2016.</p>
<p>OPTIONS</p>	<p>1.</p>	<p>Approve Resolution No. R-164-15 amending the total payment to Sulzer Turbo Services for the required repairs to #9 gas turbine</p>
	<p>2.</p>	<p>Do not approve the Resolution and provide staff with further direction</p>
<p>PROJECT TIMELINE</p>	<p>This project started in Mid-October 2015 and will be completed in May of 2016</p>	
<p>STAFF RECOMMENDATION</p>	<p>Approve Resolution No. R-164-15 amending the total payment to Sulzer Turbo Services for the required repairs to #9 gas turbine</p>	

RESOLUTION NO. R-165-15

**A RESOLUTION REQUESTING AUTHORIZATION
TO ENTER INTO AN AGREEMENT WITH EMH&T
FOR ENGINEERING DESIGN SERVICES**

WHEREAS, on January 6, 2015, this Commission passed Resolution No. R-6-15 authorizing the City Purchasing Analyst to advertise for bids, according to law, for engineering design services for the Garbry Road/Looney Road Intersection Improvements Project; and

WHEREAS, after solicitation of Request for Qualifications, EMH&T has been determined to be the most qualified provider of these services; and

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

SEC. 1: A purchase order is hereby authorized to EMH&T for the engineering design services for the Garbry Road/Looney Road Intersection Improvements Project;

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$184,000;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE (Should match resolution/ordinance title)	A Resolution requesting authorization to enter into an Agreement with EMH&T for Engineering Design Services.		
SUBMITTED BY	Name & Title: Amy L. Havenar, P.E., City Engineer Department: Engineering		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	<p>In 2014, the City of Piqua received \$1.06 million from the Miami Valley Regional Planning Commission for the Garbry Road/Looney Road Intersection Improvements Project. The project was awarded funding through the Congestion Mitigation and Air Quality (CMAQ) fund. These funds are awarded based on the projects ability to reduce emissions which in turn improves the air quality.</p> <p>The proposed design at this intersection will include the construction of a roundabout. These proposed improvements will improve traffic operations by reducing the need for unnecessary stopping at this intersection, which will ultimately reduce emissions, thereby complying with the funding requirements.</p> <p>The project will be designed utilizing the land use goals and economic developments plans for this area to ensure we capture and can accommodate the future growth proposed for this area of Piqua. By putting the infrastructure design in place, the City will be in a strong position to market this corridor to prospective developers to ultimately expand the tax base and create new jobs for this area.</p> <p>The intersection currently operates adequately; however, one new business could send the intersection into failure as far as the operational level of service of the intersection. Without the CMAQ funding, the City would have to pay for all of the intersection improvements which could cost as much as the grant.</p> <p>As with all projects utilizing federal money, the selected consultants must be on ODOT's prequalified consultants list. After soliciting for Request for Qualifications (RFQ's), EMH&T was selected to provide a Technical Proposal for the engineering design services. Amy Havenar, Bob Graeser, and Deputy Chief Marty Grove reviewed the proposals and visited numerous roundabouts in the Columbus and surrounding area to determine which design(s) would work best with the current configuration of the intersection, and with the potential</p>		

	<p>industrial/commercial growth in this area.</p> <p>EMH&T is a highly qualified consultant in the region for roadway/roundabout design and have successfully completed over 38 roundabout studies/designs in Ohio.</p>	
<p>BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)</p>	Budgeted \$:	\$184,000
	Expenditure \$:	\$184,000 (includes 10% contingency)
	Source of Funds:	Fund 103 – Street Income Tax
	Narrative	<p>The City has secured a CMAQ grant from the Federal Highway Administration in the amount of \$1,062,013 for the construction of the project. The estimated construction cost at this time is approximately \$1,420,000.</p> <p>As with the majority of our federally funded projects, the engineering costs are funded with 100% local funds.</p>
<p>OPTIONS (Include Deny /Approval Option)</p>	1.	Approve the resolution to enter into an agreement with EMH&T for the engineering design.
	2.	Do not approve the resolution, therefore, do not complete the engineering design and return the \$1,062,013 in federal funding.
PROJECT TIMELINE	The engineering design would begin immediately with project construction scheduled for the summer of 2017.	
STAFF RECOMMENDATION	Approve the resolution to allow for engineering design to begin on the Intersection Improvements Project.	
ATTACHMENTS	Technical Proposal for the engineering design.	



Engineers, Surveyors, Planners, Scientists
emht.com

December 7, 2015

Mrs. Amy L. Havenar, PE
Piqua City Engineer
201 West Water Street
Piqua, OH 45356

Subject: Professional Services Proposal for Looney Rd and Garbry Rd Roundabout (PID 97898)

Dear Amy,

EMH&T is pleased to present this proposal for professional services related to advancement of the Looney Road/ Garbry Road intersection improvement, including survey, right-of-way documents, detailed design, subsurface investigations, project meetings, and general coordination.

A. PROJECT UNDERSTANDING

We understand that the City of Piqua would like to begin design work for a roundabout located at the intersection of Garbry Road and Looney Road. The current intersection is a four-way stop condition that was recently converted from a two-way stop condition to reduce the number of intersection crashes. This intersection is located on the City's far-east side just east of Interstate Highway 75 and just south of US Route 36. Due to anticipated future development and traffic demands from the planned commercial and industrial areas to the south of the existing intersection, future improvements at this intersection are likely to be required. The roundabout should consider future needs to determine long-term feasibility of a roundabout at this location. Heavy truck traffic is expected in the planned commercial and industrial areas and should be considered when developing the roundabout design.

Although no pedestrian accommodations are currently located within the immediate project area, the roundabout will be designed to accommodate future pedestrian facilities, including curb ramps and crosswalks. Street lighting is a standard element of a roundabout design and will be designed as part of the project. Landscape is also a functional element that helps to control line of sight and, therefore, will be included in the design.

We understand that the intersection will be closed to traffic during construction in an effort to reduce the time and cost of construction. Detour routes will be developed in coordination with the City and included in the plan set.

The existing intersection includes a closed conduit drainage system which will be modified as needed to facilitate the roundabout. Options for meeting post-construction stormwater BMP requirements will be analyzed and presented to the City for concurrence. Drainage and BMP design will be in accordance with ODOT L&D Manual Volume 2.

Existing utilities located within the project area include water, sanitary, electric, telecommunications, and natural gas. We understand that water and sanitary sewer adjustments will be detailed within the construction plans, while other utility facilities will be adjusted by their respective owner.

We understand that this project includes federal money for construction and right-of-way and, therefore, will follow ODOT's Local Public Agency (LPA) process. ODOT District 7 will prepare the Categorical Exclusion and any related environmental and cultural resources documentation.

Plan content will generally be developed in accordance with ODOT standards.

B. SCOPE OF SERVICES AND CLARIFICATIONS

EMH&T's scope of services is fully detailed on the enclosed Exhibit A – Task Selection assuming that the project will follow ODOT PDP Path 2. Below is an overview summary of EMH&T's anticipated scope for each step.

PDP Step 1 (Planning Phase)

For this step, our proposed scope assumes that many of these tasks have already been completed by the City as part of previous studies and funding applications. Our scope will be limited to traffic counts, requesting and obtaining certified traffic, and preparation of capacity analysis to compare the no-build condition with potential intersection improvements.

PDP Step 2 (Planning Phase)

Within Step 2, EMH&T will develop a feasibility study that will consist of the following:

- Capacity Analysis (opening day and design year) for the existing four-way-stop intersection and the proposed roundabout
- Roundabout Geometrics Package that will document geometric design including performance checks of fastest path and truck turning movements.
- Line, Grade, and Typical Plans including Title Sheet, Typical Sections, and Plan and Profile Sheets
- Preliminary Opinion of Construction Cost
- Decision Matrix comparing the proposed Roundabout and "No Build" scenarios.

Following approval of our Feasibility Study, EMH&T will advance detailed design. To reduce design costs and review times, we propose to deliver a combined Stage 1/Stage 2 plan submittal under Step 3 below. A separate Stage 1 submittal is not anticipated.

PDP Step 3 (Environmental Engineering Phase)

Under this step, EMH&T will prepare and submit Stage 2 construction plans to the City and ODOT for review. In addition to plans, this submittal will include:

- Calculations and exhibits for stormwater and BMP design
- Pavement design calculations
- Updated opinions of cost
- Geotechnical report
- Street lighting photometrics

Stage 2 plans will also be sent to private utility companies for verification that their facilities are shown completely and accurately and for preliminary conflict analysis.

As Stage 2 plans are developed and construction limits are refined, we will prepare a proposed right-of-way exhibit for coordination with the City and ODOT. Following concurrence from the City on the limits and types of proposed right-of-way, we suggest moving directly to Final Right-of-Way plans as another measure to reduce design fees and schedule.

PDP Step 4 (Final Engineering and Right-of-Way Phase)

In this step, EMH&T will prepare and submit Stage 3 plans and accompanying information to the City and ODOT for review. Upon completion of Stage 3 review, we will address comments and prepare Final Tracings for bidding. We assume that other bidding information such as general conditions, bid forms, and proposal notes will be prepared separately by the City and/or ODOT. We also assume that pdfs of final tracings will be sufficient for bidding purposes. Mylars of the plan set are not included.

We anticipate that any EMH&T's involvement in the construction phase of the project would be covered by a future separate agreement.

Both Stage 3 plans and final tracings will be submitted to private utility companies for final conflict analysis and relocation design. We will coordinate with the affected utility companies throughout the design phase in order to fully describe existing facilities along with any proposed adjustments in the project Utility Note.

Throughout the design process, we anticipate a total of four meetings – one kickoff meeting and three design meetings. We also anticipate two public involvement meetings as stated in the RFP. We understand that the City will organize and plan the meeting and that EMH&T will prepare graphics, provide education material, and attend the meetings as a technical resource. We anticipate that our graphics development will include a two-dimensional plan-view graphic of the proposed improvement on aerial photo background along with a “bird’s eye” rendering of the intersection.

The scope of work and clarifications that are included on Exhibit A are based on EMH&T's knowledge of the project requirements at the time when the document was prepared, and serves as the basis for the price proposal and agreed fee. However, changes in work may be required as the project develops and more complete information becomes available. Such changes also may be dictated by revisions to written procedures included in manuals or decisions made by the City or other reviewing agencies. Although EMH&T routinely incorporates minor design changes in our work, we will notify the City in writing of any significant changes in the work that may require modification of the agreement, and will maintain separate cost accounting for each specific issue.

Our scope and fee assumes that a roundabout intersection will be selected as a feasible and prudent alternative for improving the intersection. If during the feasibility study, it is determined that a roundabout may not be the preferred alternative, we will coordinate with the City to determine the appropriate course of action which may include changes to EMH&T's scope and fee.

C. COMPENSATION

EMH&T proposes to provide our professional services as described in the above Scope of Services for a lump sum fee of **\$166,990** as more fully described below:

Planning Phase (Step 1)	= \$6,020
Preliminary Engineering Phase (Step 2)	= \$54,730
Environmental Engineering Phase (Step 3)	= \$82,520
Final Engineering and Right-of-Way Phase (Step 4)	= <u>\$23,720</u>
Total Fee	= \$166,990

The lump sum fee listed above includes labor, subconsultants, and reimbursable expenses. Invoices will be submitted monthly based on the progress of work and are payable upon receipt.

D. SCHEDULE

EMH&T will begin work upon notice to proceed. Early in our design efforts, we will collaborate with the City on a project schedule that will be respectful of funding commitments and accommodate a staged review process.

We look forward to working with you in the successful advancement of this project. If you approve of our proposal, please forward a contract to us for execution. If you have any questions or require additional information, please do not hesitate to contact me at 614-775-4616 or mbrehm@emht.com.

Respectfully submitted,

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Michael R. Brehm, PE
Associate

Enclosures: 2 (Exhibit A – Task Selection, Exhibit B – Scope of Geotechnical Services)

RESOLUTION NO. R-166-15

A RESOLUTION AUTHORIZING PRELIMINARY
LEGISLATION WITH THE OHIO DEPARTMENT OF
TRANSPORTATION (ODOT) FOR THE
PROGRAMMING OF AN INTERSECTION
IMPROVEMENT PROJECT IN THE CITY OF PIQUA

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to complete the programming of proposed intersection improvement project within the City of Piqua.

SEC. 1: Project Description

WHEREAS, ODOT in cooperation with the City of Piqua has identified the need for the described project:

The construction of a roundabout at the intersection of Looney Road and Garbry Road within the City of Piqua, Miami County, Ohio. Said project is further identified as MIA LOONEY/GARBRY ROUNDABOUT.

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

SEC.2: Consent Statement

Being in the public interest, the City of Piqua (CITY) gives consent to the Director of Transportation to complete the above-described project.

SEC. 3: Cooperation Statement

The CITY shall cooperate with the Director of Transportation in the above-described project as follows:

The CITY agrees to assume and bear one-hundred percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

And further, if the CITY requests to perform any other work beyond the project scope, the CITY shall assume and bear one hundred percent (100%) of the costs associated with those items.

SEC. 4: Utilities and Right-Of-Way Statement

The CITY agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The CITY also understands that right-of-way costs include eligible utility costs.

The CITY agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SEC. 5: Maintenance

Upon completion of the Project, and unless otherwise agreed, the CITY shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for such maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SEC. 6: Authority to Sign

The City Manager of the City of Piqua is hereby empowered on behalf of the City of Piqua to enter into contracts and/or agreements with the Director of Transportation necessary to complete the above-described project.

SEC. 7: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December 15, 2015		
REPORT TITLE (Should match resolution/ordinance title)	A Resolution authorizing Preliminary Legislation with the Ohio Department of Transportation (ODOT) for the programming of an Intersection Improvement Project in the City of Piqua.		
SUBMITTED BY	Name & Title: Amy L. Havenar, P.E., City Engineer		
	Department: Engineering		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	In March of 2014, the City was notified of our award of a Congestion Mitigation and Air Quality (CMAQ) grant from the Miami Valley Regional Planning Commission. This grant is for the intersection improvements at Garbry Road and Looney Road. As with all projects receiving federal funds, we are required to program the project with ODOT in order to begin moving forward with the design.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A for this legislation	
	Expenditure \$:	N/A for this legislation	
	Source of Funds:		
	Narrative	The grant was approved for \$1,062,013. The project has an estimated construction cost of \$1,416,000; however, we have not yet begun the detailed design. The estimate will be refined once we get into the design of the project.	
OPTIONS (Include Deny /Approval Option)	1.	Approve the resolution to enter into an agreement with ODOT.	
	2.	Deny the resolution and do not proceed with the project and return the grant funding.	
PROJECT TIMELINE	The project is currently scheduled for construction in the summer of 2017.		
STAFF RECOMMENDATION	Approval of the resolution to allow for ODOT to complete the programming of the Intersection Improvements Project.		
ATTACHMENTS			

RESOLUTION NO. R-167-15

A RESOLUTION AUTHORIZING PURCHASE ORDERS TO CHEMICAL SERVICES INC., MISSISSIPPI LIME COMPANY, F2 INDUSTRIES, AIR PRODUCTS & CHEMICALS, WATER SOLUTIONS UNLIMITED AND THE CITY OF DAYTON FOR THE 2016 PURCHASE OF VARIOUS WATER TREATMENT CHEMICALS

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

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

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

SEC. 1: Purchase orders are hereby authorized to:

<u>Company</u>	<u>Product</u>
Chemical Services Inc.	Soda ash at \$.24 per lb.
Chemical Services Inc.	Ferric sulfate at \$.36 per lb.
Chemical Services Inc.	Sodium Hexametaphosphate at \$.92 per lb.
F2 Industries	Activated Carbon at \$.61 per lb.
F2 Industries	Potassium Permanganate at \$1.85 per lb.
Mississippi Lime Company	Quicklime at \$144.38 per ton
The City of Dayton	Quicklime up to \$50,000.00 (\$120 per ton)
Water Solutions Unlimited	Mainstream \$13.50 per gallon
JCI Chemicals	Liquid Chlorine \$429 per ton
Bonded Chemicals	Hydrofluosilicic Acid \$2.57 per gallon
Air Products and Chemical	Liquid Carbon Dioxide \$.13 per lb

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

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	Tuesday, December 15, 2015		
REPORT TITLE	A RESOLUTION AUTHORIZING PURCHASE ORDERS TO CHEMICAL SERVICES INC., MISSISSIPPI LIME COMPANY, F2 INDUSTRIES, AIR PRODUCTS & CHEMICALS, WATER SOLUTIONS UNLIMITED AND THE CITY OF DAYTON FOR THE 2016 PURCHASE OF VARIOUS WATER TREATMENT CHEMICALS		
SUBMITTED BY	Name & Title: Don Freisthler, Water Plant Superintendent		
	Department: Water Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	<p>Bids were taken on October 27, 2015 and 15 bids in total were received for the purchase of phosphate, activated carbon, potassium permanganate, ferric sulfate, soda ash and quicklime. The best and lowest bids are being recommended for award with the bid tabulation attached for your reference.</p> <p>SWOP4G bids were taken on November 18, 2015. We use this cooperative purchasing bid for liquid carbon dioxide, liquid chlorine and hydrofluosilicic acid. Because of the volume of our storage vessel, we are now paying a higher premium for liquid carbon dioxide. We received 2 bids for the purchase of liquid carbon dioxide with the lower bid being recommended for award.</p> <p>We will also purchase as much Quicklime as possible from the City of Dayton because they will charge us a lower price. However, they do not always have the supply available when we need it which is why we like to have a secondary company approved in case we need it. We expect to spend approximately \$50,000.00 with them this year.</p> <p>In 2016 we will begin using a new chemical for algae control in our reservoir system. This chemical is supplied by a sole source (Water Solutions Unlimited) and will allow us to better control algae growth and potentially stop toxic algae blooms.</p>		

BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	In total \$291,505.00 is budgeted for 2016
	Source of Funds:	403-305-641-7151, 403-305-641-7155, 403-305-641-7157, 403-305-641-7159, 403-305-641-7161, 403-305-641-7163, 403-305-641-7164, 403-305-641-7154, 403-305-614-7156
	Narrative:	Each chemical has its own budget line item.
OPTIONS	1.	Approve Resolution authorizing the purchase of water treatment chemicals for 2016.
	2.	Do not approve the Resolution and risk the safety of the drinking water supply for the citizens of Piqua.
PROJECT TIMELINE	These purchases would not occur until 2016, but they do continue throughout the entire year as needed.	
STAFF RECOMMENDATION	We budget for these chemicals each year as a necessary commodity for the normal operation of our Water Treatment Plant. These purchases allow the community to continue to enjoy safe drinking water. The EPA has stringent regulations and we must purchase these chemicals in order to meet and exceed their standards. Our Water Department staff has done an excellent job of providing safe drinking water to the public over the years. This Resolution will allow them to continue with their normal process of ordering chemicals as needed throughout the year.	
ATTACHMENTS	IFB # 1539 Bid Tabulation SO 500036 Bid Tabulation	

CITY OF PIQUA - BID TABULATION

2016 Chemicals for Water Treatment

Reference No.: IFB 1539

Opened 10/27/15 @ 2:00 p.m.

DESCRIPTION	UNIT	BIDDER No.:						
		1 Greer Industries Morgantown WV 26507 BID:	2 Shannon Chemical Exton PA 19341 BID:	3 Lhoist North America Ste. Genevieve MO 63670 BID:	4 Univar USA Cincinnati OH 45246 BID:	5 Carus Corporation Peru IL 61354 BID:	6 American International Framingham MA 01701 BID:	7 Water Solutions Unlimited Franklin IN 46131 BID:
1 Sodium Hexametaphosphate	10,000 LBS		\$ 9,240.00		\$ 10,230.00	\$ 9,250.00		\$ 9,800.00
2 Activated Carbon	19,800 LBS				\$ 18,612.00			
3 Potassium Permanganate	15,000 LBS		\$ 26,610.00		\$ 26,625.00		\$ 27,000.00	\$ 39,300.00
4 Ferric Sulfate	90,000 LBS				\$ 37,800.00			
5 Soda Ash	9,600 LBS				\$ 2,592.00			
6 Quicklime	920 TONS	\$ 141,220.00		\$ 231,288.00				
				plus fuel surcharges				

CITY OF PIQUA - BID TABULATION

2016 Chemicals for Water Treatment

Reference No.: IFB 1539
 Opened 10/27/15 @ 2:00 p.m.

DESCRIPTION	UNIT	8		9		10		11	
		SAL Chemical	Marubeni Specialty	Carneuse	Chemical	Weirton	Tampa	Pittsburgh	Dayton
		BID:	BID:	BID:	BID:	BID:	BID:	BID:	BID:
1 Sodium Hexametaphosphate	10,000 LBS	\$ 14,100.00						\$ 9,150.00	
2 Activated Carbon	19,800 LBS	\$ 18,414.00						\$ 12,672.00	
3 Potassium Permanganate	15,000 LBS		\$ 26,700.00					\$ 46,950.00	
4 Ferric Sulfate	90,000 LBS	\$ 41,040.00						\$ 32,400.00	
5 Soda Ash	9,600 LBS	\$ 2,784.00						\$ 2,256.00	
6 Quicklime	920 TONS					\$ 148,037.20			

CITY OF PIQUA - BID TABULATION

2016 Chemicals for Water Treatment

Reference No.: IFB 1539

Opened 10/27/15 @ 2:00 p.m.

DESCRIPTION	UNIT	12 Sterling Water Tech.		13 PVS Nolwood Chemicals, Inc.		14 Mississippi Lime Company		15 F2 Industries	
		CITY: Croydon PA 19021	BID:	Detroit MI 48213	BID:	St. Louis MO 63127	BID:	Smyrna TN 37167	BID:
1 Sodium Hexametaphosphate	10,000 LBS	\$ 9,529.00	\$ 15,800.00		\$ 10,100.00				
2 Activated Carbon	19,800 LBS				\$ 12,078.00				
3 Potassium Permanganate	15,000 LBS		\$ 36,000.00						
4 Ferric Sulfate	90,000 LBS								
5 Soda Ash	9,600 LBS		\$ 2,736.00						
6 Quicklime	920 TONS				\$ 132,829.60				

RESOLUTION NO. R-168-15

**A RESOLUTION AWARDING A CONTRACT TO
POHLKAT INC. IN THE AMOUNT NOT TO EXCEED
\$150,000 ANNUALLY FOR REMOVAL AND DISPOSAL
OF LIME RESIDUAL FROM THE CITY OF PIQUA
WATER PLANT LIME LAGOON FOR 2016-2018**

WHEREAS, on January 6, 2015 this Commission passed Resolution No. R-6-15 authorizing the City Purchasing Agent to advertise for bids, according to law, for removal and disposal of lime residual from the lime lagoon at the Water Plant; and

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

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

SEC. 1: A contract for said removal and disposal of lime residual is hereby awarded to Pohlkat Inc. as the best, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications for 2016-2018.

SEC. 2: The Finance Director certifies funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$150,000 for each budget year.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	December, 15 2015		
REPORT TITLE	A RESOLUTION AWARDING A CONTRACT TO POHLKAT INC. IN THE AMOUNT NOT TO EXCEED \$150,000 ANNUALLY FOR REMOVAL AND DISPOSAL OF LIME RESIDUAL FROM THE CITY OF PIQUA WATER PLANT LIME LAGOON FOR 2016-2018		
SUBMITTED BY	Name & Title: Don Freisthler, Water Plant Superintendent Department: Water		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND	<p>Bid #1532 was opened on August 31, 2015 for the removal of residuals from the lime lagoon. Seven companies were sent the bid proposal but Pohlkat Inc. was the only company to bid on the project.</p> <p>Pohlkat Inc. has successfully provided this type of service for at least the last 9 years. They drag the lime to the side of the lagoon, pump it into semi tankers, weigh it and then haul it to farmer's fields. This service is necessary to keep the lagoon from getting too full and overflowing.</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$150,000 for the 2016 year	
	Expenditure \$:	\$150,000 for the 2016 year, Not to Exceed	
	Source of Funds:	403-306-655-7553	
	Narrative:	The amounts will vary each year depending on the amount of lime sludge we ask Pohlkat to remove. At the current pricing \$32 per ton, they will be removing 4,688 dry tons annually.	
OPTIONS	1.	Approve the Resolution and award contract to Pohlkat Inc. to remove residuals from the lime lagoon.	
	2.	Do not approve the Resolution and do not award a contract to Pohlkat Inc.	
PROJECT TIMELINE	Our new contract would begin in 2016 and run through December 31, 2018.		
STAFF RECOMMENDATION	Approval of the Resolution to award contract to Pohlkat Inc. as they have always done a good job of the lagoon cleaning.		
ATTACHMENTS	Bid tabulation		

IFB #1532 Lime Residuals Hauling & Disposal Services
Bid Opening 8/31/15 at 2:00 p.m.
Bid Tabulation

"Exhibit A"

	<u>Price per</u> <u>ton for 2016</u>	<u>Price per</u> <u>ton for 2017</u>	<u>Price per</u> <u>ton for 2018</u>
1. Pohlkat Inc. Sidney, OH 45365	\$ 32.00	\$ 32.00	\$ 32.00

Bidder's Not Responding:

Joseph Lime Company
Burch Hydro, Inc.
Southside Environmental Group, LLC
Merrell Bros. Inc.
BioTech Agronomics, Inc.
Synagro

RESOLUTION NO. R- 169-15

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A BUSINESS FIRST! INTERGOVERNMENTAL COOPERATION AGREEMENT WITH MONTGOMERY COUNTY AND MEMBER JURISDICTIONS

WHEREAS, this Intergovernmental Cooperation Agreement ("Agreement"), is between the City of Brookville, Ohio, Butler Township, Ohio, the City of Centerville, Ohio, the City of Clayton, Ohio, Darke County, Ohio, the City of Dayton, Ohio, the City of Eaton, Ohio – *county of Preble*, the City of Englewood, Ohio, the City of Fairborn, Ohio – *county of Greene*, the Village of Farmersville, Ohio, the Village of Germantown, Ohio, Harrison Township, Ohio, the City of Huber Heights, Ohio, Jefferson Township, Ohio, the City of Kettering, Ohio, Miami Township, Ohio, Miami County, Ohio, the City of Miamisburg, Ohio, the City of Moraine, Ohio, the City of Piqua, Ohio – *county of Miami*, Preble County, Ohio, the City of Tipp City, Ohio – *county of Miami*, the City of Springboro, Ohio, the City of Trotwood, Ohio, the City of Troy, Ohio – *county of Miami*, the City of Vandalia, Ohio, Washington Township, Ohio, the City of West Carrollton, Ohio, the City of Xenia, Ohio – *county of Greene* and Montgomery County, Ohio (hereinafter collectively referred to as "Member Jurisdictions")

WHEREAS, the Member Jurisdiction desires to participate in a region-wide Economic Development initiative called the "BusinessFirst! Program" (hereinafter referred to as the "Program");

WHEREAS, the mission of the Program is to support the growth and retention of local businesses by identifying their needs and providing information and resources to satisfy those needs;

WHEREAS, the Member Jurisdiction desires to identify the roles of its participants, the composition of the Program, the relationships between it and the current Member Jurisdictions and the projected outcomes of the Program;

WHEREAS, the Program will provide benefits to all Member Jurisdictions and the Regional Resource Partners

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

SEC 1. The City Manager is hereby directed to execute an agreement between the City of Piqua and Member Jurisdictions. That agreement shall be titled "Business First! for a Greater Dayton Region Business Retention and Expansion Program: Intergovernmental Cooperation Agreement, 2016-2020"

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

**BUSINESSFIRST! FOR A GREATER DAYTON REGION
BUSINESS RETENTION AND EXPANSION PROGRAM
Intergovernmental Cooperation Agreement
2016-2020**

This Intergovernmental Cooperation Agreement (“Agreement”), dated this _____ day of _____, 2015, is between the City of Brookville, Ohio, Butler Township, Ohio, the City of Centerville, Ohio, the City of Clayton, Ohio, Darke County, Ohio, the City of Dayton, Ohio, the City of Eaton, Ohio – *county of Preble*, the City of Englewood, Ohio, the City of Fairborn, Ohio – *county of Greene*, the Village of Farmersville, Ohio, the Village of Germantown, Ohio, Harrison Township, Ohio, the City of Huber Heights, Ohio, Jefferson Township, Ohio, the City of Kettering, Ohio, Miami Township, Ohio, Miami County, Ohio, the City of Miamisburg, Ohio, the City of Moraine, Ohio, the City of Piqua, Ohio – *county of Miami*, Preble County, Ohio, the City of Tipp City, Ohio – *county of Miami*, the City of Springboro, Ohio, the City of Trotwood, Ohio, the City of Troy, Ohio – *county of Miami*, the City of Vandalia, Ohio, Washington Township, Ohio, the City of West Carrollton, Ohio, the City of Xenia, Ohio – *county of Greene* and Montgomery County, Ohio (hereinafter collectively referred to as “Member Jurisdictions”).

WITNESSETH THAT:

WHEREAS, the Member Jurisdiction desires to participate in a region-wide Economic Development initiative called the “BusinessFirst! Program” (hereinafter referred to as the “Program”);

WHEREAS, the mission of the Program is to support the growth and retention of local businesses by identifying their needs and providing information and resources to satisfy those needs;

WHEREAS, the Member Jurisdiction desires to identify the roles of its participants, the composition of the Program, the relationships between it and the current Member Jurisdictions and the projected outcomes of the Program;

WHEREAS, the Program will provide benefits to all Member Jurisdictions and the Regional Resource Partners (as defined hereinafter);

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth, the Member Jurisdiction hereby agrees as follows:

WITNESSETH THAT:

I. The BusinessFirst! Program

The BusinessFirst! Program is an Economic Development initiative that was initially designed to retain businesses in Montgomery County, Ohio. BusinessFirst! has grown throughout the Dayton Region to include additional counties and jurisdictions. National studies have shown that approximately eighty percent (80%) of job growth is the result of the expansion of business already located in a jurisdiction. The Program is designed to assist the participating jurisdictions to work in an integrated and systematic manner among Economic Development organizations to connect with the wealth generating companies who are already present in the community and determine what they need to grow and be successful. The Program was designed and an initial test implementation undertaken in 2001. In 2002, and in subsequent years, additional Member Jurisdictions were added as part of full implementation of the Program region-wide.

The Program design and implementation, including survey design, database, and technology development, has been facilitated by ExecutivePulse, Inc., a company based in Erie, Pennsylvania. The Program will continue through calendar year 2020.

II. Role of Member Jurisdictions

All Member Jurisdictions, throughout the term of its participation in the Program, shall be responsible for the following:

- A. To provide computer equipment and internet access for its own use to access the shared Program database;
- B. To develop retention and expansion teams, called "Outreach Professionals", to survey companies within its respective jurisdiction;
- C. To identify target industries and businesses to be surveyed;
- D. To collect the necessary Program business/industry data and upload into the Program database this data/information from such businesses/industries located in its jurisdiction;
- E. To appoint one representative to serve on the Program Advisory Committee;
- F. To require all employees and/or its representatives, who will be involved in the Program, conducting the Program business/industry surveys and/or having access to the Program database, to execute the "Member Jurisdiction Employee/Representative Protocol Agreement Certification", a copy of which is attached hereto as Appendix A. A copy of all executed Protocol Agreement Certifications should be maintained by the Member Jurisdiction, a copy provided to Montgomery County Department of Community and Economic Development and, upon request, a copy provided to any Member Jurisdiction;
- G. To participate in training with ExecutivePulse, Inc., and Montgomery County

Department of Community and Economic Development in order to bring its employees to a region-wide standard as achieved by current Member Jurisdictions and to then attend periodic Program training and refresher courses;

- H. Jurisdictions joining the program that are outside of Montgomery County, Ohio, will provide financial support for the Program, through a one-time entry fee of Three Thousand Dollars (\$3,000) to Montgomery County; to manage and maintain the BusinessFirst! System by Montgomery County;
- I. To provide annual financial support for the Program in an amount not to exceed One Thousand Five Hundred Dollars (\$1,500), per year (due by June 1 of each calendar year) beginning in 2016 through 2020, with the exception of Montgomery County, Ohio, who will provide Program staffing and other services, as defined in Section III). Failure to pay by the June 1 deadline in any given calendar year will result in a review of the delinquency circumstances by the Program Advisory Committee to determine if database access should be suspended until payment is made by the Member Jurisdiction;
- J. To contact Regional Resource Partners, subsequent to visiting a business, within 24-48 hours to request assistance on behalf of Program business clients;
- K. To follow-up with Regional Resource Partners and Program business clients to ensure that their needs were addressed;
- L. To notify Montgomery County Community and Economic Development on all public records requests regarding Program data and/or information to the Montgomery County Department of Community and Economic Development.

III. Role of Montgomery County Department of Community and Economic Development

In addition to participating in the Program as a Member Jurisdiction, the Montgomery County Department of Community and Economic Development agrees to function as the Contract Manager for the Program. In this capacity, the Montgomery County Department of Community and Economic Development agrees to be responsible for administering the contract with ExecutivePulse, Inc. for the Program on behalf of the Member Jurisdictions and acting as the Fiduciary Agent on behalf of the Member Jurisdictions in all matters relating to ExecutivePulse, Inc. invoices for the services rendered for the Program, including training, technology upgrades and customer service calls.

In addition to acting as the Contract Manager, the Montgomery County Department of Community and Economic Development also agrees to function as the Implementing Agency for the Program.

In this capacity, the Department of Community and Economic Development will be responsible for the following:

- A. To facilitate the development and implementation of the Program, including coordination

of all ongoing training to BusinessFirst!;

- B. To provide, on a quarterly basis, aggregate regional reports based on BusinessFirst! visits;
- C. To serve as liaison between the Member Jurisdictions, Regional Resource Partners, and ExecutivePulse, Inc.;
- D. To provide Program survey assistance to the Member Jurisdictions, as needed;
- E. To provide "Outreach Professionals" and Regional Resource Partners with password access to the Program database. New system program users will be given "Outreach Professional" level of access for their respective jurisdiction and service areas (See Appendix B for access levels);
- F. To coordinate all technology upgrades and improvements made to the Program survey tool;
- G. Provide for an Executive Committee for the purpose of being a recommending body to the Program Advisory Committee. The Executive Committee makes recommendations on policies, procedures, new expenses and program changes, including improvements to the software system, creating working committees, etc.;
- H. As Fiduciary Agent, Montgomery County shall provide the Program Advisory Committee an annual financial statement of the BusinessFirst! Program.

IV. Role of Executive Committee

The purpose of the Executive Committee is that of a recommending body to the Program Advisory Committee. The Executive Committee makes recommendations on policies, procedures, written grievances, new expenses and program changes, including improvements to the software system, creating working committees, etc. The Executive Committee will meet at a minimum four times a year and as needed.

A. Selection and Term of Executive Committee Members:

1. Members will be made up of 1 (one) representative from each county in the BusinessFirst! region (City of Springboro will be included in Montgomery County for purposes of selection and representation on the Executive Committee). Member jurisdictions in each of the representing counties, will nominate their representative for the Executive Committee.
2. Members will be selected by December of each year for serving the following calendar year by a simple majority of member jurisdictions for each respective county (proxy votes accepted).
3. As program implementing agency, Montgomery County will maintain one permanent seat on the Executive Committee.

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V. Role of Regional Resource Partners

As the Member Jurisdiction's Outreach Professionals visit local businesses related to the Program, these businesses may have a need for further assistance. The Member Jurisdiction will contact "Regional Resource Partners", defined as any government department and/or Community and Economic Development organization at the city, county, or state level that has formally agreed to participate in the Program, but not a Member Jurisdiction, to request additional assistance for their business clients. Regional Resource Partners will be responsible for the following:

- A. To respond directly to the referred Program business within 24-48 hours from time of contact by a Member Jurisdiction or the Montgomery County Department of Community and Economic Development;
- B. To appoint a contact person who will be responsible for attending meetings related to issues affecting the Program and serving as a liaison with the Montgomery County Department of Community and Economic Development;
- C. To require all employees and/or representatives, who will be involved in the Program and/or having access to the Program database, to execute the "Employee/Representative Code of Conduct". A copy of all executed Code of Conduct Agreement Certifications will be maintained by the Montgomery County Department of Community and Economic Development.
- D. To update the Program database records with the actions taken on behalf of the client by the Regional Resource Partner;
- E. To respect the confidentiality of Program information to the extent permitted by law;
- F. To assist the Member Jurisdictions on Program retention and expansion visits when requested;
- G. In the event that a Regional Resource Partner is contacted by a business regarding an interjurisdictional relocation or expansion, the Regional Resource Partner is encouraged to inform the business of the BusinessFirst! Program relating to company relocations and the Montgomery County Department of Community and Economic Development.

VI. Additional Participant Expectations

As a participant in the Program, the Member Jurisdiction agrees to abide by the following Program protocols:

Relations with Program Clients:

No employee and/or representative of the Member Jurisdiction shall release information about the business or personal matters of any Program Client without permission of the particular Program Client to the extent permitted by law. For purposes of this Agreement, a "Program Client" is defined as any business included in the Program database.

Pursuit of Businesses:

The BusinessFirst! program was created to establish a systematic method for retaining and expanding businesses within the participating jurisdictions. The underlying philosophy of the program is that we as a region agree that it is desirable, whenever possible, to retain and expand businesses in the jurisdictions in which they reside. In the event a community is unable to retain the business in the participating BusinessFirst! community where the business resides, it is the explicit goal to retain the business in the county in which they reside, and if not the county, the Dayton Region. Therefore, no employee and/or representative of any participating jurisdiction shall actively pursue businesses in another participating jurisdiction. "Actively pursue" is defined as when a community contacts businesses within another participating BusinessFirst! community by methods including, but not limited to, cold calls, mail, or visits.

Relocation of Businesses:

In the event that a participating jurisdiction is contacted by a business, or the representative of a business, residing in another participating jurisdiction regarding a relocation or expansion and the business or their representative makes a request for available site information and/or incentive information, BusinessFirst! participants are to adhere to the following protocol:

- A. Notify the business that in the county that they reside, incentives such as enterprise zones, and/or other incentive programs that require County approval or participation may require the consent of the affected jurisdiction. The BusinessFirst! Program is, and will continue to be, a forum for discussion between individual communities regarding JEDDs, tax sharing and other innovative Economic Development initiatives. Articulate the BusinessFirst! philosophy to the business. Communities are to state that they will work with the business, but will inform the community that may be negatively impacted so that a BusinessFirst! community may attempt to conduct a BusinessFirst! interview to ascertain how the business may be assisted and retained in the community. The community that has been contacted by the business should explain the BusinessFirst! philosophy to the business:
 1. Communities want to assist the business so that they are successful regardless of where they are located. In so doing, it is the intent to do whatever may be done to keep the business in the community where they currently reside, but if not, keep them in the county, and then the Dayton Region.
 2. If unable to keep them in the community due to a variety of business issues (e.g. current space too small or too large, market conditions change, etc.), the community that may be negatively impacted due to a loss will work with the county where the business resides to begin assisting the business to find alternative locations. Participating jurisdictions that adhere to the protocol are in no way prohibited from assisting the business.
 3. Also, community/communities are to do the following:
 - a. Notify the affected community and participating county with a phone call.
 - b. Post an electronic journal entry with a "BusinessFirst! Relocation Notification" through ExecutivePulse, Inc. technology to the affected community and county.

- c. If applicable, a conference call with all affected communities can be facilitated about the potential relocation of the business at the request of any of the communities involved. The intent is to exchange information about what the business's needs are (why they need to relocate) and to ensure an open line of communication among the communities approached by the business.
 - d. It is possible that if a relocation occurs, incentives may be used on a case-by-case basis.
4. When a participating BusinessFirst! county becomes aware of a potential business relocation or consolidation from a participating BusinessFirst! community to a non-participating community, the county shall have the responsibility to institute the BusinessFirst! protocol as stated above.

Business Consolidations:

When a community learns of a potential consolidation, the BusinessFirst! community shall notify all of the other BusinessFirst! communities in which the business has existing operations. The situation is to be treated as a business relocation as described above.

Information Sharing/Database Access – No employee and/or representative of a Member Jurisdiction and Regional Resource Partner shall view or attempt to view information about Program clients outside of its respective jurisdictional responsibility. Program database design will include password and other protections. The Member Jurisdictions and Regional Resource Partners shall be strictly responsible for the security of the Program database passwords, and shall take all precautions necessary to avoid disclosure to non-authorized persons.

Administration – The Montgomery County Department of Community and Economic Development will administer and assign passwords necessary to access the Program database, to retrieve and input Program client information. To allow for analysis of business issues and trends in aggregate, the Member Jurisdiction agrees that the Montgomery County Department of Community and Economic Development shall have full and unrestricted access to all information contained in the Program database for the limited purpose of monitoring and evaluating the data/information for the purpose heretofore specified.

Public Records - In the event the Member Jurisdiction receives a public records request relating to the Program, the Member Jurisdiction shall promptly forward such request to the Program Implementing Agency, the Montgomery County Department of Community and Economic Development.

VII. Addition of New Member Jurisdiction(s)

BusinessFirst! Program may add new Member Jurisdictions upon approval by a simple majority of existing Member Jurisdictions. Upon approval by a simple majority, the new Member Jurisdiction will be added by legislation from the Montgomery County Board of County Commissioners and the new Member Jurisdiction, and, subsequently, by way of a separately executed signature page.

VIII. Role of Program Advisory Committee

The Program Advisory Committee, composed of representatives from each Member Jurisdiction, will be the decision making body for the Program. It shall meet every other month to discuss policies and procedures of the Program, to identify areas of the Program that require further improvements, and to review and act upon recommendations of the Executive Committee.

IX. Penalties and Grievances

In general, the penalty for violation of any Program policy, protocol or any requirement by the Member Jurisdiction may include, but is not limited to, written reprimand, suspension or termination of Program database access.

If the Member Jurisdiction suspects or believes a violation of this Agreement or any of the Program policies, conditions and/or requirements occurred, it shall advise the Executive Committee by filing a written "grievance". The Executive Committee will make a recommendation to the Program Advisory Committee. The determination of whether a "violation" has occurred, and any penalty to be imposed, shall be made by the majority vote of the Program Advisory Committee.

X. Term

The Member Jurisdiction agrees that the Program intends to operate for a minimum of five (5) additional years, starting in 2016. A Program evaluation will occur in 2020 to determine the continued implementation of the Program.

This Agreement shall remain effective until December 31, 2020, unless terminated earlier in accordance with Section XI. In the event all Member Jurisdictions agree to renew this Agreement to continue the Program, such renewal shall be reduced to writing, executed by a duly authorized representative of all Member Jurisdictions, and if applicable or required, approved by the legislative body of each Member Jurisdiction.

XI. General Provisions

A. Termination – This Agreement may be terminated in its entirety by mutual written agreement between all then current Member Jurisdictions. In the event the Member Jurisdiction seeks to terminate its participation in the Program, it shall provide written notice of its intent to terminate its participation to the Montgomery County Department of Community and Economic Development. Such termination shall be effective at the date specified in the written notice, and such terminating Member Jurisdiction shall promptly complete those termination activities specified by the Montgomery County Department of Community and Economic Development. Further, such terminating Member Jurisdiction shall be prohibited from using any information gained from any other Member Jurisdiction as a part of its participation in the Program for its economic benefit.

B. Amendment or Modification – This Agreement may be amended or modified by the parties, provided that any such amendment or modification makes specific reference to

this Agreement, is executed in writing, signed by a duly authorized representative of each Member Jurisdiction and, if required or applicable, approved by the legislative or governing body of the Member Jurisdiction(s).

- C. Capacity to Execute – The Member Jurisdiction hereby certifies that all actions necessary to execute this Agreement with Montgomery County were taken, and that the person executing this Agreement is authorized to do so and has the power to bind the jurisdiction to the terms and conditions contained herein.
- D. Liability – The Member Jurisdiction agrees to release the other parties to this Agreement from any and all liability, which may be caused by or arise by the wrongful and/or negligent conduct of the parties' respective employees, contractors and/or agents in the performance of this Agreement or during participation in the Program. Notwithstanding, none of the parties waive any available immunities under the law.
- E. Integration – This Agreement represents the entire and integrated Agreement between the parties. This Agreement supersedes all prior and contemporaneous communications, representations, understandings, agreements or contracts, whether oral or written, relating to the subject matter of this Agreement.
- F. Governing Law – This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to conflicts of choice of laws.
- G. Relationship of Parties – At no time shall the relationship between the parties under this Agreement be construed, held out or considered as a joint venture, principal-agent or employer-employee.
- H. Representations – By execution hereof, the Member Jurisdiction represents that it has or will pass the necessary legislation (in accordance with federal, state and/or local law governing the encumbrance and expenditure of public funds) to meet its financial obligation to fund the Program from 2016 through 2020.

(The remainder of this page intentionally left blank)

IN WITNESS WHEREOF, each of the parties intending to be legally bound, have each caused this Agreement to be executed by their duly authorized representative as of the date and year first above written.

WITNESSES:

**BOARD OF COUNTY COMMISSIONERS
OF MONTGOMERY COUNTY, OHIO**

BY: _____
Deborah A. Lieberman, County Commissioner

BY: _____
Judy Dodge, County Commissioner

BY: _____
Dan Foley, County Commissioner

OR

BY: _____
Joseph P Tuss
Administrator
Montgomery County, Ohio

WITNESSED BY:

JURISDICTION: _____

COUNTY: _____

BY: _____

ITS: _____

DATE: _____

APPROVED AS TO FORM:
MATHIAS A. HECK, JR., Prosecuting Attorney

BY: _____ /DATE _____
Assistant Prosecuting Attorney

Appendix A: Protocol Agreement

Related to the BusinessFirst! Retention and Expansion Program

Purpose:

The purpose of this agreement is to prevent the actions of any persons employed or otherwise engaged by a Member Jurisdiction and/or Regional Resource Partner (as these terms are defined in the **BUSINESSFIRST! FOR A GREATER DAYTON REGION, BUSINESS RETENTION AND EXPANSION PROGRAM, Intergovernmental Cooperation Agreement 2016-2020**) from breaching the established protocols, rules, policies and procedures of the BusinessFirst! Retention and Expansion Program ("Program"), and to provide the operational protocol between all Member Jurisdictions and Regional Resource Partners participating in the Program.

Definitions:

- A. Client – Any business included in the Program retention and expansion database.
- B. Employee and/or representative – Any person currently employed by, or retained on behalf of, a Member Jurisdiction and/or Regional Resource Partner and such person will have access to Program data and information, or otherwise assist the Member Jurisdiction in participating in the Program.

Confidentiality:

- A. Relations with Program Clients - No employee and/or representative shall release information about the business or personal matters of any Program client without permission of the particular client with the exception of a BusinessFirst! intra-jurisdictional relocation as noted in Section VI of the BusinessFirst! Intergovernmental Agreement.
- B. Information Sharing/Database Access - No employee and/or representative shall view or attempt to view information about Program clients outside of its respective jurisdictional responsibility. Program database design will include password and other protections. Member Jurisdictions and Regional Resource Partners shall be strictly responsible for the security of the Program database passwords, and shall take all precautions necessary to avoid disclosure to non-authorized persons.
- C. Administration - Montgomery County, Ohio will administer and assign passwords necessary to access the Program database, to retrieve and input Program client information. To allow for analysis of business issues and trends in aggregate, Montgomery County, Ohio shall have full and unrestricted access to all information contained in the Program database for the limited purpose of monitoring and evaluating the data/information for the purpose heretofore specified.
- D. Public Records - In the event any Member Jurisdiction receives a public records request relating to the Program, the Member Jurisdiction shall promptly forward such request to the Program implementing agency, Montgomery County, Ohio (specifically, its Department of Community and Economic Development).

Penalties and Grievances:

In general, the penalty for violation of any Program policy, protocol or any requirement by a Member Jurisdiction, Regional Resource Partner and/or their respective employees and representatives may include, but is not limited to, written reprimand, suspension or termination of Program database access.

If any Member Jurisdiction suspects or believes a violation of this agreement or any of the other Program policies, conditions and/or requirements occurred, it shall advise the Program Advisory Committee and the Program implementing agency, by filing a written "grievance". The determination of whether a "violation" has occurred, and any penalty to be imposed, shall be made by the majority vote of the Program Advisory Committee.

Action:

All Member Jurisdictions and Regional Resource Partners shall require each of its employees and/or representatives, who may or will have access to the Program retention and expansion database and/or otherwise associated with the Member Jurisdiction's participation in the Program, to read and execute the Employee/Representative Protocol Agreement Certification, which certifies that such employee and/or representative will abide by the requirements, protocols, rules, regulations and policies of the Program. Each Member Jurisdiction and Regional Resource Partner shall maintain a copy of all executed Protocol Agreement Certifications, and promptly forward a copy of same to Montgomery County, Ohio.

(The remainder of this page intentionally left blank)

**EMPLOYEE/REPRESENTATIVE
PROTOCOL AGREEMENT
CERTIFICATION**

I, _____, as (an employee)/(a representative) of the Member Jurisdiction/Regional Resource Partner identified below, have read a copy of the Protocol Agreement governing participation in the BusinessFirst! Program (“Program”).

I hereby agree to abide by all terms, conditions, protocols, and policies of Program, especially those regarding the confidential nature of the Program information and data that I may possess, access or gain during the course of my employment with the Member Jurisdiction/Regional Resource Partner and association with the BusinessFirst! Program. I further declare and represent that no promise, inducement or agreement has been made to me for executing this Certification.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____.

Signed in the presence of:

Witness

(Print Name)

Member Jurisdiction/Regional Resource Partner:

RESOLUTION NO. R-170-15

A RESOLUTION SUPPORTING THE FISCAL YEAR 2016 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BROWNFIELDS CLEANUP GRANT PROGRAM APPLICATION

WHEREAS, the City of Piqua is a unit of local government that possesses the legal authority to apply for funding from the Brownfields Cleanup Grant Program offered by the United States Environmental Protection Agency (US EPA); and

WHEREAS, the US EPA Brownfields Cleanup Grant Program provides funds to conduct cleanup activities at a specific brownfield site owned by the grant applicant; and

WHEREAS, the City of Piqua used US EPA Brownfields Assessment Grant funds to complete a Phase I and Phase II Environmental Assessment at the Former Mo's Lounge Property located at 123 N. Main St., Piqua OH 45356; and

WHEREAS, the Phase II Environmental Assessment has identified \$268,700 of asbestos that needs to be abated, and

WHEREAS, the City of Piqua desires financial assistance to provide for the cleanup of the asbestos identified in the Former Mo's Lounge in order to make this property more desirable to a potential developer, and

WHEREAS, the City of Piqua has received a support letter dated November 27, 2015 for this US EPA Brownfields Cleanup Grant project from the Ohio Environmental Protection Agency; and

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

SEC. 1. The Fiscal Year 2016 Brownfields Cleanup Grant Program is hereby supported and the City Manager is hereby authorized and directed to submit the City's program application to the United States Environmental Protection Agency, including all understandings and assurances therein. The approved activity is: Asbestos Abatement at the Former Mo's Lounge, 123 N. Main St., Piqua OH 45356.

SEC. 2. The City Manager is to be the designated agent of the program in connection with the application and is authorized to execute all agreements in conjunction with the Fiscal Year 2016 Brownfields Cleanup Grant Program.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Report

MEETING DATE	December 15, 2015			
REPORT TITLE	A RESOLUTION SUPPORTING THE FISCAL YEAR 2016 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BROWNFIELDS CLEANUP GRANT PROGRAM APPLICATION			
SUBMITTED BY	Name & Title: Justin Sommer, Assistant City Manager / ED Director			
	Department: Development			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input checked="" type="checkbox"/> Asst. City Manager/Finance	
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director	
	<input checked="" type="checkbox"/> Department Director; Justin Sommer		<input type="checkbox"/> Other:	
BACKGROUND	<p>The City of Piqua is requesting a \$200,000 FY 2016 US EPA Brownfields Cleanup Grant to fund the asbestos abatement at the former Mo's Lounge property that is owned by the City of Piqua and located at 111 South Main Street, Piqua, Ohio 45356. This property is a catalytic property in our Downtown Riverfront District Development Initiative. A Phase II Environmental Assessment was completed using US EPA Brownfields Assessment Grant funds on the Former Mo's Lounge in November 2015. The assessment identified \$268,700 worth of asbestos that needs to be abated before a potential developer can occupy the building.</p> <p>The City must meet the following criteria to be eligible to apply for the U.S. EPA Brownfields Cleanup Grant:</p> <ul style="list-style-type: none"> • The City must be the owner of the property • A Phase II Environmental Assessment must be completed • The City must have 20% match committed to the project <p>In 2012, the City of Piqua completed a Downtown Riverfront District Development Strategy Plan that identified six properties abutting and/or in close proximity to the Riverfront as priorities for environmental investigation and potential redevelopment. As part of the strategic process, community</p>			

	<p>workshops were held and the community input that was received was that the former Mo's Lounge was one of priority redevelopment properties. The former Mo's Lounge is a unique property for two major reasons. First it is located atop the Great Miami River levee overlooking the river. Secondly, the building is the only structure in this area that opens directly to the Great Miami River Recreational Trail which opens up economic development opportunities to have a canoe/kayak livery and/or bike shop. Discussions with regional River recreational organizations confirmed that the former Mo's Lounge provides a significant opportunity for Piqua's riverfront, as the growing number of recreationalists who utilize the River and the trail system cite the lack of supplies, services, food and drink, and bike or boat operations as a major deficiency in the amenities of the River's system.</p> <p>Once the asbestos has been abated the former Mo's Lounge building will be a more favorable property for a potential developer to purchase. The property has been vacant for over 10 years and as a result the City has suffered from the lack of economic benefits that this unique property could provide. The redevelopment of the Former Mo's Lounge will have a huge regional economic impact in the Miami Valley.</p>	
<p>BUDGETING AND FINANCIAL IMPACT</p>	<p>Budgeted \$:</p>	<p>\$268,700 (will be budgeted in 2017 if grant is awarded)</p>
	<p>Expenditure \$:</p>	<p>\$268,700 (will be budgeted in 2017 if grant is awarded)</p>
	<p>Source of Funds:</p>	<p>FY 2016 US EPA Brownfields Cleanup Grant - \$200,000 Department of Development Funds - \$68,700</p>
	<p>Narrative:</p>	<p>This is for the application of funds, not for expenditure of funds at this time.</p>
<p>OPTIONS</p>	<p>1.</p>	<p>Approve the Resolution – Approving the Resolution would allow the City to receive funding for this project.</p>
	<p>2.</p>	<p>Deny the Resolution -- Denying the resolution would cause the City to forgo submitting the FY 2016 US EPA Brownfields Cleanup Grant Application.</p>
<p>PROJECT TIMELINE</p>	<p>The US EPA Brownfields Cleanup Grant Application is due December 18, 2015. We will be notified within 15 calendar days if we passed or failed the US EPA Threshold Eligibility Review. If the application passes the Threshold Eligibility Review than it will be evaluated by national evaluation panels chosen for their expertise in the range of activities associated with brownfields cleanups. The Panel will be composed of EPA staff and potentially other federal agency representatives. We will be notified in Spring 2016 if our application will be funded. It is anticipated that the US EPA Brownfields Cleanup Grant Agreement will be signed in September 2016. The asbestos abatement will take place the first of 2017 or potentially sooner if the grant agreement is received prior to September 2016.</p>	
<p>STAFF RECOMMENDATION</p>	<p>Staff recommends that the City Commission approve the resolution.</p>	

ATTACHMENTS

1. Ohio EPA Support Letter
2. US EPA Brownfield Cleanup Fact Sheet
3. Phase II Environmental Assessment – Asbestos Survey Results (Helix Environmental Inc. completed the Asbestos Survey for T & M Associates)



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

November 27, 2015

U.S. Environmental Protection Agency, Region 5
ATTN: Matthew Didier
77 West Jackson Blvd., Mail Code SE-7J
Chicago, IL 60604-3507

RE: City of Piqua Cleanup Grant Proposal

Dear Mr. Didier:

I am pleased to offer Ohio EPA's support for the City of Piqua Cleanup Grant Proposal. The City of Piqua is applying for a cleanup grant totaling \$200,000. We have worked with the City of Piqua in the past and hope to be able to provide support to the City under the Assessment, Cleanup and Revolving Loan Fund Grant program established by the Small Business Liability Relief and Brownfield Revitalization Act (P.L. 107-118).

The funding the City of Piqua is requesting under their cleanup grant proposal will be used to abate asbestos in the Former Mo's Lounge. In 2012 the City of Piqua completed a Downtown Riverfront District Development Strategy Plan that identified six properties, one of them being Mo's Lounge, as priorities for environmental investigation and potential redevelopment. A U.S. EPA Assessment Grant was used to complete a Phase II investigation at the property which identified the need for asbestos abatement. Mo's Lounge is a unique property because it is located atop the Great Miami River levee overlooking the river, and the building is the only structure that opens directly to the Great Miami Recreational Trail. If awarded, this grant would allow the City to complete the necessary asbestos abatement, making Mo's Lounge a more favorable property for a developer to purchase.

We look forward to working with the City of Piqua and U.S. EPA on this project. If you have any questions, please do not hesitate to contact me at 614-644-2285.

Sincerely,

A handwritten signature in black ink that reads "Amy Yersavich". The signature is written in a cursive style.

Amy Yersavich, Manager
Ohio Environmental Protection Agency
Site Assistance and Brownfield Revitalization

cc: Justin Sommer, Economic Development Director/Assistant City Manager, City of Piqua
Mike Starkey, Ohio EPA, DERR/SWDO



4.4.1 Asbestos Survey

A total of eighty-seven (87) bulk samples of suspect asbestos-containing materials were collected from the building. Samples were collected from all accessible suspect asbestos containing building materials, except assumed Category I Non-friable roofing materials.

Analytical results confirmed that the following suspect asbestos-containing building materials contain or were assumed to contain more than 1% asbestos:

Original Building

- Gray Caulk, exterior, main building, on door frames, columns, and joints between building components
- Black construction adhesive, 1st and 2nd floor throughout, behind wood paneling
- Acoustical plaster, throughout basement boiler room, 1st floor and 2nd floor, on ceilings and on the east wall of the 2nd floor, northwest room (also debris throughout basement, 1st floor, and 2nd floor, at various locations, on floor)
- Hard plaster and skim coat, throughout 1st and 2nd floors, on walls and ceilings
- Black tar paper, 1st floor and 2nd floor, used as a moisture barrier inside of walls
- Cementitious panel ductwork, original building, 1st floor, northwest room and throughout the central area of the building
- Gray carpet mastic, 1st floor, throughout, under carpet
- Gray carpet mastic, 2nd floor, throughout, under carpet
- Tan firebrick, 2nd floor, southwest apartment, west room, south wall, inside fireplace
- Corrugated paper pipe insulation, basement boiler room, extending into the 1st and 2nd floors on the steam system
- Hard pipe fitting insulation, basement boiler room, extending into the 1st and 2nd floors on the steam system
- Thermal system insulation debris, throughout basement, 1st and 2nd floors, in areas where deteriorated insulation has been found
- Pipe penetration plaster, basement, throughout, in pipe penetrations
- Trowelled-on boiler insulation, basement, southeast center room (boiler room), southwest area, on boiler
- Woven cloth electrical wire insulation, throughout the building



- Boiler gaskets, basement, southeast center room (boiler room), southwest area, on boiler (assumed to contain asbestos)
- Boiler firebrick, basement, southeast center room (boiler room), southwest area, in boiler (assumed to contain asbestos)
- Fire doors, throughout basement, 1st floor, and 2nd floor (assumed to contain asbestos)
- Bituminous roofing, on original building, rooftop (assumed to contain asbestos)

East Addition

- Acoustical plaster, original building, throughout basement, 1st Floor and 2nd Floor, on ceilings and on the east wall of the 2nd floor, northwest room
- Acoustical plaster debris, original building, throughout basement, 1st floor and 2nd floor, at various locations, on floor
- Cementitious electrical mounting panel, basement, east center room, east wall, north central area, on Turnbull Type C enveloped switch
- Woven cloth electrical wire insulation, basement, east center room, east wall, south central area, inside Square D circuit breaker panel, and throughout the east addition
- Bituminous roofing, over entire Roof, (assumed to contain asbestos)

Furthermore, electrical insulation materials were observed inside and on the exterior of the building, and were assumed to contain asbestos during the inspection. These suspect materials could not be sampled safely since the electrical system was live.

4.4.2 Lead-Based Paint Inspection

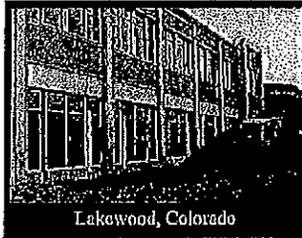
A total of 20 suspect lead containing coating samples were collected in the building in an attempt to document the probability that detectable concentrations of lead are present on painted or coated surfaces. Eighteen of the 19 samples collected in the Original Building contained detectable concentrations of lead, with many containing more than 0.5% lead. A single paint-film sample collected in the East Addition was also reported to contain detectable levels of lead.

Important: This document is not designed as a substitute for the EPA Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants document located on the Brownfields Web site at: <http://www.epa.gov/brownfields/applicat.htm>



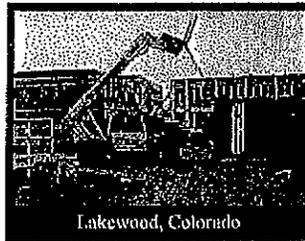
EPA Brownfields Cleanup Grants: Interested in Applying for Funding? *Here's what you need to know to get started...*

What is EPA's Brownfields Program?



Lakewood, Colorado

The U.S. Environmental Protection Agency's (EPA) Brownfields Program is designed to empower states, communities, and other stakeholders to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. EPA provides technical and financial assistance for brownfields activities through an approach based on four main goals: protecting human health and the environment, sustaining reuse, promoting partnerships, and strengthening the marketplace. Brownfields grants serve as the foundation of the Brownfields Program and support revitalization efforts by funding environmental assessment, cleanup, and job training activities. Thousands of properties have been assessed and cleaned up through the Brownfields Program, clearing the way for their reuse.



Lakewood, Colorado

A brownfield is defined as: real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The 2002 Brownfields Law further defines the term to include a site that is: "contaminated by a controlled substance; contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance'; or mine-scarred land."

What are the Four Grant Types?

- ✓ Assessment grants provide funding for brownfields inventories, planning, environmental assessments, and community outreach.
- ✓ Revolving Loan Fund grants provide funding to capitalize a revolving loan fund that provides loans and subgrants to carry out cleanup activities at brownfields.

- ✓ Cleanup grants provide direct funding for cleanup activities at specific sites.
- ✓ Job Training grants provide environmental training for residents of brownfields communities.

What are Cleanup Grants?

Brownfields Cleanup grants provide funding for a grant recipient to carry out cleanup activities at brownfield sites. Funds may be used to address sites contaminated by petroleum and/or hazardous substances, pollutants, or contaminants (including hazardous substances commingled with petroleum).

For the complete discussion of Brownfields Program grant funding, refer to the EPA Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup grants at: <http://www.epa.gov/brownfields/applicat.htm>

How Do I Apply for a Cleanup Grant?

Applicants submit a proposal for each grant type that they are applying for (i.e., assessment, revolving loan fund, and/or cleanup). Each proposal must address the selection criteria outlined in the guidelines.

Grant proposals should be concise and well organized, and must provide the information requested in the guidelines. Applicants must demonstrate that they meet threshold criteria requirements and must respond to evaluation criteria. Factual information about your proposed project and community must be provided.

Proposals must include:

- ✓ Cover letter describing project
- ✓ Applicant information
- ✓ Applicable mandatory attachments (e.g., state letter)
- ✓ Responses to evaluation criteria

All applicants must refer to the Proposal Guidelines published by EPA.

Who is Eligible to Apply for a Cleanup Grant?

Eligible entities include: state, local, and tribal governments, with the exception of certain Indian tribes in Alaska; general purpose units of local government, land clearance authorities, or other quasi-governmental entities; regional council or redevelopment agencies; states or legislatures; or nonprofit organizations.

Some properties are excluded from the definition of a brownfield unless EPA makes a site-specific funding determination that allows grant funds to be used at that site.

In order to receive a Cleanup grant, the applicant must be the sole owner of the property that is the subject of its cleanup grant proposal by time of proposal submission. For the purposes of eligibility determinations in the guidelines only, the term "own" means fee simple title. A written ASTM or equivalent Phase I report must be completed and a minimum of an ASTM or equivalent Phase II site assessment must be underway or completed prior to proposal submission.

How Much Cleanup Grant Funding is Available?

- ✓ Up to \$200,000 per site-- no entity may apply for funding cleanup activities at more than five sites.
- ✓ Cleanup Grants require a 20 percent cost share, which may be in the form of a contribution of money, labor, material, or services, and must be for eligible and allowable costs.

How Long is the Cleanup Grant Period?

The performance period for a cleanup grant is three years.

Where Do I Find the Proposal Guidelines?

Electronic copies of the Proposal Guidelines can be obtained from the EPA brownfields Web site at:
<http://www.epa.gov/brownfields/applicat.htm>

Additional information on grant programs may be found at: www.grants.gov

Is Pre-Application Assistance Available?

If resources permit, EPA Regions may conduct open meetings with potential applicants. Check with your regional office for date and location information. Your regional Brownfields Program contacts can be found at:
<http://www.epa.gov/brownfields/contct.htm>

EPA can respond to questions from applicants about threshold criteria, including site eligibility and ownership.

What is the Evaluation/Selection Process?

Brownfields grants are awarded on a competitive basis. Evaluation panels consisting of EPA staff and other federal agency representatives assess how well the proposals meet the threshold and ranking criteria outlined in the Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup grants. Final selections are made by EPA senior management after considering the ranking of proposals by the evaluation panels. Responses to threshold criteria are evaluated on a pass/fail basis. If the proposal does not meet the threshold criteria, the proposal will not be evaluated. In some circumstances, EPA may seek additional information.