

**REVISED AGENDA 4-18-2016**

**REGULAR PIQUA CITY COMMISSION MEETING  
TUESDAY, APRIL 19, 2016  
7:30 PM  
COMMISSION CHAMBER – 2<sup>nd</sup> FLOOR  
201 WEST WATER STREET  
PIQUA, OHIO 45356**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ANNOUNCEMENTS**

**REGULAR CITY COMMISSION MEETING**

**CONSENT AGENDA**

1. APPROVAL OF MINUTES  
Approval of the minutes from the April 5, 2016 Regular Piqua City Commission Meeting

**NEW BUSINESS**

2. ORD. NO. 4-16 (1<sup>st</sup> Reading)  
An Ordinance amending Chapter 51 of the Piqua Municipal Code Sewers
3. ORD. NO. 5-16 (1<sup>st</sup> Reading)  
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 4 the Commission
4. RES. NO. R-52-16  
A Resolution authorizing a purchase order to Horton Emergency Vehicles Company for the purchase of a medic for the Fire Department
5. RES. NO. R-53-16  
A Resolution amending the agreement with LJB, Inc. for the design and right-of-way acquisition services for the Garnsey Street/Commercial Street Corridor Neighborhood Connector Project
6. RES. NO. R-54-16  
A Resolution rescinding Resolution R-130-15 and enacting new Consent Legislation with the Ohio Department of Transportation (ODOT) for the microsurfacing of various routes including a portion of US Route 36 within the City of Piqua
7. RES. NO. R-55-16  
A Resolution authorizing the City Manager to enter into a Lease Agreement to permit the usage of a portion of Lock Nine Park and Linear Park to Mainstreet Piqua
8. RES. NO. R-56-16  
A Resolution requesting authorization to amend the agreement with Bowser-Morner, Inc. for the testing and observation services for the off-site pipeline project as a part of the new Water Treatment Plant
9. RES. NO. R-57-16  
A Resolution authorizing the City Manager to submit an application to the Ohio Department of Transportation for funding to make improvements to Hartzell Field at the Piqua Municipal Airport

**PUBLIC COMMENT**

(This is an opportunity for citizens to address the City Commission regarding agenda items, issues, or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office).

**CITY MANAGER'S REPORT**

**COMMISSIONERS COMMENT**

**ADJOURNMENT TO EXECUTIVE SESSION**

- a. To consider the purchase or sale of property for public purposes

**ADJOURNMENT**

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday, April 5, 2016 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 Hinds called the meeting to order. Also present were Commissioners Vogt, Wilson, and Martin. Absent: Terry.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to excuse Commissioner Terry from the April 5, 2016 Piqua City Commission Meeting. Roll call, Aye: Wilson, Hinds, Martin, and Vogt. Nay: None.

**OATH OF OFFICE – PIQUA FIRE DEPARTMENT**

ASSISTANT FIRE CHIEF – LEE A. ADAMS

Law Director Stacy Wall administered the Oath of Office for Assistant Fire Chief to Lee A. Adams.

**REGULAR CITY COMMISSION MEETING**

**Consent Agenda**

**Approval of Minutes**

Approval of the minutes from the March 15, 2016 Regular Piqua City Commission Meeting.

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

**NEW BUSINESS**

**RES. NO. R-46-16**

A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Lock Nine Park and Linear Park to Mainstreet Piqua and Piqua Arts Council

City Manager Huff provided the Staff Report.

Jordan Knepper, Executive Director of the Piqua Arts Council came forward and provided information regarding the three scheduled Rock Piqua Concerts scheduled for June 18, July 16, and August 20. Mr. Knepper further stated the first year attendance averaged 2500 – 2800, last year the attendance was not as good, but they are hoping to average 2500 – 3000 this year with the change in the music line-up.

Lorna Swisher, Executive Director of Mainstreet Piqua, came forward and provided additional information on the various food vendors that will be in attendance at each of the concerts.

**Public Comment**

No one came forward to speak for or against Resolution No. R-46-16.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-46-16 be adopted. Voice vote, Aye: Martin, Vogt, Hinds, and Wilson. Nay: None. Motion carried unanimously. Mayor Hinds declared Resolution No. R-46-16 adopted

**RES. NO. R-47-16**

A Resolution to amend the contract with Strand Associates to move into the bidding phase for the new Central Zone Water Tower project

Bob Jennings, Assistant Water Plant Superintendent provided the Staff Report.

Resolution No. R-89-13 was passed to allow Strand Associates to begin the research and design for a new water tower for the central zone of the distribution system for the city. Strand has been looking for the best location for the tower and a parcel of land located at 316 Fox Drive was donated to the City of Piqua for the tower by Paul Sherry. A new 12" water main will be installed along Drake Road and through an easement on the Sherry property to connect the tower to the water system on Fox Drive, stated Mr. Jennings. The water tower and the water main extension will be bid as separate projects, with demolition of the Spring Street and South Main Street Water Towers will also be included in the new tower bids. A 1.075 million dollar grant has been secured from the Ohio Public Works Commission (OPWC) for the construction of the new water tower, stated Mr. Jennings.

Chris Ruggles, Project Manager for Strand Associates came forward and provided additional information regarding the new water tower installation.

Commissioners asked several questions regarding the construction of the water tower. The use of cement versus steel framing, and if the bottom of the tank will have storage in it. Mr. Ruggles answered all of the questions.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-47-16.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-47-16 be adopted. Voice vote, Aye: Vogt, Hinds, Wilson, and Martin. Nay: None. Motion carried unanimously. Mayor Hinds then declared Resolution No. R-47-16 adopted.

#### **RES. NO. R-48-16**

A Resolution requesting authorization for the purchase of two valves and the materials needed for installation of the valves on the 20 inch water main feeding the distribution system from the current Water Treatment Plant

Bob Jennings, Assistant Water Plant Superintendent provided the Staff Report

It has been determined that two valves on the 20" feed line from the current water treatment plant leading in to the city are not operable. The valves are essential for the integrity and flexibility of the distribution system. The new valves will remain in use after the new treatment plant comes on line. Without these valves the city would not be able to fill the East Ash Street Water Tower during that construction period.

#### **Public Comment**

No one came forward to speak for or against Resolution No. R-48-16.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Resolution No. R-48-16 be adopted. Roll call vote, Aye: Hinds, Wilson, Martin, and Vogt. Nay: None. Motion carried unanimously. Mayor Hinds then declared Resolution No. R-48-16 adopted.

#### **RES. NO. R-49-16**

A Resolution requesting authorization for the installation of a line stop and two valves on the 20 inch water main feeding the distribution system from the current Water Treatment Plant

Bob Jennings, Assistant Water Plant Superintendent, provided the Staff Report.

A line-stop is needed to be installed, currently there is no way to isolate this portion of the main because of the broken valves. The line-stop will allow the main to be shut down so that the new valves can be installed with minimal interruption to customer service.

Commissioners asked if this was the only company that could do the work, and if that is the only location that will be affected. Mr. Jennings explained.

**Public Comment**

No one came forward to speak for or against Resolution No. R-49-16

Moved by Commissioner Martin, seconded by Commissioner Wilson, that Resolution No. R-49-16 be adopted. Roll call vote, Aye: Hinds, Wilson, Martin, and Vogt. Nay: None. Motion carried unanimously. Mayor Hinds then declared Resolution No. R-49-16 adopted.

**RES. NO. R-50-16**

A Resolution requesting final legislation to enter into an agreement with the Ohio Department of Transportation for the resurfacing of State Route 185 within the City of Piqua

Amy Havenar, City Engineer, provided the Staff Report.

On May 6, 2014 the City Commission passed a resolution authorizing the City Manager to enter into a preliminary agreement with ODOT for the resurfacing of State Route 185. ODOT has completed the plans and specification for the project and is ready to bid the project.

The project limits of the resurfacing project are Sunset Drive (SR 185) from Covington Avenue to the west corporation limit. The resurfacing project will consist of the necessary roadway base repairs, the milling and the overlaying of the roadway with new asphalt surface course, and the installation of new pavement marking, stated Ms. Havenar.

Commissioners asked if this project would be done this year, and if it will be done before the school years begins? Ms. Havenar stated yes, but they cannot begin before July as Vectren is working in the area at this time.

Commissioner Martin asked if anyone knew if Sunset Drive was supposed to be a Sate Route. Ms. Havenar stated she was not sure.

Dave Burtner, Utilities Director, stated when he first came here he was told it was supposed to be a loop around the City.

Commissioner Wilson stated so the work that is being done on Sunset is preliminary work? Ms. Havenar stated that work is being done by the Underground Utilities Department

**Public Comment**

No one came forward to speak for or against Resolution No. R-50-16.

Moved by Commissioner Wilson, seconded by Commissioner Vogt, that Resolution No. R-50-16 be adopted. Roll call vote, Aye: Martin, Vogt, Hinds, and Wilson. Nay: None. Motion carried unanimously. Mayor Hinds declared Resolution No. R-50-16 adopted

**RES. NO. R- 51-16**

A Resolution awarding a contract to Grissom Construction, LLC for the sidewalk ADA Compliance Program

Amy Havenar, City Engineer, provided the Staff Report.

On March 16, 20216 two bids were received for the Sidewalk ADA Compliance Program. The work will consist of the installation of 41 ADA compliant handicap ramps at intersection along the streets to be resurfaced as a part of the 2016 Street Resurfacing Program as well as at a few other locations throughout the City. The contractor will also install 2 additional handicap compliant ADA ramps at the intersection of Cedarbrook Drive and Covington Avenue which were not a part of the

Covington Avenue Resurfacing Project scheduled for 2017. This is a request to add the two additional ramps to Grissom Construction's contract. Grissom Construction did the work last year, and were glad they are coming back again this year, stated Ms. Havenar.

### **Public Comment**

No one came forward to speak for or against Resolution No. R-51-16.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-51-16 be adopted. Roll call, Aye, Vogt, Wilson, Martin, and Hinds. Nay: None. Motion carried unanimously. Mayor Hinds declared Resolution No. R-51-16 adopted.

### **PUBLIC COMMENT**

Jean Franz, Parkridge Place, came forward and provided a little bit of her background on help the city with many projects including planting and maintaining of the flower beds on the square and various other locations in the city, she is a former member of the Planning Commission/ Board of Zoning Appeals, and a founding member of the Southview Neighborhood Association.

Ms. Franz voiced her concerns over the housing stock in the City of Piqua, trash on porches, peeling paint, numerous cars sitting around that are not operational. Ms. Franz asked what plans the city has to correct these issues.

Mayor Hinds stated we are working on Community Pride, encouraging neighbors to work on their properties; there are some residents who are unable to financially do repairs. The HELP Program is helping residents who are need of help to get their homes repaired. The City is in the process of hiring a full-time Code Coordinator at this time.

City Manager Huff provided additional information on the duties of the Code Coordinator, further stating they hope to have them on board soon. Ms. Franz asked who the Code Coordinator would report to. City Manager Huff stated the Development Department. Mrs. Franz stated she is looking forward to seeing this happen.

Ms. Franz also inquired the former Renew Piqua Paint Programs and if there were any funds left in that account to help residents. Mayor Hinds stated that is what the HELP Program is for. Nikki Reece the Community Program Director is working on getting the word out to the residents that are need of help, and she has put a lot of time and work in this program.

Mayor Hinds stated Ms. Franz is doing a wonderful job on the flower beds and the other projects she is involved in. We are working on residents having City Pride in their homes and their neighborhoods.

### **CITY MANAGER'S REPORT**

City Manager Huff stated the Low Dam has been raised for summer operating levels.

City Manager Huff announced the Development Department and the Southview Neighborhood Association are sponsoring a Landlord-Tenant Workshop on April 14, at 7:00 P.M. at the Mote Park Community Center.

City Manager Huff also announced several Ribbon Cuttings of new businesses in town on April 14, 2016. They include the F45 Training in the Riverside Place, relocation of the Piqua Daily Call, on North Main Street, and the Family Farm and Home on E. Ash Street.

City Manager Huff stated there will be a Commission Work Session on Thursday April 14, at 7:30 P.M. in the Commission Chambers.

City Manager Huff stated they want to continue to wish Commissioner Terry a speedy recovery.

**COMMISSIONERS COMMENT**

Commissioner Martin stated he helped paint houses previously and asked what happened to that program.

City Manager Huff stated the program was not operating when he came.

Commissioner Wilson stated he thought Lucy Fess started the programs with some funding from local businesses. City Manager Huff stated the HELP Program is working to help those citizens get the needed repairs for their homes, and further explained the other services they help with. Mayor Hinds stated the HELP Program has received some money from the Miami County Foundation.

Commissioner Martin wished Commissioner Terry a speedy recovery.

Commissioner Martin also notes the weather is getting nicer and there are more people out and about, and to be aware when you are driving.

Commissioner Wilson stated there are a lot of good programs and asked if it would be possible to highlight one of the programs at each Commission Meeting so better inform citizens of the programs. City Manager Huff stated his City Blog is a good source for information.

Commissioner Vogt stated some of the houses in the City are really looking shabby, however there are some very nice homes. Some of homes use blankets for window coverings, and citizens need to take pride in their homes and neighborhood. It is getting and citizens are getting out and working in their yards now.

Mayor Hinds stated Citizens Pride is very important, and we are working to get all our citizens prideful about not only their homes, but the community as well. Mayor Hinds stated she appreciates Ms. Franz bringing this to the City's attention.

Mayor Hinds announced the State of the Schools is scheduled at the YWCA on April 6, 2016.

Mayor Hinds also stated this is Autism Awareness Month and asked citizens to be aware of those who have autism in the community.

Mayor Hinds announced the Run Club at Piqua Central Intermediate School has a one mile run on Wednesday April 6<sup>th</sup>, 2016. It is exciting to see these young children getting involved and out moving in the community.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Commission Meeting at 8:15 P.M. Voice vote, Aye: Martin, Wilson, Terry, Vogt, and Hinds. Nay, None.

\_\_\_\_\_  
KATHRYN B. HINDS, MAYOR

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

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

REBECCA J. COOL  
CLERK OF COMMISSION

ORDINANCE NO. 4-16

AN ORDINANCE AMENDING CHAPTER 51 OF  
THE PIQUA MUNICIPAL CODE SEWERS

WHEREAS, the Wastewater Department recently completed an Ohio EPA Pretreatment Program Audit; and

WHEREAS, the results of the Ohio EPA Pretreatment Program Audit indicated that the changes proposed to Section 51.02 of this Ordinance were necessary for the Piqua Municipal Code to be consistent with the Ohio Administrative Code regulations.

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

SECTION 1. That the City of Piqua hereby amends Chapter 51 Sewers, Section 51.02 as set forth below: (new language is underlined and deleted language is indicated by strikethrough):

**CHAPTER 51: SEWERS**

**GENERAL PROVISIONS**

§ 51.01 PURPOSE.

These regulations set forth uniform requirements for users of the Piqua wastewater system and enable the city to protect public health, safety, and welfare. The objectives of these regulations are:

- (A) To prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge; and
- (B) To prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment, and which will pass through the system into the receiving waters.

§ 51.02 DEFINITIONS.

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

**BEST MANAGEMENT PRACTICES (BMPs).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed on Ohio Administrative Code (OAC) 3745-3-04. BMP's also include treatment requirements, operating procedures and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**BIOCHEMICAL OXYGEN DEMAND or BOD.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in mg/l, as determined by *Standard Methods*.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**CATEGORICAL PRETREATMENT STANDARDS.** Pretreatment standards promulgated by U.S. EPA, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to the wastewater system by specific industrial users.

**CITY.** The City of Piqua, Ohio.

**CITY MANAGER.** The **CITY MANAGER** as provided for under the Charter of the city, or his or her duly authorized agent or representative.

**COMBINED SEWAGE.** A combination of sanitary sewage and storm water, with or without industrial wastes.

**COOLING WATER.** The water discharged from any system of condensation, air conditioning, cooling or refrigeration. It shall be free from odor and oil, and shall contain no polluting substances.

**CONTROL AUTHORITY.** (1) The POTW if it is under an approved pretreatment program; or (2) Ohio EPA if the POTW is not under an approved pretreatment program.

**DEBT SERVICE CHARGE.** The charge levied against the users of the sewage system for the retirement of and interest on bonds and/or notes authorized and issued by the city on construction of the sewage system facilities.

**DEPARTMENT.** The department established by the city for the purpose of managing and operating the wastewater system of the city.

**ENGINEER.** The City Engineer.

**FEDERAL ACT.** The Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, (Pub. L. 95-217) 33 USC 1251 et seq.; as well as any guidelines, limitations and standards promulgated by the U.S. EPA pursuant to the Act.

**GARBAGE.** Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of products.

**GARBAGE, PROPERLY SHREDED.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried under the flow conditions normally prevailing in public sewers.

**GOVERNMENTAL/INSTITUTION CLASS USER.** Hospitals, nursing homes, schools; city, county, state or federal building or facilities that discharge wastewater into public wastewater treatment system works and facility.

**HEALTH OFFICER.** The City Health Commissioner or his or her duly authorized agent or representative.

**HOLDING TANK WASTE.** Any sanitary waste from holding tanks or chambers used in connection with boats, chemical toilets, campers, trailers, or other facilities from which sanitary wastes emanate. The definition includes sanitary wastes from septic tanks and vacuum pump tank trucks.

**INDUSTRIAL USER or INDUSTRIAL DISCHARGER.** Any user who discharges to the wastewater system any liquid wastes resulting from processes employed in industry or manufacturing, or from development of any natural resource.

**INDUSTRIAL WASTES.** The solid, liquid or gaseous waste resulting from any industrial manufacturing, trade or business process; or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.

**INTERFERENCE.** A discharge which (alone or in conjunction with a discharge or discharges from other sources) does both of the following:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal.
- (2) Therefore is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent local regulations): Section 405 of the Clean Water Act, being 33 USC 1345; the Solid Waste Disposal Act (SWDA), being 42 USC 6901 et seq. (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)), and including state regulations contained in

any state sludge management plan prepared pursuant to Subtitle D of the SWDA, being 42 USC 6941 et seq., the Clean Air Act, being 42 USC 7401 et seq., and the Toxic Substance Control Act, being 15 USC 2601 et seq.

**MAY** is permissive.

**Mg/l.** Milligrams per liter.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**NEW SOURCE.** Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(C) of the Act, being 33 USC 1317(c), which will be applicable to the source if these standards are therefore promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site which no other source is located;
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
- (3) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

**NORMAL WASTEWATER.** Wastewater having an average concentration of not more than the following:

- (1) BOD (biochemical oxygen demand): 200 mg/l
- (2) SS (suspended solids): 250 mg/l

**NPDES.** National Pollutant Discharge Elimination System.

**OPERATION AND MAINTENANCE.** The cost incurred in the act of keeping all facilities for collecting, pumping, treating and disposing of sewage in a good state of repair and functioning properly including the replacement of the facilities when necessary.

**OEPA.** The Ohio Environmental Protection Agency.

**PASSTHROUGH.** A discharge which exits the POTW into waters of the state in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation.)

**PERSON.** Any individual, firm, company, association, society, corporation or group.

**pH.** The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. Low values indicate the presence of acids or acid-forming salts. High values indicate the presence of alkaline material. A pH of 7.0 is considered neutral.

**POTW** or **PUBLICLY OWNED TREATMENT WORKS.** That portion of the POTW that is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

**PREMISES.** Any parcel of real estate or portion of real estate, including any improvements, determined by the engineer to be a single user for purposes of receiving, using and paying for services.

**PRETREATMENT.** The reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging pollutants to the wastewater system.

**PRIVATE SEWER.** A sewer which is not controlled by a public authority.

**PUBLIC AUTHORITY.** Any governmental entity having jurisdiction by law.

**PUBLIC SEWER.** A sewer owned and operated by a public authority.

**REGULATIONS.** Any word, provision, paragraph or section of this chapter unless otherwise defined.

**RESIDENCE.** A building or house erected or constructed on any lot, parcel of land or premises and used primarily for dwelling purposes.

**SANITARY SEWER.** A sewer which carries sanitary wastewater and/or industrial waste, and to which storm, surface and groundwaters are not intentionally admitted.

**SANITARY WASTEWATER.** Water-carried wastes from domestic conveniences such as toilets, urinals and sinks.

**SEWER.** A pipe, conduit, ditch or other device for carrying wastewater or storm water.

**SHALL** is mandatory.

**SIGNIFICANT INDUSTRIAL USER.**

- (1) Except as provided in division (2) below, the term **SIGNIFICANT INDUSTRIAL USER** includes:
  - (a) All industrial users subject to categorical pretreatment standards.
  - (b) Any other industrial user that discharges an average of 25,000 gpd or more of process wastewater to the POTW; contributes a process waste stream which makes up 5% or more of the average dry-weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
- (2) The Director may at any time, on his or her own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a **SIGNIFICANT INDUSTRIAL USER** if the industrial user has no reasonable potential to adversely affect the POTW's operation for violating any pretreatment standard or requirement.

**SIGNIFICANT NONCOMPLIANCE.** A violation which meets one of the following criteria.

- (1) Occurs in 66% or more of the samples measurements of any magnitude taken over a six-month period.
- (2) Exceeds the technical review criteria (TRC) for the same discharge limit in 33% or more of the samples measurements taken over a six-month period.
  - (a) TRC = 1.4 (40% exceedance) for BOD, TSS, fats, oils, grease.
  - (b) TRC = 1.2 (20% exceedance) for all other pollutants.
- (3) Causes alone or in combination with other discharges, interference or passthrough, including endangering POTW personnel or the public.
- (4) Endangers human health or the environment, or results in the POTW's exercise of its emergency powers.
- (5) A delay in meeting a compliance schedule milestone, such as failure to begin or complete construction or attain final compliance by 90 days or more.
- (6) Failure to submit any required report within 30 45 days of due date.
- (7) Failure to report noncompliance.
- (8) Any other violation(s) which the POTW considers significant.

**SLUGLOAD.** A discharge of any pollutant at a flow rate and/or pollutant concentration of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, that has a reasonable potential to cause interference (as defined in this section) or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

**STANDARD INDUSTRIAL CLASSIFICATION** or **SIC.** The classification of users based on the 1972 *Standard Industrial Classification Manual*, as amended and supplemented, Office of Manpower and Budget of the United States of America.

**STANDARD METHODS.** The laboratory procedures specified in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

**STORM SEWER** or **STORM DRAIN**. A sewer which carries storm and surface waters and drainage, but excludes sanitary wastewater and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT**. The superintendent of the wastewater system or known as the POTW.

**SUSPENDED SOLIDS** or **SS**. Solids that either float on the surface of, or are suspended in, water, wastewater or other liquids; and which are removable by laboratory filtering as determined by standard methods.

**TOXIC POLLUTANT**. Any pollutant designated by federal regulations pursuant to Section 307 of the Act, being 33 USC 1317, as amended.

**UNPOLLUTED WASTEWATERS** or **CLEAN WASTEWATERS**. Those liquid wastes which meet the criteria established by the OEPA for effluents discharged to city watercourses.

**U.S. EPA**. The United States Environmental Protection Agency.

**USER**. Any person that discharges, causes, or permits the discharge of wastewater into a public sewer.

**WASTES**. Wastewater and all other substances (liquid, solid, gaseous or radioactive) associated with human habitation or of human or animal origin; or from any producing, manufacturing or processing operation of any nature, including substances placed within containers of any nature prior to, and for purposes of, disposal.

**WASTEWATER**. A combination of water-carried industrial waste, sanitary wastewater or any other waste, together with any ground, surface and storm water that may be present.

**WASTEWATER SYSTEM**. All facilities for collecting, pumping, treating and disposing of sanitary wastewater and industrial wastes.

**WWTP - WASTEWATER TREATMENT PLANT**. An arrangement of devices and structures used for treating wastewater.

**WATERS OF THE STATE**. Any water, surface or underground, including waters, within the boundaries of the state.

#### § 51.03 GENERAL PROHIBITIONS.

- (A) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- (B) It shall be unlawful to discharge, or cause to be discharged, to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary wastewater, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- (C) (1) Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sanitary wastewater, except that all properly operating septic tanks and leaching fields in existence as of January 1, 1985, within 200 feet of a public sewer, may continue to be used until such time as they are in need of repair, replacement or in violation of division (A) of this section.
  - (2) No person, firm or corporation shall be permitted to connect to or discharge wastewater to the city sewage system unless it has been determined by the city that there is sufficient capacity in the system to collect, convey and treat the proposed wastewater discharge of that person, firm or corporation.
  - (3) Notwithstanding anything to the contrary, nothing in this chapter shall prohibit the use of temporary porta-john type toilet facilities used during construction or sporting events, festivals or such other events that are approved by the Health Department.

#### USE OF THE PUBLIC SEWERS

##### § 51.15 CONNECTION REQUIRED.

The owner of all houses, buildings or premises used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley, easement or right-of-way in which there is or may, in the future,

be located a public sewer, is required, at his or her expense, to install suitable toilet facilities therein, connected directly with the proper public sewer, in accordance with the provisions of this chapter within 90 days after date of official notice of a violation of § 51.03(A) and (C), provided that the public sewer is within 200 feet of the property line.

§ 51.16 DISCHARGE OF SURFACE WATER.

- (A) (1) No person shall discharge or cause to be discharged, any storm water, surface water, groundwater, roof runoff, downspouts, subfoundation building drainage, unpolluted cooling water or unpolluted industrial process water to any sanitary sewer.
- (2) Subfoundation building drains connected to sanitary sewers before the effective date of these regulations shall be removed if it is established by the engineer that the connections are detrimental to the satisfactory operation of the wastewater system and that removal is cost-effective. The connections shall be prohibited after the effective date of these regulations and shall be considered illegal.
- (B) Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the engineer. Unpolluted industrial cooling water or unpolluted process waters may be discharged, upon approval by the engineer, to a storm sewer or natural outlet.

§ 51.17 DISCHARGE PROHIBITIONS.

- (A) *Prohibitions.* No person shall discharge, or cause to be discharged, any of the following described water or wastes to any public sewer:
  - (1) Any liquid or vapor which causes the influent temperature at the treatment plant to exceed 104°F (40°C).
  - (2) Any water, wastes, discharges of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, if discharged in amounts that can cause passthrough or interference, or which may contain more than 100 mg/l of fat, oil or grease.
  - (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (4) Any garbage that has not been shredded to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer.
  - (5) Any water or wastes containing substances that will solidify or become discernibly viscous at temperatures between 30 and 150°F, including but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the operation of the wastewater system.
  - (6) Any water or wastes having a pH lower than 5.5 or higher than 11.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and department personnel.
  - (7) Any water or wastes containing toxic pollutants in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the wastewater treatment plant.
  - (8) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment plant.
  - (9) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, or capable of creating a public nuisance, hazard to life, or sufficient to prevent entry into the sewers for maintenance and repair.
  - (10) Any water or wastes which cause unsuitable sludge reclamation.
  - (11) Any water or wastes which cause a detrimental environmental impact or a nuisance in the waters of the state, cause a condition unacceptable to any public authority having regulatory jurisdiction over the wastewater system, or cause the quality of the wastewater treatment plant effluent to violate the NPDES permit limitations.
  - (12) Any water or wastes which cause discoloration, such that receiving water quality requirements, established by law, cannot be met.
  - (13) Any radioactive waste, except when the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials.
  - (14) Wastewater containing concentrations for cadmium, cyanide, nickel, copper, lead, zinc, chromium, and mercury in excess of current local limits on record in the *Industrial Pretreatment Program Local Limits Document* available at the Wastewater Treatment Plant and in the office of the City Engineer.
  - (15) Any water or wastes containing in excess of 0.02 mg/l total identifiable chlorinated hydrocarbons.

- (16) Any water or wastes containing in excess of 1.0 mg/l phenolic compounds.
  - (17) Pollutants which create a fire or explosion hazard to the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test method specified in 40 CFR 261.21.
  - (18) Any trucked or hauled pollutants, including industrial and or septic wastes, into any location of the sewer systems or POTW at any time.
  - (19) Any slugload, as defined in § 51.02, including oxygen demanding pollutants (e.g., BOD), released in a single extraordinary discharge episode of such volume or strength as to cause interference in the wastewater system as described in § 51.02 of this chapter.
- (B) *National categorical pretreatment standards.*
- (1) National categorical pretreatment standards, as promulgated by the U.S. EPA, pursuant to the Federal Act, as amended, are hereby adopted and shall be met by industrial users regulated by such standards. Where categorical pretreatment standards promulgated by the U.S. EPA, pursuant to the Federal Act, as amended, are more stringent than those specified in these regulations, the regulations shall be amended to adopt the more stringent standards. All users regulated by the more stringent standards shall be notified of any proposed regulation change prior to the effective date. Any change or new provision in these regulations shall include a reasonable time schedule for compliance.
  - (2) All users regulated by categorical standards shall be notified of any proposed regulation change prior to the effective date. Any change or new provision in these regulations shall include a reasonable time schedule for compliance.
  - (3) Where an industrial user subject to categorical pretreatment standards has not submitted a discharge report as required in § 51.48, he or she shall file a completed discharge report within six months after the promulgation of the applicable categorical pretreatment standards. Where the user has submitted an acceptable discharge report, he or she shall submit to the department any additional information required by the categorical pretreatment standards.
- (C) *Dilution.* No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in these regulations.
- (D) *Right of revision.* The city reserves the right to amend these regulations to provide for more or less stringent limitations or requirements on discharges to the wastewater system where deemed necessary to comply with the objectives set forth in § 51.01 of this chapter.
- (E) *Review.* These regulations shall be reviewed annually by the engineer. If, in his or her opinion, changes or additions are required, he or she shall submit them to the City Manager for approval. Upon approval, the amendments shall be submitted to the City Commission for ratification as part of the codified ordinances of the city. There shall be a public notice of any proposed changes in these regulations.

#### § 51.18 ENFORCEMENT.

- (A) *Discontinuation of service.* When an actual or threatened discharge presents a substantial danger to the health of persons or the environment, interferes with the operation of the wastewater system or violates any provision of these regulations, the department may discontinue wastewater treatment service or take any other lawful means to effect the abatement of any danger.
- (B) *Notification of violation.* Whenever the department finds that any user has violated any provision of these regulations, the engineer shall notify the user stating the nature of the alleged violation. If a user who has been notified to cease wastewater discharges fails to comply within the time specified by the engineer, the department shall discontinue wastewater treatment service by suspending water service or other appropriate means.
- (C) *Show cause hearing.* After receipt of notification to cease wastewater discharges or to abate any substantial danger to the health of persons or the environment, the user has the right to request a hearing before the department. If a hearing is requested, the department shall serve the user with a written notice specifying the time and place of the hearing.
- (D) *Right of appeal.*
  - (1) Any decision rendered by the department can be appealed in writing within 15 days to the Health Officer. The written request shall state the reasons for the appeal and specify what remedies are sought.

- (2) The Health Officer shall, within ten days after receipt of the written appeal notice, hold a hearing and decide the question. The hearing shall include testimony from all concerned persons. The Health Officer shall render a written decision within five days after completion of the hearing.
- (3) Within 15 days of receipt of the Health Officer's decision, the user may appeal to the Board of Health of the city. The written appeal notice shall be directed to the Health Officer who shall promptly transmit the appeal to the Board of Health. Upon giving not less than five business days' written notice to the appellant, a hearing shall be held before the Board of Health. After the hearing, the Board may, by a majority vote, affirm, reject or modify the decision of the Health Officer. The decision of the Board shall be made in writing within seven business days after the hearing and shall be final, except that further recourse may be had through statutory procedures.
- (E) *Reinstatement of service.* Prior to reinstatement of wastewater treatment service, all cost and expense incident to the city's discontinuation of service shall be borne by the user. The department shall reinstate service upon proof acceptable to the city that the noncomplying discharge condition has been eliminated.
- (F) *Termination of service.* The department may terminate wastewater treatment service to any user who fails to do the following:
  - (1) Report the wastewater constituents and characteristics of his or her discharge requested by the engineer.
  - (2) Permit reasonable access to his or her premises by department personnel for the purpose of inspection or monitoring.
  - (3) Comply with any provision of these regulations.
  - (4) Comply with the conditions of any order issued by city, state or federal officials with respect to these regulations.
- (G) *Annual publication.* Annually the engineer shall publish a list of all dischargers or significant industrial users which at any time during the previous 12 months were in significant noncompliance with applicable pretreatment requirements. For the purpose of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria.
  - (1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
  - (2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH). Chronic and technical review criteria apply to SIUs but other SNC criteria can be grounds for finding a non-SIU in SNC. The chronic and technical review criteria are clarified as being applicable to each of an SIU's permitted monitoring points. The chronic and technical review criteria apply to violations of instantaneous limits. Violations of instantaneous limits or narrative standards that cause pass-through or interference are SNC. SNC criterion for violations that adversely affect the operation or implementation of the pretreatment program include violations of BMPs.
  - (3) Any other violations of a pretreatment effluent limit (daily maximum or longer term average) that the engineer determines has caused, alone or in combination with other discharges, interference or passthrough (including endangering the health of POTW personnel or the general public).
  - (4) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge.
  - (5) Failure to meet, within 90 days after the schedule data, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
  - (6) Failure to provide, within 45 days after the due date, required reports such as Baseline Monitoring Reports, 90-day Compliance Reports, Periodic Self-monitoring Reports and reports on compliance with compliance schedules.
  - (7) Failure to report noncompliance.
  - (8) Any other violation or group of violations which the engineer determines will or has adversely affected the operation or implementation of the city's pretreatment program.
- (H) *Schedules of compliance.* When, in the opinion of the Superintendent, it is necessary for industrial users to install technology or provide additional operation and maintenance (O and M) to meet any condition of this chapter, the

Superintendent shall require the development of the shortest schedule by which the industrial user will provide this additional technology or O and M.

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events. Under no circumstances shall any increment exceed nine months.
- (2) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the engineer including, at a minimum, whether or not it complied with the increment of progress to be met on that date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay and the steps being taken by the industrial user to return to the schedule established.

## PRIVATE SEWAGE SYSTEMS

### § 51.30 PRIVATE SEWAGE SYSTEMS.

Where a public sanitary sewer is not available under the provisions of § 51.15, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter.

- (A) Before beginning construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Health Officer.
- (B) The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the Health Officer.

### § 51.32 INSPECTION REQUIRED.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Health Officer. He or she shall be allowed to inspect the work at any state of construction, and, in any event, the applicant for the permit shall notify the Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Health Officer.

### § 51.33 COMPLIANCE WITH RECOMMENDATIONS.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Ohio.

- (A) *Minimum lot area.* No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than 1.5 acres. The foregoing area requirement may be altered by the Health Officer granting the permit when, in his or her judgment, the absorption characteristics of the soil on the lot justify such action. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet unless there is in connection therewith a proper leaching bed.
- (B) *Holding tank wastes.* No person shall discharge holding tank, septic tank or cesspool wastes into a sanitary sewer unless a permit is secured from the Health Officer. This permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents. If a permit is granted for discharge of waste into a sanitary sewer, the person shall pay the applicable user charges and fees and shall meet any other conditions required by the Health Officer.
- (C) *Sewer design.* The size, slope, alignment, construction materials, trench, excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.

### § 51.34 OPERATION AND MAINTENANCE AT OWNER'S EXPENSE.

- (A) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.
- (B) No statement contained in this chapter shall be construed to interfere with any additional requirement that may be imposed by the Health Officer.

**BUILDING SEWERS AND CONNECTIONS**

**§ 51.45 PERMIT REQUIRED FOR CONNECTION.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining the necessary city permits.

**§ 51.46 PERMIT APPLICATION; FEES.**

- (A) The owner or his or her agent shall make application for a building sewer permit. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Health Officer or his or her designated representative.
- (B) A permit and inspection fee of as noted in the chart below, for a building sewer permit shall be paid to the city at the time the application is filed, based upon the size of the water service.

| Size                 | Fees     |
|----------------------|----------|
| 1-inch tap           | \$350    |
| 1-1/2 inch tap       | \$750    |
| 2-inch tap           | \$1,400  |
| 3-inch tap           | \$3,000  |
| 4-inch tap           | \$5,000  |
| 6-inch tap           | \$7,000  |
| 8-inch tap and above | \$10,000 |

**§ 51.47 RESPONSIBILITY FOR COST.**

- (A) All cost and expense incident to the installation and connection of the building sewer and lateral shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The owner of premises served by a sewer shall be responsible for the operation, cleaning, maintenance, repair and reconstruction of the building sewer from the building to the point of connection with the public sewer.
- (B) Sewer main extensions, when constructed, shall be to the specifications of, and at no cost to the city. Waiver of the above minimum size requirements shall be considered by the City Commission upon request of the developer and recommendation of the City Engineer or his designee.
- (C) The developer or owners of benefitted property shall pay 100% of the cost of installation of the required minimum size sewer mains and appurtenances. Sizing required by the wastewater system in excess of the minimums will be at the cost of the wastewater system.
- (D) (1) Although the developer and/or owner is responsible for 100% of the cost for the construction of a new sewer main, the party who paid the construction costs may receive a prorated reimbursement for up to a ten year period commencing on the date the city accepts ownership of the sewer main. The reimbursement shall be from the new customer who will be serviced by the sewer main.
- (2) The prorated reimbursement of the costs for the sewer main construction shall be based on lineal footage of the property frontage based on the formula defined herein. The total cost of the sewer main construction shall be divided by the lineal frontage to determine the cost per lineal foot. Said cost for per lineal foot shall then be multiplied by the total lineal frontage for the amount of reimbursement.

Example: Total cost of sewer main: \$100,000  
 Total L.F.: 500  
 $\$100,000 / 500 = \$200$  per L.F.

\$200 x 75 L.F. (frontage) = \$15,000 prorated reimbursement

- (3) The city shall not be held in any way responsible for any consumer's amount of prorated reimbursement should the reimbursement not be paid. Failure to pay would be subject to a civil action between the developer seeking reimbursement and the consumer who failed to pay.
- (E) Sewer mains will be accepted into the water system, and ownership transferred to the city, after the project is complete, all inspections have been completed and passed, and the final punch-list has been satisfied by the City Engineer or his designee. Upon the city officially accepting the completion of the sewer main project, the maintenance bond will be executed, providing a minimum of a one-year period to ensure there is no construction or other defaults with the sewer main.

§ 51.48 SEPARATE SEWER FOR EACH BUILDING; EXCEPTION.

- (A) (1) A separate and independent building sewer shall be provided for every building.
- (2) Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Health Officer, to meet all the requirements of this chapter.

§ 51.49 CONSTRUCTION STANDARDS AND SPECIFICATIONS.

All construction standards, sewer specifications, connection regulations and inspections shall comply with the city's "Standard Drawings and Specifications for Construction" passed by Ordinance 41-81, July 6, 1981.

§ 51.50 GREASE, OIL AND SAND INTERCEPTORS.

- (A) Grease, oil and sand interceptors shall be provided when, in the opinion of the Health Officer, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any inflammable wastes, sand and other harmful ingredients. However, interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Health Officer and shall be located to be readily accessible for cleaning and inspection.
- (B) Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily movable covers which shall be gastight and watertight when bolted in place.
- (C) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

§ 51.51 WASTE EMITTED INTO PUBLIC SEWERS.

- (A) The admission into public sewers of any water or wastes having any of the following properties shall be subject to the review and approval of the engineer or his or her designated representative.
  - (1) A five-day BOD greater than 200 mg/l.
  - (2) More than 250 mg/l of suspended solids.
  - (3) Any quantity of substances having characteristics or constituents in violation of the regulations contained herein, except that approval may not be given for any waste in violation of federal regulations.
- (B) Where necessary in the opinion of the engineer, the user shall provide, at his or her expense, such pretreatment as may be necessary to do the following.
  - (1) Reduce the BOD and suspended solids to levels denoted in divisions (A)(1) and (2) of this section.
  - (2) Reduce objectionable characteristics or constituents in violation of the regulations contained herein.
  - (3) Control the quantities and rates of discharge of such water or wastes.
  - (4) Adjust the pH to fall within the range of 5.5 to 11.0.
- (C) Plans, specifications, operating procedures, a completion schedule and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the engineer. No construction of facilities shall commence until written approval by the engineer is obtained. Any subsequent changes in the pretreatment facilities or operating procedures shall be submitted to and be approved by the engineer before the changes are made.

- (D) In the case of categorical industries, as defined in § 51.02, a compliance report must be submitted within 90 days after the final compliance date of the categorical standards (40 CFR 403.12 (d)). In the case of new source dischargers as defined in § 51.02, this report must be submitted within 90 days of commencing discharge. Baseline data reports for new source discharges must be submitted at least 90 days prior to discharging.

§ 51.52 PRETREATMENT FACILITIES MAINTENANCE EXPENSE.

Where pretreatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at his or her expense.

§ 51.53 CONTROL MANHOLE.

When required by the engineer, the owner of any premises served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the engineer. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

§ 51.54 MONITORING; REPORTS; TEST SITES.

(A) *Monitoring.*

- (1) All measurements, tests and analysis of the characteristics of water and wastes referred to in this chapter shall be determined in accordance with 40 CFR 136 methodology, as stated in the general pretreatment regulations (40 CFR 403.14(g)). Where 40 CFR 136 does not include sampling or analytical techniques for the regulated pollutants, alternative procedures shall be approved by the Superintendent. All measurements, tests, and analysis of the characteristics of wastewater performed by an industrial user shall be at the user's expense.
- (2) Where necessary, in the opinion of the engineer, a user shall provide, at his or her expense, all measurements, test and analysis of the characteristics of wastewater referred to in these regulations.
- (3) The sampling requirements for initial compliance reports are the same as baseline monitoring report.
- (4) Periodic compliance reports (IU self-monitoring reports) specifically require grab samples for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.
- (5) Except for those pollutants that are required to be measured by grab samples, all other pollutants will be measured by flow-proportional sampling unless justification for an alternate sampling type, representative of the discharge, is documented in the industrial user file. The industrial user shall bear the cost of any and all control authority sampling that is done for flow-proportional sampling requirements.
- (6) Multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; volatile organics and oil and grease samples may be composited in the laboratory. Protocols, including appropriate preservation, specified in 40 C.F.R. 136 and appropriate U.S. EPA guidelines shall be followed.
- (7) The control authority may now require an industrial user to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary and the industrial user shall bear all costs of such requirements.
- (8) If a violation is detected through sampling and analysis conducted by the control authority in lieu of the industrial user, the control authority shall perform the repeat sampling and analysis within 30 days of becoming aware of the violation, unless it notifies the user of any violation and requires the user to perform the repeat sampling and analysis.

(B) *Discharge permit application.*

- (1) It shall be unlawful to discharge industrial wastes into the POTW without first submitting a complete discharge permit application. Existing industrial users shall submit a discharge permit application within 90 days of the effective date of this chapter. New source dischargers shall file a discharge permit application at least 90 days before connecting to or commencing discharge to the POTW. The information on the application shall include the following:
  - (a) Name and address of applicant.
  - (b) A list of any environmental control permits held by the facility.

- (c) A description of operations, including the nature, rate of production and Standard Industrial Classification (SIC) of the operation(s). This description shall include a schematic process diagram which indicates the point(s) of discharge to the POTW.
  - (d) Measured average daily and maximum flows of regulated process streams and other non-regulated streams.
  - (e) Results of sampling and analysis of regulated pollutants from each regulated process. For pH, cyanide, total phenols, oil and grease, sulfide and volatile organics, a minimum of four grab samples must be analyzed. For all other pollutants a minimum of one 24-hour flow-proportional composite sample must be obtained. Samples shall be taken immediately downstream of pretreatment facilities if they exist or immediately downstream of regulated processes if no pretreatment facilities exist. The samples shall be representative of the daily operation.
  - (f) Raw materials utilized and their amounts.
  - (g) Type and amount of product produced. For industrial users subject to equivalent mass or concentration limits established by the Superintendent, this report shall include a reasonable measure of the user's long term production rate. For industrial users subject to production based standards, this report shall include the user's actual production during the appropriate sampling period.
  - (h) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharge will provide additional pretreatment according to the conditions in § 51.18(H).
  - (i) This report shall include the certification statement and shall be signed by an authorized representative of the discharger as defined in division (D) of this section.
- (C) *Compliance reports.*
- (1) Any industrial user subject to categorical pretreatment standards shall submit a report indicating whether the user has achieved compliance. This report is to be submitted to the Superintendent within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source discharger following commencement of the introduction of wastewater into the POTW. This report shall include the certification statement and shall be signed by an authorized representative of the discharger as defined in division (D) of this section. The following information shall be included.
    - (a) The average daily and maximum flows of regulated process streams and other non-regulated streams.
    - (b) Results of sampling and analysis of regulated pollutants from each regulated process. For pH, cyanide, total phenols, oil and grease, sulfide and volatile organics, a minimum of four grab samples must be analyzed. For all other pollutants a minimum of one 24-hour flow-proportional composite sample must be obtained. Samples shall be taken immediately downstream of pretreatment facilities if they exist or immediately downstream of regulated processes if no pretreatment facilities exist. The samples shall be representative of the daily operation.
    - (c) For industrial users subject to equivalent mass or concentration limits established by the Superintendent, this report shall include a reasonable measure of the user's long term production rate. For industrial users subject to production based standards, this report shall include the user's actual production during the appropriate sampling period.
    - (d) A statement indicating whether pretreatment standards are being met on a consistent basis, and if not, a statement indicating whether additional pretreatment or operation and maintenance will be required to meet the pretreatment standards.
    - (e) When determined to be necessary by the Superintendent the report shall also have attached all documentation establishing compliance with a BMP.
  - (2) (a) All industrial users shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. The frequency of reporting shall be prescribed in the industrial user's discharge permit.
    - (b) Results of sampling above the minimum required shall also be reported if analyses were conducted according to the methodology in divisions (A) of this section. Where the results of self-monitoring indicate a violation of pretreatment standards, the industrial user shall notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also resample for the pollutant(s) in violation, and report the results of resampling within 30 days of becoming aware of the initial violation.
    - (c) These reports shall include the certification statement and be signed by an authorized representative of the discharger as defined in division (D) of this section.

(D) *Reports to be signed by authorized representative.*

- (1) Baseline Monitoring Reports, 90-Day Compliance Reports and Periodic Compliance Reports must all be signed by an authorized representative. All reports required under this section shall include the following certification statement.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (2) Additionally, all reports shall be signed by:

- (a) A president, secretary, treasurer or vice-president of the corporation;  
(b) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or,  
(c) A duly authorized representative of this section if the authorization is previously made in writing to the Superintendent.

- (3) In order to be eligible to sign, a manager is required to be authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures, to assure long-term environmental compliance with environmental laws and regulations. The signatory must also be responsible for ensuring that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements. The signatory must be assigned or delegated the authority to sign documents in accordance with corporate procedures and meet the rule specifications as described in OAC 3745-306-6 Signatory Requirements.

- (E) For a violation of this section, see § 51.99 Penalty.

§ 51.55 SPECIAL AGREEMENTS OR ARRANGEMENTS.

No statement contained in this chapter shall prevent any special agreement or arrangement between the city and a user whereby a waste of unusual strength or character may be accepted by the city for treatment, subject to payment by the user, except that in no case may any special agreement permit a violation of any federal regulation.

§ 51.56 PROTECTION FROM DAMAGE; ACCIDENTAL DISCHARGE; UPSETS.

- (A) *Protection from damage.* No unauthorized person shall maliciously, willfully or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater system.
- (B) *Accidental discharge.* Each user, at his or her expense, shall provide protection from accidental discharge of prohibited materials. Users shall notify the superintendent immediately upon the occurrence of a slugload, or accidental discharge of prohibited materials. This notification shall be followed, within five days of the date of occurrence, by a detailed written statement describing the cause of the discharge and the remedial measures in effect. Notification shall not relieve the user of liability for any expense, loss or damage to the wastewater system. The cost of treating the discharge shall be paid by the user.
- (C) *Operating upsets.*
- (1) Any industrial user who finds his or her pretreatment processes temporarily in a state of noncompliance with these regulations, due to factors beyond his or her reasonable control, shall inform the department as soon as possible, but not later than 24 hours following the start of the operating upset. Where information is given orally, the user shall file a written follow-up report with the department within five days. The report shall:
- (a) Describe the incident, its cause and its impact on the user's compliance status;  
(b) Give the duration of noncompliance, including exact dates and times of noncompliance. If the noncompliance continues, the time by which compliance is reasonably expected to occur;  
(c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of the conditions of noncompliance.

- (2) All industrial users shall promptly notify the city in advance of any substantial changes in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which the industrial user has submitted initial notification under 40 CFR 403.12 (p).
- (3) Bypassing or diverting of wastewater from an industry is prohibited unless the following apply:
  - (a) Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage.
  - (b) There were no feasible alternatives to the bypass.
  - (c) The permittee shall submit notification of bypass as follows:
    1. If the permittee knows in advance of the need to bypass, it shall submit prior notice, if possible, at least ten days in advance of the bypass.
    2. The permittee shall submit notice of any unanticipated bypass within one hour of the bypass, to the POTW.
  - (d) That bypass is for essential maintenance to assure efficient operation.
- (4) The director may approve the discharge if it is determined that no adverse effects will harm the wastewater system.
- (5) The permittee may allow any bypass to occur which does not cause the effluent limitations to be exceeded.

§ 51.57 WASTEWATER DISCHARGE PERMITS.

Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (A) Limits on wastewater constituents and characteristics;
- (B) Limits on the rate and time of discharge or requirements for flow regulations and equalization;
- (C) Requirements for installation and maintenance of inspection and sampling facilities;
- (D) Monitoring and reporting requirements;
- (E) Schedule of compliance;
- (F) Notification requirements for accidental discharges, upsets and substantial changes in discharge; and
- (G) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.
- (H) Provisions for Best Management Practices as an enforceable limit.
- (I) Requirements to control slug discharges, if determined by the Superintendent to be necessary. If a slug load discharge control plan is determined to be required, the plan must be specifically referenced or otherwise incorporated into the IU's control mechanism permit. The review period for slug discharge control plans shall be once per permit cycle. If the POTW decides that a slug plan is needed, the plan shall, at a minimum, contain the following elements:
  - (1) Description of discharge practices, including non-routine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under paragraph (B) or rule 3745-3-04 of the Ohio Administrative Code, with procedures for follow-up written notification within five days; and
  - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of wastewater discharge, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response.
- (J) Each user must notify the Superintendent of any significant changes to the user's operations or system that affects the potential of a slug discharge, which might alter the nature, quality, or volume of its wastewater at least 30 calendar days before the change.

INSPECTIONS; ORDERS

§ 51.70 AUTHORITY OF INSPECTORS.

- (A) The Health Officer, Engineer, Superintendent and other duly authorized employees of the city bearing proper credentials and identification, shall be permitted to enter upon all premises without advance notice to conduct inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.
- (B) POTW personnel shall have authority to inspect and copy industrial user records, as specified in the general pretreatment regulations, 40 CFR 403.8(f)(1)(v).

§ 51.71 ENFORCEMENT ORDERS.

- (A) The city shall issue orders, through its authorized officials, to industrial users to convey industrial discharge requirements and reporting requirements.
- (B) The City Manager may issue orders to any industrial user to require compliance with any requirements under this chapter, including applicable categorical pretreatment standards, other discharge limits and reporting requirements.

RATES; METERS; ADMINISTRATION

§ 51.80 WASTEWATER SERVICE CHARGE.

- (A) There is hereby levied and assessed wastewater service charges on each lot, parcel of land, building or premises having any sewer connections with the sanitary sewer system of the city, or otherwise discharging wastewater, industrial wastes, water or other liquids, either directly or indirectly into the city wastewater system. References in this chapter to the city shall mean the wastewater department, city manager, city engineer, finance director and their delegates. The wastewater service charges shall consist of the base charge, volume charge, strength surcharge and industrial waste surveillance charge as follows.
  - (1) *Base charge.* The flat rate fee charged to each account regardless of volume of wastewater. This includes the first 1,000 gallons.
  - (2) *Volume charge.*
    - (a) The service charge based on the volume of standard strength wastewater and charged to all accounts in addition to the base charge, for volume in excess of 1,000 gallons.
    - (b) Standard strength wastewater shall include the maximum strength as follows.  
BOD (5 day): 200 mg/l  
Suspended Solids: 250 mg/l
  - (3) *Strength surcharge.* The charge based on the pounds of BOD and suspended solids in excess of the amount in standards strength wastewater and charged to all industrial accounts in addition to all other charges.
  - (4) *Industrial waste surveillance charge.* The flat rate fee charged to each industrial class account in addition to all other charges.
- (B) The classes of users shall be as follows. A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences. The city engineer shall have the authority to determine the class of each user.
  - (1) *Domestic class.* Shall include all single or multiple-unit residential accounts with domestic type wastewater only (defined as wastes from water closets, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, and other sources associated with domestic households). A residence which includes a commercial establishment shall be considered a domestic account if the wastewater produced is primarily domestic in nature, and the flow contributed by the commercial activities of the establishment is a secondary flow of the sewer connection, and does not exceed the standards for standard strength wastewater.
  - (2) *Commercial class.* Shall include all nonresidential accounts that are not required to be in the industrial class.
  - (3) *Industrial class.* Shall include all accounts with nondomestic-type wastewater, the account meeting the criteria of the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500) as interpreted by the U.S. EPA Rules and Regulations published in the Federal Register (Vol. 38, No. 161) on Tuesday, August 21, 1973, as follows: Sec. 35.905-19, Industrial user. Any nongovernmental user of publicly-owned treatment works identified in the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions.
    - (a) Division A: Agriculture, forestry and fishing.
    - (b) Division B: Mining.
    - (c) Division D: Manufacturing.
    - (d) Division E: Transportation, communications, electric gas and sanitary services.
    - (e) Division I: Services.
  - (4) *Governmental/institutional class user.* Hospitals, nursing homes, schools, city, county, state or federal buildings or facilities that discharge wastewater into public wastewater treatment works or facilities.

§ 51.81 WASTEWATER SERVICE FEES.

(A) Base charge per month - includes first 1,000 gallons

|             | Operation and Maintenance | Capital Cost | Effective 10-1-2007 | Effective 1-1-2008 | Effective 1-1-2009 | Effective 1-1-2010 |
|-------------|---------------------------|--------------|---------------------|--------------------|--------------------|--------------------|
| Base charge | \$2.31                    | \$7.35       | \$10.63             | \$11.69            | \$12.75            | \$13.89            |

(B) Volume charge (per 1,000 gallons):

|                         | Operation and Maintenance | Capital Cost | Effective 10-1-2007 | Effective 1-1-2008 | Effective 1-1-2009 | Effective 1-1-2010 |
|-------------------------|---------------------------|--------------|---------------------|--------------------|--------------------|--------------------|
| Domestic Class          | \$1.02                    | \$2.03       | \$3.36              | \$3.70             | \$4.03             | \$4.39             |
| Commercial Class        | \$1.19                    | \$1.70       | \$3.18              | \$3.50             | \$3.81             | \$4.16             |
| Industrial Class        |                           |              |                     |                    |                    |                    |
| First 1,000,000 gallons | \$0.98                    | \$1.47       | \$2.70              | \$2.97             | \$3.24             | \$3.53             |
| Over 1,000,000 gallons  | \$0.93                    | \$0.67       | \$1.76              | \$1.94             | \$2.11             | \$2.30             |

|                                       | Effective 10-1-2007 | Effective 1-1-2008 | Effective 1-1-2009 | Effective 1-1-2010 |
|---------------------------------------|---------------------|--------------------|--------------------|--------------------|
| Biochemical oxygen demand per 100 lbs | \$12.10             | \$13.31            | \$14.51            | \$15.81            |
| Suspended solids per 100 lbs          | \$13.09             | \$14.40            | \$15.69            | \$17.11            |

(C) Industrial waste surveillance charge (per month):

| 2007    | 2008     | 2009     | 2010     |
|---------|----------|----------|----------|
| \$93.50 | \$102.85 | \$112.11 | \$122.20 |

(D) (1) All charges for users situated outside the corporate limits of the city (except for city departments) shall be 115% of the above charges.

- (2) Customers who are located outside of the city corporate limits will receive city rates if all of the following are satisfied:
  - (a) The customer is a government entity legally created under the State of Ohio;
  - (b) The customer has signed an annexation agreement at the city's request that it will annex immediately on becoming contiguous to the city; and
  - (c) 75% of the primary business of the customer is physically located within the city limits at the time the customer commences using city water.
- (E) Delayed payment charge. Five percent of the balance due shall be added if not paid within the net payable date for the service.
- (F) *Service call.* For all service calls outside normal duty hours, a charge of \$60 may be made. For all service calls within normal duty hours, a charge of \$25 may be made. For non-routine service calls outside the normal duty hours, the city will bill the customer the full cost if not the responsibility of the city.
- (G) Wastewater discharge from septic tank services, recreational vehicles, portable toilet services and other batch-type discharges to the wastewater treatment plant superintendent. Charges will be at a rate of \$0.15 per gallon, based on tank size.
- (H) Each user is to be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the sewer service charge which is attributable to OM&R costs of the wastewater treatment services.
  - (I) *Meter test fee.* If a meter registers within the accuracy limits, a \$50 fee will be charged.

§ 51.82 EXTRA STRENGTH VOLUME.

The standard strengths for BOD and suspended solids, as shown in § 51.80, shall be subtracted from the strengths measured by appropriate sampling to determine the extra strengths of each industrial class user for each strength surcharge billing period. These results shall be used to determine the weight in pounds for BOD and suspended solids to be charged for strength surcharge. The extra strengths shall be determined by the wastewater treatment plant from tests by the city or such other tests as may be approved by the city.

§ 51.83 METERS.

- (A) In the event a lot, parcel of land, building or premises discharging wastewater, industrial wastes, water or other liquids into the city's wastewater system either directly or indirectly is a user of water, the quantity of water used shall be measured by a water meter acceptable to the city. In each case, the quantity of water used, as measured by the meter, shall be used to determine the wastewater charge or rental as provided in this chapter.
- (B) In the event a lot, parcel of land, building or premises discharging sanitary wastewater, industrial wastes, water or other liquids into the city's wastewater system, either directly or indirectly, is a user of water and the quantity of water used is not measured by a water meter or is measured by a water meter not acceptable to the city, then, in each case, the owner or other interested party shall, at his or her own expense, install and maintain a water meter acceptable to the city. The quantity of water used, as measured by the meter, shall be used to determine the wastewater charge or rental as provided in this chapter.
- (C) (1) Upon request, the city may determine that additional metering may be installed to measure water usage that does not enter the sanitary wastewater system. The cost of additional meters and all installation costs shall be paid by the user.
  - (2) All such meters shall be installed to city specifications and shall be located as near as practicable to the regular service meter. The water department may require relocation of the regular service meter for its convenience prior to approval of this type of installation.
  - (3) These meters shall be treated as separate services, with current published water rates applied. No charge for wastewater service will be made on water flowing only through the meters for water use.

§ 51.84 INDUSTRIAL EXEMPTIONS.

In the event a lot, parcel of land, building or premises discharging sanitary wastewater, industrial wastes, water or other liquids into the city's wastewater system, either directly or indirectly, is an industry and it can be shown, to the satisfaction of the city, that a portion of the water, as measured by the water meter or meters, does not and cannot enter the wastewater system, that portion not entering the city's wastewater system may be exempt from the wastewater charge or rental. The

city shall make the final determination of any portion of water not entering the wastewater system and not subject to wastewater charge or rental.

§ 51.85 PAYMENT OF CHARGES.

- (A) The wastewater charge or rental provided in this chapter shall be payable monthly at the office of billing and collections in the Finance Department upon statements rendered in the method, manner and form as may be provided by the office.
- (B) Each charge or rental levied by or pursuant to this chapter is made a lien upon the corresponding lot, land or premises served by a connection to the sanitary wastewater system of the city, and if the same is not paid as hereinbefore provided, it shall be certified to the County Auditor, who shall place the same on the tax duplicate of the county with interest and penalties allowed by law, and shall be collected as other taxes are collected.

§ 51.86 CONTRACTS OUTSIDE CITY LIMITS.

The City Manager is hereby authorized to enter into agreements to be ratified and confirmed by the City Commission with the county and with cities and villages and with corporations and individuals whose premises are located outside the corporate limits of the city, who desire to discharge wastewater, industrial wastes, water or other liquids into the city's wastewater system; which agreements shall fix the terms and conditions under which wastewater, industrial wastes, water or other liquids may be discharged into the wastewater system, and shall be in conformity with the other sections of this chapter and city service rules and regulations.

§ 51.87 REVIEW OF RATES.

Each year the department and the City Manager or his designee shall consider service charges. These considerations shall be in accordance with the following requirements.

- (A) The rates shall cause the distribution of the costs of operation and maintenance of the wastewater system within the city's jurisdiction to each user class in proportion to the user's contribution to the total wastewater loading of the wastewater system. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution, to ensure a proportional distribution of operation and maintenance (including replacement) costs to each user's class.
- (B) The rates shall be reviewed annually and revised periodically to reflect actual wastewater system operation and maintenance costs.
- (C) The rates shall generate sufficient revenue to offset the costs of all wastewater system operation and maintenance.

§ 51.88 CONFIDENTIAL INFORMATION.

All information, data, questionnaires, applications, monitoring programs and inspections shall be available to the general public without restriction, unless the user specifically requests and demonstrates to the satisfaction of the engineer that the release of this information would divulge information, processes or methods which would be detrimental to his or her competitive position. Wastewater constituents and characteristics shall not be considered confidential information.

§ 51.89 RECORDS RETENTION.

All users subject to this chapter shall retain any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of a user in connection with its discharge, for a period of not less than three years. All records which pertain to matters subject to an administrative action or any other enforcement or litigation activities shall be retained by the user until all enforcement activities have concluded and all periods of limitations with respect to any appeals have expired.

§ 51.90 FALSIFICATION OF INFORMATION.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required herein, shall, upon conviction, be punished by the imposition of a civil penalty.

§ 51.91 DISCOUNT FOR SENIOR CITIZENS.

All charges for wastewater consumers in the city (1) whose head-of-household and/or spouse is at least 62 years old or disabled, (2) qualifies for the most current income guidelines of Ohio's Home Energy Assistance Program (HEAP), shall receive a 5% discount on the electric portion of their monthly utility bill. They shall be exempt from the 5% penalty assessed for late payment.

§ 51.99 PENALTY.

- (A) Whoever violates any provision of this chapter, for which no other penalty is already provided, beyond the time limit provided in the notice, shall be fined not less than \$100 nor more than \$1,000 for each violation. Each day's violation shall constitute a separate offense.
- (B) Whoever violates any provision of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of the violation.

SECTION 2. All other sections of Chapter 51 of the Piqua Municipal Code not amended herein shall remain in effect as is and Section 51.02 shall be repealed.

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

\_\_\_\_\_  
KATHRYN B. HINDS, MAYOR

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

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

REBECCA J. COOL  
CITY COMMISSION CLERK

## ORDINANCE NO. 5 -16

### AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTION 4 THE COMMISSION

WHEREAS, the Ohio Revised Code was amended to further define the reasons a public body can adjourn into executive session; and

WHEREAS, the City of Piqua desires to amend its Charter to be consistent with Ohio Revised Code Section 121.22 as it applies to municipal governments; and

WHEREAS, there is a need to be able to discuss economic development as defined by Ohio Revised Code Section 121.22(G)(8) in executive session to further the economic development of the City of Piqua.

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 (proposed language is underlined):

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the 2016 November General Election the question whether the electorate is for or against amending Charter Section 4 as follows:

#### **SECTION 4 MEETINGS OF THE COMMISSION.**

At seven-thirty o'clock P.M. on the first Tuesday in January following a regular municipal election the commission shall meet at the usual place for holding commission meetings and the newly elected members shall assume the duties of office. Thereafter the commission shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings may be held upon vote of the commission taken in any regular or special meeting and, also, shall be called by the clerk upon the written request of the mayor, the city manager or two members of the commission. Any such vote or request shall state the subject to be considered at the special meeting and no other subject shall be there considered. Except for executive sessions not open to the public, all meetings of the commission and of the committees thereof shall be open to the public, and the rules of the commission shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

The members of the commission may hold an executive session only after a majority of its quorum determines by a roll call vote to hold such a session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

A. To consider the appointment, employment, dismissal, discipline or compensation of the City Manager, or City Clerk;

B. To consider pending or imminent litigation;

C. To prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel;

D. To consider matters regarded as confidential by federal law or rules or state statutes;

E. To consider specialized details of security arrangements;

F. To consider the purchase or sale of property for public purposes;

G. To consider the compensation or discipline of a City employee;

H. To consider details related to the security arrangements and emergency response protocols for the City of Piqua or an event where the City of Piqua is involved in the security, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the City of Piqua or the event being held in the City of Piqua;

I. To consider confidential information related to economic development as further defined by Ohio Revised Code Section 121.22(G)(8) or as amended;

J. To consider other matters as specifically authorized by Ohio Revised Code Section 121.22 as it specifically applies to municipalities.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on the November general election 2016 election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 4 Meetings of Commission", and the question to be submitted shall be as follows:

Shall Charter Section 4 be amended to clarify that the Commission may meet in executive session to discuss emergency management, economic development and other areas only as specifically defined and authorized by the Ohio Revised Code?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 5. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
KATHRYN B. HINDS, MAYOR

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

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

**RESOLUTION NO. R-52-16**

**A RESOLUTION AUTHORIZING A PURCHASE ORDER TO  
HORTON EMERGENCY VEHICLES COMPANY FOR THE  
PURCHASE OF A MEDIC FOR THE FIRE DEPARTMENT**

WHEREAS, the Piqua Fire Department desires to purchase a new medic;

WHEREAS, the City of Piqua provided for the purchase of a medic in the 2016 budget appropriations;

WHEREAS, the purchase will be made using State of Ohio Index # STS 233 and schedule # 800330 with Horton Emergency Vehicles Company's quote being shown on 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 Horton Emergency Vehicles Company for the purchase of a medic according to the bid specifications and quote received;

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 \$236,000;

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

\_\_\_\_\_  
KATHRYN B. HINDS, MAYOR

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

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



# Commission Agenda Staff Report

|   |  |   |   |
|---|--|---|---|
| <b>MEETING DATE</b>   | 4-19-16  |   |   |
| <b>REPORT TITLE</b><br>(Should match resolution/ordinance title)                      | <b>A RESOLUTION AUTHORIZING A PURCHASE ORDER TO HORTON EMERGENCY VEHICLES COMPANY FOR THE PURCHASE OF A MEDIC FOR THE FIRE DEPARTMENT</b>  |   |   |
| <b>SUBMITTED BY</b>   | Name & Title: Chief Brent Pohlschneider  |   |   |
|   | Department: Fire Department  |   |   |
| <b>AGENDA CLASSIFICATION</b>  | <input type="checkbox"/> Consent   | <input type="checkbox"/> Ordinance  | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular |
| <b>APPROVALS/REVIEWS</b>  | <input checked="" type="checkbox"/> City Manager   |   | <input 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:   |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)            | The Medic this unit will replace is a 1996 model that was due to be replaced 4 years ago but was kept due to the failure of a 2007 model that was replaced in 2012. The maintenance of this unit increases when it is used on a regular basis due to its age and the dependability is decreasing.  |   |   |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources) | Budgeted \$:   | 236,000   |   |
|   | Expenditure \$:  | 235,907.57  |   |
|   | Source of Funds:   | Capital – 106-009-836-8805  |   |
|   | <b>Narrative:</b>  | Purchase was already budgeted and approved. The Department has asked for the medic to be quoted so that it will match our existing layouts. |   |
| <b>OPTIONS</b><br>(Include Deny /Approval Option)                                     | 1.   | Approve Resolution R- 52 -16 as presented   |   |
|   | 2.   | Approve Resolution R- 52 -16 with changes   |   |
|   | 3.   | Deny Resolution R- 52 -16 and offer staff an alternative  |   |
|   | 4.   |   |   |
| <b>PROJECT TIMELINE</b>   | Our new medic would be ordered right away and delivery would be expected within 275-300 days of receipt of the order to Horton. We would anticipate having the medic in late December of this year, with a strong possibility of it running into January.  |   |   |
| <b>STAFF RECOMMENDATION</b>   | We support the passage of this Resolution so that our services to the residents of Piqua will remain at the high level of personal care that they are accustomed to. This is the same manufacturer of the last medic that was purchased and has had very few issues. This will go along with keeping consistency within the Piqua Fire Department Medic fleet. |   |   |
| <b>ATTACHMENTS</b>  | Capital purchase approval form, medic bid paperwork.   |   |   |



April 8, 2016

City of Piqua Fire Department  
229 W. Water St.  
Piqua, Ohio 45356

Horton Emergency Vehicles Company, a company based in Grove City, Ohio, hereby proposes and agrees to furnish to you the following Emergency Medical Vehicle upon your acceptance of this proposal:

One (1) Horton 623 Type I aluminum body conversion, mounted on a 2017 Freightliner M-2 chassis, delivered in accordance with the attached Ohio STS Pricing Schedule, with attached Contract Explanation sheet, which we hereby make part of our proposal, complete and delivered for the sum of **\$235,907.57** due on completion and delivery of unit.

Due to the scarce availability of component parts, and in spite of spiraling costs, we will stand behind our contract price. Therefore, we do require full payment, at the time of delivery.

The new Emergency Medical Vehicle conversion shall be delivered F.O.B. Piqua, Ohio and shall be completed within approximately 275-300 days after receipt of contract and chassis at Horton Emergency Vehicles Company, barring any delays due to strikes, chassis availability or availability of component parts or Acts of God. Unless accepted within (30) days from date, the right to withdraw this proposal is reserved.

Respectfully submitted,

Horton Emergency Vehicles Company  
3800 McDowell Road  
Grove City, Ohio 43123

By: *Michael P. Olney*  
Michael P. Olney  
Factory Sales Representative

Proposal Accepted

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

State of Ohio Registration Number: \_\_\_\_\_  
Customer Purchase Order Number #1: \_\_\_\_\_  
Customer Purchase Order Number #2: \_\_\_\_\_

## CONTRACT EXPLANATION

The State of Ohio Term Schedule requires Horton to breakout the base pricing and option pricing as submitted to the State of Ohio. Any required features that were not quoted to the State need to be separated out of the proposal and itemized. The result of this is that two separate purchase orders need to be issued for the purchase of the vehicle. They are as follows:

**Purchase Order #1:** Overall price total as quoted to the State of Ohio under the STS program

**Purchase Order #2:** Itemized price total for options and features not quoted to the State of Ohio under the STS program

As noted in the STS order form the purchase orders that need to be issued per the price breakdown are as follows:

|   |                     |
|---|---------------------|
| <b>Purchase Order #1 (with STS Pricing):</b>    | <b>\$231,573.57</b> |
| <b>Purchase Order #2 (without STS Pricing):</b> | <b>\$4,334.00</b>   |

|                       |                     |
|-----------------------|---------------------|
| <b>Overall Total:</b> | <b>\$235,907.57</b> |
|-----------------------|---------------------|

Purchase Order #1 needs to include the **6 digit State of Ohio ID number** that has been issued to this purchaser showing that they are a member of this purchase plan.

### **Prepayment:**

Should a pre-payment option be desired Horton Emergency Vehicles shall pay 3% per annum on any Pre-Payment up to the purchase amount for the duration of the contract upon acceptance.



**State of Ohio STS 233 Ambulance Pricing - Horton Emergency Vehicles**

DATE: **March 22, 2016**

Customer: CITY OF PIQUA FIRE DEPARTMENT

Address: 229 W. WATER ST

City: PIQUA

State: OHIO

Zip: 45356

Contact: CHIEF BRENT POHLSCHNEIDER

Phone: 937-778-2013

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**CONSOLIDATED PRICING SUMMARY**

| <u>SCHEDULE "A" PRICING</u>  |                            |
|--|----------------------------|
| <b>Base Model Selected:</b>  | \$199,020.00               |
| Total AMBULANCE Options Selected from Listed Horton Ambulance Option Group:  | \$30,790.57                |
| Total REMOUNT Options Selected from Listed Horton Remount Option Group:  | \$0.00                     |
| Chassis rebate/discount or customer provided chassis, if applicable (Option #P100/P101):                             | \$0.00                     |
| Chassis change cost difference (Option #P102):   | \$1,763.00                 |
| Trade-In Allowance (Option #P200):   | <u>\$0.00</u>              |
| <b>Total for above <u>Listed Base Model</u> and <u>Listed OHIO STS options</u> - Schedule 'A' Purchase order #1:</b> | <b>\$231,573.57</b>        |
| <u>SCHEDULE "B" PRICING</u>  |                            |
| <b>Total for <u>Unlisted options</u> per attached pricing breakdown - Schedule 'B' Purchase order #2:</b>            | <b>\$4,334.00</b>          |
| <b><u>GRAND TOTAL - VEHICLE PRICE (A&amp;B Pricing Schedules):</u></b>   | <b><u>\$235,907.57</u></b> |

CONSOLIDATED PRICING SUMMARY AND OPTION SELECTION IS VERIFIED AND AGREED TO BY:

\_\_\_\_\_  
 Customer Representative (signature)

\_\_\_\_\_  
 Horton Sales Representative (signature)

\_\_\_\_\_  
 Printed Customer Name

\_\_\_\_\_  
 Printed Sales Representatives Name

\_\_\_\_\_  
 Date:

\_\_\_\_\_  
 Date:

**Delivery: Approximately 210-240 Days after receipt of order at Horton Emergency Vehicles Company**

**NOTE: PLEASE ATTACH ORIGINALS OR COPIES OF PURCHASE ORDER(S) TO THIS FORM TO VALIDATE ORDER**

Contract Type: Ambulances & Related Accessories  
 Index #: STS233  
 Schedule Number: 800330  
 Expiration Date: 12/31/2018  
 Manufacturer: Horton Emergency Vehicles Company

**AVAILABLE HORTON MODELS** (Custom Base Models Page 2, Pre-Engineered Base Models Page 3 and Remount Base Models Page 4&5)

**RESOLUTION NO. R-53-16**

**A RESOLUTION AMENDING THE AGREEMENT WITH  
LJB, INC. FOR THE DESIGN AND RIGHT-OF-WAY  
ACQUISITION SERVICES FOR THE GARNSEY  
STREET/COMMERCIAL STREET CORRIDOR  
NEIGHBORHOOD CONNECTOR PROJECT**

WHEREAS, by Resolution No. R-121-13 passed on September 17, 2013, this Commission enacted legislation for the Design and Right-of-Way Acquisition Services for the Garnsey Street/Commercial Street Corridor Neighborhood Connector Project; and

WHEREAS, the scope of the right-of-way acquisition services has been expanded to include additional research into the ownership of Commercial Street and to address the irregularities in the historic records; and

WHEREAS, this expanded scope is above and beyond what the original agreement with LJB, Inc. covered.

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: Resolution No. R-121-13, a Resolution authorizing a purchase order to LJB, Inc. for the necessary Design and Right-of-Way acquisition services for the Garnsey Street/Commercial Street Corridor Neighborhood Connector Project, be increased by \$46,545 to a final amount of \$176,725 is hereby approved.

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 this Resolution and certifies that the funds are available.

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

\_\_\_\_\_  
KATHYRN B. HINDS, MAYOR

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

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



# Commission Agenda Staff Report

|   |  |   |   |
|---|--|---|---|
| <b>MEETING DATE</b>   | April 19, 2016   |   |   |
| <b>REPORT TITLE</b><br>(Should match resolution/ordinance title)                      | A Resolution Amending the Agreement with LJB Inc. for the Design and Right-of-Way Acquisition Services for the Garnsey Street/Commercial Street Corridor Neighborhood Connector Project.   |   |   |
| <b>SUBMITTED BY</b>   | Name & Title: Amy Havenar, P.E., City Engineer<br>Department: Engineering  |   |   |
| <b>AGENDA CLASSIFICATION</b>  | <input type="checkbox"/> Consent   | <input type="checkbox"/> Ordinance  | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular |
| <b>APPROVALS/REVIEWS</b>  | <input checked="" type="checkbox"/> City Manager   |   | <input type="checkbox"/> Asst. City Manager/Finance                             |
|   | <input type="checkbox"/> Asst. City Manager/Development  |   | <input checked="" type="checkbox"/> Law Director                                |
|   | <input type="checkbox"/> Department Director   |   | <input type="checkbox"/> Other:   |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)            | <p>In September of 2013, City Commission approved entering into an agreement with LJB Inc. for the Design Services and Right-of-Way Acquisition Services for the Garnsey Street/Commercial Street Corridor Neighborhood Connector Project. Since LJB, Inc. began their extensive research into the right-of-way for this project, this has prompted Miami County Tax Map Department to make revisions to the county map records, which has significantly impacted the design of our project. As the scope of the right-of-way acquisition for this project continues to expand to address the irregularities in the historic records in the City and Miami County, additional engineering and right-of-way services have become necessary to bring this project to a close and to allow for construction to proceed.</p> |   |   |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources) | Budgeted \$:   | Increase contract amount by \$46,545 to a total of \$176,725  |   |
|   | Expenditure \$:  | \$176,725   |   |
|   | Source of Funds:   | Fund 103 – Street Income Tax  |   |
|   | <b>Narrative</b>   | <p>As with the majority of our federally funded projects, the engineering design and right-of-way costs are funded with 100% local funds.</p> <p>The City received \$421,462 in grant funding from MVRPC for the construction of this project. The total cost of construction is estimated to be \$527,000.</p> |   |
| <b>OPTIONS</b><br>(Include Deny /Approval Option)                                     | 1.   | Approve the resolution to amend the agreement with LJB Inc. for the additional engineering and right-of-way services.   |   |
|   | 2.   | Do not approve the resolution and do not proceed with the design and right-of-way acquisition services for the project and return the grant money.  |   |

|                             |  |
|-----------------------------|--|
| <b>PROJECT TIMELINE</b>     | The design and right-of-way services are on-going with project construction scheduled for the spring of 2017.  |
| <b>STAFF RECOMMENDATION</b> | Approval of the Resolution to allow for the amendment to the agreement with LJB Inc. for the additional design and right-of-way services for the Garnsey Street/Commercial Street Corridor Neighborhood Connector Project. |
| <b>ATTACHMENTS</b>          | Technical Proposal for Additional Engineering Services   |



March 30, 2016

Ms. Amy Havenar, P.E.  
City of Piqua Engineer  
201 West Water Street  
Piqua, Ohio 45356

Re: **TECHNICAL PROPOSAL**  
MIA-Bikepath Connections, PID No. 88228 – **Additional Engineering Services**  
Commercial Street Corridor Bike Route Neighborhood Connection Project

Dear Ms. Havenar:

Thank you for the opportunity to submit our technical proposal on this important project.

As the scope of the right of way acquisition for this project continues to expand to address irregularities in the historic records in the city and Miami County, additional engineering and right of way services have become necessary to bring this project to a close and allow construction to proceed for the improvement of Commercial Street. The attached proposal includes a description of the engineering and right of way services necessary to be performed by LJB Inc. and our right of way acquisition subconsultant Briggs Creative Services for the clearing of the right of way and letting of the construction contract. The proposed fee for this work is \$46,545. Based on the information that we have received from ODOT and Miami County, we anticipate that these will be the final changes to this contract.

We look forward to the opportunity to work with you on this project. If you have any questions or require additional information, please contact our project manager, Dan Hoying, at (937) 259-5795 or [DHoying@LJBinc.com](mailto:DHoying@LJBinc.com) or contact me directly at (937) 259-5120 or [TKramer@LJBinc.com](mailto:TKramer@LJBinc.com).

Sincerely,

LJB Inc.

Thomas E. Kramer, P.E.  
Managing Principal

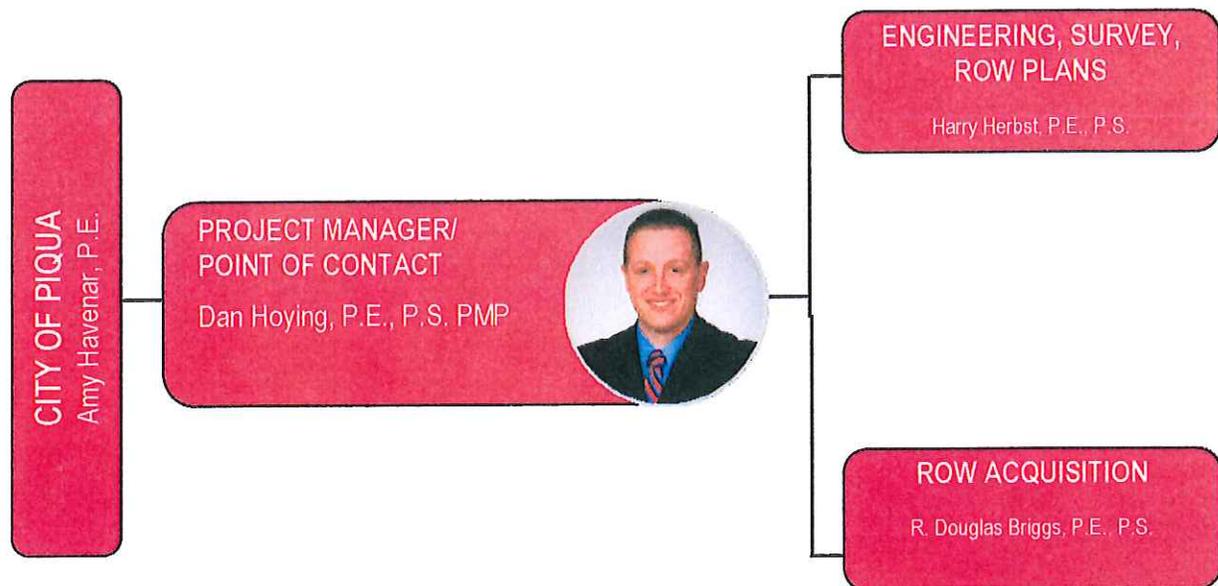
Daniel J. Hoying, P.E., P.S., PMP  
Project Manager

## PROJECT ORGANIZATION

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Our staff's knowledge and commitment to allocating the appropriate resources at the outset of the project reduces the learning curve and improves project quality while saving time and money.

### KEY PERSONNEL & ORGANIZATIONAL CHART



LJB's experience on similar projects has shown that effectively managing the efficiency of the design delivery process is as important in securing a quality project as its design. For this reason, LJB views project management as a discipline.

Our project manager, Dan Hoying, is a veteran project manager for LJB's infrastructure division, and has led similar multi-modal complete street projects. This section contains a brief overview of the expertise he brings to the team.

**DANIEL J. HOYING, P.E., P.S., PMP – project manager**



Dan Hoying specializes in roadway and right-of-way design. He brings more than 10 years of experience working in collaboration with public and private agencies to create solutions to local and regional transportation challenges, with specific emphasis on complete street design and implementation. With his passion for walkable and livable communities, Dan has helped clients create visions for streets that move people, not just motor vehicles.

His areas of expertise include roadway widening, reconstruction, right-of-way plan development and drainage. Dan has a bachelor's degree in civil engineering and currently serves on the board of the Dayton Chapter of the American Society of Civil Engineers and the Transportation Sustainability subcommittee of the American Public Works Association.

Dan approaches project management as a discipline that is critical to the success of the project, adding real leadership value to his client's projects, and is certified through the Project Management Institute as a project management professional. This expertise ensures projects include effective communication, prescribed quality, managed risks and are delivered on time and on budget. He will develop and maintain a project management plan including project initiation, planning, execution, monitoring and controlling, and closing of the project.

With an expert knowledge of complete streets policies, he has applied these concepts to the projects he has worked on and has led clients to maximize a project's enhanced mobility and interconnectivity, while minimizing the overall project costs.

**Similar Project Experience**

- > MIA-Commercial Street Corridor Bike Route Neighborhood Connection – Piqua, Ohio
- > Downtown Business District Transportation Study – Lima, Ohio
- > U.S. Route 40 West Broad Street Streetscape – Franklin County, Ohio
- > MVRPC Implementing Complete Streets Policy Workshop – Dayton, Ohio
- > MIA-North Great Miami Recreational Trail & Bikeway – Tipp City, Ohio



**HARRY G. HERBST, III, P.E., P.S. – engineering, survey, right-of-way plan development**



Harry is a senior surveyor and civil engineer with LJB who has more than 35 years of experience and specializes in roadway, right-of-way plan development, land surveying and drainage. His areas of expertise include roadway design, right-of-way design, control surveys, topographic surveys, ALTA surveys, hydraulic studies, FEMA flood plain analysis and detention and retention pond design. He also has extensive experience in plan preparation, site planning and construction inspection. Harry is licensed to practice surveying in Ohio, Kentucky, and Indiana and is recognized as a leader in Ohio in the use of ODOT VRS. He has completed the ODOT training course for right-of-way plan development and has prepared thousands of legal descriptions in his career. Harry is a past president of the Miami Valley chapter of Professional Land Surveyors of Ohio (PLSO) and executive committee member for PLSO.

Relevant project experience includes:

- > Downtown Business District Transportation Study – Lima, Ohio
- > MOT-Great Miami River Recreational Trail & Bikeway – Dayton, Ohio
- > MOT-Mad River Recreational Trail – Riverside, Ohio
- > MIA-North Great Miami Recreational Trail & Bikeway – Tipp City, Ohio

**R. DOUGLAS BRIGGS, P.E., P.S. –right-of-way acquisition (Briggs Creative Services)**



Mr. Briggs is a professional engineer and professional land surveyor with LJB who has more than 20 years of experience. Formerly a regional project manager with ODOT's Office of Real Estate, Southwest Region, he has performed and managed right-of-way design for numerous roadway and bridge projects of various sizes. Mr. Briggs has a bachelor's of science degree in civil engineering and has completed several relevant training courses including ODOT eminent domain law changes and ODOT right-of-way development training. While serving as the regional projects manager for ODOT's southwest region and providing acquisition services for Districts 7, 8 and 9, he cleared 1,000 parcels having a value of \$37 million. As part of managing those projects, he provided consultant administration on 500 of the 1,000 parcels. Mr. Briggs and LJB have either independently or through strategic teaming delivered high quality right-of-way plans for the largest and most complex projects constructed in the Miami Valley over the last decade.

## CAPACITY AND STAFF RESPONSIVENESS

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We have proven that we expedite schedules exceeding the delivery expectations of our clients, and remain engaged through construction to support them through the final phase of a project.

Using an enterprise resource planning system to facilitate the planning of appropriate staff for each project, project managers and key production personnel are only assigned to a project following a thorough review of current workload and projected backlog. This technology allows project managers to allocate hours to people at the outset of a project and continually monitor planned versus actual project costs. Project managers can identify areas of concern at any time and make necessary adjustments to get the job done right. This information permits the adjustment of individual schedules to accommodate specific project requirements and schedule commitments.

### STAFF AVAILABILITY

Our project team for the **MIA-Bikepath Connections Right-of-Way Services** project was specifically selected to provide team consistency from prior successful projects and the highest quality design while maintaining schedule availability.

Starting in April 2016, our team has the percentage availability listed below for the duration of the project, which will be more than sufficient to meet the needs of your project.

- > Dan Hoying – 45%
- > Harry Herbst – 55%
- > Doug Briggs (Briggs Creative Services) – 50%

## FEE PROPOSAL

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### PRICE PROPOSAL COST SUMMARY

The Price Proposal below includes a brief description of the services to be performed.

The proposal includes a requested upset limit for the project of **\$46,545**.

| BASE FEE   |                 |
|--|-----------------|
| Engineering revisions in support of right of way acquisition, field staking, development of excess land parcel documents, field meetings, submittal of exhibits for the acquisition of fee title through quiet title actions and coordination with Miami County on the document reviews. | \$39,845        |
| Additional right of way acquisition services as a result of revisions to the proposed acquisition process by ODOT D7   | \$6,700         |
| <b>Base Fee Total</b>  | <b>\$46,545</b> |



## RESOLUTION NO. R-54-16

### A RESOLUTION RESCINDING RESOLUTION R-130-15 AND ENACTING NEW CONSENT LEGISLATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE MICROSURFACING OF VARIOUS ROUTES INCLUDING A PORTION OF US ROUTE 36 WITHIN THE CITY OF PIQUA

WHEREAS, by Resolution No. R-130-15 passed September 15, 2015, this Commission entered into an agreement with the Ohio Department of Transportation for the microsurface of various routes in Miami County to include United States Route 36 Straight Line Mile 4.61 to 8.66 more or less, containing a portion within the City of Piqua, Miami County

WHEREAS, the Ohio Department of Transportation has since removed the work location from the project programmed as PID 101059 MIA MICRO FY2017 and has added the work to the project know as PID 102958 MIA MICRO FY2017 (B). ODOT is requesting that the City of Piqua rescind Resolution R-130-15 and enact new legislation approving the project with the revised project name; and

WHEREAS, the Ohio Department of Transportation is requesting new consent legislation to proceed with the programming of this project.

#### SEC. 1: Project Description

WHEREAS, the State has identified the need for the described project:

Microsurface various routes in Miami County to include United States Route 36 Straight Line Mile 4.61 to 8.24 more or less, containing a portion within the City of Piqua, Miami County. Said project is further identified as **MIA MICRO FY2017 (B)**

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 (City of Piqua) gives consent to the Director of Transportation in 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 has no obligation for costs for the project as described in Section 1. ODOT will provide all Federal-aid and State funds as set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the CITY agrees to pay one hundred percent (100%) of those features requested by the CITY which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the City. The City shall adjust any existing castings, as required, with City forces.

**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.

\_\_\_\_\_  
KATHRYN B. HINDS, MAYOR

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

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



# Commission Agenda Staff Report

|   |   |   |   |
|---|---|---|---|
| <b>MEETING DATE</b>   | April 19, 2016  |   |   |
| <b>REPORT TITLE</b><br>(Should match resolution/ordinance title)                      | A resolution rescinding Resolution R-130-15 and enacting new Consent Legislation with the Ohio Department of Transportation (ODOT) for the microsurfacing of various routes including a portion of US Route 36 within the City of Piqua.  |   |   |
| <b>SUBMITTED BY</b>   | Name & Title: Amy L. Havenar, P.E., City Engineer   |   |   |
|   | Department: Engineering   |   |   |
| <b>AGENDA CLASSIFICATION</b>  | <input type="checkbox"/> Consent  | <input type="checkbox"/> Ordinance  | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular |
| <b>APPROVALS/REVIEWS</b>  | <input checked="" type="checkbox"/> City Manager  |   | <input type="checkbox"/> Asst. City Manager/Finance                             |
|   | <input type="checkbox"/> Asst. City Manager/Development   |   | <input type="checkbox"/> Law Director   |
|   | <input type="checkbox"/> Department Director;   |   | <input type="checkbox"/> Other:   |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)            | <p>ODOT is requesting that we rescind legislation R-130-15 as the work location has been removed from the project known as PID 101059 MIA MICRO FY2017 and has been added to the project know as PID 102958 MIA MICRO FY2017 (B). The project itself will consist of the microsurfacing of US Route 36 from Straight Line Mile 4.61 to 8.24 containing a portion within the City of Piqua.</p> <p>As with all ODOT projects, ODOT requires the permission of the local entity prior to commencement of work within that entities corporation limit.</p> |   |   |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources) | Budgeted \$:  | \$0   |   |
|   | Expenditure \$:   | \$0   |   |
|   | Source of Funds:  |   |   |
|   | <b>Narrative:</b>   | There is no financial participation required of the City for the completion of this project. All construction costs will be incurred by ODOT. |   |
| <b>OPTIONS</b><br>(Include Deny /Approval Option)                                     | 1.  | Approve the Resolution to allow the Director of Transportation to complete the microsurface project.  |   |
|   | 2.  | Do not approve the Resolution and therefore ODOT will have to stop the project short of the Piqua west corporation limit.                     |   |
| <b>PROJECT TIMELINE</b>   | This project is scheduled for Bid Letting in State Fiscal Year 2017.  |   |   |
| <b>STAFF RECOMMENDATION</b>   | Approve the resolution to allow for ODOT to complete the microsurface project.  |   |   |
| <b>ATTACHMENTS</b>  |   |   |   |

**RESOLUTION NO. R-55-16**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO  
ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE  
OF A PORTION OF LOCK NINE PARK AND LINEAR PARK TO  
MAINSTREET PIQUA**

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

SEC. 1: The City Manager is hereby authorized to permit Mainstreet Piqua on August 6, 2016 to use Lock Nine Park and Linear Park as the location of the Down a River Down a Beer – Recreational Trail Celebration Event, upon the condition that Mainstreet Piqua obtains liability insurance satisfactory to the City Manager at a minimum coverage of \$1,000,000 and complies with the terms of the attached Lease Agreement. The rental fee for this lease shall be \$1.00 and other valuable consideration.

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

\_\_\_\_\_  
KATHRYN B. HINDS, MAYOR

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

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



# Commission Agenda Staff Report

Item # 7

|   |   |                                    |   |
|---|---|------------------------------------|---|
| <b>MEETING DATE</b>   | April 1, 2016   |                                    |   |
| <b>REPORT TITLE</b><br>(Match resolution/ordinance title)             | A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF A PORTION OF LOCK NINE PARK AND LINEAR PARK TO MAINSTREET PIQUA  |                                    |   |
| <b>SUBMITTED BY</b>   | Chris Schmiesing, City Planner  |                                    |   |
|   | Development Department  |                                    |   |
| <b>AGENDA CLASSIFICATION</b>  | <input type="checkbox"/> Consent  | <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular |
| <b>APPROVALS/REVIEWS</b>  | <input checked="" type="checkbox"/> City Manager  |                                    | <input checked="" type="checkbox"/> Asst. City Manager/Finance                  |
|   | <input checked="" type="checkbox"/> Asst. City Manager/Development  |                                    | <input checked="" type="checkbox"/> Law Director                                |
|   | <input checked="" type="checkbox"/> City Planner  |                                    | <input type="checkbox"/> Planning Commission                                    |
| <b>BACKGROUND</b><br>(Description, background, justification)         | <p>The Down a River Down a Beer – Recreational Trial Celebration is an event that aims to...</p> <ul style="list-style-type: none"> <li>▪ Attract people to the riverfront area to raise the profile of the water trail and the recreational trail system.</li> <li>▪ Offer samplings of a variety of beer and food, with the food product highlighting local restaurants.</li> <li>▪ Includes a solo musical artist performance.</li> <li>▪ Raises funds to support the maintenance and promotion of the river corridor and the recreational trail system.</li> </ul> <p>The event organizers will collaborate with local supporters to organize and provide a high quality outdoor beer and food tasting event that also offers attendees an opportunity to experience and or witness canoeing, kayaking, and stand up paddle boarding on the Great Miami River water trail, and the demonstration of cycling equipment on the recreational trail.</p> <p>The event organizers will be responsible for the general coordination of the event and solicitation of sponsorships and volunteer support. Mainstreet Piqua and the Piqua Arts Council will serve as the contracting/fiduciary agent and be compensated for their expenses and receive recognition as part of the promotion, production, and execution of the event. Any monetary gain from the event will directed to a predetermined item or cause in support of the maintenance and promotion of river corridor and the recreational trail system.</p> |                                    |   |
| <b>BUDGET/FINANCIAL IMPACT</b><br>(Project costs and funding sources) | Budgeted \$:  | 0                                  |   |
|   | Expenditure \$:   | 0                                  |   |

|   |  |  |
|---|--|--|
|   | Source of Funds:                                 |  |
|   | Narrative:                                       | This type of community event contribute positively to a community's quality of life and the local economy. |
| <b>OPTIONS</b><br>(Include deny /approval option) | 1.   | Adopt the resolution to authorize the lease.   |
|   | 2.   | Defeat the resolution and deny the lease.  |
| <b>PROJECT TIMELINE</b>                           | April 19, 2016 Regular City Commission meetings. |  |
| <b>STAFF RECOMMENDATION</b>                       | Approve the proposed resolution.                 |  |
| <b>ATTACHMENTS</b>                                | 1. Resolution and lease agreement                |  |

## **EXHIBIT B**

### **Down the River, Down a Beer - Recreational Trail Celebration Event**

#### **Vision**

An event that...

- Attracts people to the riverfront area to raise the profile of the water trail and the recreational trail system.
- Offers samplings of a variety of beer and food, with the food product highlighting local restaurants.
- Includes a musical performer that adds to the quality of the experience.
- Raises funds to support the maintenance and promotion of the river corridor and the recreational trail system.

#### **Program Concept**

The event organizers will collaborate with local supporters to organize and provide a high quality outdoor beer and food tasting event that also offers attendees an opportunity to experience and or witness canoeing, kayaking, and stand up paddle boarding on the Great Miami River water trail, and the demonstration of cycling equipment on the recreational trail. The beer and food tasting will take place in a defined area of Lock Nine Park along the Great Miami River and Recreational Trail. Water based and recreational trail activities will happen near Lock Nine Park on the Great Miami River and the recreational trail.

The event organizers will be responsible for the general coordination of the event and solicitation of sponsorships and volunteer support. Mainstreet Piqua and the Piqua Arts council will serve as the contracting and fiduciary agent and be compensated for their expenses and receive recognition as part of the promotion, production, and execution of the event. Any monetary gain from the event will directed to a predetermined item or cause in support of the maintenance and promotion of river corridor and the recreational trail system.

It is envisioned the program scope and coordination efforts will work as follows:

#### **Location**

The location of the event will be at the bend in the Great Miami River near where the river intersects with the multi-use recreational trail and in close proximity to the downtown area (the Lock Nine Park and surrounding area). The event will be rain or shine with an alternative indoor venue to be identified if deemed necessary in the event of inclement weather.

#### **Dates/Times**

The event will be held in August and the recreation activities will begin early afternoon, and the beer and food tasting and musical entertainment will take place later afternoon into the evening. The event will begin at approximately 4:00 p.m. and conclude by approximately 10:00 p.m.

#### **Food**

## **EXHIBIT B**

### **Down the River, Down a Beer - Recreational Trail Celebration Event**

The event will be used to showcase signature food items prepared and provided by locally owned and operated restaurants. Restaurateurs with experience pairing food items that pair well with alcoholic beverages will be the preferred choice to provide food service at the event. The goal is to cross promote local restaurant establishments that are most likely to appeal to the event audience so that the local business may realize greater brand awareness as a result of participating in the event.

Should there be a lack of interest or desirable options available locally, other vendors providing quality food items deemed suitable for the event will be considered. Service clubs, church groups, and other not-for profit organizations that offer food items as a fundraiser for their organization are not necessarily the targeted food vendors for this event.

The food vendors permitted to provide food service and the types of foods to be offered at each event will be at the discretion of the event organizers. The event organizers will identify food vendors that may be suitable for the scale, location, and budget defined for the event and come to a consensus on the appropriateness of a particular vendor before any entity is contracted to offer food service.

#### **Drink**

The event will include a variety of beer offered in sample serving sizes. The event organizers will secure the beer through wholesale distributors and will determine the beer options best suited for the event.

#### **Other**

The event will require a temporary liquor license and modest equipment rentals, advertising, portable restrooms, portable barricades, and other incidental items.

#### **Sponsorships**

The goal is secure sponsorships that will allow the event expenses to be revenue neutral and all ticket sale proceeds to be directed to the item or cause of the event organizers' choosing.

Sponsorship levels include: Brewery \$2,500, Barrel \$1,000, Keg \$500, Case \$250, 6-Pack \$100

**DOWN THE RIVER, DOWN A BEER**  
**RECREATIONAL TRAIL CELEBRATION EVENT**  
**LEASE AGREEMENT**

THIS LEASE AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by and between the City of Piqua (CITY) and Mainstreet Piqua (ASSOCIATION) as follows:

Section 1: For one dollar and other valuable consideration, the City leases to the Association on the days of August 6, 2016, the Lock Nine Park public park facilities, as more specifically shown on the attached Exhibit 'A'.

Section 2: The Association shall occupy and use the leased premises solely for the purposes of the Down the River, Down a Beer – Recreational Trail Celebration event and related activities, with the area to be occupied more specifically shown on the attached Exhibit 'A', and the event activities more specifically described on the attached Exhibit 'B'.

Section 3: The Association shall obtain liability insurance satisfactory to the City Manager at a minimum coverage of \$1,000,000 per event or \$3,000,000 aggregate for bodily injury or property damage or for liability for acts of the Association or its agents, employees, licensees, or invitees, including operations, products and contemplated operations. Proof of coverage shall be provided to the City of Piqua.

The association will include the following as additional insureds: The City of Piqua, Ohio, its elected and appointed officials, all employees, agents, volunteers, all boards, commissions and/or authorities and board members including employees, agents and volunteers thereof. Coverage shall be primary to the Additional Insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other available coverage be primary, contributing, or excess.

The City of Piqua shall be issued a certificate of insurance in the amount not less than stated above. The certificate of insurance shall specify that the City of Piqua, its elected of and appointed officials, all employees, agents, volunteers, all boards, commissions and/or authorities and board members including employees, agents and volunteers thereof are added by endorsement as additional insureds.

All performers and vendors at the celebration shall provide proof of liability coverage in the same amount and include the City of Piqua as an additional insured. The Association shall not permit any performer or vendor without the proper liability insurance coverage.

Section 4: The Association shall indemnify, hold harmless and defend the City of Piqua, Ohio, its officers, employees, agents and volunteers against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the City of Piqua, Ohio, its officers, employees, agents and volunteers may hereafter sustain, incur or be required to pay, arising out of or by any act or omission of the Association, the City of Piqua, Ohio, their officers, employees, agents and volunteers, in the execution, performance or failure to adequately perform Association's or City of Piqua's obligations pursuant to this contract.

**DOWN THE RIVER, DOWN A BEER  
RECREATIONAL TRAIL CELEBRATION EVENT  
LEASE AGREEMENT**

Section 5: The Association, its assigns, heirs, successors, employees and any and all subcontractors are independent contractors and are not agents and/or employees of the City of Piqua.

Section 6: This agreement shall not be assignable.

Section 7: The Association and all performers and vendors shall comply with all inspections and obtain any permits required prior to operation, at the Association's expense.

Section 8: No Association contract with any performer or vendor shall place any liability upon the City.

Section 9: The Association shall be responsible for basic clean-up of the facilities after the conclusion of the Down the River, Down a Beer – Recreational Trail Celebration event.

Executed as of the above-referenced date by:

CITY OF PIQUA

MAINSTREET PIQUA

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Gary A. Huff, City Manager

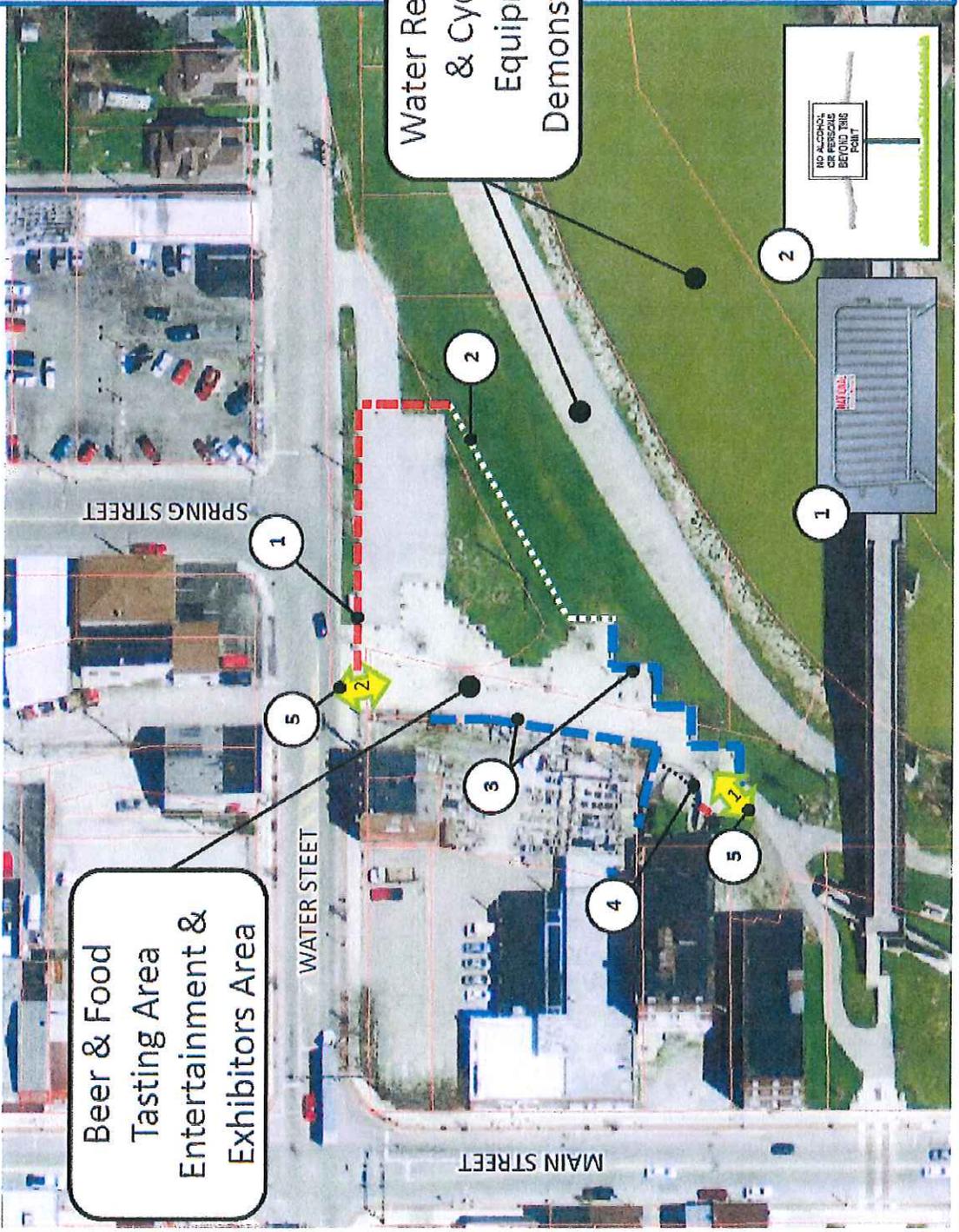
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Lorna Swisher, Executive Director

# EVENT LAYOUT PLAN

## LEGEND

- 1 Bicycle barricade
- 2 Roping strung between 3 foot high post
- 3 Existing masonry wall
- 4 Existing railing
- 5 Controlled access point



Beer & Food Tasting Area & Entertainment & Exhibitors Area

Water Recreation & Cycling & Equipment Demonstrations

NO ALCOHOL BEYOND THIS POINT

**RESOLUTION NO. R-56-16**

**A RESOLUTION REQUESTING AUTHORIZATION  
TO AMEND THE AGREEMENT WITH BOWSER-  
MORNER, INC. FOR THE TESTING AND  
OBSERVATION SERVICES FOR THE OFF-SITE  
PIPELINE PROJECT AS A PART OF THE NEW  
WATER TREATMENT PLANT**

WHEREAS, on February 15, 2015, this Commission passed Resolution No.R-30-15 authorizing the City to enter into an agreement with Bowser-Morner, Inc. for the testing and observation services for the Off-Site Pipeline Project as part of the new Water Treatment Plant; and

WHEREAS, it was determined that the original scope of having a technician on site 4 hours per day for the project was not satisfactory for the work being done and the technician was needed 8 hours per day; and

WHEREAS, a change to the agreement is needed to cover the additional expenses of having a technician on site for the extra hours needed to finish the project.

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

SEC. 1: Resolution R-30-15, A Resolution authorizing a purchase order to Bowser-Morner, Inc. be increased by \$40,000 to a total of \$58,000 is hereby approved.

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 this Resolution;

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

\_\_\_\_\_  
KATHRYN B HINDS, MAYOR

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

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



# Commission Agenda Staff Report

|   |   |                                     |   |
|---|---|-------------------------------------|---|
| <b>MEETING DATE</b>   | April 19, 2015  |                                     |   |
| <b>REPORT TITLE</b><br>(Should match resolution/ordinance title)                      | A Resolution requesting authorization to amend the Agreement with Bowser-Morner, Inc. for the Testing and Observation Services for the Off-Site Pipeline Project as a part of the new Water Treatment Plant.  |                                     |   |
| <b>SUBMITTED BY</b>   | Name & Title: Don Freisthler, Water Plant Superintendent  |                                     |   |
|   | Department: Water   |                                     |   |
| <b>AGENDA CLASSIFICATION</b>  | <input type="checkbox"/> Consent  | <input type="checkbox"/> Ordinance  | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular |
| <b>APPROVALS/REVIEWS</b>  | <input checked="" type="checkbox"/> City Manager  |                                     | <input type="checkbox"/> Asst. City Manager/Finance                             |
|   | <input type="checkbox"/> Asst. City Manager/Development   |                                     | <input type="checkbox"/> Law Director   |
|   | <input checked="" type="checkbox"/> Department Director   |                                     | <input type="checkbox"/> Other:   |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)            | <p>As a part of the construction of the Off-Site Pipeline Project, the City is responsible for contracting with a consultant to provide the necessary testing and observation services for the construction of the new raw water lines, finished water lines and the new sludge line to and from the new water treatment plant.</p> <p>Resolution R-30-15 was passed by this Commission authorizing the City of Piqua to enter into an Agreement with Bowser-Morner, Inc. for these services in the amount of not to exceed \$18,000.</p> <p>The original scope of services was set up for a technician to be on-site 4 hours per day. As the project progressed, it was determined that due to the means and methods being utilized by the contractor that the technician was needed 8 hours per day to ensure that the work being done was meeting contract specifications.</p> <p>To this point, We have been able to utilize the services of the Bowser-Morner technician for the new plant from time to time on the off-site job to help keep some of the costs down. Due to the extent that the new plant project has reached, that technician is no longer able to leave the new plant to help on the off-site project. All of his time is needed to oversee the work being done there.</p> <p>This amendment will cover a technician to be on-site 8 hours per day on the off-site project for a total of 79 more days until the contractor finishes the project ensuring that the City of Piqua continues to receive work from the contractor that meets the specifications as stated in the contract.</p> |                                     |   |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources) | Budgeted \$:  | \$40,000                            |   |
|   | Expenditure \$:   | \$40,000 (includes 10% contingency) |   |
|   | Source of Funds:  | Water Budget                        |   |

|   |  |  |
|---|--|--|
|   | <b>Narrative</b>   | If possible, we will fund this project through the contingency on the new water plant loan. If we are unable to use that OWDA loan, the project will be funded through the water budget. |
| <b>OPTIONS</b><br>(Include Deny /Approval Option) | 1.   | Approve the resolution to amend the Agreement with Bowser-Morner, Inc. for the testing & observation services  |
|   | 2.   | Do not approve the resolution and therefore, do not complete the testing & observation services for the Off-Site Pipeline Project.   |
| <b>PROJECT TIMELINE</b>                           | The testing & observation services would continue with the construction of the new Off-Site Pipeline Project and run to completion of the project. |  |
| <b>STAFF RECOMMENDATION</b>                       | Approve the resolution to allow for Bowser-Morner, Inc. to complete the necessary testing & observation services for the remainder of the project. |  |
| <b>ATTACHMENTS</b>                                | Resolution R-30-15; Addendum to No. 1 to Bowser-Morner, Inc. Agreement   |  |

RESOLUTION NO. R-30-15

**A RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH BOWSER-MORNER, INC. FOR THE TESTING AND OBSERVATION SERVICES FOR THE OFF-SITE PIPELINE PROJECT AS A PART OF THE NEW WATER TREATMENT PLANT**

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 testing and observation services for the Off-Site Pipeline Project as a part of the New Water Treatment Plant; and

WHEREAS, after solicitation of Request for Qualifications, Bowser-Morner, Inc. has been determined to be the most qualified provider of these services; and

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

SEC. 1: A purchase order is hereby authorized to Bowser-Morner, Inc. for the necessary testing and observation services for the Off-Site Pipeline Project;

SEC. 2: The Finance Director certifies funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$18,000;

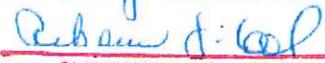
SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

  
LUCINDA L. FESS, MAYOR

PASSED: February 17, 2015

ATTEST: Rebecca J. Cool  
REBECCA J. COOL  
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-30-15 is a true, accurate and correct copy of Resolution R-30-15 passed by the Commission of the City of Piqua, Ohio, on the 17 day of February, 2015.

  
CLERK OF COMMISSION



**BOWSER  
MORNER**<sup>®</sup>

COMMITTED TO EXCELLENCE  
SINCE 1911

4518 Taylorsville Road  
P.O. Box 51  
Dayton, OH 45401-0051  
937-236-8805  
937-233-2016 FAX  
www.bowser-morner.com

April 7, 2016

Ms. Amy Havenar  
City of Piqua  
201 W. Water Street  
Piqua, OH 45356

Re: Addendum No. 1 to Proposal No. 990-9554  
Document No.: 169476-0416-4002

Dear Ms. Havenar,

This letter is being submitted to amend our original Proposal 990-9554, submitted January 15, 2015. The original proposal included an expected 50 site visits at 4 hours per day of observation and testing services for a given pipe installation duration of 100 days with an expected total billing of \$15,300.

Bowser-Morner, Inc. has performed services as scheduled from July 2015 up to present. Per the email received March 31, 2016, CDM's on-site representative estimates an additional 79 days of testing (8 hours per day) will be required to complete the project. Therefore, we propose to increase the estimated budget to cover the remaining work.

|   |             |
|---|-------------|
| Total billed to Date (through Invoice No. 16947609 dated April 1, 2016)   | \$17,123.31 |
| Total Paid to Date  | \$16,054.61 |
| Outstanding Balance   | \$1,068.70  |
| Original Estimated Budget (from proposal 990-9554 dated January 15, 2015) | \$15,300.00 |
| Additional observation and testing services needed to complete per CDM    | \$36,680.00 |
| Revised Estimated Budget  | \$51,980.00 |

Given this duration and using the rates provided on the original proposal, we propose to amend the proposal \$36,680.00 for a total of \$51,980.00. This will provide the additional amount needed for services to be provided to complete the project. We look forward to serving you and if you have any questions or if we can help in any way please contact us.

Respectfully submitted,  
BOWSER-MORNER, INC.

John E. Gray, E.T.  
Manager  
Field Services Department

JEG/ddl  
Quote Form B  
2-Addressee  
1-File

Accepted: City of Piqua

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

**ANALYTICAL SCIENCES • GEO-ENVIRONMENTAL SERVICES • CONSTRUCTION SERVICES**

DAYTON • TOLEDO • LEXINGTON • SPRINGFIELD • BIRMINGHAM

**RESOLUTION NO. R-57-16**

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO SUBMIT AN APPLICATION TO THE OHIO  
DEPARTMENT OF TRANSPORTATION FOR  
FUNDING TO MAKE IMPROVEMENTS TO HARTZELL  
FIELD AT THE PIQUA MUNICIPAL AIRPORT**

WHEREAS, the State of Ohio, through the Ohio Department of Transportation, administers financial assistance programs for small public airports; and

WHEREAS, the City of Piqua desires financial assistance for such a project;

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

SEC. 1: The City of Piqua approves filing an application for assistance from the Ohio Department of Transportation.

SEC. 2: The City Manager is hereby authorized and directed to execute and file an application through the Ohio Department of Transportation and to provide all information and documentation required to become eligible for possible funding assistance.

SEC. 3: If awarded the grant funding, the City of Piqua agrees to obligate the funds required to satisfactorily complete the proposed project under the terms and conditions of the Ohio Department of Transportation.

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

\_\_\_\_\_  
KATHRYN B. HINDS, MAYOR

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

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



# Commission Agenda Staff Report

|   |  |   |   |
|---|--|---|---|
| <b>MEETING DATE</b>   | April 19, 2016   |   |   |
| <b>REPORT TITLE</b><br>(Should match resolution/ordinance title)                      | A Resolution authorizing the City Manager to submit an application to the Ohio Department of Transportation for funding to make improvements to Hartzell Field at the Piqua Municipal Airport  |   |   |
| <b>SUBMITTED BY</b>   | Name & Title: Amy L. Havenar, P.E., City Engineer<br>Department: Engineering   |   |   |
| <b>AGENDA CLASSIFICATION</b>  | <input type="checkbox"/> Consent   | <input type="checkbox"/> Ordinance  | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular |
| <b>APPROVALS/REVIEWS</b>  | <input checked="" type="checkbox"/> City Manager   |   | <input type="checkbox"/> Asst. City Manager/Finance                             |
|   | <input type="checkbox"/> Asst. City Manager/Development  |   | <input type="checkbox"/> Law Director   |
|   | <input type="checkbox"/> Department Director   |   | <input type="checkbox"/> Other:   |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)            | Each year, the Ohio Department of Transportation requests proposals for their Ohio Airport Grant Program. This program, funded at \$6 million for SFY2017, provides Ohio's small airports funding for obstruction removal and runway improvements. The City is submitting a funding application for the installation of a Precision Approach Path Indicator (PAPI) system at the Piqua Airport – Hartzell Field. |   |   |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources) | Budgeted \$:   | Will budget \$355,000 in the 2017 Budget for design and construction  |   |
|   | Expenditure \$:  | Expenditure will occur in 2017. Estimated to be \$355,000 for the design and construction   |   |
|   | Source of Funds:   | 101-113-864-7553 (Airport Fund)   |   |
|   | <b>Narrative</b>   | Through the Ohio Airport Grant Program, the City of Piqua will request \$273,600, which is 95% of the total project cost. They City must provide 5% of the project cost, which is anticipated to be approximately \$14,400. The City is also responsible for paying 100% of the design, which is estimated to be approximately \$67,000. The City will budget for these items in the 2017 budget. |   |
| <b>OPTIONS</b><br>(Include Deny /Approval Option)                                     | 1.   | Approve the resolution and submit an application to the Ohio Department of Transportation for the airport funding.  |   |
|   | 2.   | Do not approve the resolution and provide guidance as to additional funding sources.  |   |
| <b>PROJECT TIMELINE</b>   | The anticipated schedule is for the work to being in June of 2017.   |   |   |
| <b>STAFF RECOMMENDATION</b>   | Approve the resolution and submit application to the Ohio Department of Transportation.  |   |   |
| <b>TTACHMENTS</b>   | None   |   |   |