CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

OATH OF OFFICE – PIQUA POLICE DEPARTMENT
POLICE LIEUTENANT – WILLIAM D. THOMAS

COMMUNITY PARTNERSHIP AWARDS
➤ Frank Barhorst
➤ Dan and Margaret French
➤ Peggy Kolker
➤ Tom Westfall

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
   Approval of the minutes from the March 5, 2013 Regular City Commission Meeting

2. RES. NO. R-34-13
   A Resolution appointing a member to the Board of Zoning Appeals

3. RES. NO. R-35-13
   A Resolution appointing a member to the Civil Service Commission

4. RES. NO. R-36-13
   A Resolution appointing a member to the Downtown District Design Review Board

5. RES. NO. R-37-13
   A Resolution appointing a member to the Planning Commission

6. RES. NO. R 38 13
   A Resolution appointing a member to the Park Board

7. RES. NO. R-39-13
   A Resolution appointing a member to the Golf Board

8. RES. NO. R-40-13
   A Resolution appointing a member to the Golf Board

9. RES. NO. R-41-13
   A Resolution appointing a member to the Board of Zoning Appeals as the Planning Commission Representative
OLD BUSINESS

10. ORD. NO. 3-13 (2nd Reading)
   An Ordinance amending section 77.01 – Traffic Schedules adopted, Schedule IV and Schedule VII, of the Piqua Code, relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection

11. ORD. NO. 4-13 (2nd Reading)
   An Ordinance amending Chapter 90 of the Piqua Municipal Code to repeal Section 90.28 vicious dogs

12. ORD. NO. 5-13 (2nd Reading)
   An Ordinance amending Chapter 111 of the Piqua Municipal Code (Peddlers and Solicitors)

NEW BUSINESS

13. RES. NO R-42-13
   A Resolution approving the Fiscal Year 2013 Community Housing Improvement Program Application and authorizing the City Manager to submit the application

14. RES. NO R-43-13
   A Resolution accepting the recommendations of the Tax Incentive Review Council of the City of Piqua for the purpose of the administration of the City of Piqua’s Enterprise Zone program, as required by Section 5709.85(C)(1) of the Ohio Revised Code

15. RES. NO R-44-13
   A Resolution awarding a contract to Physio-Control for the purchase of two heart monitor/defibrillators to be placed on medic units at a cost not to exceed $51,536.90

16. RES. NO R-45-13
   A Resolution strongly opposing the passage of HB 5 by the Ohio General Assembly which proposes uniformity measures for Municipal Income Tax and includes tax reform that would significantly and negatively impact Piqua’s Municipal Income in the form of unfunded mandates, a substantial loss of annual revenue, new state bureaucracy and declaring an emergency

17. RES. NO R-46-13
   A Resolution of authorization to submit an application to the Ohio Department of Transportation’s Safety Program for improvements to the Looney Road/Garby Road intersection

18. RES. NO R-47-13
   A Resolution requesting authorization to enter into an agreement with URS Corp for the Design Services for the Stormwater Master Plan Phase

OTHER
Monthly Reports – January 2013

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

CITY MANAGER’S REPORT

COMMISSIONERS COMMENT

ADJOURNMENT
MINUTES
PIQUA CITY COMMISSION
Tuesday March 5, 2013
7:30 P.M.

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


REGULAR CITY COMMISSION MEETING

Presentation-Kwanis Pancake Day in City of Piqua
City Manager Huff announced the 58th Annual Kiwanis Pancake Day is scheduled for Saturday, March 9, from 6:00 A.M. to 2:00 P.M. at the Upper Valley Career Center. The tickets are $6.00 for adults and $3.00 for children 12 and under, all proceeds will benefit the youth of the community, stated City Manager Huff.

City Manager Huff also announced a Panel discussion will be held on Protecting Yourself from Fraud, Wednesday March 13, from 11:00 A.M. to 12:00 P.M. at the YWCA with a Consumer Fair to follow from 12:00 P.M. – 2:00 P.M. Both programs are open and free to the public.

PRESENTATION
Pitsenbarger Sports Complex & Community Pool Project- Ms. Ruth Koon

Public Works Director Doug Harter gave a brief video presentation of the Splash Pad they would like to have in place at the pool along with a several drawings of covered shelters they would like to have installed. Ruth Koon has put together a committee to move forward with this project, and has offered to chair the fundraising project. The total cost for the Splash Pad and the covered shelters is approximately $275,000. Mr. Harter further stated there is no money in the budget for this, and they will be asking the community for donations to fund the project.

Ruth Koon came forward and provided a brief overview of the history of Pitsenbarger Sports Complex, stating it consists of over 65 acres which include baseball diamonds, football fields, soccer fields, volleyball courts, tennis courts, the new Skate Park, and the Community Gardens. Ms. Koon provided additional information regarding the need for the Splash Pad as well as the covered shelters, further stating how much the addition of the Splash Pad and covered shelters will enhance the usage of the swimming pool in the future. The first priority is the Splash Pad, and the second is a new patio cover for shade.

Chuck Peltier, Vice President of the Southwest Neighborhood Association came forward and presented information on costs, and drawings of the proposed covered shelters which include two 20”x30” covered shelters, and one 40’x60’ covered shelter. The covers are made of canvas and can be removed for off-season storage, and in event of a storm, stated Mr. Peltier. The plans are to try and get sponsors to cover the cost for the concrete pads for the shelters, and they plan to provide 5-8 picnic tables in the covered shelters.

Ann Comer came forward providing information on a proposed new double sided sign, and landscaping for Pitsenbarger Sports Complex, Ms. Comer stated there is a proposed statue of William H. Pitsenbarger to be placed at the entrance to the complex off of McKinley Avenue.

Glen Devers, came forward providing information on the proposed statue of William H. Pitsenbarger at the entrance off of McKinley Avenue to the sports complex. Mr. Devers stated he previously contacted Michael Majors of Urbana, the designer of the Paul Duke statue that is
located in Duke Park in Troy. Mr. Devers further stated Mr. Majors is excited to be able to work with Piqua on this project. A lighted flag pole was also mentioned in the plans for Pitsenbarger Sports Complex.

Ms. Koon further explained that in Phase I they would like to raise $275,000 with $150,000 of that for the Splash Pad. They would also like to add in the future a walking and bike path around the Park, an additional slide with water features, and to purchase new pool furniture with umbrellas to bring the community pool up to the standards that other community pools have, and to increase attendance, stated Ms. Koon.

Edna Stiebel, Park Board Member came forward stating they have applied for a 501C-3 designation for the Friends of the Park to be able to raise funds for not only the Pitsenbarger Sports Complex but for all of the city parks.

Ms. Koon stated they have put together a brochure and the information is available on the website, or by contacting Doug Harter or Brian Brookhart at the Street Department. Letters have been sent out to all local businesses, grants have been applied for, and are asking the community for support for the project. Ms. Koon thanked Doug Harter, Brian Brookhart, and Bill Lutz for all of their hard work on this worthwhile community project.

Vice Mayor Vogt stated he believes this is a good project, and would like the citizens to get on board with the project.

Dan Ramer, a member of Positively Promoting Piqua (PPP) stated the organization was formed a little over 2 ½ years ago to help move the community forward to pull together and to focus on positive solutions to community problems. Mr. Ramer announced the PPP, Piqua City Schools, and the City of Piqua will host the program. This is a celebration of the Progress that has taken place in the City. The meeting is scheduled for Wednesday, March 13 at the Ft. Piqua Plaza, on the 4th floor, and is entitled Piqua Progress 2013. This is a Free Public Meeting and the program will begin at 5:15 with a social hour to follow at 6:30-7:00 P.M. Rick Haines Superintendent of the Piqua City Schools will speak along with City Manager Gary Huff, stated Mr. Ramer.

Consent Agenda

Approval of the minutes from the February 14, 2013 Commission Work Session and the February 19, 2013 Regular Piqua City Commission Meeting

RES. NO. R-23-13

A Resolution of Appreciation for the public service of Mark Grau as a City Employee

City Manager Huff stated Mark Grau has served the City of Piqua in the Sanitation Department for 24 years.

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

OLD BUSINESS

ORD. NO. 2-13 (3rd Reading)

An Ordinance amending Chapter 32, Section 32.016 and 32.061, of the Piqua Municipal Code to reflect meeting requirements

Law Director Stacy Wall explained this is the final reading of Ordinance No. 2-13. The current code requires the Energy and Park Boards to meet even if there is no agenda. This amendment
allows for a meeting to be called as needed when there is business, but also sets a minimum
standard of meeting once a quarter.

Moved by Commissioner Wilson, seconded by Commissioner Martin, that Ordinance No. 2-13 be
adopted. Roll call vote, Aye: Wilson, Martin, Terry, and Vogt. Nay: None. Motion carried
unanimously.

NEW BUSINESS

ORD. NO. 3-13 (1st Reading)

An Ordinance amending Section 77.01-Traffic Schedules adopted, Schedule IV and Schedule VII,
of the Piqua Coda, relating to four-way stop intersections and traffic control devices pertaining to
the South Street/Sunset Drive intersection

City Engineer Amy Havenar stated a request was brought to the Transportation Committee to
review the intersections surrounding Pitsenbarger Park for improving/enhancing the safety with
regards to pedestrians, bicyclists, and the traffic coming out of the park complex. Based upon a
study completed the traffic signal at the intersection of South Street and Sunset Drive does not
meet the necessary warrants as per the Ohio Manual of Uniform Traffic Control Devices
(OMUTCD), stated Ms. Havenar.

After review the Transportation Committee voted unanimously at their August 23, 2012 meeting to
recommend to the City Commission the intersection be changed from a signalized intersection to a
multi-way stop intersection.

After a brief discussion Ordinance No. 3-13 was given a first reading.

ORD. NO. 4-13 (1st Reading)

An Ordinance amending Chapter 90 of the Piqua Municipal Code to repeal Section 90.28 vicious
dogs

Police Chief Bruce Jamison provided information stating that in the summer of 2012 the vicious dog
issue was discussed and coincidentally, there was also a statewide debate on a new law which was
eventually passed by the Ohio General Assembly. The new state law included elements of the
ordinance which the City originally enacted in 1994. The consensus of the Commissioners at the
Work Session provided direction to: Eliminate duplication of efforts and support the contracted Dog
Warden in enforcement of state law; Repeal current city ordinances that could conflict with the state
law regarding declaration of vicious dogs by the Police Chief; and Consider new city ordinances
and necessary resources for enforcement if/when any local issues are discovered with county
enforcement of the state law.

There was discussion on having a statewide database of declared vicious dogs, being able to notify
residents of vicious dogs in their neighborhoods, and the need to call 911 when a vicious dog is
encountered. It was noted that vicious dogs do have different color dog tags, stated Chief Jamison.

Ordinance No. 4-13 was given a first reading.

ORD. NO. 5-13 (1st Reading)

An Ordinance amending Chapter 111 of the Piqua Municipal Code (Peddlers and Solicitors)

Police Chief Bruce Jamison stated panhandling registration and restrictions were implemented in
Piqua in 2010, and since then other local cities have also created ordinances that include more
restrictions.
Recently there has been increased concern over the number of panhandlers and the manner in which panhandling has been conducted. Chief Jamison stated he presented the additional restrictions found in the ordinances he received from other local communities at the February 14, 2013 City Commission Work Session. After hearing the information the consensus of the Commissioners in attendance was to add any restrictions legally acceptable to the current code, and to waive the three reading rule to expedite the enforcement of the regulations, stated Chief Jamison.

Public Comment

Brad Boehringer, Vound Street, came forward and thanked Chief Jamison and asked if the ramps located on I-75 were considered public property. Chief Jamison explained it is considered public right-of-way. Mr. Boehringer asked if the Police Department can state the panhandlers cannot be on the ramps to the Interstate. Chief Jamison explained. Mr. Boehringer further stated he felt the panhandlers should have to fill city income tax forms for the money they receive.

All Commissioners were in agreement that they need to move forward with the changes they have proposed at this time.

After a brief discussion Ordinance No. 5-13 was given a first reading.

RES. NO. R-30-13

A Resolution awarding a contract to Bridgewater Resources for the purchase of steel transmission poles for the Power System

Bob Bowman, Assistant Power System Director stated the City Commission approved Resolution R-106-12 at their July 17, 2012 Commission meeting authorizing the Power System to acquire the services of Power System Engineering Inc. (PSE). An assessment was performed which resulted in the immediate need to replace thirty-two (32) main-line poles. Bids were received from eight different vendors on January 28, 2013 and Bridgewater Resources provided the lowest and best bid for all steel poles. $20,000 has been included as a contingency for any unforeseen expenses and the poles should be delivered on or before May 31, 2013, stated Mr. Bowman.

Public Comment

No one came forward to speak for or against Resolution No. R-30-13.


RES. NO. R-31-13

A Resolution acquiring the services of Power System Engineering, Inc. to provide professional services for the City of Piqua

Assistant Power System Director Bob Bowman as stated previously Resolution No. R-106-12 also provided for services for the line hardening design to the Power System. On June 29, 2012 during a wind storm a transmission line between substation 3 and 4 catastrophically failed. Since then, the damaged facilities have been redesigned and rebuilt to current codes and utility power standards. A Request for Proposal was sent out to three engineering firms to perform similar assessment redesign of the transmission line between Substation 3 and 4. After reviewing the different RFP’s it was determined that Power System Engineering, Inc. was best suited for the project, stated Mr. Bowman.

Public Comment

No one came forward to speak for or against Resolution No. R-31-13

RES. NO. R-32-13

A Resolution approving the application for placement of farmland in an agricultural district filed by Donald E. Apple for parcels N44-076881 and N44-076907 in the City of Piqua.

Law Director Stacy Wall explained this is a procedural matter through the Ohio Revised Code every five years the land owners can apply for an agricultural use of their land that is located within the city limits. This particular land is owned by Donald & Sally Apple (Trust). They have a total of 490 acres located in Springcreek and Staunton Township, and only two of those parcels out of the 490 acres are located within the City of Piqua. Out of the 490 acres only 70.91 acres are located in the City thus the reason for the Resolution at this time. After passage the Resolution will be forwarded to Miami County for processing of the renewal, stated Ms. Wall.

Public Comment

No one came forward to speak for or against Resolution No. R-32-12


RES. NO. R-33-13

A Resolution authorizing the purchase of 650 Wood Street, Parcel No. N44-013960.

Assistant City Manager/Economic Development Director Bill Murphy explained the City recently received their FY2012 Community Development Block Grant, and as part of the program the City will purchase and demolish the commercial structure at 650 Wood Street. The City staff has negotiated the purchase price of $16,000 for the structure which is the fair market value of the structure. This purchase will be completely financed by the Community Development Block Grant, stated Mr. Murphy.

Public Comment

No one came forward to speak for or against Resolution No. R-33-13


PUBLIC COMMENT

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

Steve Stiefel, Brentwood, came forward and announced the 10th Annual Race Cars and Future Stars will kick off on Friday March 8th, at 10:00 A.M. at the Miami Valley Centre Mall and run thru Sunday, March 10th. Mr. Stiefel encouraged citizens to come out and look at the cars and meet the drivers.
Russ Fashner, Forest Avenue came forward and voiced concern over several items that he was concerned with in the community.

1. Last month the Bike Path Crossing sign at the bottom of Park Avenue hill was hit and taken down, but has not yet been replaced. This is a safety concern with the crossing of the foot traffic and bikes on the hill.
2. Concern with the truck traffic still using Park Avenue, as there is no sign stating no trucks allowed, and also there is no speed limit sign on the hill.
3. The Route 66 and Route 36 junction sign is still up next to Knobby's Shop on Ash Street, makes things confusing if someone was following their GPS.
4. Mentioned there is a pile of conduit still sitting in the parking lot at the old Aerovent Building on Ash Street that has been there for quite some time., not sure who it belongs to.
5. Voiced concern about the painted lines on several streets not being right.

**City Manager's Report**

City Manager Huff announced the Ribbon Cutting and Dedication of the new Skate Park will take place on Saturday, March 9th at 11:00 A.M. at Pitsenbarger Park and invited the public to attend.

City Manager Huff announced on the next session of the Government Academy will begin on Thursday March 7th at 6:00 P.M. in the Commission Chambers.

City Manager Huff proudly displayed the award the City of Piqua received from the Ohio City/County Management Association at their Annual Awards Banquet on February 27, 2013 in Columbus. Piqua was selected for the Citizen Participation Award for the numerous programs the city has, and the amount of participation they had with this program. This is a great recognition for the city and a great opportunity to demonstrate all the citizen involvement that has taken place.

City Manager Huff announced several board openings they include:

| Community Diversity | 3 Openings |
| Income Tax review Board | 1 Opening |
| Tree Committee | 1 Opening |

**Commissioners Comment**

Commissioner Wilson stated he attend the Grand Opening of the new business Somewhere in Time located in the old Schmidlapp/Board of Education building at 509 N. Main Street. There are 15 different vendors located in the building, and a photography studio is located on the second floor. Commissioner Wilson encouraged citizens to stop in and check it out the newest business addition in the downtown.

Commissioner Wilson stated he is looking forward to the PPP presentation, and hopes citizens will take advantage of this to come and learn more about the community.

Commissioner Wilson stated the Park project sounds very good, and he hopes citizens will donate to the project as he is looking forward to seeing what develops.

Commissioner Terry congratulated Mark Grau on his retirement, and for his 24 years of service.

Commissioner Terry announced the Salvation Army has their Putt Putt Golf Course set up at the Miami Valley Centre Mall, and encourage citizens to go out and play as the money they receive helps with the summer lunch project for the school children in the community.

Commissioner Terry stated she is very excited about the plans for Pitsenbarger Sports Complex and is looking forward to summer.
Commissioner Martin stated he would like to see citizens support the local retailers. Local retailers make a difference in the community, as they are here to serve you all of the time.

Vice Mayor Vogt, stated he feels the Pitsenbarger Sports Complex is well overdue for some changes, and encouraged citizens to work together to make this happen.

Vice Mayor encouraged citizens to take time to learn the history on Don Gentile and William H. Pitsenbarger both local War Hero's. The Piqua Library has a book on Don Gentile that is very fascinating to read, and was hard to put down, stated Vice Mayor Vogt.

Vice Mayor Vogt also congratulated Mark Grau on his twenty-four years of service to the City of Piqua.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Regular Piqua City Commission Meeting at 8:40 P.M. Voice vote, Aye: Martin, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously.

WILLIAM D. VOGT, VICE MAYOR

PASSED: __________________________

ATTEST: __________________________

REBECCA J. COOL
CLERK OF COMMISSION
RESOLUTION NO. R-34-13

A RESOLUTION APPOINTING A MEMBER
TO THE BOARD OF ZONING APPEALS

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: Daniel Patrizio is hereby appointed as a member of the Board of Zoning Appeals for a term to expire on March 1, 2018 or until his successor is confirmed and qualified;

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

______________________________
LUCINDA L. FESS MAYOR

PASSED: ________________________

ATTEST: _________________________
REBECCA J. COOL
CLERK OF COMMISSION
RESOLUTION NO. R-35-13

A RESOLUTION APPOINTING A MEMBER
TO THE CIVIL SERVICE COMMISSION

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: Stu Shear is hereby appointed as a member of the Civil Service Commission for a term to expire on March 1, 2016 or until his successor is confirmed and qualified;

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

________________________________________
LUCINDA L. FESS MAYOR

PASSED: ________________________________

ATTEST: ________________________________
REBECCA J. COOL
CLERK OF COMMISSION
RESOLUTION NO. R-36-13

A RESOLUTION APPOINTING A MEMBER
TO THE DOWNTOWN DISTRICT DESIGN REVIEW BOARD

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: Bradley Bump is hereby appointed as a member of the Downtown District Design Review Board for a term to expire on March 1, 2016 or until his successor is confirmed and qualified;

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

LUCINDA L. FESSION
MAYOR

PASSED: ________________________

ATTEST:

REBECCA J. COOL
CLERK OF COMMISSION
RESOLUTION NO. R-37-13

A RESOLUTION APPOINTING A MEMBER
TO THE PLANNING COMMISSION

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: Cindy Pearson is hereby appointed as a member of the Planning Commission for a term to expire on March 1, 2018 or until her successor is confirmed and qualified;

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

_________________________________________
LUCINDA L. FESS MAYOR

PASSED: ________________________________

ATTEST: _______________________________
REBECCA J. COOL
CLERK OF COMMISSION
RESOLUTION NO. R-38-13

A RESOLUTION APPOINTING A MEMBER
TO THE PARK BOARD

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: Al Cooper is hereby appointed to fill the unexpired term of Denise Uhlenbrock as a member of the Park Board for a term to expire on March 1, 2015 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS MAYOR

PASSED: ________________

ATTEST: ________________
REBECCA J. COOL
CLERK OF COMMISSION
RESOLUTION NO. R-39-13

A RESOLUTION APPOINTING A MEMBER
TO THE GOLF BOARD

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: Doug Eakin is hereby appointed as a member of the Golf Board for a term to expire on March 1, 2017 or until his successor is confirmed and qualified;

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

______________________________
LUCINDA L. FESS MAYOR

______________________________
PASSED:

______________________________
ATTEST:
REBECCA J. COOL
CLERK OF COMMISSION
RESOLUTION NO. R-40-13

A RESOLUTION APPOINTING A MEMBER
TO THE GOLF BOARD

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: James Denson is hereby appointed as a member of the Golf Board for a term to expire on March 1, 2017 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS MAYOR

PASSED: ________________________

ATTEST: ________________________
REBECCA J. COOL
CLERK OF COMMISSION
RESOLUTION NO. R-41-13

A RESOLUTION APPOINTING A MEMBER TO THE BOARD
OF ZONING APPEALS AS THE PLANNING COMMISSION
REPRESENTATIVE

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: Mike Taylor is hereby appointed as a member of the Board of Zoning Appeals as the Planning Commission representative. This term will expire on January 1, 2014 or until his successor is confirmed and qualified;

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

______________________________
LUCINDA L. FESS, MAYOR

PASSED: _______________________

ATTEST: _______________________
REBECCA J. COOL
CLERK OF COMMISSION
ORDINANCE NO. 3-13

AN ORDINANCE AMENDING SECTION 77.01 – TRAFFIC SCHEDULES ADOPTED, SCHEDULE IV AND SCHEDULE VII OF THE PIQUA CODE, RELATING TO FOUR-WAY STOP INTERSECTIONS AND TRAFFIC CONTROL DEVICES PERTAINING TO THE SOUTH STREET/SUNSET DRIVE INTERSECTION.

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

SEC. 1: Section 77.01 of the Piqua Code, Schedule IV – FOUR-WAY STOP INTERSECTION, is hereby amended to ADD the following:

SOUTH STREET AND SUNSET DRIVE

and; Section 77.01 of the Piqua Code, Schedule VII – TRAFFIC CONTROL DEVICES, is hereby amended to DELETE the following:

SOUTH STREET AND SUNSET DRIVE

SEC. 2: Section 77.01 of the Piqua Code, Schedule IV Four-way Stop Intersection and Schedule VII Traffic Control Devices, is hereby amended to revise the designation of the intersection;

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

1st Reading 3-5-2013

LUCINDA L. FESS, MAYOR

PASSED: __________________________

ATTEST:___________________________

REBECCA J. COOL
CLERK OF COMMISSION
### MEETING DATE

March 5, 2013
March 19, 2013 (2nd Reading)

### REPORT TITLE

An ordinance amending Section 77.01 - Traffic Schedules Adopted, Schedule IV and Schedule VII of the Piqua Code, relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection.

### SUBMITTED BY

Name & Title: Amy Havenar, P.E., City Engineer
Department: Engineering

### AGENDA CLASSIFICATION

- [ ] Consent
- [x] Ordinance
- [ ] Resolution
- [ ] Regular

### APPROVALS/REVIEWS

- [x] City Manager
- [ ] Asst. City Manager/Finance
- [ ] Asst. City Manager/Development
- [x] Law Director
- [ ] Department Director
- [ ] Other:

### BACKGROUND

A request was brought before the Transportation Committee to review the intersections surrounding Pitsenbarger Park for means of improving/enhancing the safety of the intersections with regards to pedestrians, bicyclists, and the motorists entering and leaving the park complex. For the purpose of this Ordinance, we are focusing on the intersection of South Street and Sunset Drive. Based upon the study completed, the traffic signal at the intersection of South Street and Sunset Drive does not meet the necessary warrants as per the Ohio Manual of Uniform Traffic Control Devices (OMUTCD).

In determining that the traffic signal was not warranted at this location, the study then proceeded to evaluate the justification of a multi-way stop at this intersection. Based upon the criteria for multi-way stops, a multi-way stop is justified and was recommended for intersection.

The Transportation Committee voted unanimously at their August 23, 2012 meeting to recommend to the City Commission that this intersection be changed from a signalized intersection to a multi-way stop intersection.

### BUDGETING AND FINANCIAL IMPACT

<table>
<thead>
<tr>
<th>Budgeted ($)</th>
<th>$0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure ($)</td>
<td>$0</td>
</tr>
</tbody>
</table>

### Source of Funds:

**Narrative**

The only financial impact will be for the new stop signs and the new stop ahead signs, which the Sign Shop can make in-house. We will also recognize a long-term savings with not having to maintain/operate the traffic signal at this intersection.
<table>
<thead>
<tr>
<th>OPTIONS (Include Deny/Approval Option)</th>
<th>1. Approve the ordinance to amend Section 77.01, Schedule IV and Schedule VII of the Piqua Code relating to four-way stop intersections and traffic control devices pertaining to the South Street/Sunset Drive intersection.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>2. Do not approve the ordinance and keep the intersection as a signalized intersection.</td>
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<tr>
<td>PROJECT TIMELINE</td>
<td>This work would be completed based upon the timeframes identified in the attached Intersection Action Plan.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the ordinance to allow for the conversion of the South Street/Sunset Drive intersection to a multi-way stop.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>South Street/Sunset Drive Intersection Action Plan</td>
</tr>
</tbody>
</table>
# OVERVIEW

**Background:** Complaints concerning the existence of a traffic signal at this location continue to be received from the public. The existing traffic control equipment is non-standard by current standards and the age of the equipment makes it difficult to find replacement parts when repairs are needed. Reconstruction/replacement of the traffic signal has been delayed in the past due to concerns about the expense of the necessary work when questions remain about whether or not the signal is warranted. A traffic study completed in 2012 by the City of Piqua Engineering Department determined the intersection characteristics and traffic volumes at this location do not warrant a traffic signal control device.

**Recommendation:** It is recommended that the traffic signal at this intersection be removed. Based on the relatively balanced traffic volumes on the intersection approaches, a multi-way (3-way) stop control is recommended. A 3-way stop will provide for reduced delays for approach traffic when there is no traffic approaching from the other directions. Consideration to pedestrian needs should also be given special attention here given the residential setting and adjacent park facility.

**Intersection Aerial:**

![Intersection Aerial Image]
# INDIVIDUAL INTERSECTION ACTION PLAN

## SOUTH STREET AND SUNSET DRIVE

### WORK PLAN

<table>
<thead>
<tr>
<th>OUTREACH</th>
<th>DEPARTMENT</th>
<th>TARGET DATE</th>
<th>DATE COMPLETE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stakeholder Mailings</td>
<td>Planning</td>
<td>February 1, 2013</td>
<td></td>
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<tr>
<td>Property owners/residents near intersection; Southwest Neighborhood Association.</td>
<td></td>
<td></td>
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<tr>
<td>Public Meeting</td>
<td>Planning</td>
<td>February 12, 2013</td>
<td></td>
</tr>
<tr>
<td>Planning Commission Public Hearing</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Public Awareness:</td>
<td>Engineering</td>
<td>March 1, 2013</td>
<td></td>
</tr>
<tr>
<td>Public Notice - PDC, WPTW, Channel 5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Patrols</td>
<td>Police</td>
<td>May 1, 2013 to August 1, 2013</td>
<td></td>
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</table>

### WORK ITEMS

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>TARGET DATE</th>
<th>DATE COMPLETE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Meet with property owners to discuss planned improvements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Amend traffic schedule</td>
<td>Engineering</td>
<td>March 5 to April 2, 2013</td>
</tr>
<tr>
<td>3. Specify and fabricate necessary signs (field locate)</td>
<td>Engineering/Streets</td>
<td>March 25, 2013</td>
</tr>
<tr>
<td>Installation:</td>
<td>Streets</td>
<td>April 11, 2013</td>
</tr>
<tr>
<td>4. Install “Signal Under Study for Removal” for 30 days</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Implement 3-way stop; Install new signs and place signal in 3-way flash mode for 90 days.</td>
<td>Streets/Traffic</td>
<td>May 13 to August 13, 2013</td>
</tr>
<tr>
<td>6. Turn off flashers and bag signal heads for 60 days</td>
<td>Traffic</td>
<td>August 13 to October 14, 2013</td>
</tr>
<tr>
<td>Follow Up:</td>
<td>Traffic</td>
<td>September 1, 2013</td>
</tr>
<tr>
<td>7. Peak hour observation of traffic patterns and motorist behavior; note observations and report findings to City Engineer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Remove signal heads and generate report closing project - OR - Forward request for work items to be completed to modify operation</td>
<td>Engineering</td>
<td>October 15, 2013</td>
</tr>
</tbody>
</table>

Page 2
ORDINANCE NO. 4-13

AN ORDINANCE AMENDING CHAPTER 90 OF THE PIQUA MUNICIPAL CODE TO REPEAL SECTION 90.28 VICIOUS DOGS

WHEREAS, the City of Piqua Municipal Code has had laws and procedures dealing with vicious dogs; and

WHEREAS, the State of Ohio passed HB 14 in 2012 on redefining types of dogs and dog violations; and

WHEREAS, the City of Piqua desires to follow the Ohio Revised Code with regards to defining different types of dogs when there has been a dog attack or dog bite; and

WHEREAS, by repealing Piqua Municipal Code Section 90.28, issues that fell under the purview of that section will now be enforced by the Miami County Dog Warden.

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

SECTION 1. That the City of Piqua hereby amends Chapter 90 of the Piqua Municipal Code as set forth below by repealing Section 90.28 and all references thereto: (deleted language is indicated by strikethrough and added language is underlined)

§ 90.01 DEFINITIONS

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

ANIMAL. Any live, vertebrate creature, domestic or wild.

DOMESTIC ANIMAL. Any non-agricultural animal which is accepted by the general public as tamable and bred as a tamed animal for human purposes.

EXOTIC. Any animal which is foreign and generally not indigenous to the local community, including (but not limited to) the animals identified in § 90.08.

OWNER. Any person, firm or corporation owning, keeping, harboring or having care, custody or control of one or more animals.

WILD. Any animal which generally lives in its original, natural state, and is not normally domesticated.
§ 90.02 SANITARY CONDITIONS REQUIRED.

It shall be unlawful for any person to erect, use, or maintain any building, structure or place for the exercise of any trade, employment, business, or for the keeping or feeding of any animal, or to occupy any dwelling which, by occasioning noxious smells, exaltation, or noisome or offensive smells, become injurious to the health, comfort, or property of individuals or the public, or causes or suffers any offal, filth, or noisome substance to be collected or remain in places to the damage or prejudice of others, or to the public.

§ 90.03 ABANDONMENT; ANIMALS RUNNING AT LARGE.

(A) (1) No owner of a dog, cat, or other domestic animal shall abandon the animal.

(2) Except as otherwise provided in § 90.05(B), no owner of horses, mules, cattle, sheep, goats, swine, dogs, geese or other fowl, or animals shall permit them to run at large upon any public way or upon the land of another.

(B) It shall be unawful for the owner of any animal to allow the same to be on the lands of the Echo Hills Golf Course.

§ 90.04 CRUELTY TO ANIMALS; CRUELTY TO COMPANION ANIMALS.

(A) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during the confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This division does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, SHELTER means an artificial enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development, or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;
(5) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the stock to be so crowded as to overlie, crush, wound, or kill each other.

(B) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. Division (A) of this section does not prevent the dehorning of cattle.

(C) All fines collected for violations of division (A) of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the general fund.

(D) Cruelty to companion animals.

(1) As used in this section:

**COMPANION ANIMAL.** Any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. **COMPANION ANIMAL** does not include livestock or any wild animal.

**CRUELTY, TORTURE,** and **TORTURE.** Have the same meanings as in R.C. § 1717.01.


**PRACTICE OF VETERINARY MEDICINE.** Has the same meaning as in R.C. § 4741.01.

**RESIDENTIAL DWELLING.** A structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

**WILD ANIMAL.** Has the same meaning as in R.C. § 1531.01.

(2) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.
(3) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(a) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

(b) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.

(4) Divisions (D)(2) and (D)(3) of this section do not apply to any of the following:

(a) A companion animal used in scientific research conducted by an institution in accordance with the Federal Animal Welfare Act and related regulations;

(b) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under R.C. Chapter 4741;

(c) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(d) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;

(e) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under R.C. Chapter 4741.

(5) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this division (E) to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys
under this division, the county humane society shall use the fine moneys to provide the training that is required for humane agents under R.C. § 1717.06.

§ 90.05 NUISANCE CONDITIONS.

(A) (1) No owner shall allow his or her dog, cat or other domestic animal to become a public nuisance. Excessive barking, whining or howling, molesting passers-by, chasing vehicles, attacking other domestic animals, and damaging property shall be considered a nuisance under this section.

(2) The owner or person in charge or control of any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or any other public or private property (other than the property of the owner of the animal) shall immediately repair any damage and remove all feces deposited by the animal and dispose of same in a sanitary manner.

(B) (1) It shall be unlawful and considered a public nuisance for any person to own, keep, harbor or maintain an agricultural animal on any parcel of land less than five acres in size or within 1,000 feet of any residence other than his or her own.

(2) For the purpose of this section, AGRICULTURAL ANIMALS include horses, mules, donkeys, ponies, cattle, swine, sheep, goats, geese, ducks, turkeys, guinea fowl, peacocks, and chickens.

(3) Nothing in this section shall be construed to prohibit the following:

(a) The feeding of ducks and geese at Echo Lake;

(b) The temporary custody of agricultural animals by a licensed veterinarian;

(c) The temporary custody of agricultural animals by a food processing businesses;

(d) The temporary custody of agricultural animals not exceeding three consecutive days per calendar year by any person, firm, corporation or association sponsoring any charitable, promotional, civic or other civic or special event, festival, celebration or fund-raising activity, subject to approval by the Public Works Director at least seven days in advance; or

(e) The custody of agricultural animals by educational institutions.

§ 90.06 RELEASE OF ANIMALS.
An animal confined under the order of either the police, Health Officer, or pound keeper shall not be released until a certificate of release has been issued by the official who orders the confinement.

§ 90.07 PENS FOR RABBITS.

(A) Any person, persons, firm, or corporation who owns, keeps or harbors three or more rabbits on any premises within the corporation limits of the city must keep the same in a building or structure used exclusively for that purpose, and which building or structure shall be located 75 feet or more from any other building, house, or structure which is used for human occupancy or habitation, or where food is sold, served, or otherwise handled. The building or structure must have a ceiling of not less than seven feet in height from the floor, at any point, with sufficient windows and opening to furnish light to all points of the building or structure. Ventilation shall be sufficient so as to furnish six complete changes of air per hour, and all openings must be fully screened so as to keep out flies and other insects. The floor of the building or structure must be of concrete and free from flaws or cracks, and graded and sloped so that the floor will properly drain to a floor drain, which is to be connected to a sanitary sewer and vented. The foundation of the building or structure must be of a height of not less than six inches above the floor level, or have a cement baseboard at least six inches in height.

(B) The hutches, cages, or pens in which the rabbits are kept or harbored must be at least 16 inches in height, 30 inches in width, and 40 inches long. Hutches, cages, or pens shall not be placed or erected on top of each other over three hutches in height. Hutches may have a steel or wood frame. The top and sides must be covered with galvanized wire netting and a -inch mesh galvanized wire floor, with a watertight galvanized iron drip pan of not less than 16-gauge, and shall be large and sufficient enough to catch all drippings and waste. The drip pans shall be at least one inch deep and placed two or more inches under each floor of each hutch, and arranged, built, and erected so that the pans can be taken out for cleaning and flushing. The hutches must be erected so that they will stand away from any wall, and have an aisle of at least four feet in width between the rows of same.

(C) The hutches must also have a proper feed rack and chaff pan for same, but they must be built and erected double, end to end, so one rack and pan can provide for both hutches. Drip pans and floor must be washed, flushed, and disinfected every day from April 1 to October 30, inclusive, of each year, and for the balance of each year the drip pans and floor must be washed, flushed, and disinfected at least every other day. The waste and manure must be kept in tight metal containers with tight and well-fitting lids and disposed of at reasonable intervals. The floor of the building or structure shall be kept free from all obstructions at all times so that it can be easily and readily flushed.
(D) Each hutch, cage, or pen shall contain at any one time not more than one rabbit over six months of age except a doe and litter until the litter reaches six weeks of age.

(E) Notwithstanding any other provision of this chapter, participants in projects sponsored by 4-H Club or similar organizations may apply for exemptions from one or more restrictions contained in § 90.04(A), provided:

(1) The participant establishes his or her bona fide and current affiliation with the 4-H Club or similar organization to the satisfaction of the Health and Sanitation Officer.

(2) The participant submits a comprehensive and written description of his or her proposed project, satisfactory to the city Health and Sanitation Officer (which shall in no event provide for keeping more than 24 rabbits).

(3) The participant maintains and fulfills the project in complete conformity with his or her written description satisfactory to the Health and Sanitation Officer.

§ 90.08 EXOTIC ANIMALS.

(A) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the territorial limits of the city any of the following animals:

(1) All poisonous animals, including rear-fang snakes and spiders.

(2) Apes, including chimpanzees (pan); gibbons (hylobates); gorilla (gorilla); orangutans (pongo); and siamangs (Synphalangus).

(3) Baboons (papoi, mandrillus).

(4) Bears (ursidae).

(5) Bison (bison).

(6) Cheetahs (acinonyx jubatus).

(7) Crocodilians (crocodilia), 30 inches in length or more.

(8) Constrictor snakes, six feet in length or more.

(9) Coyotes (canis latrans).

(10) Game cocks and other fighting birds.
(11) Hyenas (hyaenidae).

(12) Jaguars (panthera onca).

(13) Leopards (panthera padus).

(14) Lions (panthera leo).

(15) Lynxes (lynx).

(16) Foxes (vulpes).

(17) Monkeys, old world (cercopithecidae).

(18) Ostriches (struthio).

(19) Piranha fish (characidae).

(20) Pumas (felis concolor), also known as cougars, mountain lions, and panthers.

(21) Snow leopards (panthera uncia).

(22) Tigers (panthera tigris).

(23) Wolves (canis lupus).

(24) Birds of prey (raptors).

(B) The provisions of this section shall not apply to licensed pet shops, menageries, zoological gardens, and circuses, if the following apply:

(1) Their location conforms to the provisions of the zoning ordinance of the city.

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.

(3) The keeping of animals, birds, or fowl otherwise prohibited by this section may be permitted by applying for a special permit from the City Manager. Permits may be issued to permit circus performances or other public exhibition or entertainment events. Any person, organization, group or business granted a special permit will be required to comply with the conditions of division (B) and all federal and state regulations and licensing requirements.

§ 90.09 HARBORING BEES,
(A) It is hereby declared a nuisance for any person to keep or harbor bees which cause annoyance to other persons or damage to the property of others.

(B) Upon complaint being made, the City Manager is hereby authorized and directed to notify the owner of keeper of such bees to abate the nuisance and to remove hives or other contrivances, where the bees are kept or harbored, within ten days after being notified thereof. It shall be unlawful for the owner or keeper to fail or refuse to remove the hives or other contrivances where bees are kept or harbored.

§ 90.10 ANIMAL WARDEN.

The City Manager may appoint an Animal Warden for the purposes of enforcing this chapter. Upon appointment, the Animal Warden shall be authorized and empowered to issue and serve citations for violations of any provision of this chapter, impound animals running at large, eliminate dangerous animals, and perform all duties incumbent upon and incidental to the proper enforcement of this chapter.

§ 90.11 HUNTING AND TRAPPING PROHIBITED.

(A) Except as provided hereinafter and in areas identified in § 137.09(F), no person shall hunt or trap any fur-bearing animal within the municipality without express authorization from the City Health Department.

(B) FUR-BEARING means any animal, the pelt or hide of which has any commercial value, including, but not limited to minks, weasels, raccoons, skunks, opossums, rabbits, squirrels, woodchucks, muskrats, fox, deer and beaver.

(C) In the event the existence of fur-bearing animals shall constitute a nuisance on any property, the owner or occupant shall notify the Animal Control Officer of this condition. If, in the opinion of the Animal Control Officer, a nuisance condition is found to exist, the officer or the designated animal trapper licensed by the state may engage in trapping of the animal(s).

DOGS

§ 90.25 REGISTRATION REQUIRED.

(A) No owner of any dog over three months of age after January 20 of any year, or brought from outside this state at any time during the year, shall fail to register the dog as required by R.C. § 955.01.
(B) Failure to display the tag issued in connection with the registration required by R.C. § 955.01, on a dog collar, harness, leash or similar device, shall be prima facie evidence of a violation of division (A) of this section.

(C) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed dog or in making an examination of a dog wearing a tag.

§ 90.26 DOGS RUNNING AT LARGE.

(A) The owner, keeper or harborer of every dog shall, at all times, keep the dog either confined upon the premises of the owner or firmly secured by means of a collar, chain, or any other device so that it cannot stray from the premises of the owner, keeper or harborer, or it shall be kept under reasonable control of some person.

(B) A dog shall not be at large if it is:

(1) Securely confined in an automobile which is adequately ventilated;

(2) Being used for hunting purposes;

(3) Being exhibited at a show; or

(4) Engaged in any activity approved by the laws of this state.

(C) If a dog is found at large, in violation of this section, it shall be impounded according to the procedures set out in § 90.10.

§ 90.27 DOGS TO BE KILLED FOR CERTAIN ACTS; OWNER LIABILITY.

Subject to R.C. § 955.261(A)(2) and (3), a dog that is chasing or approaching in a menacing fashion or apparent attitude of attack that attempts to bite or otherwise endanger, or that kills or injures a person, or a dog that chases, threatens, harasses, injures, or kills livestock, poultry, other domestic animal, or other animal that is the property of another person, except a cat or another dog, can be killed at the time of that chasing, threatening, harassment, approaching, attempt, killing or injury. If, in attempting to kill such a dog, a person wounds it, the person is not liable to prosecution under the criminal laws or ordinances that punish cruelty to animals. Nothing in this section precludes a law enforcement officer from killing a dog that attacks a police dog as defined in R.C. § 2921.321.

§ 90.28 VICIOUS DOGS.

(A) Definition.
(1) A **Vicious Dog**, as the term is used in this section means as follows:

(a) Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(b) Any dog which has attacked a human being or domestic animal one or more times without provocation.

(c) In determining whether a dog is vicious, the following criteria may be considered:

1. If a bite occurred in the attack:
   a. Whether the attack occurred on or off the owner's property;
   b. Whether the events pertaining to the attack warrant a determination that the dog is vicious;

2. Past citations, bite history and/or vaccination record;

3. Size and strength of the dog;

4. Aggressiveness and propensity to bite;

5. Existing confinement;

6. Responsibility of owner;

7. Training background of animal;

8. Public health, welfare, and safety.

(2) A vicious dog is **UNCONFINED** as the term is used in this section if the dog is not securely confined indoors or not confined in a securely enclosed and locked cage, pen or structure located upon the premises of the person owning, keeping, or harboring the dog. Any cage, pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground not less than one foot deep.

(B) Reporting of vicious dogs and notifications:

(1) Upon written complaint that a person owns or is keeping or harboring a vicious dog on premises in the city, the Chief of Police shall cause the matter to be investigated, and if, after the investigation, the facts indicate that the person named in the complaint is, in fact, the owner or is keeping or harboring any vicious dog in the city, he or she shall send written notice to that person, to be
delivered via certified mail or personally served by a police officer, requiring the person to remove the animal or confine the animal in compliance with division (A)(2) of this section.

(2) Notice, as herein provided, shall not be required where a vicious dog has previously caused serious physical harm or death to any person, or has escaped and is at large, in which case the Chief of Police shall cause the dog to be immediately seized and impounded, according to the provisions of this chapter, or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

(3) No owner shall permit a vicious dog to be unconfined at any time or in violation of an order of the Chief of Police.

(C) Appeal.

(1) Any person(s) to whom notices are directed pursuant to this section may file a written request for a hearing before the City Manager or his or her designee, within the period of compliance for the purpose of defending against the changes by the city.

(2) A hearing requested pursuant to this section shall be held as soon as practicable after the filing of the request. Persons requesting a hearing shall be advised of the time and place of the hearing. At any hearing the city and the persons to whom notices have been directed may introduce witnesses and evidence as each party deems necessary. The City Manager or his or her designee shall then either affirm, reverse, or modify the order.

(3) Pending appeal, the Chief of Police may stay the enforcement of this section if, in his or her sole discretion, it is reasonable to do so.

(D) Seizure and impoundment of vicious dog.

(1) Notwithstanding any appeal pursuant to division (C) above, the Chief of Police shall cause to be seized and impounded any vicious dog where the person owning, keeping or harboring the animal has failed to comply with the notice sent pursuant to division (B) of this section. Upon seizure and impoundment, the dog shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such dogs.

(2) If, during the course of seizing and impounding any animal, the animal poses a risk of serious physical harm or death to any person, that person, or persons authorized by the Chief of Police, may render the animal immoveable by means of tranquilizers or other safe drugs, or if that is not safely possible, then the animal may be destroyed.
(E) Cost to be paid by responsible persons. Any reasonable cost incurred by the Chief of Police in seizing, impounding, confining or destroying any vicious dog, pursuant to the provisions of division (D) of this section, shall be charged against the owner, keeper or harboring of the animal, and shall be collected by the Director of Law.

(F) Keeping of vicious dog prohibited; permits.

(1) No person shall keep or harbor within the city any vicious dog, whether owned by him or her or not, that has caused serious physical harm or death to any person or dog.

(2) No person shall keep or harbor within the city any vicious dog, whether owned by him or her or not, that has been determined to be vicious, but has not caused serious physical harm or death to another person or dog, unless the person has been issued a valid permit by the Chief of Police and the person complies with all of the following restrictions:

(a) The dog must be confined on the premises of the owner, keeper, or harboring as required by this section.

(b) The dog shall not be let outside the pen, case or structure of confinement, unless the dog is securely leashed and muzzled or otherwise securely restrained.

(c) The owner, keeper or harboring of the dog must comply with R.C. § 955.11 (Transfer and Ownership or Possession of Dog);

(d) The owner, keeper or harboring of the dog must comply fully with R.C. § 955.22 (Confinement or restraint of dog; liability insurance) and file documentation as required by the Chief of Police to demonstrate compliance immediately.

(e) The owner or keeper of any vicious dog that escapes from his or her custody or control and presents a risk of physical harm to persons or property, or both, shall, within one hour after he or she discovers or reasonably should have discovered the escape, report it to a law enforcement officer of the city.

(G) Repeat offenders. Persons previously convicted of any violation of this section shall not be permitted to own, keep, or harbor any vicious dog in the city without a permit as specified in division (F)(2) of this section.

§ 90.29 PERMITTING DOGS TO BITE.

No owner of a dog shall permit such dog to bite or otherwise injure any person not engaged in illegal activity.
§ 90.30 MUZZLING OF DOGS.

(A) The Health Officer is empowered, whenever in his or her opinion it is necessary or advisable and in the interest of the public health, to make a general order directing and requiring owners of dogs within the city to muzzle the same, or to confine or quarantine them, for such time and in such manner as he or she shall deem and consider to be advisable or necessary for the preservation of the public health.

(B) Whenever the Health Officer shall deem it necessary or advisable, in the interest of the public health to cause a dog to be muzzled, confined, or quarantined, he or she shall publish a general notice thereof once in at least two newspapers of the city, directing and requiring any owner(s) of the dog to cause the dog(s) to be muzzled, confined, or quarantined; or in a case where he or she considers any dog to be dangerous to the community, he or she may, by special written notice to the owner thereof, cause the dog to be muzzled, confined, quarantined, or destroyed.

§ 90.31 RABIES IMMUNIZATION AND QUARANTINE.

(A) All dogs in the city over six months of age shall be properly immunized against rabies by their owners. The current rabies immunization tag must be displayed on the dog whenever the animal leaves the property of the owner.

(B) Either the police, Health Officer, or the pound keeper or designee shall be permitted by the owner of an animal which has attacked or bitten a person, to confine or confiscate the animal or to examine the animal at any reasonable time, and daily if desired, after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

(C) Whenever a dog or other animal is affected by rabies or suspected of being affected by rabies, or has been bitten by an animal known or suspected to be affected with rabies, the owner of the dog or animal, or any person having knowledge thereof, shall immediately notify either the police, Health Officer, or pound keeper.

§ 90.99 PENALTY.

(A) Whoever violates §§ 90.02, 90.03, 90.05, 90.07, 90.09, 90.25 or 90.26 is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(B) Whoever violates §§ 90.08, 90.11 or 90.29 is guilty of a misdemeanor of the fourth degree.
(C) Whoever violates § 90.04(A) is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(D) (1) Whoever violates § 90.04(D)(2) is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.

(2) Whoever violates 90.04(D)(3) is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) (a) A court may order a person who is convicted of or pleads guilty to a violation of § 90.04(D) to forfeit to an impounding agency, as defined in R.C. § 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads guilty to a violation of § 90.04 (D) to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under R.C. § 959.132.

(4) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of § 90.04(D) suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

(E) Whoever violates § 90.28(F)(2) shall be guilty of a misdemeanor of the second degree.

(F) Whoever violates §§ 90.28(B)(3), 90.28(F)(1), or 90.28(G) shall be guilty of a misdemeanor of the first degree.

SECTION 2. All other sections of Chapter 90 of the Piqua Municipal Code not repealed or amended herein shall remain in effect as is.
SECTION 3. This Ordinance shall take effect in accordance with the Piqua City Charter.

1st Reading 3-5-2013

LUCINDA L. FESSION, MAYOR

PASSED: ________________________________

ATTEST: ________________________________

REBECCA J. COOL
CITY COMMISSION CLERK
**Commission Agenda**

**Staff Report**

| MEETING DATE | March 5, 2013  
|             | March 19, 2013 (2nd Reading) |
| REPORT TITLE | AN ORDINANCE REPEALING VIOLENT DOG ORDINANCE 90.28 AND ASSOCIATED PENALTY SECTIONS. |
| SUBMITTED BY | Name & Title: Bruce A. Jamison, CLEE, Chief of Police  
|             | Department: Police |
| AGENDA CLASSIFICATION | ☐ Consent  
|             | ☒ Ordinance  
|             | ☐ Resolution  
|             | ☐ Regular |
| APPROVALS/REVIEWS | ☐ City Manager  
|             | ☐ Asst. City Manager/Finance  
|             | ☐ Asst. City Manager/Development  
|             | ☒ Law Director  
|             | ☒ Department Director; Health  
|             | ☐ Other: |
| BACKGROUND (Includes description, background, and justification) | In the summer of 2012, we examined the issue of vicious dog management in Piqua. Due to a tragic attack by two pit bulls on a Piqua citizen, there was considerable public interest. Coincidentally, there was also statewide debate on a new law which was eventually passed by the Ohio General Assembly. The new state law included elements of the ordinance which we originally enacted in 1994.  
Consensus at the work session provided direction to:  
1. Eliminate duplication of efforts and support our contracted Dog Warden (the Miami County Animal Shelter), in enforcement of state law.  
2. Repeal current city ordinances that could conflict with state law regarding declaration of vicious dogs by the Police Chief.  
3. Consider new city ordinances and necessary resources for enforcement if/when any local issues are discovered with county enforcement of the state law.  
After the work session, we waited to see how state and county regulations and enforcement would unfold. So far, this has been a slow process as they adapt to the new state law effective in May. While this is still a work-in-process, progress continues towards a statewide database of declared dogs and handling the due process requirements for owners of dogs declared as nuisance, dangerous, or vicious in municipal court.  
We were also asked to look into ways to publicize the location of vicious dogs within the city limits. We have found this to be one of the most difficult parts of the state law to be implemented, and certainly do not have the resources to do any better here in the city. In fact, we would risk providing inaccurate or untimely information because we would be at the mercy of other agencies we
cannot control for the information to be reported. We could provide public information regarding the special tags that are required to be displayed on dangerous dogs, but hosting a database is not practical.

<table>
<thead>
<tr>
<th>BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)</th>
<th>Budgeted $:</th>
<th>None</th>
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<tbody>
<tr>
<td>Expenditure $:</td>
<td>None</td>
<td></td>
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<tr>
<td>Source of Funds:</td>
<td>None</td>
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<tr>
<td><strong>Narrative:</strong></td>
<td>Repealing this ordinance diverts cost of enforcing Vicious Dog laws to the Miami County Animal Shelter, which must comply with a recently enacted state law that mandates considerable additional responsibilities regarding nuisance, dangerous, and vicious dogs. We currently contract with the shelter for some of their services.</td>
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<th>OPTIONS (Include Deny/Approval Option)</th>
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<tr>
<th>PROJECT TIMELINE</th>
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<tr>
<td>Immediate.</td>
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<tr>
<th>STAFF RECOMMENDATION</th>
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<tr>
<td>Repeal the current ordinance that is inconsistent with state law.</td>
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<tr>
<th>ATTACHMENTS</th>
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<td>Text of ordinance to be struck.</td>
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ORDINANCE NO. 5-13

AN ORDINANCE AMENDING CHAPTER 111 OF THE PIQUA MUNICIPAL CODE

PEDDLERS AND SOLICITORS

WHEREAS, there have been increased concerns over panhandling and whether the City ordinances adequately addressed concerns in the community; and

WHEREAS, the City Commission held a work session on February 14, 2013, and recommended changes to the ordinance based upon the Police Chief’s experiences and recommendations.

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 111 Peddlers and Solicitors as set forth below: (new language is underlined and deleted language is indicated by strikethrough):

§ 111.01 DEFINITIONS.

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

**ITINERANT VENDOR** or **TRANSIENT DEALERS FOR PROFIT.** The activity of any person who intends to engage in or conduct a temporary or transient business of selling goods, wares and merchandise for a period of not more than 120 days and hires, leases or occupies, either in whole or in part, a room, building or other structure for the purpose of conducting his or her business.

**PANHANDLING.** To beg, ask, or solicit, verbally, in writing, or by gesture or other actions, personal financial assistance to obtain an immediate donation of money or other item having value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this chapter. **PANHANDLING** does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

**PEDDLING FOR PROFIT.** The activity of any person who transports with him or her, for immediate sale and delivery, goods, wares or merchandise, or who offers the immediate performance of services.

**PUBLIC PROPERTY.** All property owned, controlled, or operated by any governmental entity, including but not limited to governmental offices or facilities, public streets, publicly owned parking lots, schools, libraries, post offices, transit facilities, and other public lands, parks, buildings, or grounds.

**REGISTERED SOLICITOR.** Any person who has obtained a valid certificate of registration, which certificate is in the possession of the solicitor and prominently displayed on his or her person while engaging in soliciting.

**RESIDENCE.** Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**SOLICITING FOR PROFIT.** Any one or more of the following activities:

1. Seeking to obtain orders from the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, to be delivered or performed in the future.

2. Seeking to obtain subscriptions to books, magazines, periodicals and every other type or kind of publication except newspapers of general circulation.
SOLICITING NOT FOR PROFIT. Includes seeking to obtain, by order or otherwise, gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable political, medical, religious, civic or other nonprofit association, organization, corporation or project.

§ 111.02 APPLICABILITY.

This chapter shall not apply to the following.

(A) Persons selling on behalf of or making or seeking delivery of goods, wares, merchandise, foodstuffs or services sold by an establishment having a permanent place of business that is in good standing with the State of Ohio and the city.

(B) Persons soliciting and peddling at non-residences.

(C) Wholesalers.

§ 111.03 APPLICATION FOR SOLICITOR’S CERTIFICATE.

(A) No person, firm or corporation shall engage in the business or activity of soliciting for profit, soliciting not for profit or peddling for profit or being an itinerant vendor or transient dealer for profit within the city without first applying for, receiving and prominently displaying a solicitor’s certificate, as provided in this chapter. The certificate shall be carried by the solicitor at all times. Solicitations not for profit by city residents or local organizations located in the city shall not require a solicitor’s certificate.

(B) Persons engaged in soliciting for profit or peddling for profit, including itinerant vendors or transient dealers for profit, shall apply to the Police Department for a certificate of registration upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

(1) Name and address of present place of residence and length of residence at that address, also business address if other than present address.

(2) Address and place of residence during the past three years if other than present address.

(3) Age of applicant.

(4) Physical description of the applicant.

(5) Name and address of the person, firm or corporation or association whom the applicant is employed or represents and the length of time of employment or representation.

(6) Name and address of employer during the past three years if other than the present employer.

(7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(8) Period of time for which the certificate is applied.

(9) The date, or approximate date, of the latest previous application for certificate under this chapter, if any.

(10) Has a certificate of registration issued to the applicant under this chapter ever been revoked.

(11) Has the applicant ever been convicted of any violation of a felony under the laws of the state or any other state or federal law of the United States.

(12) Names of the three most recent communities where the applicant has solicited house-to-house.
(13) Proposed method of operation.

(14) Signature of applicant.

(15) Social security number of applicant.

(C) All statements made by the applicant on the application or in connection therewith shall be under oath.

(D) The applicant shall submit to fingerprinting and photographing if requested by the Police Department of the municipality in connection with the application for the certificate.

(E) The Chief of Police shall cause to be kept in his or her department an accurate record of every application received and acted on, together with all other information and data pertaining thereto, and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application on which it was issued.

(F) No certificate of registration shall be issued to any person who has been convicted of a felony theft offense, fraud offense, sex offense, drug offense, or offense of violence under the laws of the state or any other state or federal law of the United States within five years of the date of the application, nor any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked.

(G) Applications for solicitor's certificates shall be filed with the Police Department and all certificates shall be issued therefrom.

(H) Persons engaged in soliciting not for profit that are not residents of the city, or whose organization is not located within the city, shall complete an application for a nonprofit solicitor's certificate upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

(1) Applicant's name and address.

(2) Name, address and purpose of nonprofit cause or organization.

(3) Name and address of applicant's supervisor or group leader, if any.

(4) Period of time for which the certificate is applied.

(5) Proposed method of operation.

(6) Signature of applicant.

(I) Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately on such revocation, written notice shall be given by the Chief of Police to the holder of the certificate in person or by certified United States mail addressed to his or her residence address as set forth in the application. Immediately on the giving of the notice, the certificate of registration shall become null and void.

(J) The certificate of registration shall state the expiration date thereof.

(K) The Chief of Police should be notified of solicitations not for profit by residents of the city or whose organization is located within the city.

§ 111.04 PANHANDLING REGISTRATION.
(A) No person shall panhandle without a registration issued by the Chief of Police. The registration shall include the name and photograph of the person to whom it is issued. Any person who has been registered shall display the registration in plain view on the front of that person at all times while panhandling. No person whose registration has been revoked shall panhandle for a period of two years following the revocation.

(B) The Chief of Police shall issue the registration, without fee, to any eligible person who presents himself or herself at the Police Department, states his or her true name, presents a photo identification or signs a declaration under penalty of perjury that he or she has no such identification, and permits himself or herself to be photographed and fingerprinted.

(C) A person is ineligible to register if, and only if, within the past five years he or she:

(1) Has pleaded guilty to or been convicted of two or more violations of this § 111.04 (Registration);

(2) Has had a registration revoked pursuant to division (F) below; or

(3) Has pleaded guilty to or been convicted of two or more offenses under the laws of any jurisdiction which involve aggressive or intimidating behavior while panhandling or false or misleading representations while panhandling.

(D) Upon receipt of an application for registration in accordance with division (B) above, the Chief of Police shall issue a temporary registration valid for ten days and shall determine eligibility for a regular registration before the temporary registration expires. An eligible applicant shall receive a regular registration upon determination of the applicant’s eligibility. The regular registration shall expire one year from the date of issuance. Along with the registration, the Chief of Police shall give the applicant a copy of this section.

(E) No person shall make a false or misleading representation while applying for registration under this section.

(F) Upon arrest for any violation of §§ 111.04, 111.11, 111.12, 111.13, or 111.14, a panhandler shall release to the arresting officer any registration issued under this section to the arrestee. The arrestee may apply to the Chief of Police for consecutive 30-day temporary registrations pending adjudication of the arrest case. The Chief of Police shall revoke any registration issued under this section to a person who has pleaded guilty to or been convicted of a violation of §§ 111.04, 111.11, 111.12, 111.13 or 111.14, or to a person convicted of two violations of § 111.04.

(G) The City Manager shall direct the Chief of Police to issue the registration if the applicant has met the criteria set forth in this section for issuance of a registration. The applicant may appeal the decision of the City Manager to a court of competent jurisdiction.

§ 111.05 FEES.

For certificates to be issued to solicitors under the provisions of this chapter, each applicant shall pay to the city the sum of $15. All certificates shall expire on the date specified in the certificate, which shall not exceed 12 months.

§ 111.06 DISPLAY OF CERTIFICATE.

The certificate issued under the provisions of this chapter shall be exhibited in the place of business by itinerant vendor or transient dealer and shall be prominently displayed by the peddler or solicitor at all times when peddling or soliciting, and shall be exhibited to any person being solicited or any police officer on request.
§ 111.07 RESTRICTIONS.

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations.

(A) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(B) No peddler or solicitor shall enter or attempt to enter the house, apartment or dwelling of any resident in the city without an express invitation from the occupant of the house, apartment or dwelling.

(C) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the municipality.

(D) No person subject to this chapter shall make any solicitation where solicitors are notified by sign that peddling or soliciting is prohibited.

(E) No peddler, solicitor, itinerant vendor or transient dealer shall engage in or transact any type of business or solicitation other than that specified on the registration application.

§ 111.08 PROHIBITED ACTS.

(A) No person, while engaged in any profit or non-profit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the city upon which is displayed at the entrance a notice which reads “No Peddlers or Solicitors Allowed,” or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless the peddler or solicitor is or has been invited on the premises by the owner, lessee or occupant thereof.

(B) No peddler, solicitor, itinerant vendor or transient dealer, panhandler, or any person on his or her behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places of the city or any private premises in the city, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which is being proposed to be sold.

(C) No person shall knowingly make a false or misleading representation in the course of soliciting a donation or panhandling. False or misleading representations include, but are not limited to, the following, whether verbal or in writing:

1. Stating that the donation is needed to meet a specific need, when the solicitor or panhandler already has sufficient funds to meet that need and does not disclose that fact;

2. Stating that the donation is needed to meet a need which does not exist;

3. Stating that the solicitor or panhandler is from out of town and stranded, when that is not true;

4. Wearing a military uniform or other indication of military service, when the solicitor or panhandler is neither a present nor former member of the service indicated;

5. Wearing or displaying an indication of physical disability, when the solicitor or panhandler does not suffer the disability indicated;

6. Using any makeup or device to simulate any deformity;

7. Stating that the solicitor or panhandler is homeless, when he or she is not.

8. Stating that the solicitor or panhandler has a minor child or other family member they are supporting who suffers from a medical condition, mental or physical disability, or deformity, when in fact that
child or other family member does not suffer from a medical condition, mental or physical disability, or
deformity and/or the person soliciting or panhandling does not support that minor child or other family
member.

(9) Stating that the person soliciting or panhandling is unemployed when the person soliciting or
panhandling is not unemployed.

(10) Interfering or disrupting any activity or event occurring on public property as defined in this
section.

§ 111.09 TRANSFERABILITY.

No certificate or registration shall be assigned or transferred. No registrant shall authorize any person, firm
or corporation other than the one named to do business. No registrant shall conduct any other business than is
listed in his or her application to be transacted. A separate certificate shall be required for each individual
peddler or solicitor, whether or not employed by one person, firm or corporation.

§ 111.10 REVOCATION.

Any certificate or registration issued under the provisions of this chapter may be revoked at any time,
should the person to whom it is issued be guilty of any fraud, misrepresentation, or unlawful act in connection
with his or her business, or is found to be a person not fit to be engaged in such business, or violate any of the
provisions of this chapter.

§ 111.11 TIME OF SOLICITING OR PANHANDLING.

No person shall solicit, panhandle or conduct any other activity subject to this chapter after sunset or before
sunrise. The times of sunset and of sunrise shall be as published by the United States Naval Observatory.

§ 111.12 PLACE OF PANHANDLING.

No person shall panhandle when either the panhandler or the person being solicited is located at any of the
following locations:

(A) At any bus stop;
(B) In any public transportation vehicle or facility;
(C) In any vehicle within the public right-of-way;
(D) Within 20 feet of any entrance or exit of any bank, savings and loan association, credit union, or
check cashing business during its business hours or within 20 feet of any automated teller machine during the
time it is available for customers' use;
(E) On private property, unless the panhandler has permission from the owner or occupant; or
(F) From any person exiting or entering a motor vehicle.
(G) Within 20 feet of any pedestrians waiting in line for service or waiting in line for an event.
(H) Within 20 feet of any pedestrians waiting in line to obtain access to a building.
(I) Within 20 feet of the area of the sidewalk.
§ 111.13 MANNER OF PANHANDLING.

No person shall panhandle in any of the following manners:

(A) By coming within three feet of the person solicited after that person has indicated that he or she does not wish to make a donation;

(B) By blocking the path of a person who attempts to walk or drive away from the panhandler;

(C) By following a person who walks away from the panhandler;

(D) By making unreasonable noise or offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language, either during the solicitation or following a refusal;

(E) By panhandling in a group of two or more persons;

(F) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat, harassment or intimidation; or

(G) By touching the solicited person without a statement, gesture or other communication that the person being solicited consents to the touching.

§ 111.14 CAUSING A MINOR TO PANHANDLE.

No parent, guardian, or adult person having legal care, control, or custody of a minor shall cause, allow, or procure such minor to panhandle in or upon any public or private property.

§ 111.15 APPEALS.

Any applicant who has applied for a certificate or a panhandling registration in accordance with this chapter and to whom the Chief of Police has, after an investigation, denied a certificate or registration or revoked a certificate or registration, may appeal to the City Manager. Notice of an appeal shall be filed with the City Manager within five days after the denial or revocation by the Chief of Police. The City Manager on appeal may affirm or reverse the action of the Chief of Police. The City Manager shall direct the Chief of Police to issue the certificate or registration if the applicant has met the criteria set forth in § 111.03 or 111.04 for issuance of a certificate or registration.

§ 111.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than $100. Each day's violation shall constitute a separate offense. Whoever violated any provision of this chapter after a previous conviction thereof shall be deemed guilty of a misdemeanor of the fourth degree and shall be fined not more than $250.

SECTION 2. All other sections of Chapter 111 of the Piqua Municipal Code not amended herein shall remain in effect as is.
SECTION 3. This Ordinance shall take effect at the earliest period allowed by City Charter.

1st Reading 3-5-2013

__________________________________________
LUCINDA L. FESS, MAYOR

PASSED: ____________________________

ATTEST: ____________________________
REBECCA J. COOL
CLERK OF COMMISSION
**Commission Agenda**
**Staff Report**

| MEETING DATE          | March 5, 2013  
|                      | March 19, 2013 (2nd Reading)  |
| REPORT TITLE          | AN ORDINANCE AMENDING CHAPTER 111, PEDDLERS AND SOLICITORS, APPLYING FURTHER RESTRICTIONS TO PANHANDLING |
| SUBMITTED BY          | Name & Title: Bruce A. Jamison, CLEE, Chief of Police  
|                      | Department: Police  |
| AGENDA CLASSIFICATION | ☑️Ordinance  
|                      | ☐Resolution  
|                      | ☐Regular  |
| APPROVALS/REVIEWS     | ☑️City Manager  
|                      | ☐Asst. City Manager/Finance  
|                      | ☐Asst. City Manager/Development  
|                      | ☑️Law Director  
|                      | ☐Department Director,  
|                      | ☐Other:  |
| BACKGROUND            | Panhandling registration and restrictions were implemented in Piqua in 2010. Since that time, other local cities dealing with the issue of panhandlers have created ordinances that include more restrictions that we implemented in 2010.  
|                      | Our community has expressed concern over the number of panhandlers and the manner in which panhandling has recently been conducted. In response to this, the Chief of Police presented the additional restrictions found in ordinances of nearby jurisdictions to the Commission at a work session on February 14, 2013. The consensus of the commissioners in attendance was to add any restrictions legally acceptable.  |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: -0-  
|                      | Expenditure $: -0-  
|                      | Source of Funds: n/a  |
| Narrative:           | The enforcement of the additional restrictions found in this ordinance will be conducted in the normal course of business for the Piqua Police Department.  |
| OPTIONS              | 1. Approve the attached amendment to provide the police officers additional tools for effective control of panhandlers.  
|                      | 2. Deny the attached amendment and restrict panhandling to the same level it is controlled now.  
|                      | 3.  
|                      | 4.  |
| PROJECT TIMELINE      | • Enforcement of the existing ordinance will continue uninterrupted.  
|                      | • Enforcement of new restrictions in this amendment will begin as soon as legally permissible after it is adopted.  
<p>|                      | • Interest was expressed in waiving three readings of this ordinance by a commissioner during the work session.  |</p>
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<thead>
<tr>
<th>STAFF RECOMMENDATION</th>
<th>Approve this ordinance.</th>
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<tr>
<td>ATTACHMENTS</td>
<td>Text of applicable additions and modifications to Chapter 111.</td>
</tr>
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</table>
RESOLUTION NO. R-42-13

A RESOLUTION APPROVING THE FISCAL YEAR 2013 COMMUNITY HOUSING
IMPROVEMENT PROGRAM APPLICATION AND AUTHORIZING THE CITY
MANAGER TO SUBMIT THE APPLICATION

WHEREAS, the City of Piqua is a unit of local government that possesses the legal
authority to apply for Small Cities Community Housing Improvement Program funds available
through the State of Ohio, authorized under the Housing and Community Development Act of
1974, as amended, and the Cranston-Gonzalez National Affordable Housing Act; and

WHEREAS, the City of Piqua has housing and community development needs that can be improved and alleviated with State assistance;

WHEREAS, the City of Piqua is eligible for $400,000 in Fiscal Year 2013 Community
Housing Improvement Program funds, through a competitive program and depending upon available funding;

NOW, THEREFORE BE IT RESOLVED, by the Commission of the City of Piqua, a
majority of members agreeing hereto that:

SEC. 1: The Fiscal Year 2013 Community Housing Improvement Program
is hereby approved and Gary A. Huff, City Manager, is hereby authorized and directed to submit
the City’s program application to the Ohio Department of Development, including all
understandings and assurances therein on or before the due date of April 5, 2013.

SEC. 2: Gary A. Huff, City Manager, is to be the designated agent of the
program in connection with the application and is authorized to execute all agreements in
conjunction with the Fiscal Year 2012 Community Housing Improvement Program.

SEC. 3: The proposed program will include the following activities.

1. Private Owner Rehabilitation Activity, 2 units, Maximum Hard Cost Assistance of
$25,000 per unit. Maximum assistance for document recording, inspections, lead
testing and other costs of $3,500 per unit. Total maximum assistance of $28,500 per
unit.

2. Emergency Monthly Housing Assistance Activity, 120 units, Maximum Assistance of
$1,041 per unit. Counseling to be provided for each unit at a cost not to exceed
$18,000.

3. Home Repair Activity, 11 units, Maximum Hard Cost Assistance of $8,000 per unit.
Maximum assistance for document recording, inspections, lead testing and other soft
costs of $2,000 per unit. Total maximum assistance of $10,000 per unit.
4. New Construction Activity, 1 unit, Maximum Hard Cost Assistance of $20,000 per unit and Maximum assistance for document recording, inspections, lead testing and other soft costs at $2,000 per unit. Total maximum assistance of $22,000 per unit.
5. Fair Housing Education and Outreach at a cost not to exceed $2,500.
6. General Administration of the program not to exceed at $32,500.

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

LUCINDA L. FEES, MAYOR

Passed: ____________________________

Attest: ____________________________

REBECCA J. COOL

CLERK OF COMMISSION
## Commission Agenda

### Staff Report

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>March 19, 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A Resolution Approving the Fiscal Year 2013 Community Housing Improvement Program Application and Authorizing the City Manager to Submit the Application.</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: William Lutz, Development Program Manager  
Department: Development |
| AGENDA CLASSIFICATION | □ Consent  
□ Ordinance  
X Resolution  
□ Regular |
| APPROVALS/REVIEWS | □ City Manager  
X Asst. City Manager/Development  
□ Law Director  
□ Asst. City Manager/Finance  
□ Other: |
| BACKGROUND | Since 2001, the City of Piqua has received over $2.5 million in competitive grant funding to administer our local Community Housing Improvement Program. This fiscal year, the City of Piqua has been invited by the Ohio Development Services Agency to apply for $400,000 for providing housing services and opportunities to low to moderate income households. It should be noted that this amount is lower than the past amounts of $500,000. Severe funding cuts have caused the competition for these funds to be much more competitive and in response, the Ohio Development Services Agency has lowered the maximum amount available to $400,000.  
The City of Piqua is required to undertake a comprehensive public participation process in developing the application. A public meeting was held on February 4th where representatives from human service organizations, the local landlord association, realtors and the general public was invited to participate. Through a prescribed process from the Ohio Development Services Agency, the individuals in that meeting prioritized the activities proposed in the application.  
Those activities rated as High were: Emergency Monthly Housing Assistance and Home Repair.  
Those activities rated as Medium were: Rental Rehabilitation, New Construction and Private Owner Rehabilitation.  
Those activities rated as Low were: Homebuyer Counseling |
|  | A second public meeting was held on where individuals could comment on the final application. |
It should be noted that this year, funding for the Community Housing Improvement Program is extremely competitive. The funding for this program ultimately comes from Federal appropriations for the CDBG and HOME programs. The Ohio Development Services Agency had both their funding allocations for this program cut severely. This means that the expected number of awarded grants this year is expected to be 60 grants from an expected number of 110 applicants. This will be programs most competitive program year in history.

<table>
<thead>
<tr>
<th>BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budgeted $:</td>
</tr>
<tr>
<td>Expenditure $:</td>
</tr>
<tr>
<td>Source of Funds:</td>
</tr>
<tr>
<td>Narrative:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OPTIONS (Include Deny/Approval Option)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adopt the Resolution and file the application.</td>
</tr>
<tr>
<td>2. Deny the Resolution and reject the application and provide further direction.</td>
</tr>
<tr>
<td>3.</td>
</tr>
<tr>
<td>4.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>PROJECT TIMELINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City should be aware of whether this competitive application was approved later this fall and will begin implementing the program in January 2014. All projects in this grant cycle will be completed by October 2015.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STAFF RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff recommends that the City Commission adopt the resolution which would allow for the filing of the application with the Ohio Development Services Agency.</td>
</tr>
</tbody>
</table>

| ATTACHMENTS |
RESOLUTION NO. R-43-13


WHEREAS, the Tax Incentive Review Council of the City of Piqua met on Monday, March 4, 2013 for the purpose of reviewing and making recommendations to the City Commission of the City of Piqua in the administration of the City of Piqua’s Enterprise Zone Program; and,

WHEREAS, the Tax Incentive Review Council has recommended the continuation of the tax incentives provided to the following company in the City of Piqua: Crane Pumps and Systems, Inc.; now,

THEREFORE BE IT RESOLVED, by the Commission of the City of Piqua, a majority of members agreeing hereto that:

SEC. 1. The tax incentives provided to Crane Pumps and Systems, Inc., be allowed to expire through the City of Piqua’s Enterprise Zone Program be continued.

SEC. 2. This Resolution shall be in effect from the earliest time allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: ________________

ATTEST: ________________
REBECCA J. COOL
CLERK OF COMMISSION
**Meeting Agenda**

**Staff Report**

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>March 19, 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A Resolution Accepting the Recommendations of the Tax Incentive Review Council of the City of Piqua for the Purpose of the Administration of the City of Piqua’s Enterprise Zone Program, as Required by Section 5709.85(c)(1) of the Ohio Revised Code</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name &amp; Title: William Lutz, Development Program Manager</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>□ Consent</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>X City Manager</td>
</tr>
<tr>
<td></td>
<td>X Asst. City Manager/Development</td>
</tr>
<tr>
<td></td>
<td>X Department Director</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>Since 1996, the City of Piqua has worked with industrial and commercial concerns to enter into ten separate Enterprise Zone agreements with businesses making extensive capital improvements within their businesses. These agreements provided real and personal property tax exemptions for these businesses with the postulate that such realized tax savings would increase employments and real and personal property tax investment in the community.</td>
</tr>
<tr>
<td></td>
<td>Each Enterprise Zone agreement is reviewed on an annual basis by the City’s Tax Incentive Review Council. The Council is made up of members appointed by the County Commission, the City Commission, the Upper Valley Joint Vocational District, the Piqua City School District and the County Auditor.</td>
</tr>
<tr>
<td></td>
<td>The City of Piqua’s Tax Incentive Review Council met on March 4, 2013 for the purpose of reviewing the one current agreement and providing a recommendation to the City Commission. The only existing agreement is with Crane Pumps and Systems. This business received their Enterprise Zone agreement in 2002 and it is slated to expire this year. The agreement outlined that the company would make a capital investment of $427,000 and create and retain a combination of 302 jobs at their two locations in Piqua. The business reported that they have made a capital investment of $3.85 million and has created or retained a combination of 241 jobs.</td>
</tr>
<tr>
<td></td>
<td>The Tax Incentive Review Council noted that while the business is not at their pledged level of employment, the business did far exceed their expected level of capital expenditures than pledged. The council also noted that when the agreement was made in 2002, the economic environment was more favorable than it is today and that Crane Pumps and Systems should not be penalized for not having the employment levels that were originally pledged. The company</td>
</tr>
</tbody>
</table>
has reported that is has saved $141,181 in personal property tax payments since 2002 due to the agreement. The Tax Incentive Review Council recommends to the City Commission that the Crane Pumps and Systems Enterprise Zone be allowed to expire.

| BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources) |
|-----------------------------|-----------------------------|
| Budgeted $: | None |
| Expenditure $: | None |
| Source of Funds: | None |
| Narrative: | None |

<table>
<thead>
<tr>
<th>OPTIONS (Include Deny /Approval Option)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Approve the Resolution, accept the recommendations, and authorizing the filing of the annual report with the Ohio Department of Development</td>
</tr>
<tr>
<td>2. Deny the Resolution, deny the recommendations and do not authorize the filing of the report. Please note: Failure of the City to file the report will cause the Ohio Department of Development to possibly fine the City $1,000.00 each day the report is not filed after April 1, 2013.</td>
</tr>
<tr>
<td>3.</td>
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<td>4.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>PROJECT TIMELINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Tax Incentive Review Council met on March 4, 2013. The last Enterprise Zone Agreement expires this year and the Tax Incentive Review Council will hold their last meeting during the First Quarter of 2013.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STAFF RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Staff recommends the approval of the Resolution, the acceptance of the recommendations and the filing of the annual report with the Ohio Department of Development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ATTACHMENTS</th>
</tr>
</thead>
</table>
RESOLUTION NO. R-44-13

A RESOLUTION AWARDING A CONTRACT TO PHYSIO-CONTROL FOR THE PURCHASE OF TWO HEART MONITOR/DEFIBRILLATORS TO BE PLACED ON MEDIC UNITS AT A COST NOT TO EXCEED $51,536.90

WHEREAS, the City of Piqua received funds from the Assistance to Firefighters Grant (AFG) for the replacement of heart monitor/defibrillator equipment on two medic units, and

WHEREAS, the City of Piqua Fire Department has reviewed proposals from qualified firms to provide and train staff on said equipment, and

WHEREAS, the City of Piqua, Fire Department Staff reviewed listed equipment on the State of Ohio procurement bid site for best costing, and

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

SEC. 1: The City Manager is authorized to enter into a contract with Physio-Control, Inc. of Redmond, Washington at a cost not to exceed $51,536.90 for the provision of heart monitor/defibrillator equipment and training for the Piqua Fire Department funded through the Assistance to Firefighters Grant Program.

SEC. 2: The Finance Director is directed to draw upon her warrants the appropriate funds to purchase the equipment and for the installation of the equipment in the amount not to exceed $51,536.90.

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

LUCINDA L. FESS, MAYOR

PASSED: ______________________

ATTEST: ______________________
REBECCA J. COOL
CLERK OF COMMISSION
# Commission Agenda

**Meeting Date:** March 19, 2013

**Report Title:** A RESOLUTION AWARDING A CONTRACT TO PHYSIO-CONTROL FOR THE PURCHASE OF TWO HEART MONITOR/DEFIBRILLATORS FOR THE FIRE DEPARTMENT

**Submitted By:**
Name & Title: Brent Pohlscneider, Asst. Fire Chief
Department:

**AGENDA CLASSIFICATION**
- [ ] Consent
- [ ] Ordinance
- [x] Resolution
- [ ] Regular

**Approvals/Reviews**
- [x] City Manager
- [ ] Asst. City Manager/Finance
- [ ] Asst. City Manager/Development
- [ ] Law Director
- [ ] Director; Other:

**Background**
(Includes description, background, and justification)

**Budgeting and Financial Impact**
(Includes project costs and funding sources)
- Budgeted $: $55,606.00
- Expenditure $: $51,536.90
- Source of Funds: AFG GRANT 90% AND FIRE DEPARTMENT BUDGET
- Narrative: Included in the 2013 Fire Department budget is $55,606.00 for replacement of two LifePak 12 defibrillators with a majority of the replacement cost sought for in grant requests. The most qualified product to fulfill the required equipment specification guidelines in the grant is the Physio-Control LifePak 15 unit.

**Options**
(Include Deny/Approval Option)
1. Approve Resolution No. R-44-13 awarding a contract to Physio-Control for the purchase of two LifePak 15 defibrillators at a cost not to exceed $51,536.90
2. Do not approve the resolution and provide staff with further direction.

**Project Timeline**
Units will be delivered within 90 days of order and placed in-service.

**Staff Recommendation**
Approve Resolution No. R-44-13 awarding a contract to Physio-Control for the purchase of two LifePak 15 defibrillators at a cost not to exceed $51,536.90

**Attachments**
Item is listed on the state bid procurement list for the State of Ohio
RESOLUTION NO. R-45-13

A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HB 5 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX AND INCLUDES TAX REFORM THAT WOULD SIGNIFICANTLY AND NEGATIVELY IMPACT PIQUA'S MUNICIPAL INCOME IN THE FORM OF UNFUNDED MANDATES, A SUBSTANTIAL LOSS OF ANNUAL REVENUE, NEW STATE BUREAUCRACY AND DECLARING AN EMERGENCY

WHEREAS, Municipalities in Ohio exist primarily as a tool of self-governance to provide high quality services to the citizens which live in them and to the constituents who visit for work, entertainment, educational and economic development purposes; and

WHEREAS, municipalities agree that revenue-neutral uniformity on issues that will ease compliance burdens for businesses in and potentially locating in Ohio would be of great benefit to all of Ohio; and

WHEREAS, HB 5 as drafted and introduced contains language that is detrimental to the financial stability of municipalities; will reduce revenue for all municipalities in Ohio; includes "unfunded mandates" which will limit the ability for municipalities to provide basic services to residents, businesses, and visitors; creates special tax breaks; and, creates additional state level bureaucracy; and

WHEREAS, the recent reduction in the Local Government Fund has resulted in a loss of $971,000 in revenue for the City of Piqua; and

WHEREAS, the elimination of the Estate Tax will result in a loss of $400,000 in revenue for the City of Piqua; and

WHEREAS, the accelerated phase-out of promised reimbursement for the loss of revenues due to repeal of the Tangible Personal Property Tax has resulted in a loss of $200,000 in revenue for the City of Piqua; and

WHEREAS, the proposals in HB 5 will result in an additional estimated loss of revenue of $500,000 or more for the City of Piqua; and

WHEREAS, HB 5 includes provisions that require State oversight of municipal income tax administration, administrative policies and procedures for municipal income tax collection and administration that dramatically hamper the ability to administer the local tax in an effective manner; and

WHEREAS, municipalities must fight to protect their single largest revenue source, which provides essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon, and any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting business in Ohio.
NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua that:

SEC. 1. This Commission does hereby declare its strong opposition to an effort by the Ohio General Assembly to pass legislation that creates "unfunded mancates" and a loss of revenue under the guise of municipal income tax uniformity.

SEC. 2. This Commission urges its State legislators to reject HB 5, and any amendment to pending bills and opposes the introduction of new legislation that proposes to reduce municipal income tax revenue to municipalities in Ohio. State legislators should also continue to engage in constructive dialogue with local officials to gain consensus on correction of the perceived issues of potential revenue-neutral commonality and uniformity in those few remaining differences in municipal income tax provisions.

SEC. 3. The Ohio General Assembly should focus on restoring previous funding levels to the Ohio Business Gateway and focus on correcting its multitude of programming problems and customer service issues to make that tool less cumbersome, more useful and relevant to municipalities, businesses, and individuals as a simple, generic, one-stop method of filing local business income tax returns in one location.

SEC. 4. That the Clerk of Commission is hereby directed to send a copy of this Resolution to the Governor, Tax Commissioner, Senator Bill Beagle, Representative Richard Adams and all members of the State Legislature representing the City of Piqua.

SEC. 5. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the City must maintain revenue levels without threat of assault via legislation proposed by the Ohio General Assembly; therefore, this Resolution shall be in full force and effect immediately upon its adoption by Commission.

______ Yeas; ______ Nays.

LUCINDA L. FESS, MAYOR

PASSED: __________________________

ATTEST: ________________________
REBECCA J. COOL
CLERK OF COMMISSION
### Commission Agenda

**Staff Report**

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>March 19, 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>Resolution Strongly opposing the passage of the HB 5 by the Ohio General Assembly which proposes uniformity measures for municipal income tax and includes tax reform that would significantly and negatively impact Piqua’s municipal income in the form of unfunded mandates, a substantial loss of revenue, and declaring an emergency.</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name &amp; Title: Cynthia Holtzapple</td>
</tr>
<tr>
<td></td>
<td>Department: Income Tax</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>☒ Consent │ ☐ Ordinance │ ☒ Resolution │ ☐ Regular</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>☒ City Manager</td>
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<tr>
<td></td>
<td>☐ Asst. City Manager/Finance</td>
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<td>☐ Law Director</td>
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<td></td>
<td>☐ Department Director;</td>
</tr>
<tr>
<td></td>
<td>☐ Other:</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>House Bill 5, soon to be considered by the Ohio General Assembly, would dramatically reduce income tax collections as well as impose unfunded mandates and increased administrative costs and bureaucracy. These would all have a detrimental effect on our ability to maintain local services to our citizens.</td>
</tr>
<tr>
<td>BUDGETING AND FINANCIAL IMPACT</td>
<td>Budgeted $:</td>
</tr>
<tr>
<td></td>
<td>Expenditure $:</td>
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<tr>
<td></td>
<td>Effect of the bill: An estimated reduction of over $500,000 in annual income tax, unfunded mandates and new state bureaucracy.</td>
</tr>
<tr>
<td>OPTIONS</td>
<td>1. Approve the resolution.</td>
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<tr>
<td></td>
<td>2. Amend the resolution.</td>
</tr>
<tr>
<td></td>
<td>3. Not approve the resolution.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>Strong opposition to this HB 5 is recommended to protect our ability to administer and collect taxes equitably.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>☒ Approval</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>☐ Attachments</td>
</tr>
</tbody>
</table>


RESOLUTION NO. R-46-13

A RESOLUTION OF AUTHORIZATION TO SUBMIT
AN APPLICATION TO THE OHIO DEPARTMENT OF
TRANSPORTATION'S SAFETY PROGRAM FOR
IMPROVEMENTS TO THE LOONEY ROAD/GARBRY
ROAD INTERSECTION

WHEREAS, the Looney Road/Garbry Road Intersection has been deemed by the
City of Piqua and the Miami Valley Regional Planning Commission to be a high crash
intersection; and

WHEREAS, the City of Piqua and the Miami Valley Regional Planning
Commission have studied previously this intersection and have forwarded said studies to
the Ohio Department of Transportation; and

WHEREAS, a safety study is being conducted to address the high number of
motor vehicle accidents at this intersection and to recommend physical improvements at
the subject intersection to mitigate the future motor vehicle accidents; and

WHEREAS, the safety and general well being of the citizens of Piqua and other
motorists of the area is a substantial concern for the City of Piqua; and

WHEREAS, the Ohio Department of Transportation offers financial assistance,
via the Safety Program, for local communities to make necessary safety improvements
at intersections and along corridors to address locations of substantial motor vehicle
accidents.

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

SEC. 1: The City Manager is hereby authorized to submit an application to
the Ohio Department of Transportation for financial assistance for improvements to the
above referenced intersection.

SEC. 2: The City Manager is further authorized to enter into any
agreements as may be necessary and appropriate for obtaining this financial assistance.

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

LUCINDA L. FESS, MAYOR

PASSED: __________________________

ATTEST: __________________________
REBECCA J. COOL
CLERK OF COMMISSION
**Commission Agenda**  
**Staff Report**

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>March 19, 2013</th>
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</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A Resolution of authorization to submit an application to the Ohio Department of Transportation's Safety Program for improvements to the Looney Road/Garbry Road intersection</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: Amy Havenar, P.E., City Engineer  
Department: Engineering |
| AGENDA CLASSIFICATION | □ Consent  
□ Ordinance  
☑ Resolution  
□ Regular |
| APPROVALS/REVIEWS | ☑ City Manager  
□ Asst. City Manager/Finance  
□ Asst. City Manager/Development  
□ Law Director  
□ Department Director  
□ Other: |
| BACKGROUND | In May of 2007, the Miami Valley Regional Planning Commission conducted an abbreviated safety study at Garbry Road/Looney Road intersection due to the high number of crashes occurring at this intersection. The study recommended several countermeasures which the City has implemented over the past few years. However, there are still known design deficiencies that exist at this intersection (i.e., multi-lane approaches on Looney Road, higher approach speeds on Garbry Road, and the limited sight distance). The City is evaluating the installation of a roundabout at this intersection to help address these design deficiencies, as well as to help reduce congestion and reduce the vehicle emissions and fuel consumption. The roundabout concept and rendering was shared with the City Commission at their February 14th Work Session. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $0  
Expenditure $: $0  
Source of Funds: |
<p>| Narrative | This Resolution would allow for the City to file an application with the Ohio Department of Transportation's Highway Safety Program for funding for the construction of a roundabout at the Looney Road/Garbry Road intersection. The City will continue to look for additional funding sources for this project as well. Should the City be successful in receiving the funds necessary for construction, the selection of a consultant and the project design would both be brought back before the City Commission for their approval. Trying to secure funding is just the first step in the process. |</p>
<table>
<thead>
<tr>
<th>OPTIONS (Include Deny/Approval Option)</th>
<th>1. Approve the resolution and submit an application to the Ohio Department of Transportation’s Safety Program for funding for the Garbry Road/Looney Road intersection.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Do not approve the resolution and provide guidance as to additional funding sources.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>The grant application is due April 1st.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the resolution and submit an application to the Ohio Department of Transportation’s Safety Program for funding for the Garbry Road/Looney Road intersection.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Project letter of support from the Miami Valley Regional Planning Commission.</td>
</tr>
</tbody>
</table>
March 5, 2013

Ms. Amy Havenar
City of Engineer
City of Piqua
Public Works Department
201 W. Water Street
Piqua, Ohio 45356

Re: City of Piqua, Looney Road / Garbry Road Roundabout Project

Dear Ms. Havenar,

The Miami Valley Regional Planning Commission (MVRPC) supports the City of Piqua's Highway Safety Improvement Program (HSIP) application for the development of Looney Road and Garbry Road Roundabout project.

In May of 2007, Miami Valley Regional Planning Commission completed an abbreviated safety study at Looney Road and Garbry Road. The study concluded that improvements were necessary to increase the safety of the intersection.

The roundabout project addresses the following challenges:

- Reduce traffic congestion;
- Reduce vehicle emissions and fuel consumption;
- Improve traffic safety; and
- Reduce intersection maintenance costs

The Miami Valley Regional Planning Commission is committed to partnering with the Ohio Department of Transportation and local jurisdictions to improve the safety of the transportation system in the metropolitan planning area. Additionally, projects that improve safety are consistent with the goals of the Long Range Transportation Plan. If you have any questions or require additional information, please contact Ana Ramirez at 937-223-6323 or aramirez@mvrpc.org.

Sincerely,

[Signature]

Brian O. Martin
Executive Director

ONE REGION... ONE VISION... ONE FUTURE
RESOLUTION NO. R-47-13

A RESOLUTION REQUESTING AUTHORIZATION
TO ENTER INTO AN AGREEMENT WITH URS
CORP. FOR THE DESIGN SERVICES FOR THE
STORM WATER MASTER PLAN PHASE

WHEREAS, The City of Piqua acknowledges there are storm water concerns within the city; and

WHEREAS, the creation of the storm water master plan will allow us to strategically choose what areas need addressed based upon engineering design and study; and

WHEREAS, after solicitation of Request for Qualifications, URS Corp. 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 URS Corp. for the necessary design services for the Storm Water Master Plan Phase 1;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of $150,000;

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

LUCINDA L. FESS, MAYOR

PASSED: __________________________

ATTEST: REBECCA J. COOL
CLERK OF COMMISSION
<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>March 19, 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A Resolution requesting authorization to enter into an Agreement with URS Corp. for the Development Services for the Phase 1 Storm Water Master Plan.</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: Devon Alexander Storm Water Coordinator  
Department: Under Ground Utilities |
| AGENDA CLASSIFICATION | Consent: 0  
Ordinance: 0  
Resolution: 1  
Regular: 0 |
| APPROVALS/REVIEWS | City Manager: 1  
Asst. City Manager/Development: 0  
Law Director: 0  
Department Director: 0  
Other: 0 |
| BACKGROUND | Throughout 2012 it was recognized that multiple storm water issues presented themselves within the City of Piqua. Being able to justify with reason which issues need attention and how to handle those issues, it was decided to budget for, and pursue a storm water master plan in 2013.  
After soliciting for Request for Qualifications (RFQ’s), URS Corp. was selected to provide a Technical Proposal for the design services.  
The project limits are the corporation limits of the City Of Piqua. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $150,000  
Expenditure $: $150,000  
Source of Funds: Fund 411 – Storm Water |
| Narrative | The City desires to proceed with the preparation of Phase 1 of a Stormwater Master Plan (SMP). Phase 1 will consist of preparation of a preliminary study that determines storm water quantity and quality deficiencies in the City’s existing storm water system.  
This will be accomplished by conducting City staff interviews, field observations during rain events, obtaining public feedback, evaluation of existing GIS data, collection of new GIS data in the field and utilization of the updated GIS data to prepare a hydraulic model of the storm water system.  
URS Corp. will also proceed with design and engineering on the western quarter of the Eagles Nest subdivision/French Gully drainage basin. |
<table>
<thead>
<tr>
<th>OPTIONS (Include Deny/Approval Option)</th>
<th>1. Approve the resolution to enter into an agreement with URS Corp. for the Storm Water Master Plan Phase 1.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Do not approve the resolution; therefore, do not complete the Storm Water Master Plan Phase 1.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>Phase 1 SMP services are anticipated to be completed within eight (8) months upon execution of this contract.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the resolution to allow for the Storm Water Master Plan Phase 1</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Technical Proposal for the Phase 1.</td>
</tr>
</tbody>
</table>
City of Piqua
Phase 1 Stormwater Master Plan
Attachment A

SCOPE OF SERVICES

PROJECT BACKGROUND

The City desires to proceed with the preparation of Phase 1 of a Stormwater Master Plan (SMP). Phase 1 will consist of preparation of a preliminary study that determines stormwater quantity and quality deficiencies in the City’s existing stormwater system. This will be accomplished by conducting City staff interviews, field observations during rain events, obtaining public feedback, evaluation of existing GIS data, collection of new GIS data in the field and utilization of the updated GIS data to prepare a hydraulic model of the stormwater system.

The development of the Phase 1 SMP will be coordinated with the City’s Sanitary Sewer Master Plan (July, 2012), Stormwater Utility Plan, Stormwater Management Plan (NPDES Phase II Permit), and the Strategic Plan (2012-2016).

URS proposes the following scope of work for this project:

SCOPE OF WORK

Task 1 – Background Research/Problem Identification

This data gathering task will consist of the following work items:

- Review City record drawings and GIS data of storm sewers, stormwater structures, stormwater pump stations and detention basins provided by the City. Plans, specifications and other data on the Stormwater Pump Station (located on Cleveland Street) will be of particular interest due to the flooding problems on Cleveland Street that have resulted in flooded basements and damage to private property.

- Interview City staff to determine areas of street, yard and structure flooding in the City due to localized stormwater runoff problems. Review stormwater service requests and/or complaint records and storm sewer CCTV inspection records that are available from the City. URS’ focus will be on localized flooding due to runoff and infrastructure deficiencies. General flooding problems in the City related to the Great Miami River have not been a significant problem in recent years due to the presence of dikes paralleling the river.

- Field investigate the storm sewer system to better understand stormwater problems in the City. Inspect selected drainage ditches, wet and dry detention basins, storm manholes, pump stations, junction chambers, curb inlets, major
culverts, headwalls and other stormwater structures. Document the condition of these structures, basins and ditches with digital photographs.

- Field review the locations of street and yard flooding, debris accumulation and other recurring service requests. Visit the City during a significant rain event(s) to observe these problems firsthand. Review the need for clearing and grubbing of drainage ditches, re-grading and erosion control in drainage ditches, and maintenance of any existing detention basins. URS will identify and summarize priority maintenance activities that need to be completed as part of these investigations.

- Select detention basins will be reviewed in the field to determine the condition of the inlet/outlet structure, trash rack and the embankment. The functioning of the detention basins will be assessed in the field and office to determine if they are properly filling and/or draining and meeting the intent of their design. Many of the detention basins in the City were built by developers for subdivisions and are privately owned. The basis of design and function of these basins is not clearly understood and some are not functioning as originally designed.

- Review available runoff calculations, sizing calculations, detention calculations, tributary area maps or hydraulic models that may exist for the stormwater systems constructed in the City.

- Review and summarize any existing water quality data for the drinking water reservoirs in the City. Some of these reservoirs are known to receive stormwater runoff from residential areas. This runoff may be of variable quality and impact the quality of water in and sedimentation of the reservoirs. Therefore, the quality of stormwater runoff from the reservoir watersheds will be of particular interest to the City.

- Review and summarize any NPDES Permits for stormwater that may exist for the industries in the City. Determine if these industries provide treatment for their stormwater runoff such as oil water separators.

- Review and summarize the existing Stormwater Maintenance Program activities and available resources in the City. Provide summary tables showing available equipment, supplies, and manpower allocated to the program. Summarize the current maintenance program budgeted and spent over the last three years.

- Review any stormwater projects currently included in any 5-year Capital Improvement Program developed by the City or recommended as part of any pending transportation or water/wastewater project.

- Create a GIS map showing problem area locations and localized flooding problems.
Task 2 – Stormwater GIS Mapping Review and Update

The City has storm sewer system mapping and attribute data collected in 2010 (i.e., catch basin and manhole information including elevations, pipe data, sizes, materials and flow direction) included in the City wide GIS system. This data has not been updated since they were collected. According to City staff, new data needs to be added.

Based on our review of the existing attribute data and mapping, the following updates are anticipated:

- Revise direction of stormwater flow,
- Add detention basin and drainage ditch data,
- Add missing conduits for some stormwater structures,
- Add new storm sewers shown on record drawings prepared since 2010, and
- Provide additional attribute data needed for stormwater modeling.

The updated stormwater mapping and attribute data will be converted into a format suitable for upload to the USEPA Stormwater Management Model (SWMM5).

The Stormwater GIS Mapping Review and Update task will consist of the following work items:

- Obtain recent stormwater record plans on file at the City and incorporate new stormwater data from these plans into the GIS system.
- Verify if stormwater detention basins, drainage ditches, culverts and stormwater structures are currently shown in the GIS.
- Create a Storm Water Network using ArcGIS which will be used to analyze flow direction/ connectivity.
- Meet with the City to discuss GIS attribute data requirements.
- Review the existing GIS database and evaluate whether additional attribute data fields will need to be added to aid in future activities such as maintenance and modeling and update the database if necessary.
- Provide supplemental field survey to establish vertical and horizontal control of stormwater structures where needed. Field locate selected stormwater structures, including culverts, drainage ditches, detention basins and storm sewers, using a combination of GIS database field updates and conventional field survey methods where found to be needed. Determine State Plane Coordinates and elevations for selected structures. The field survey activities will be provided by a subconsultant approved by the City.
• Use existing GIS mapping, record plans and other sources of information developed above to create drainage district boundaries for the City. Prepare an overall Drainage District Map for the City as a GIS layer. This drainage district map will be useful in developing Stormwater Capital Improvement projects in the next Phase of the SMP.

• Deliver the updated GIS stormwater layer data to the City for their use in updating the system.

Task 3 – SWMM Model Development

A model of the stormwater system will be constructed using the USEPA Stormwater Management Model (SWMM5). This model will include storm sewers 18-inch and larger, streams and drainage ditches. In stormwater problem areas, storm sewers smaller than 18 inches in diameter will be added to the model. The stormwater modeling task will consist of reviewing data developed under Task 1 and 2 as part of the hydraulic modeling effort. The development of SWMM Model of the Stormwater System to include the following subtasks:

• Delineate tributary stormwater drainage areas in the model using the Drainage District Map prepared as part of Task 2.

• Generate stormwater model runoff parameters, impervious area and depression storage.

• Prepare data extraction of SWMM model parameters (physical sewers interceptor properties) from record plans and site survey (i.e., sewer diameter, sewer invert, and manhole inverts).

• Calibrate the stormwater model using high water marks and historical flood records.

• Validate the model using any high water marks.

• Prepare an assessment of existing stormwater hydraulic capacity for different design storms. It is anticipated that the 5-, 10-, 25- and 100-year frequency storms will be evaluated. The capacity of the stormwater system will be mapped as part of this assessment.

Modeling of the stormwater system will focus on drainage districts where localized flooding problems are known to exist. This will include the Cleveland Street area and the Manier-Leonard’s Ditch area and other known problem areas in the City. Hydraulic capacity maps of the storm sewer system will be produced. This information will be used to identify priority stormwater problem areas. The model will also be used to take an initial look at the function of the detention basins.
Task 4 – Public Involvement / Public Outreach

URS recommends a Public Outreach Program be developed for the Phase 1 SMP to be used to receive public input and inform the public regarding the SMP purpose, goals, logistics and schedule. This Public Outreach Program will be coordinated with annual MS4 program activities. Items of concern to the public will include localized flooding, water in basements, construction impacts, environmental impacts and the possible need for easements. URS and the City will proactively address these concerns. The program will consist of the following:

- URS will arrange for and attend two (2) workshops/presentations with City staff. The results of these workshops/presentations will be summarized in meeting minutes delivered to the City.

- URS will arrange for and attend one (1) public meeting. This meeting will be in an open house format. URS will prepare handouts and display boards for this public meeting and any discussions held with the public will be summarized in a meeting minutes that will be delivered to the City.

- URS will coordinate with the City on the mailing of Storm Water Questionnaires. Such questionnaires will be created by URS and delivered to the City who will include them with the water/sewer/stormwater bills sent out to each customer. URS will tabulate completed questionnaires in a spreadsheet and use them to identify stormwater problem areas.

Task 5 – Prepare Stormwater Master Plan Phase 1 Report

The SMP Phase 1 report will consist of the findings and results of Tasks 1 – 4 that will be integrated into one document. Stormwater questionnaires and summaries of other detailed data collected will be included in the Appendix to the report.

URS will prepare a draft SMP report to the City for review and comment. URS will meet with City staff and the City Commission, if required, to discuss the draft report. Upon incorporation of the City’s comments, URS will submit three paper copies and one digital PDF copy of the final SMP – Phase I Report.

Task 6 – Prepare Stormwater Letter Report for Deerfield Subdivision Area

The City has requested a separate stormwater engineering letter report for the Deerfield Subdivision Area which includes the Eagles Nest Subdivision. Stormwater problems in the area include street and yard flooding and the erosion of a ditch that serves as a drainage outlet of the Subdivisions. One of the sources of these problems is the overland flow of stormwater from adjacent agricultural property to the north and west of the Subdivisions. URS proposes to perform the following work as part of Task 6:
1. Conduct background research and field reconnaissance for the area.
2. Update stormwater mapping for the area to include detention basins, ditches and other stormwater features.
3. Perform a survey of the drainage ditch, localized problem areas within the subdivisions, and the path of overland flow from adjacent agricultural areas.
4. Prepare a stormwater model for the Deerfield Subdivision area as described in Task 3. Use the model to evaluate detention basins, storm sewers 12 inches in diameter and larger, and drainage ditches.
5. Develop three alternatives that would intercept stormwater flow by detention or conveyance. Provide project cost estimates for each alternative and recommend an alternative.
6. Use the model to analyze one alternative that provides water quality improvement in stormwater runoff and analyze its potential effect on the City’s water reservoir. This alternative may include a detention basin with a water quality design and/or green infrastructure project.
7. Prepare and submit two copies of a draft engineering letter report.
8. Respond to comments from the City on the draft engineering letter report.

**Client Responsibilities**

1. The City shall designate a representative authorized to act in its behalf with respect to general engineering services requested of URS. All direction and authorization shall be by or through such representative.

2. The City shall furnish, at no cost to URS, all available information, reports, studies, testing results, maps, operating records, deeds, easements, previous design calculations, existing plans, and other data pertinent to the Project.

3. If the City deems that auditing, legal, accounting, and insurance counseling services may be necessary for the Project, such services shall be furnished by the City.

4. The City shall furnish any required information and services, review all submitted documents, and render decisions pertaining thereto as expeditiously as necessary for the orderly progress of the Work, and so as not to delay the work of URS.

5. The City shall provide URS access to enter upon public and private land as required for the performance of the Work.
SCHEDULE

Phase 1 SMP services are anticipated to be completed within eight (8) months upon execution of this contract.

The letter report for the Deerfield Subdivision (Task 6) will be completed on an expedited schedule as requested by the City. We anticipate that the final letter report for this study will be completed within three (3) months upon execution of this contract.

COMPENSATION

For the Scope of Services outlined above, URS shall be compensated a stipulated fee of **One Hundred Fifty Thousand Dollars** ($150,000). Invoicing for services shall be based on a percentage completed and submitted monthly.

ADDITIONAL SERVICES

URS shall provide services for the project in addition to those set forth in the Scope of Services section when authorized in writing by the City. A fee estimate for such services shall be submitted for review and approval by the City prior to performance of the Additional Services. Such services shall consist of providing any other services not included in this proposal or not customarily furnished in accordance with generally accepted engineering practices. Services not included are as follows:

- Preparation of Phase 2 SMP services including developing capital improvement projects and estimating costs.
- Permit application submittals and fees;
- Section 401 and/or 404 permit applications and/or special environmental studies;
- Wetland investigations or archaeological surveys;
- Soil borings and other geotechnical investigations; and
- Ongoing representation of the City in legal proceedings.