AMENDED – 5/15/2017 AT 4:30 PM
REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, MAY 16, 2017- 7:30 PM
COMMISSION CHAMBER – 2ND FLOOR
201 WEST WATER STREET - PIQUA, OHIO 45356

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

PROCLAMATION - POLICE WEEK IN THE CITY OF PIQUA
Accepting: Officer Jeremy Koehler-Police Officer of the Year

PRESENTATION - DIANE MILLER / AL FLEDDERMAN

RESIDENCE PRIDE AWARDS:
- 808 W. Ash Street – Kathy & Butch Thompson
- 424 Brook Street - Jerry Robson
- 626 Miami Street – Danny & Tamara Brown
- 406 New Street – Kiamy Auto Upholstery
- 1301 Washington Avenue – Lori Travis & Dorsha Morgan

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
   Approval of the minutes from the May 2, 2017 Regular City Commission Meeting

OLD BUSINESS

2. ORD. NO.4-17 (3rd Reading)
   An Ordinance amending Chapter 154 Zoning of the Piqua Codified Ordinances and creating
   Section 154.029 Prohibited Use

NEW BUSINESS

3. RES. NO. R-83-17
   A Resolution awarding a contract to Wall Bros. Asphalt Co., Inc. for the 2017 Street Resurfacing
   program

4. RES. NO. R-84-17
   A Resolution authorizing a purchase order to Sherry Chrysler, Dodge, Jeep, Inc. for the purchase of
   a pick-up truck for the Underground Utilities Department

5. RES. NO R-85-17
   A Resolution amending the agreement with the Ohio Department of Transportation (ODOT) for the Bike
   Path Connections project
PUBLIC COMMENT
(This is an opportunity for citizens to address the City Commission regarding agenda items, issues, or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager’s office.)

CITY MANAGER’S REPORT

COMMISSIONERS COMMENT

ADJOURNMENT
PROCLAMATION

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Piqua Police Department; and

WHEREAS, there have been 15,548 assaults against law enforcement officers in 2016, resulting in approximately 14,453 injuries; and

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including three members of the Piqua Police Department—Lt. Noah Studebaker, Patrolman Jan Mulder II, and Detective Robert Taylor; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 394 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 143 officers killed in 2016 and 251 officers killed in previous years; and

WHEREAS, the service and sacrifice of all local officers killed in the line of duty were honored during the Miami County Law Enforcement Officers Memorial Service on Wednesday, May 3rd, 2017; and

WHEREAS, the service and sacrifice of Ohio officers killed in the line of duty were honored during the Miami County Law Enforcement Officers Memorial Service on Thursday, May 4, 2017; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty were honored during the National Law Enforcement Officers Memorial Fund’s 29th Annual Candlelight Vigil on the evening of May 13, 2017; and

WHEREAS, May 15th is designated as Peace Officers Memorial Day in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and

NOW THEREFORE, BE IT RESOLVED that the City of Piqua formally designates May 14-20, 2017, as Peace Week in the City of Piqua, Ohio and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of Piqua, Ohio on this 16th day of May 2017.

KATHRYN B. HINDS, MAYOR
MINUTES
PIQUA CITY COMMISSION
Tuesday, May 2, 2017 7:30 P.M.

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

ANNOUNCEMENTS
Proclamation - National Bike Month

Mayor Hinds read the proclamation proclaiming May as Bike Piqua Month in the City of Piqua, and presented it Mike & Elizabeth Gutmann, Jim Hemmert, and Jeff Lange members of Bike Piqua.

Mayor Hinds provided dates for the annual Blessing of the Bikes by local Churches.

Mayor Hinds also announced the Bike Rodeo to be held on Saturday May 13, at Washington School. Creating bicycle-friendly communities has shown to improve citizen’s health, well-being, quality of life, boosts community spirit, improves traffic safety, reduces pollution and congestion in the community.

Jeff Lange provided some statistics on the use of the Bike Path by walkers and bicyclists from April 2016 through April 2017. There were 30,000 pedestrians, and 20,000 cyclist that used the Bike Path during that period of time.

Consent Agenda

Approval of Minutes
Approval of the minutes from the April 18, 2017 Regular Piqua City Commission Meeting

RES. NO. R 78-17
A Resolution of Appreciation for the Public Service of Robert John Hanselman as a City Employee

Mayor Hinds read the proclamation and presented it to Mr. Hanselman.

RES. No. R-79-17
A Resolution of Appreciation for the Public Service of James William Stein as a City Employee

Mayor Hinds read the proclamation and presented it to Mr. Stein.


OLD BUSINESS

ORD. NO. 4-17 (2nd Reading)
An Ordinance amending Chapter 154 Zoning of the Piqua Codified Ordinances and creating Section 154.029 Prohibited Use

Chris Schmiesing, City Planner, provided the Staff Report.

Mr. Schmiesing provided background information on the new Code Section, and introduced Jim Oda, Piqua Planning Commission Chairman who provided information that the Planning Commission discussed and recommended. The Board's decision was to recommend a zoning prohibition at this time. We can change our mind, stated Mr. Oda but here is the opportunity to say no.
Mr. Schmiesing also introduced Dr. James Burkhardt, a local Physician who provided information on the medical side of the use of medical marijuana.

Commissioners asked various questions regarding the different rules and regulations that the City will have to follow once the State makes their decision.

Law Director Stacy Wall provided additional information on what some of the other communities have adopted, and including how the marijuana will be regulated and if it will be considered an approved drug by the FDA.

Public Comment

A Harney Drive resident came forward and provide her input and voiced her opinion on allowing medical marijuana in the City of Piqua.

After a lengthy discussion Ordinance No, 4-17 was given a second reading.

RES. NO. R-76-17 Tabled on 4-18-17
A Resolution authorizing a purchase order to Walt Sweeney Ford, Inc. for the purchase of a pick-up truck for the Underground Utilities Department

There was discussion on bringing the Resolution back to the table, but it was decided to create a new resolution and to leave this one on the table at this time.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to leave Resolution No. R-76-17 tabled at this time, and to have a new resolution drafted. Voice vote, Aye: Vogt, Martin, Terry, Hinds, and Wilson. Nay: None. Motion carried unanimously. Mayor Hinds declared Resolution No. R-76-17 still tabled at this time.

NEW BUSINESS

RES. NO. R-80-17
A Resolution authorizing the purchase of Parcel N44-001920 and N44-001250

Chris Schmiesing, City Planner provided the Staff Report.

The subject property is identified by the Downtown Placemaking Initiative for redevelopment as parking to serve the public. Acquiring this property builds upon prior activities aimed toward advancing the Downtown Riverfront Development Strategy. The current vacant lot will be redeveloped with pubic parking facilities that still support downtown business and the citizens.

Public Comment

No one came forward to speak for or against Resolution No. R-80-17.


RES. NO. R-81-17
A Resolution authorizing the purchase of Parcel No. N44-099460

Ed Krieger, Power System Director, provided the Staff Report.

This is Phase 2 of the Solar Project and it is necessary to purchase this property to move forward.
This parcel is 5.459 acres located on Staunton Rd., stated Mr. Krieger. The City will purchase the property in the amount of One Hundred Nine Thousand and Five Hundred Ninety Dollars ($109, 590.00)

There was discussion on the purchase of the property, if it was purchased at fair market value, where the property is located, and what the next step is after purchasing the property.

**Public Comment**

No one came forward to speak for or against Resolution No. R-81-17.


**RES. NO. R-82-17**

A Resolution authorizing the City Manager to enter into an agreement with LJB Inc. for the engineering design services for the Great Miami River Pedestrian Bridge project

Amy Havenar, City Engineer provided the Staff Report.

In 2008 the City completed the construction of the Great Miami River Recreational Trail (GMRRRT) Project which begins at Lock 9 Park and runs south along the Great Miami River to Peterson Road. The existing utility bridge is located behind the Power Plant. At that time the funding received to complete project did not afford the City the ability to replace the existing utility bridge with an ADA compliant structure. LBJ was hired to complete a load rating on the structure, repairs were made to the structure to ensure the safety of pedestrians, but it was still not ADA compliant. In 2015, LJB completed a study and developed options which included replacing the structure with an ADA compliant structure at the same location or constructing a new structure south of the location near Goodrich Giles Park. The City decided to pursue the option of constructing a new bridge near Goodrich Giles Park along CR 25A.

This legislation will allow the City to complete the design, the right-of-way plan development, and the environmental of the new structure if funding should become available for construction.

The City is actively pursuing grant money to fund the replacement of this structure. The construction cost is estimated at this time to be approximately $1,900,000, stated Ms. Havenar.

Commissioners asked various questions regarding the price, grant funding, location of the bridge, use of emergency vehicles on the bridge,

Dan Hoying, Project Manager of LJB came forward and provided additional information, and answered questions on the bridge project.

**Public Comment**

Elizabeth Gutmann, came forward and thanked the City Commissioners and City Planner Chris Schmiesing for all of their support on this project.

Jim Hemmert, came forward and voiced his opinion on the new bridge, and the advantages it will provide, as it is a link to moving Plqua forward.


**PUBLIC COMMENT**

No one came forward to speak at this time.
City Manager’s Report

City Manager Huff announced the Health Department received a $10,000 Litter Grant from the Ohio EPA to help with the purchase of supplies for the Community Day Clean-up Project.

The Riverfront Development Project was highlighted in the Miami Conservancy District 2017 Annual Report.

The City hired a new Human Resources Director to replace Elaine Barton, who will be retiring on June 2, 2017. Catherine Bogan begins work on May 26, and comes to the City with a wealth of knowledge and experience in the public sector of Human Resource Management.

There will be a City Commission Worksession held on May 11, 2017 at 6:00 P.M. in the Commission Chambers. An update on the Wastewater Treat Plant will be presented.

The employee GIVE Committee will be collecting non-perishable food items for the Piqua High School Backpack Program.

May 14-20, 2017 is National Police Week.

Commissioners Comments

Commissioner Vogt congratulated the two retirees John Hanselman and Jim Stein on their years of service to the City and citizens of Piqua.

Commissioner Martin also congratulated the two retirees John Hanselman and Jim Stein on their years of service to the City and citizens of Piqua. Also all of the great things happening on the Bike Path it will make Piqua a destination to stop at.

Commissioner Wilson also congratulated both of the retirees, stating between them the city is losing 55 years of experience.

Commissioner Wilson also reminded citizens of the Commission Workshop to be held on Wednesday, May 17, 2017 in the Commission Chambers at 4:00 P.M., sponsored by the City of Piqua and Positively Promoting Piqua. Anyone interested in running for the open Commission seats in the 3rd and 4th Ward are welcome to attend to learn more about the process and answer questions.

Commissioner Terry congratulated the two retirees and wished them the best in their retirement.

The Piqua Community Clean Up Day will be held on Saturday, May 6, 2017.

Mayor Hinds congratulated Paula Schmiesing on being named “Teacher of the Year” by the Piqua City Schools. It is wonderful to be honored by the people who work with you.

On May 3, the Mayor will be attending the Law Enforcement Memorial Service in Troy at 12:00 on the Public Square, and encouraged citizens to attend. We honor our Law Enforcement Officers the first Wednesday in May each year.

Mayor Hinds along with Chris Schmiesing will be attending the Cycling Summit held at Wright State University on Friday, May 5, 2017.

Mayor Hinds announced the first “Walk with the Mayor” will be held on May 15 at 5:30 and will begin at Mote Park Community Center. Doug Harter and Brian Brookhart from the Public Works Department, and Amy Havenar and Bob Graeser from the Engineering Department will be joining the walk. All citizens are welcome to attend.
On May 23, at 5:30 in the Commission Chambers, the City of Piqua, Positively Promoting Piqua, and MainStreet Piqua will sponsor a Workshop on Building a Small Business. Mayor Hinds encouraged anyone wanting to start a small business or wanting to market and grow a small business to attend the free workshop.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Commission Meeting at 8:55 P.M. Voice vote, Aye: Martin, Vogt, Wilson, Terry, and Hinds. Nay, None.

____________________________
KATHRYN B. HINDS, MAYOR

PASSED: _______________________

ATTEST: _______________________
REBECCA J. COOL
CLERK OF COMMISSION
ORDINANCE NO. 4-17

AN ORDINANCE AMENDING CHAPTER 154 ZONING
OF THE PIQUA CODIFIED ORDINANCES AND
CREATING SECTION 154.029 PROHIBITED USE

WHEREAS, the State of Ohio 131st General Assembly adopted House Bill 523 to authorize the use of marijuana for medical purposes and to establish the Medical Marijuana Control Program; and

WHEREAS, adopted House Bill 523 includes provisions to allow the legislative authority of a municipal corporation to adopt an ordinance to prohibit or limit the number of cultivators, processors, or retail dispensaries licensed by the State within the municipal corporation, said provisions codified as Ohio Revised Code Section 3796.29; and

WHEREAS, the Planning Commission has studied the proposed rules and regulations being considered for adoption by various State agencies charged with establishing and administering the Ohio Medical Marijuana Control Program as adopted by the State of Ohio 131st General Assembly; and

WHEREAS, the Planning Commission has conducted a public hearing to seek public opinion concerning the Ohio Medical Marijuana Control Program as it relates to local interests; and

WHEREAS, the Planning Commission submits its recommendation to the City Commission to prohibit cultivators, processors, or retail dispensaries licensed by the State within the municipal corporation.

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

SEC. 1. That the City of Piqua hereby amends Chapter 154 Zoning as set forth below: (new language is underlined):

154.029 PROHIBITED USES

(A) PURPOSE AND INTENT.

It is the purpose and intent to prohibit licensed cultivators, processors, or retail dispensaries within the municipal corporation in any zoning district to promote the health, safety, morals, and general welfare of the citizens of the city.

(B) DEFINITIONS.

The definitions enumerated below shall hold the same meaning and be as used and referenced throughout Chapter 3796 of the Ohio Revised Code.

(1) "Marijuana" means marihuana as defined in section 3719.01 of the Ohio Revised Code.

(2) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.
(3) "Cultivator" means the holder of a valid cultivator license as described in section 3796.18 of the Ohio Revised Code.

(4) "Processor" means the holder of a valid processor license as described in section 3796.19 of the Ohio Revised Code.

(5) "Dispensary" means the holder of a valid dispensary license as described in section 3796.20 of the Ohio Revised Code.

(C) PROHIBITION OF CULTIVATORS, PROCESSORS, AND DISPENSARIES

Cultivators, processors, and retail dispensaries licensed by the State of Ohio Medical Marijuana Control Program shall be prohibited within the municipal corporation limits of Piqua, Ohio.

SEC. 2. All other sections of Chapter 154 not amended herein shall continue to remain in effect.

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

KATHRYN B. HINDS, MAYOR

1st Reading April 18, 2017
2nd Reading May 2, 2017

PASSED:

ATTEST:
REBECCA J. COOL
CLERK OF COMMISSION

The Motion to adopt the foregoing Ordinance was offered by ____________
seconded by ____________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds
Commissioner John Martin
Commissioner William Vogt
Commissioner Joseph Wilson
Commissioner Judy Terry
# Commission Agenda
## Staff Report

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 18, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>AN ORDINANCE AMENDING CHAPTER 154 ZONING OF THE PIQUA CODIFIED ORDINANCES AND CREATING SECTION 154.029 PROHIBITED USE</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name &amp; Title: Chris Schmiesing, City Planner</td>
</tr>
<tr>
<td></td>
<td>Department: Development Department</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>□ Consent</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>▒ City Manager</td>
</tr>
<tr>
<td></td>
<td>▒ Asst. City Manager/Development</td>
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<tr>
<td></td>
<td>▒ Planning Commission</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>The Medical Marijuana Control Program adopted by the State of Ohio includes provisions allowing municipalities to prohibit within the municipal corporation cultivators, processors, or retail dispensaries licensed by the State. The Planning Commission has evaluated the provisions of the Ohio Medical Marijuana Control Program and conducted a public hearing to receive public comment on this matter.</td>
</tr>
<tr>
<td>BUDGETING AND</td>
<td>Budgeted $:</td>
</tr>
<tr>
<td>FINANCIAL IMPACT</td>
<td>Source of Funds:</td>
</tr>
<tr>
<td></td>
<td>Narrative: The Planning Commission findings and conclusions drawn by way of the study and public hearing results in their recommending the prohibition of cultivators, processors, and retail dispensaries licensed by the State within the municipal corporation.</td>
</tr>
<tr>
<td>OPTIONS</td>
<td>1. Adopt the ordinance to authorize the prohibition</td>
</tr>
<tr>
<td></td>
<td>2. Defeat the ordinance and rely on the State provisions to protect local interests.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>Dec 2016 – Planning Commission discussion</td>
</tr>
<tr>
<td></td>
<td>Feb 2017 – Planning Commission public hearing</td>
</tr>
<tr>
<td></td>
<td>April/May, 2017 – City Commission agenda</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve ordinance</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>N/A</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Planning Commission Resolution</td>
</tr>
</tbody>
</table>
RESOLUTION No. FC 6-17

WHEREAS, The Ohio Legislature 131st General Assembly enacted House Bill 523, effective on September 8, 2016, authorizing the use of medical marijuana in Ohio; and,

Whereas, the legislation set a basic framework and timeline for state agencies to establish specific rules and guidelines for the cultivation, processing, testing, dispensing and medical use of marijuana; and,

WHEREAS, the legislation authorizes the legislative authority of a municipal corporation to adopt regulations to prohibit, or limit the number of, cultivators, processors, or retail dispensaries; and,

WHEREAS, the legislation prohibits a cultivator, processor, retail dispensary, or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground, or public park, and requires that the Department of Commerce or Board of Pharmacy specify whether a license holder may remain in operation, must relocate, or have its license revoked after a school, church, public library, public playground, or public park opens within 500 feet of the license holder's premises; and,

WHEREAS, section 154.141(B) of the City of Piqua Code of Ordinances provides the procedure for authorizing the approval of an amendment to the zoning chapter; and,

WHEREAS, in accordance with the referenced procedure, the Planning Commission has initiated discussion on the subject topic and studied the matter, conducted a public hearing and invited public comment, and with reference to testimony provided and supporting materials submitted for consideration, has concluded the actions in the best interest of the general health, safety and welfare of the community, include the following:

1) Prohibit medical marijuana cultivators, processors, or retail dispensaries, as defined by Ohio's Medical Marijuana Law (HB 523), from being permitted within any zoning district.

2) Prohibit a cultivator, processor, retail dispensary, or laboratory, as defined by Ohio's Medical Marijuana Law (HB 523), from being located or relocating within 500 feet of a school, church, public library, public playground, or public park within any zoning district.

NOW THEREFORE BE IT RESOLVED, the City of Piqua Planning Commission hereby recommends to the City Commission the action or actions described by this resolution.
<table>
<thead>
<tr>
<th>Motion by:</th>
<th>Mr. Spoltman</th>
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<tbody>
<tr>
<td>Second by:</td>
<td>Mr. Shear</td>
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<tr>
<th></th>
<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
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<tbody>
<tr>
<td>Mr. Jim Oda</td>
<td>☑</td>
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<tr>
<td>Mrs. Cindy Pearson</td>
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<tr>
<td>Mr. Stu Shear</td>
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<tr>
<td>Mr. Gary Koenig</td>
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<tr>
<td>Mr. Mark Spoltman</td>
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</table>
RESOLUTION NO. R-83-17

A RESOLUTION AWARDING A CONTRACT TO WALLS BROS. ASPHALT CO., INC. FOR THE 2017 STREET RESURFACING PROGRAM

WHEREAS, on January 3, 2017, this Commission passed Resolution No. R-3-17 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the 2017 Street Resurfacing Program; and

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

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

SEC. 1: A contract is hereby approved with Walls Bros. Asphalt Co., Inc. as the lowest, responsible bidder for the 2017 Street Resurfacing Program and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of $400,000.

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

KATHRYN B. HINDS, MAYOR

PASSED: ____________________________

ATTEST: ____________________________
REBECCA J. COOL
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by ____________________________
seconded by ____________________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds ___________ Commissioner John Martin ___________
Commissioner William Vogt ___________ Commissioner Joseph Wilson ___________
Commissioner Judy Terry ___________
### MEETING DATE
May 16, 2017

### REPORT TITLE
A Resolution awarding a contract to Walls Bros. Asphalt Co., Inc. for the 2017 Street Resurfacing Program.

### SUBMITTED BY
Name & Title: Amy L. Havenar, City Engineer
Department: Engineering

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

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

### BACKGROUND
On April 20, 2017, two bids were received for the 2017 Street Resurfacing Program (see attached Exhibit A).

The streets in this year’s paving program include:
- North St. from Washington Ave. to Franklin St.
- Boone St. from Washington Ave. to Broadway
- Fisher Drive
- Madison Ave. from Park Ave. to Robinson Ave.
- Robinson Ave. from Madison Ave. to Nicklin Ave.
- Lincoln St. from Park Ave. to Lindsay St.
- Virginia St. from Park Ave. to Elm St.

The resurfacing project will consist of the necessary roadway base repairs and the overlaying of the roadway with a new asphalt surface. The project will also include the placement of all new pavement markings within the project limits.

A separate resurfacing project, the Covington Avenue Resurfacing Project, is currently out to bid with bids due in the end of May. That project is expected to being in July. Those project limits are from College Street to Sunset Drive on Covington Avenue.

### BUDGETING AND FINANCIAL IMPACT

<p>| Budgeted $: | $790,000 (for both Street Resurfacing &amp; ADA Compliance Projects) |
| Expenditure $: | $400,000 (includes 10% contingency) |
| Source of Funds: | Street Dept. (101 Fund) and Street Income Tax (103 Fund) |
| Narrative: | This resolution includes a 10% contingency for items of work which may be required which are not included in the original plans and specifications. |</p>
<table>
<thead>
<tr>
<th>OPTIONS</th>
<th>1. Approve the resolution and complete the 2017 Street Resurfacing Program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Include Deny / Approval Option)</td>
<td>2. Do not approve the resolution and do not complete street resurfacing this year.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>It is anticipated that the street resurfacing will begin late June/early July. The Contractor is required to wait until all of the ADA Ramps have been installed until they can begin the paving operations.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the resolution to allow for the completion of the 2017 Street Resurfacing Program.</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>Lowest bidder following the public bidding process.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Bid Tabulation (Exhibit A)</td>
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</tbody>
</table>
# EXHIBIT A

CITY OF PIQUA

**Number:** 17-01 STREET RESURFACING PROGRAM

**Deadline:** 4/20/2017 10:00AM

<table>
<thead>
<tr>
<th>Item Code</th>
<th>Item List A - BASE Bid</th>
<th>Quantity</th>
<th>Units</th>
<th>Price</th>
<th>Extension</th>
<th>Price</th>
<th>Extension</th>
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<tbody>
<tr>
<td>253</td>
<td>PAVEMENT REPAIR ROADWAY, 24&quot; WIDE BY 6&quot; DEPTH, AS DIRECTED CONTINGENCY</td>
<td>600.00</td>
<td>SY</td>
<td>$29.22</td>
<td>$17,532.00</td>
<td>$46.80</td>
<td>$27,460.00</td>
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<td>254</td>
<td>FULL DEPTH MILLING - 1 1/2&quot;</td>
<td>25,700.00</td>
<td>SF</td>
<td>$1.35</td>
<td>$34,950.00</td>
<td>$1.20</td>
<td>$30,420.00</td>
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<td>407</td>
<td>SPECIAL - TACK COAT, TRACKERS @ 1 GALLON PER SIDE</td>
<td>11,371.00</td>
<td>SY</td>
<td>$1.36</td>
<td>$15,350.85</td>
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<td>$17,755.85</td>
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<td>443</td>
<td>12&quot; ASPHALT CONCRETE, SURFACE COURSE TYPE 1, PG 64-22</td>
<td>128.00</td>
<td>CY</td>
<td>$122.78</td>
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<tr>
<td>448</td>
<td>1 1/4&quot; ASPHALT CONCRETE, SURFACE COURSE TYPE 1, PG 64-22</td>
<td>1,344.00</td>
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<td>$122.78</td>
<td>$164,970.00</td>
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<td>604</td>
<td>STORM MANHOLE ADJUSTED TO GRADE, CONCRETE CLASS QCMS</td>
<td>24.00</td>
<td>CY</td>
<td>$425.00</td>
<td>$10,200.00</td>
<td>$200.00</td>
<td>$5,000.00</td>
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<tr>
<td>604</td>
<td>SANITARY MANHOLE ADJUSTED TO GRADE, CONCRETE CLASS QCMS</td>
<td>19.00</td>
<td>EA</td>
<td>$425.00</td>
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<td>$300.00</td>
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<tr>
<td>604</td>
<td>WATER VALVE ADJUSTED TO GRADE, CONCRETE CLASS QCMS</td>
<td>33.00</td>
<td>EA</td>
<td>$425.00</td>
<td>$14,095.00</td>
<td>$300.00</td>
<td>$9,000.00</td>
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<td>1.00</td>
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<td>$8,123.84</td>
<td>$8,123.84</td>
<td>$24,373.60</td>
<td>$24,373.60</td>
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<tr>
<td>644</td>
<td>6&quot; DOUBLE YELLOW CENTER LINE</td>
<td>500.00</td>
<td>LUMP</td>
<td>$1.80</td>
<td>$900.00</td>
<td>$1.65</td>
<td>$825.00</td>
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<tr>
<td>644</td>
<td>24&quot; STOP BAR</td>
<td>319.00</td>
<td>LF</td>
<td>$0.99</td>
<td>$315.81</td>
<td>$0.95</td>
<td>$302.05</td>
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<tr>
<td>644</td>
<td>6&quot; CROSSWALK LINE</td>
<td>1,222.00</td>
<td>LF</td>
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<td>$2,444.00</td>
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<tr>
<td>644</td>
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<td>EA</td>
<td>$500.00</td>
<td>$500.00</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>668</td>
<td>PRUNE EXISTING TREES, ALL SIZES - AS DIRECTED</td>
<td>59.00</td>
<td>EA</td>
<td>$247.20</td>
<td>$14,594.80</td>
<td>$211.87</td>
<td>$12,609.33</td>
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<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$301,711.74</td>
<td></td>
<td>$377,629.78</td>
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</tbody>
</table>

Wells Bros. Asphalt Co.  Barrett Paving Materials, Inc
RESOLUTION NO. R-84-17

A RESOLUTION AUTHORIZING A PURCHASE ORDER TO SHERRY, CHRYSLER, DODGE, JEEP, INC. FOR THE PURCHASE OF A PICK UP TRUCK FOR THE UNDERGROUND UTILITIES DEPARTMENT

WHEREAS, the Underground Utilities Department requires the purchase of a Pick-Up Truck for fulfilling their daily work orders efficiently and effectively throughout the City of Piqua; and

WHEREAS, this purchase was properly advertised and bid openings held on 4/6/17; the bid tabulation is attached hereto as “Exhibit A”; and

WHEREAS, Sherry, Chrysler, Dodge, Jeep, Inc. is being selected in accordance with the local preference Section 34.22 of our City Charter for this pick-up truck; 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 for the pick-up truck is hereby authorized to Sherry, Chrysler, Dodge, Jeep, Inc.;

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 terms, not to exceed $26,647.00, and said funds are available;

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

KATHRYN B. HINDS: MAYOR

PASSED: __________________________

ATTEST: __________________________

REBECCA J. COOL

CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by __________________________
seconded by __________________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds __________________________
Commissioner John Martin __________________________
Commissioner William Vogt __________________________
Commissioner Joseph Wilson __________________________
Commissioner Judy Terry __________________________
### Commission Agenda

**Staff Report**

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>May 16, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AUTHORIZING A PURCHASE ORDER TO SHERRY, CHRYSLER, DODGE, JEEP, INC. FOR THE PURCHASE OF A PICK-UP TRUCK FOR THE UNDERGROUND UTILITIES DEPT.</td>
</tr>
</tbody>
</table>
| SUBMITTED BY       | Name & Title: Shane Johnson, Superintendent  
                       Department: Underground Utilities |
| AGENDA CLASSIFICATION | ☒ Consent  
                       ☐ Ordinance  
                       ☒ Resolution  
                       ☐ Regular |
| APPROVALS/REVIEWS  | ☒ City Manager  
                       ☒ Asst. City Manager/Finance  
                       ☐ Asst. City Manager/Development  
                       ☐ Law Director  
                       ☒ Department Director  
                       ☐ Other: |
| BACKGROUND         | As part of our ten year capital improvement plan, we are seeking approval to purchase a pick-up truck from Sherry, Chrysler, Dodge, Jeep, Inc. This unit was in the 2017 Water Capital Budget. The unit will be used on a daily basis for transportation of employees, materials, gas powered pumps and pulling trailers. This truck will become a vital asset to the Underground Utilities fleet. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted #: $25,000.00  
                       Expenditure #: $26,647.00  
                       Source of Funds: 403-000-190-1900 ($26,647.00) Another line item will be adjusted to allow for this overage.  
                       Narrative: This purchase is being made in accordance with our local preference Section 34.22 of our City Charter at the direction of the City Commission. We have decided not to include any of the truck options listed. |
| OPTIONS            | 1. Approve Resolution No. R-84-17 and Purchase the truck from Sherry, Chrysler, Dodge, Jeep, Inc.  
                       2. Approve Resolution No. R-84-17 with changes.  
                       3. Do not approve and provide staff with further direction. |
| PROJECT TIMELINE   | Truck will be ordered right away and received in approximately Sept. of 2017. |
| STAFF RECOMMENDATION | We recommend approval of this Resolution so our Department can be more efficient in our day to day work activities. |
| ATTACHMENTS        | See Exhibit A – Bid Tabulation |
### Exhibit A

<table>
<thead>
<tr>
<th>Year/Make</th>
<th>Price</th>
<th>Year/Make</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vehicle #2</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017 Dodge Ram</td>
<td>$25,247.00</td>
<td>2017 Ford F-250 4x4</td>
<td>$25,651.00</td>
</tr>
<tr>
<td>EPA Est. Mileage</td>
<td>14</td>
<td>EPA Est. Mileage</td>
<td>15</td>
</tr>
<tr>
<td>Underground Utilities Dept. Pick Up Bed add on</td>
<td>$490.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$25,737.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Delivery Date:**
- **Vehicle #2**: 12-14 weeks
- 90-120 days
- 90-112 days

**Terms:**
- net 30
- net 30
- upon delivery

**Options:**

<table>
<thead>
<tr>
<th>Option</th>
<th>Price</th>
<th>Price</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivery Fee to Piqua</td>
<td>included</td>
<td>$85.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>Back up alarm</td>
<td>$85.00</td>
<td>$140.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>Step rails/running boards</td>
<td>included</td>
<td>$320.00</td>
<td>$300.00</td>
</tr>
<tr>
<td>6-door utility body</td>
<td>$4,357.00</td>
<td>$4,586.00</td>
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<tr>
<td>Bed liner (hard)</td>
<td>$380.00</td>
<td>$490.00</td>
<td>$350.00</td>
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</tbody>
</table>

**Total Prices with Options:**

<table>
<thead>
<tr>
<th>Vehicle #2</th>
<th>Price</th>
<th>Price</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$31,469.00</td>
<td>$31,177.00</td>
<td>$31,528.00</td>
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RESOLUTION NO. R-85-17

A RESOLUTION AMENDING THE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE BIKE PATH CONNECTIONS PROJECT

WHEREAS, by Resolution No. R-69-17 passed on April 4, 2017, this Commission enacted legislation proposing cooperation with the Director of Transportation for the Bike Path Connections Project; and

WHEREAS, since that time, ODOT has advertised and received the bids for this project; and

WHEREAS, based upon the bid numbers received, an increase in the Purchase Order to ODOT is necessary to be able to pay for the increase in local share of the construction costs for this project.

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

SEC. 1: Resolution No. R-69-17, a Resolution authorizing a purchase order to the State of Ohio, be increased by $30,000 to a final amount of $287,552 is hereby approved.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of $287,552.

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

______________________________
KATHRYN B. HINDS, MAYOR

PASSED: _______________________

ATTEST: _______________________
REBECCA J. COOL
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by ________________________

seconded by ________________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds   Commission John Martin
Commissioner William Vogt  Commissioner Joseph Wilson
Commissioner Judy Terry
**Meeting Date**: May 16, 2017

**Report Title**: A Resolution amending the Agreement with the Ohio Department of Transportation (ODOT) for the Bike Path Connections Project.

**Submitted By**: Name & Title: Amy L. Havenar, P.E., City Engineer

**Agenda Classification**: □ Consent  □ Ordinance  □ Resolution  □ Regular

**Approvals/Reviews**: □ City Manager  □ Asst. City Manager/Finance  □ Asst. City Manager/Development  □ Law Director  □ Department Director  □ Other

**Background**: On April 4, 2017, City Commission passed Resolution No. R- 69-17 entering into an Agreement with the Ohio Department of Transportation (ODOT) for the final legislation to bid and construct the Bike Path Connections Project for the City of Piqua.

Three bids were received on Thursday, May 11, 2017. The bids were all over the State’s estimate, with the low bidder, R.B. Jergens Contractors, Inc. being 3.87% over the estimate. As such, the City will need to increase the amount that was originally approved by Resolution No. R- 69-17 to pay for the overages.

**Budgeting and Financial Impact**: Budgeted $: $655,000  
Expenditure $: $707,260 (Includes Construction Engineering)

**Source of Funds**:  
- 103 Fund (Street Income Tax)  
- FHWA Grant (MVRPC)

**Narrative**: The City has received funding from the Federal Highway Administration through the Miami Valley Regional Planning Commission in the amount of $421,462 for this project.

The construction costs plus the construction engineering will be $707,260. Therefore, the local portion of the project has increased from $234,138 to $285,798. The additional funds are available in the 103 Fund to cover this increase.

The original legislation was for an amount not to exceed $257,552 (included a 10% contingency). This legislation will increase the amount by $30,000 to an amount not to exceed $287,552.

**Options**:  
1. Approve the resolution to amend the agreement with ODOT and complete the Bike Path Connections Project.
<table>
<thead>
<tr>
<th>PROJECT TIMELINE</th>
<th>The anticipated schedule is for the construction to being in June of 2017.</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approval of the resolution to amend the agreement with ODOT to allow for the Garnsey Street/Commercial Street Corridor Bike Route Project to proceed.</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/HOMANY</td>
<td>N/A</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Exhibit A – Bid Tab</td>
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## EXHIBIT A

<table>
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<tr>
<th>Project Number</th>
<th>State Estimate</th>
<th>PIID Number</th>
<th>Letting Date</th>
<th>Completion Date</th>
<th>Federal State</th>
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<td>$619,000.00</td>
<td>88228</td>
<td>5/11/2017</td>
<td>9/15/2017</td>
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*Miami BIKEPATH CONNECTIONS*
*TWO LANE RESURFACING*
*DBE Goal*

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Address</th>
<th>Bid Amount</th>
<th>%</th>
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<tbody>
<tr>
<td>R B JERGENS CONTRACTORS INC</td>
<td>11418 N DIXIE DR, VANDALIA, OH 45377</td>
<td>$642,962.48</td>
<td>+3.87</td>
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<tr>
<td>BARRETT PAVING MATERIALS INC</td>
<td>3751 COMMERCE DR, MIDDLETOWN, OH 45005</td>
<td>$680,948.85</td>
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<tr>
<td>JOHN R JURGENSEN COMPANY</td>
<td>11041 MOSTELLER RD, CINCINNATI, OH 45241</td>
<td>$809,075.68</td>
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</table>
RESOLUTION NO. R-69-17

A RESOLUTION REQUESTING FINAL LEGISLATION TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE BIKE PATH CONNECTIONS PROJECT

WHEREAS, on 15th day of February, 2011; the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

To construct short segments of multi-use trails at both ends of the project to connect the existing rail facilities to the existing street improvements, make the necessary improvements along the two street corridors to designate the bike route and enhance the pedestrian pathways, street improvements include modest curb, sidewalk, drainage and pavement base repairs, new surface asphalt, signage, pavement markers, and tree plantings on Garney Street from the Great Miami River Recreational Trail to Mote Park and Commercial Street from Garney Street to Piqua Activity Trail, plus or minus, lying within the City of Piqua; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid MVRPC funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation. Also, if curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, the future maintenance of installed sidewalk curb ramps shall be the responsibility of the City.

The share of the cost of the LPA is now estimated in the amount of Two Hundred Thirty Four Thousand One Hundred Thirty Eight and --- 00/100 Dollars, ($234,138.00). For the purpose of this resolution, a 10% contingency has been added to the local share bringing the total to Two Hundred Fifty Seven Thousand Five Hundred and Fifty Two and --- 00/100 Dollars ($257,552.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.
NOW, THEREFORE, be it resolved:

SEC. 1: That the estimated sum of Two Hundred Fifty Seven Thousand Five Hundred and Fifty Two dollars ($257,552.00) is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds. Said appropriated amount shall cover the estimated cost and any contingency for the actual dollar amount of the Project, which will be based upon advertised bids received.

SEC. 2: That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SEC. 3: That the LPA enter into a contract with the State, and that City Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

SEC. 4: That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution. This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 15th day of February, 2011, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

SEC. 5: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

KATHRYN B. HINDS, MAYOR

PASSED: April 4, 2017
ATTEST: REBECCA J. COOL
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by ____________________________ and on roll call the following vote ensued:

Mayor Kathryn B. Hinds
Commissioner John Martin
Commissioner William Vogt
Commissioner Joseph Wilson
Commissioner Judy Terry
# Commission Agenda
## Staff Report

<table>
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<tr>
<th>MEETING DATE</th>
<th>April 4, 2017</th>
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<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A resolution requesting final legislation to enter into an agreement with the Ohio Department of Transportation (ODOT) for the Bike Path Connections Project.</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: Amy L. Havenar, P.E., City Engineer  
Department: Engineering |
| AGENDA CLASSIFICATION | ☑ Resolution  
☐ Consent  
☐ Ordinance  
☐ Regular |
| APPROVALS/REVIEWS | ☑ City Manager  
☐ Asst. City Manager/Finance  
☐ Asst. City Manager/Development  
☐ Law Director  
☐ Department Director  
☐ Other: |
| BACKGROUND | On February 15, 2011, City Commission passed a resolution authorizing the City Manager to enter into a preliminary agreement with ODOT for the Garnsey Street/Commercial Street Corridor Project. The City then engaged consultants to begin the detailed design, the environmental documents, and the right-of-way acquisition.  

The project will consist of the construction of short segments of multi-use trails at both ends of the project to connect the existing trail facilities to the existing street improvements. The project will also make the necessary improvements along the street corridors to designate the bike route and enhance the pedestrian pathways, as well as the realignment of the intersection at Garnsey/Roosevelt/College. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $257,552  
Expenditure $: $257,552 (includes a 10% contingency)  
Source of Funds:  
- 103 Fund (Street Income Tax)  
- FHWA Grant (MVRPC)  
Narrative: The City has received funding from the Federal Highway Administration through the Miami Valley Regional Planning Commission in the amount up to $421,462 for this project.  
While the bids are not in yet for this project, the estimated construction cost at this time is approximately $656,000. The estimated local portion of the project is approximately $257,552, which includes a 10% contingency. If the actual bids come in higher, the local portion will increase. If the bids come in lower than the estimate, the local portion will decrease. |
<table>
<thead>
<tr>
<th>OPTIONS (Include Deny/Approval Option)</th>
<th>1. Approve the resolution to enter into an agreement with ODOT and complete the Bike Path Connections Project.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Deny the resolution, return the money, and do not proceed with the project.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>The anticipated schedule is for the construction to being in June of 2017.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approval of the Resolution to enter into an agreement with ODOT to allow for the Garnsey Street/Commercial Street Corridor Bike Route Project to proceed.</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>N/A</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Contract (Exhibit A)</td>
</tr>
</tbody>
</table>
Exhibit A

CONTRACT
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Piqua, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSETH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.
SECTION III:  LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV:  SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

To construct short segments of multi-use trails at both ends of the project to connect the existing trail facilities to the existing street improvements, make the necessary improvements along the two street corridors to designate the bike route and enhance the pedestrian pathways, street improvements include modest curb, sidewalk, drainage and pavement base repairs, new surface asphalt, signage, pavement markers, and tree plantings on Garnsey Street from the Great Miami River Recreational Trail to Mote Park and Commercial Street from Garnsey Street to Piqua Activity Trail, plus or minus, lying within the City of Piqua.

SECTION V:  FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.

2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and Incidental expenses, notwithstanding the percentage basis of contribution by the LPA.

3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.

4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of Two Hundred Thirty Four Thousand One Hundred Thirty Eight and 00/100 Dollars, ($234,138.00).

5. The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

Also, if curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, the future maintenance of installed sidewalk curb ramps shall be the responsibility of the City.

6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

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

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

   A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.

   B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

   C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:

A. To keep said highway open to traffic at all times;
B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto;
C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Piqua
201 West Water Street
Piqua, Ohio
45356
Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.

2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.

3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.

4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.

5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.

7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

ATTACH SEAL HERE (if Applicable)

OHIO DEPARTMENT OF TRANSPORTATION

LOCAL PUBLIC AGENCY
City of Piqua

Director of Transportation

City Manager

Date

Date

Approved:
Mike DeWine
Attorney General of Ohio

By: __________________________
Stephan H. Johnson
Chief, Transportation Section

Date: ________________________