REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 19, 2017
7:30 PM
COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET - PIQUA, OHIO  45356

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. **APPROVAL OF MINUTES**
   Approval of minutes from the September 5, 2017 Regular City Commission Meeting

NEW BUSINESS

2. **RES. NO. R-120-17**
   A Resolution approving the Tax Rates for the City as determined by the Miami County Budget Commission

3. **RES. NO. R-121-17**
   A Resolution to dedicate a portion of Covington Avenue Public Right-of-Way

4. **RES. NO. R-122-17**
   A Resolution to dedicate a portion of Staunton Street Public Right-of-Way

5. **RES. NO. R-123-17**
   A Resolution authorizing an amendment to zoning map to change the zoning designation of part of
   Inlot 7829 to R-3 (Multi-Family Residential)

6. **RES. NO. R-124-17**
   A Resolution authorizing an amendment to zoning map to change the zoning designation of
   411 Wood Street to B (General Business)

7. **RES. NO. R-125-17**
   An Emergency Resolution for consent to amend the contract with Milcon Concrete Incorporated for the
   construction of the Shawnee Neighborhood Storm Sewer Phase 1

8. **RES. NO. R-126-17**
   A Resolution requesting consent to award a contract to Grissom Construction LLC for
   construction services for the 2017 Catch Basin Replacement project

9. **RES. NO. R-127-17**
   A Resolution authorizing the City Manager to enter into a Mutual Aid Agreement for additional
   Police Protection

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
MINUTES
PIQUA CITY COMMISSION
Tuesday, September 5, 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 Wilson, Terry and Vogt. Commissioner Martin was absent. Commissioner Vogt moved to excuse Commissioner Martin from the meeting and Commissioner Wilson seconded that motion; motion carried unanimously and Mayor Hinds declared Commissioner Martin excused from the meeting.

RESIDENCE PRIDE AWARDS

The Summer 2017 Residence Pride Awards are as follows:

Leon & Betsy Waldsmith 808 Boone Street
Russ & Krisy Shurtz 322 Broadway Street
Lori Huebner 420 North Downing Street
Dorothy M. Fitch 1534 Edge Street
John & Evelyn Mahrt 511 Gill Street

CONSENT AGENDA

APPROVAL OF MINUTES

APPROVAL OF MINUTES FROM THE AUGUST 15, 2017 REGULAR CITY COMMISSION MEETING

RESOLUTION NO. R-117-17

A RESOLUTION REAPPOINTING A MEMBER TO THE BOARD OF ZONING APPEALS

Commissioner Vogt moved for the approval of the Consent Agenda; motion seconded by Commissioner Terry; motion was carried unanimously and Mayor Hinds declared the Consent Agenda approved.

OLD BUSINESS

ORDINANCE NO. 7-17 (3rd Reading)

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

Justin Sommer, Economic Development Director, spoke stating this is a request from a property owner asking to vacate an undeveloped portion of the Deerfield Subdivision. The preliminary plat for the subdivision showed zero lot line doubles on this section of Wapita Court and Wilshire Drive. The request would allow for the vacation of the preliminary plat so single family homes can be developed. This request has been before the Planning Commission and their recommendation is for approval.
PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 7-17.

Commissioner Vogt moved for the approval of Ordinance No. 7-17; motion seconded by Commissioner Wilson; motion was carried unanimously and Mayor Hinds declared Ordinance No. 7-17 adopted.

RESOLUTION NO. R-112-17 – Tabled August 15, 2017

AN EMERGENCY RESOLUTION TO AWARD A CONTRACT FOR CONSTRUCTION ADMINISTRATION AND APPLICATIONS ENGINEERING WITH CDM SMITH FOR THE WASTEWATER TREATMENT PLANT EXPANSION & UPGRADE

Commissioner Terry moved for Resolution No. R-112-17 to be removed from the table; motion seconded by Commissioner Vogt; motion was carried unanimously and Mayor Hinds declared Resolution No. R-112-17 removed from the table.

Law Director Stacy Wall spoke stating this Resolution was tabled at the August 15, 2017, meeting so that contract issues could be clarified, specifically the language. Previously the contract was written as an amendment and needed clarified that it was separate services. It was an amendment to a contract where originally CDM Smith was the designer for the Wastewater project, so this contract is separate for the construction management. The other changes that were made dealt with the scope of the project. The city wanted to be very clear in the contract that CDM Smith was the designer, so they should be extremely familiar with the project; they are extremely familiar with the design standards and the bid specs. CDM Smith is also the party responsible for putting out the bid and awarding the bid, so they are directly involved in everything thus far and should not need any kind of background or further documentation from the city. Based upon that involvement, the city wanted to be very clear it was understood there is a very high expectation of performance because CDM Smith already knows the project; they’re already here at this point. The city clarified that language to make sure CDM Smith is watching daily, making sure bid specs are being performed by Peterson Construction, and if CDM Smith sees that the bid specs are no longer being complied with or being performed as specs, they are to immediately notify Peterson Construction, as well as the city, and also notify the city as to what steps are being taken to correct those mishaps or deviations from the bid specs. The city clarified some insurance language, as well as some payment terms. In tonight’s packet is the contract that the city would seek to sign with one minor change. As you know, this is a long term project and there are changes in costs. In Exhibit C, language has been added that those costs would not exceed the standard cost of living, or the COLA. The city clarified that to indicate that it would not exceed at least a 3 percent change, so if the COLA comes in at 4 percent, it will not change. The Resolution is also written as an emergency for the reason that the EPA has a time frame on this project. Peterson Construction has already been awarded their contract and they are currently waiting to begin work. Peterson is waiting on their contract that CDM will issue, as well as the preconstruction meeting that takes place for them to get started and get their equipment ordered. That meeting has not taken place because the contract isn’t signed.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-112-17.

Commissioner Wilson moved for the approval of Resolution No. R-112-17; motion seconded by Commissioner Terry; motion was carried unanimously and Mayor Hinds declared Resolution No. R-112-17 adopted.
NEW BUSINESS

ORDINANCE NO. 11-17 - (1st Reading)

AN EMERGENCY AMENDED ORDINANCE TO MAKE APPROPRIATIONS FOR THE CITY OF PIQUA, OHIO FOR THE YEAR 2017

Cynthia Holtzapple, Finance Director, spoke stating that every year about this time the city requests the supplemental appropriation. This is due in part to the requirement that the city present the annual budget in early November of 2016 before all of the project timing and costs are fully known for each year. Projects expecting to be done last year will sometimes carry over into the current year and projects this year sometimes run ahead of schedule. During the fiscal year, new grant awards and unexpected expenses do occur and the supplemental appropriation allows the city to more accurately reflect these changes to the financial statements. Exhibit A details the changes that are being requested on the amended appropriation. Many are budget neutral; the overall changes are just under $312,000.00 and include emergency expenses or repairs of $10,000.00 and $30,000.00, in terms of the mausoleum and water, and also the CDBG fund, which are grant funds, a change of $264,000.00. This includes projects moved up so that the grant may be finalized and completed this year. It is requested that the three reading rule be waived and this Ordinance be passed as an emergency so that projects may be completed and noted this year.

Commissioner Terry moved for the waiving of the three reading rule; motion seconded by Commissioner Wilson; motion was carried unanimously and Mayor Hinds declared the three reading rule waived.

PUBLIC COMMENT

No one came forward to speak for or against Ordinance No. 11-17.

Commissioner Vogt moved for the approval of Ordinance No. 11-17; motion seconded by Commissioner Terry; motion was carried unanimously and Mayor Hinds declared Ordinance No. 11-17 adopted.

RESOLUTION NO. R-118-17

AN EMERGENCY RESOLUTION FOR CONSENT TO AWARD A CONTRACT TO STRAND ASSOCIATES FOR CONSTRUCTION MANAGEMENT OF THE SHAWNEE NEIGHBORHOOD STORM SEWER PHASE 1

Law Director Wall spoke stating this Resolution was tabled at the last Commission meeting. The reason it was tabled was because the Commission wanted clarification on the contract language. The contract did not seem to indicate the full scope of services from Strand, as well as issues with the liability in the contract. A lot of negotiations have taken place with Strand over the last week. This project is different than what the city has had in other projects where the consultant is the designer, the awarer of the bid and the construction management. The consultant, which is Kleingers in the next Resolution, is the designer and the reviewer of all of the maps and drawings; Strand will be the construction management part of the contract; and then Milcon is the contractor. This Resolution was based upon Strand agreeing to all of the proposed changes the city made, as well as changes made by Strand to the Milcon contract to protect them, as well as a third party. The contract is contingent upon Strand agreeing to those terms. As of Friday, September 1st, everything is agreed to. The specific changes in the Strand contract related to the scope of services, regarding Strand’s responsibilities, are to notify Milcon, the contractor, if they are deviating from bid specs, as well as immediately notify the city, and also inform the city what remedies are being taken by the contractor to get back to those bid specs. Indemnification language was also added regarding the standard of care and what Strand would be responsible for in terms of any issues on the job site. Language was also added that if there is a safety issue
occuring at the job site, the city and the contractor would be notified of that as well. The language proposed by Strand to Milcon also dealt with indemnification and insurance issues and they are in agreement with those issues. As of right now, all parties involved have agreed to the contract changes.

City Manager Gary Huff asked if this is a new Resolution and not the one previously tabled.

Law Director Wall explained this is a new Resolution. The tabled Resolution did not get brought back from the table because the contract changed significantly, and it was easier to do a new Resolution rather than attach one with so many changes. Also, there was an issue with Milcon that required them to agree to additional terms; and last of all, the price changed in the contract. The original Resolution did not include a contingency. There are going to be increased costs already and that's based upon the next Resolution. The original drawings from the city did not show the water lines correctly, so those drawings and specs had to be changed, which caused an increase in all parties' costs. For all of those reasons, the tabled Resolution was not brought back. This Resolution is written as an emergency because Milcon's contract has already been awarded. This project was part of a grant process for the Shawnee neighborhood and there is a lot of grant paperwork to do if the scope of the project is changed. The primary reason that the project needs done now is the project will not take very long to complete and the timing is perfect because the water levels are low, which is necessary for this project.

Commissioner Vogt asked why the contract was being questioned.

Law Director Wall spoke stating that the contract was finalized at 5:00 P.M. on Friday, September 1st. As of this meeting, the changes with Strand have all been completed. There is email confirmation from Milcon that they are okay with the changes that they need to complete.

Commissioner Wilson asked if this affects the timeline of the project.

Law Director Wall stated no, Milcon is waiting to get started, but this was just at the last Commission meeting for the first time. Once this Resolution is passed, Milcon is ready to get started with Strand, so they should be able to stay on track. With the one exception, the water line change, the entire project isn't supposed to exceed six weeks, so it should still be completed on time.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-118-17.

Commissioner Wilson moved for the approval of Resolution No. R-118-17; motion seconded by Commissioner Terry; motion was carried unanimously and Mayor Hinds declared Resolution No. R-118-17 adopted.

RESOLUTION NO. R-119-17

AN EMERGENCY RESOLUTION REQUESTING AUTHORIZATION TO AMEND THE CONTRACT WITH KLEINGERS GROUP FOR ENGINEERING SERVICES FOR THE SHAWNEE NEIGHBORHOOD STORM WATER DIVERSION PROJECT

Water Quality Coordinator Sky Schelle spoke stating the city is proposing to amend the Kleingers contract because a water line was discovered. Kleingers designed the Shawnee Storm Water project over a year ago. The construction contract was lent out to Milcon. When Milcon was on site doing some preliminary work, they noticed there was a probable conflict with a water line. The city crews did some excavation and confirmed that. It is now necessary to go back and amend the Kleingers contract so they can produce engineer drawings so Milcon can move that water line. There is a six inch water line along Cleveland Street that is in conflict with the new storm sewer, along with a one inch line that goes west down Second Street toward the levy that is going to have
to be moved. The additional cost covers the work to redo the drawings, along with estimated quantities so Milcon can give the city new costs for that work. Kleingers can have those drawings within 36 hours of all the parties signing the amended contract, which shouldn’t hold the project up more than a couple days.

Commissioner Vogt asked how the city lost track of these water lines.

City Manager Huff stated that over the years water lines are not always put onto maps and sometimes they’re discovered just by having construction projects. There may be a long period of time that they never were recorded somewhere, which isn’t uncommon.

Commissioner Vogt asked when the water lines were originally put in.

City Manager Huff stated he doesn’t remember. The city is doing things by GPS now so that there is a permanent record of those types of things.

PUBLIC COMMENT

No one came forward to speak for or against Resolution No. R-119-17.

Commissioner Terry moved for the approval of Resolution No. R-119-17; motion seconded by Commissioner Wilson; motion was carried unanimously and Mayor Hinds declared Resolution No. R-119-17 adopted.

CITY MANAGER’S REPORT

City Manager Huff stated that the painting of the CSX Railroad Bridge is completed.

Also, the city has been awarded $300,000.00 for downtown façade improvements through the office of Community Development for downtown revitalization. Many thanks to Nikki Reese for her great work in obtaining those funds for the city. The city is looking forward to working with downtown businesses to help make improvements.

Captain Kevin Ganger of the Fire Department was deployed to Texas as part of Ohio Task Force 1 from the beginning of Hurricane Harvey. Currently, Captain Ganger is headed back to Piqua. Ohio Task Force 1 made numerous life-saving rescues during their deployment in the Houston area, so many thanks for the great work Ohio Task Force 1 did, especially Captain Ganger.

Last of all, as a reminder the Wastewater Treatment Plant Expansion and Upgrade Groundbreaking will take place Friday, September 8\textsuperscript{th}, at 10:00 A.M. Refreshments will be served around 9:00 A.M.

COMMISSIONERS’ COMMENTS

Commissioner Vogt congratulated the Residence Pride winners and is thankful there are a number of people who take pride in their houses and help the city look a lot better. He further indicated there is a vacant building problem on South Street at the corner of College. It is unknown to him who mows it, but there is enough grass blown in the street that it could be baled. It’s horrible that people don’t have any consideration for the storm water system because that goes in there and causes problems down the road.

Commissioner Wilson stated he loves the CSX Bridge. He noted a lot of people are saying the city should put “Piqua” or an Indian head on it, but at the present time there is no plan to do anything other than leave it the nice blue paint it is, which everybody should be happy about.
Also, Commissioner Wilson stated there has been a lot of information about the upcoming election this fall. There are two commission seats and a school board seat up for election. There are nine write-in candidates for those three seats and they won't be on the ballot. Do a lot of research because that's a lot of people to figure out in two months. There are some good candidates among the group, but not all of them necessarily, so do your homework to know who you need to vote for. Take your time and try to figure out who these people are and make an intelligent decision.

Commissioner Terry congratulated the Residence Pride winners. Those houses really stand out in their neighborhoods. As for the bridge, she really likes the blue and believes it should be left as is.

City Manager Huff stated that he wanted to address the issue of putting something on the bridge. There are plans for a new entrance sign and when that goes in everybody will see why not putting something on the bridge would be best because it will really be overkill. That was the plan all along, so there is nothing going on the bridge.

Mayor Hinds reminded everyone that the Piqua Chamber of Commerce Steak Fry is the 14th, Thursday night. Tickets are available at the Chamber of Commerce and many other places around town.

Also, Bike Fest is September 15th and 16th held downtown and at the Harley dealership.

Chautauqua will be held September 19th through the 21st at the Hance Pavilion.

Piqua Compassion Network will be celebrating their 10 year anniversary on the 21st of September.

Last of all, the next Walk with the Mayor is September 26th at 6:00 P.M. Everybody should meet at the west parking lot of Verizon in front of Home Depot. The walk will be towards Hollow Park in Ward 3. Anybody who wants to join can find more information on the mayor's blog, her Facebook page or her twitter. It's a great way to get your feet on the street and see the community.

Motion made by Commissioner Vogt to adjourn the Regular Commission Meeting at 7:57 P.M.; seconded by Commissioner Wilson; motion was carried unanimously.

KATHRYN B. HINDS, MAYOR

PASSED: ______________________________

ATTEST: ______________________________

KIMBERLY J. HEBB
ACTING CLERK OF COMMISSION
RESOLUTION NO. R-120-17

A RESOLUTION APPROVING THE TAX RATES FOR
THE CITY AS DETERMINED BY THE MIAMI COUNTY
BUDGET COMMISSION

WHEREAS, on August 29, 2017, the Miami County Budget Commission has, pursuant to general law, certified the following rates of tax to be levied in the City of Piqua for municipal purposes on the general tax duplicate of 2017, subject to any additional levies approved by the electorate; and

WHEREAS, said certified rates of tax require the approval of this Commission;

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 rates of tax to be levied as follows in the City of Piqua for municipal purposes on the general tax duplicate of 2017 (subject to any additional levies approved by the electorate) are hereby approved and certified;

<table>
<thead>
<tr>
<th>FUND</th>
<th>MILLS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ten Mill Limitation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>3.70</td>
<td>$1,073,750</td>
</tr>
<tr>
<td>Police Pension</td>
<td>.30</td>
<td>87,061</td>
</tr>
<tr>
<td>Fire Pension</td>
<td>.30</td>
<td>87,061</td>
</tr>
<tr>
<td>No Limitation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Conservancy</td>
<td>.20</td>
<td>$ 58,041</td>
</tr>
</tbody>
</table>

SEC. 2: The Clerk of this Commission is directed to file a certified copy of this Resolution with the Miami County Auditor forthwith;

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 Katheryn B Hinds ______________ Commissioner John Martin ______________
Commissioner William Vogt ______________ Commissioner Judy Terry ______________
Commissioner Joseph Wilson ______________
<table>
<thead>
<tr>
<th><strong>MEETING DATE</strong></th>
<th>September 19, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REPORT TITLE</strong></td>
<td>A resolution approving the tax rates for the city as determined by the Miami County Budget Commission</td>
</tr>
</tbody>
</table>
| **SUBMITTED BY** | Name & Title: Cynthia Holtzapple, Assistant City Manager, Finance Director  
Department: Finance |
| **AGENDA CLASSIFICATION** | ☒ Consent  
☐ Ordinance  
☒ Resolution  
☐ Regular |
| **APPROVALS/REVIEWS** | ☒ City Manager  
☒ Asst. City Manager/Finance  
☐ Asst. City Manager/Development  
☐ Law Director  
☐ Department Director;  
☐ Other: |
| **BACKGROUND** | Every year about this time, we request an approval of the certified tax rates which will be used to levy property tax on all general duplicates for 2017 to be collected in 2018. These certified rates require the approval of our Commission and certifications to Miami County before October 1, 2017. |
| **BUDGETING AND FINANCIAL IMPACT** | Budgeted $:  
Expenditure $:  
Source of Funds:  
Narrative: Passage of this will allow the City to continue to receive the collection of property tax revenue from the County. These revenues are vitally important to the General Fund and our day to day operations. |
| **OPTIONS** | 1. Approve Resolution No. R-120-17 for the approval of the tax rates for the City as determined by the Miami County Budget Commission.  
2. Do not approve Resolution No. R-120-17 and cause our revenues to drop substantially. |
| **PROJECT TIMELINE** | |
| **STAFF RECOMMENDATION** | We are requesting approval of Resolution No. R-120-17 approving the tax rates for the City as determined by the Miami County Commission. |
| **ATTACHMENTS** | |
OFFICE OF THE MIAMI COUNTY BUDGET COMMISSION

To the City Commission:

The Miami County Budget Commission hereby certifies the following rates of tax to be levied in the PIQUA CITY for municipal purposes on the general duplicates of 2017. Rates are subject to any additional levies approved by vote.

<table>
<thead>
<tr>
<th>FUND</th>
<th>MILLS</th>
<th>REVENUE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ten Mill Limitation:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>3.70</td>
<td>$1,073,749.92</td>
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<tr>
<td>Fire Pension</td>
<td>0.30</td>
<td>87,060.80</td>
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<td>Police Pension</td>
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<td>87,060.80</td>
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<tr>
<td><strong>No Limitation:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miami Conservancy – Cont</td>
<td>.20</td>
<td>58,040.54</td>
</tr>
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</table>

Please examine the above rates carefully. If there are questions, information in detail may be secured from the County Auditor.

Approved:     AUG 29 2017

ANTHONY E. KENDALL, PRESIDENT

MATTHEW W. GEARHARDT, SECRETARY

JIM STUBBS, MEMBER

[Miami County Budget Commission]

TO THE MIAMI COUNTY BUDGET COMMISSION:
At a meeting of the Council/Commission of the City/Village of PIQUA CITY held on the ______ day of _______, 2017, a motion was made by __________________________, that the rates of tax as determined by the Miami County Budget Commission for the year 2017 be accepted. The motion was seconded by __________________________ with the following vote being recorded:

President

Member

Member

Member

Member

CLERK

DATE

RETURN ONE ORIGINAL TO THE MIAMI COUNTY AUDITOR BY OCTOBER 1
RESOLUTION NO. R-121-17

A RESOLUTION TO DEDICATE A PORTION OF COVINGTON AVENUE PUBLIC RIGHT-OF-WAY

WHEREAS, pursuant to the City of Piqua Code of Ordinances Section 151.143, the Planning Commission has taken action on a plat that includes the dedication of a portion of Covington Avenue public right of way, as shown in Exhibit "A" attached hereto; and,

WHEREAS, notice of a public hearing advertised the time and place of the proposed right of way dedication presentation for consideration before the Planning Commission; and

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

WHEREAS, the Planning Commission after hearing the item and considering the public comments and information provided, recommended approving the dedication of a portion public right of way occupied by improvements known as Covington Avenue, as shown in Exhibit "A" attached hereto; and

WHEREAS, pursuant to the City of Piqua Code of Ordinances Section 151.143, when the Planning Commission recommends the approval of a plat dedicating public right of way it shall be referred to the City Commission for final acceptance.

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: This Commission hereby takes the action necessary to authorize and approve the dedication of a portion public right of way known as Covington Avenue, as shown in Exhibit "A" attached hereto.

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

SEC. 3: This Resolution shall vacate take precedent over all prior Ordinances or Resolutions pertaining to the affected area described herein as a portion of public right of way.

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

________________________________________
KATHRYN B. HINDS, MAYOR

PASSED: ________________________________

ATTEST: ________________________________
REBECCA J. COOL
CLERK OF COMMISSION

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
<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>September 19, 2017</th>
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</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION TO DEDICATE A PORTION OF COVINGTON AVENUE PUBLIC RIGHT-OF-WAY</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Chris Schmiesing, City Planner</td>
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<tr>
<td></td>
<td>Development Department</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>☒ Resolution</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>☐ City Manager</td>
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<td>☐ Asst. City Manager/Finance</td>
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<td>☐ Asst. City Manager/Development</td>
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<td>☐ Law Director</td>
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<td></td>
<td>☒ City Planner</td>
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<td></td>
<td>☒ Planning Commission</td>
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<tr>
<td>BACKGROUND</td>
<td>The applicant desires to replat multiple lots into one parcel to ready the property for redevelopment. A portion of the property being replatted includes a roadway easement occupied by existing street improvements. It is routine for those areas defined as an easement for public transportation system interests to be dedicated as public right of way when a property is replatted. This eliminates any private property ownership interest in the area being utilized solely for public purposes.</td>
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<tr>
<td></td>
<td>The Planning Commission has conducted a public hearing to consider this request. No one was present at the public hearing to speak for or against the item and the Planning Commission unanimously recommended approval of this request.</td>
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<tr>
<td>BUDGET/FINANCIAL IMPACT</td>
<td>Budgeted $: 0</td>
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<tr>
<td></td>
<td>Expenditure $: 0</td>
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<tr>
<td></td>
<td>Source of Funds:</td>
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<td>Narrative: Approving the resolution will place the affected area under the direct control of the City of Piqua.</td>
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<tr>
<td>OPTIONS</td>
<td>1. Adopt the resolution to approve the dedication of the subject area as public right of way.</td>
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<td></td>
<td>2. Defeat the resolution and refuse to dedicate the subject area as public right of way.</td>
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<tr>
<td>PROJECT TIMELINE</td>
<td>September 12, 2017 – Planning Commission: Public Hearing</td>
</tr>
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<td>September 19, 2017 – City Commission: Final Action</td>
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<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the resolution.</td>
</tr>
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<td>ATTACHMENTS</td>
<td>Replat survey.</td>
</tr>
</tbody>
</table>
RESOLUTION NO. R-122-17

A RESOLUTION TO DEDICATE A PORTION OF STAUNTON STREET PUBLIC RIGHT-OF-WAY

WHEREAS, pursuant to the City of Piqua Code of Ordinances Section 151.143, the Planning Commission has taken action on a plat that includes the dedication of a portion of Staunton Street public right of way, as shown in Exhibit “A” attached hereto; and,

WHEREAS, notice of a public hearing advertised the time and place of the proposed right of way dedication presentation for consideration before the Planning Commission; and

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

WHEREAS, the Planning Commission after hearing the item and considering the public comments and information provided, recommended approving the dedication of a portion public right of way occupied by improvements known as Staunton Street, as shown in Exhibit “A” attached hereto; and

WHEREAS, pursuant to the City of Piqua Code of Ordinances Section 151.143, when the Planning Commission recommends the approval of a plat dedicating public right of way it shall be referred to the City Commission for final acceptance.

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: This Commission hereby takes the action necessary to authorize and approve the dedication of a portion public right of way known as Staunton Street, as shown in Exhibit “A” attached hereto.

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

SEC. 3: This Resolution shall vacate take precedent over all prior Ordinances or Resolutions pertaining to the affected area described herein as a portion of public right of way.

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

____________________________________
KATHRYN B. HINDS, MAYOR

PASSED: __________________________

ATTEST: _______________________
REBECCA J. COOL
CLERK OF COMMISSION

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 __________
<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>September 19, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION TO DEDICATE A PORTION OF STAUNTON STREET PUBLIC RIGHT-OF-WAY</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Chris Schmiesing, City Planner</td>
</tr>
<tr>
<td>Development Department</td>
<td></td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>☒ Resolution</td>
</tr>
<tr>
<td>☐ Consent</td>
<td>☐ Ordinance</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>☐ City Manager</td>
</tr>
<tr>
<td>☐ Asst. City Manager/Finance</td>
<td>☐ Asst. City Manager/Development</td>
</tr>
<tr>
<td>☐ Law Director</td>
<td>☐ City Planner</td>
</tr>
<tr>
<td>☒ Planning Commission</td>
<td></td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>The applicant desires to replat multiple lots into one parcel to ready the property for redevelopment. A portion of the property being replatted includes a roadway easement occupied by existing street improvements. It is routine for those areas defined as an easement for public transportation system interests to be dedicated as public right of way when a property is replatted. This eliminates any private property ownership interest in the area being utilized solely for public purposes.</td>
</tr>
<tr>
<td>(Description, background, justification)</td>
<td>The Planning Commission has conducted a public hearing to consider this request. Power System Director Ed Krieger was present at the public hearing to speak for the item. No one was present to speak against the item. The Planning Commission unanimously recommended approval of this request.</td>
</tr>
<tr>
<td>BUDGET/FINANCIAL IMPACT</td>
<td>Budgeted $: 0</td>
</tr>
<tr>
<td>(Project costs and funding sources)</td>
<td>Expenditure $: 0</td>
</tr>
<tr>
<td>Source of Funds:</td>
<td>Approving the resolution will place the affected area under the direct control of the City of Piqua.</td>
</tr>
<tr>
<td>OPTIONS</td>
<td>1. Adopt the resolution to approve the dedication of the subject area as public right of way.</td>
</tr>
<tr>
<td>(Include deny/approval option)</td>
<td>2. Defeat the resolution and refuse to dedicate the subject area as public right of way.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>September 12, 2017 – Planning Commission: Public Hearing</td>
</tr>
<tr>
<td>September 19, 2017 – City Commission: Final Action</td>
<td></td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the resolution.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Replat survey.</td>
</tr>
</tbody>
</table>
DESCRIPTION

APPROVAL BY THE PIQUA CITY COMMISSION:
AT A MEETING OF THE CITY COMMISSION OF THE CITY OF PIQUA, THIS PLAT WAS APPROVED THE ___ DAY OF ___ , 2017
BY ORDAINANCE NO. ___

MAYOR
CLERK

CITY OF PIQUA:
THIS RECORD PLAT WAS REVIEWED AND APPROVED THE ___ ___ ___, 2017.

CITY MANAGER
WITNESS

PRINTED NAME
WITNESS

STATE OF OHIO - COUNTY OF MIAMI, SS.
BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF OHIO, PERSONALLY APPEARED THE ABOVE SIGNER PARTIES, WHO ACKNOWLEDGED THAT THEY SIGNED SUCH INSTRUMENT AND THAT SAE INSTRUMENT IS THEIR FREE ACT AND MEANING IN TESTAMENT WITNESSE, I HAVE HEREunto Subscribed my Name and Attached my official Seal at

NOTARY PUBLIC

PLAT AUTHORIZATION AND DEDICATION

CAP INDUSTRIES, INC.
WITNESS

PRINTED NAME
WITNESS

STATE OF OHIO - COUNTY OF MIAMI, SS.
BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF OHIO, PERSONALLY APPEARED THE ABOVE SIGNER PARTIES, WHO ACKNOWLEDGED THAT THEY SIGNED SUCH INSTRUMENT AND THAT SAE INSTRUMENT IS THEIR FREE ACT AND MEANING IN TESTAMENT WITNESSE, I HAVE HEREunto Subscribed my Name and Attached my official Seal at

NOTARY PUBLIC

REFERENCES

LAND SURVEYS:
VOLUME 18, PAGE 17
AND AS REFERENCED HERETON RECORD PLAT:
BOOK & PAGE 101
AND AS REFERENCED HERETON LOT SURVEYS:
VOLUME 20, PAGE 175
AND AS REFERENCED HERETON

REPLAT OF OUTLOT 292 AND PART 839 FOR PIQUA POWER LOCATED IN MIAMI COUNTY - AUGUST 31, 2017

REPLAT OF OUTLOT 292 AND PART 839 FOR PIQUA POWER LOCATED IN MIAMI COUNTY - AUGUST 31, 2017
RESOLUTION NO. R-123-17

A RESOLUTION AUTHORIZING AN AMENDMENT TO ZONING MAP TO CHANGE THE ZONING DESIGNATION OF PART OF INLOT 7829 TO R-3 (MULTI-FAMILY RESIDENTIAL)

WHEREAS, the Planning Commission has studied a proposed amendment to the zoning map to change the zoning designation of Part of Inlot 7829 to R-3 (Multi-family Residential), as shown in Exhibit "A" attached hereto; and

WHEREAS, the Planning Commission has conducted a public hearing and made a report of its findings; and

WHEREAS, the Planning Commission has submitted a recommendation to the City Commission;

WHEREAS, the City of Piqua Charter Section 154.141 requires the Commission to take action on zoning amendment recommendations received from the Planning Commission at their next regularly scheduled meeting; and

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

SEC. 1: The zoning designation of R-3 (Multi-family Residential) Part of Inlot 7829, as shown in Exhibit "A" attached hereto, is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 is hereby revised and amended to assign a zoning designation of R-3 (Multi-family Residential) Part of Inlot 7829, as shown in Exhibit "A" attached hereto, and the City Planner is hereby authorized to make said change on the original zoning map.

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>September 19, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AUTHORIZING AN AMENDMENT TO ZONING MAP TO CHANGE THE ZONING DESIGNATION OF PART OF INLOT 7829 TO R-3 (MULTI-FAMILY RESIDENTIAL)</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name: Chris Schmiesing, City Planner</td>
</tr>
<tr>
<td></td>
<td>Department: Development Department</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>□ Consent □ Ordinance ✗ Resolution □ Regular</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>□ City Manager □ Asst. City Manager/Finance</td>
</tr>
<tr>
<td></td>
<td>□ Asst. City Manager/Development □ Law Director</td>
</tr>
<tr>
<td></td>
<td>✗ Planning Commission □ City Planner</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>The applicant has petitioned to change the zoning of the subject property to facilitate the planned development of the property. The subject area will be consolidated with the lot currently occupied by the Upper Valley Community Church to allow for improvements that will support the continued growth of the church. A review of the Comprehensive Plan and Zoning Code, and the testimony provided at a public hearing concerning this matter, has resulted in the Planning Commission finding that the request is consistent with adopted community land use policy and plans.</td>
</tr>
<tr>
<td>BUDGETING AND FINANCIAL IMPACT</td>
<td>Budgeted $: Expenditure $: Source of Funds:</td>
</tr>
<tr>
<td>(Includes project costs and funding sources)</td>
<td></td>
</tr>
<tr>
<td>OPTIONS (Include Deny/Approval Option)</td>
<td>1. Adopt the resolution to authorize the zoning change</td>
</tr>
<tr>
<td></td>
<td>2. Defeat the resolution to reject the zoning change.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>September 12, 2017 – Planning Commission: Public Hearing</td>
</tr>
<tr>
<td></td>
<td>September 19, 2017 – City Commission: Final Action</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve resolution</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>N/A</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Zoning Map, Lot Survey</td>
</tr>
</tbody>
</table>
RESOLUTION NO. R-124-17

A RESOLUTION AUTHORIZING AN AMENDMENT TO ZONING MAP TO CHANGE THE ZONING DESIGNATION OF 411 WOOD STREET TO B (GENERAL BUSINESS)

WHEREAS, the Planning Commission has studied a proposed amendment to the zoning map to change the zoning designation of 411 Wood Street to B (General Business), as shown in Exhibit "A" attached hereto; and

WHEREAS, the Planning Commission has conducted a public hearing and made a report of its findings; and

WHEREAS, the Planning Commission has submitted a recommendation to the City Commission;

WHEREAS, the City of Piqua Charter Section 154.141 requires the Commission to take action on zoning amendment recommendations received from the Planning Commission at their next regularly scheduled meeting; and

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

SEC. 1: The zoning designation of 411 Wood Street to B (General Business), as shown in Exhibit "A" attached hereto, is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 is hereby revised and amended to assign a zoning designation of 411 Wood Street to B (General Business), as shown in Exhibit "A" attached hereto, and the City Planner is hereby authorized to make said change on the original zoning map.

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
<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>September 19, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AUTHORIZING AN AMENDMENT TO ZONING MAP TO CHANGE THE ZONING DESIGNATION OF 411 WOOD STREET TO B (GENERAL BUSINESS)</td>
</tr>
</tbody>
</table>
| SUBMITTED BY       | Name: Chris Schmiesing, City Planner  
Department: Development Department |
| AGENDA CLASSIFICATION | ☑ Resolution ☐ Regular  
☐ Consent ☐ Ordinance |
| APPROVALS/REVIEWS  | ☑ City Manager  
☐ Asst. City Manager/Finance  
☐ Asst. City Manager/Development  
☑ Planning Commission  
☐ Law Director  
☑ City Planner |
| BACKGROUND         | The applicant has petitioned to change the zoning of the subject property to facilitate the sale of the property. The existing structure at this location is of a commercial construction type and currently vacant. A review of the Comprehensive Plan and Zoning Code, and the testimony provided at a public hearing concerning this matter, has resulted in the Planning Commission finding that the request is consistent with adopted community land use policy and plans. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $:  
Expenditure $:  
Source of Funds:  
Narrative: The Planning Commission has conducted a public hearing and recommended approval of the proposed zoning change. |
| OPTIONS            | 1. Adopt the resolution to authorize the zoning change  
2. Defeat the resolution to reject the zoning change. |
| PROJECT TIMELINE   | June 13, 2017 – Planning Commission: Public Hearing  
September 19, 2017 – City Commission: Final Action |
| STAFF RECOMMENDATION | Approve resolution |
| REASON FOR SELECTING CONSULTANT/COMPANY | N/A |
| ATTACHMENTS        | Zoning Map, Tax Map |
RESOLUTION NO. R-125-17

AN EMERGENCY RESOLUTION FOR CONSENT TO AMEND THE CONTRACT
WITH MILCON CONCRETE INCORPORATED FOR THE CONSTRUCTION OF
THE SHAWNEE NEIGHBORHOOD STORM SEWER PHASE 1

WHEREAS, on August 15, 2017, this Commission passed Resolution No. R-115-17
authorizing the City to award a contract for Milcon Concrete Incorporated to construct the
Shawnee Neighborhood Storm Sewer Phase 1 project; and

WHEREAS, the Shawnee Neighborhood Storm Sewer Phase 1 bid documents
incorrectly showed a water distribution line as not in conflict with the project; and

WHEREAS, a 1" and a 6" water main must now be relocated; and

WHEREAS, the project is being funded by a grant with timing requirements and the
contract has been issued for construction during the best period of time to perform the work
due to low water levels thus necessitating emergency approval for the amended contract
language.

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 amendment is hereby approved with Milcon Concrete,
Incorporated for the Shawnee Neighborhood Storm Sewer Phase 1 Project and the City
Manager is hereby authorized to execute said amendment pursuant to specifications
attached in Exhibit A.

SEC 2: The cost involved is not to exceed $377,508.75, which includes the
original contract amount and the amended scope.

SEC 3: The Finance Director certifies that the funds are available and is
hereby authorized to draw her warrant from time to time on the appropriate account of the city
treasury in payment according to this Resolution.

SEC. 4: This Resolution is declared an emergency for the immediate preservation of
the public peace, health or safety in the City of Piqua for said reason that the Shawnee
Neighborhood Storm Sewer Phase 1 Project has already been approved and needs to be
completed while water levels are low and without this Resolution the project will be halted as
the work that is the subject of this Resolution needs completed before the work can proceed,
which was unforeseen.

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>September 19, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>AN EMERGENCY RESOLUTION FOR CONSENT TO AMEND THE CONTRACT WITH MILCON CONCRETE INCORPORATED FOR THE CONSTRUCTION OF THE SHAWNEE NEIGHBORHOOD STORM SEWER PHASE 1</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: Sky Schelle- Water Quality Coordinator  
Department: Utilities |
| AGENDA CLASSIFICATION | ☑ Consent  
☐ Ordinance  
☒ Resolution  
☐ Regular |
| APPROVALS/REVIEWS | ☑ City Manager  
☒ Asst. City Manager/Development  
☐ Asst. City  
☐ Law Director  
☐ Other: |
| BACKGROUND | On August 15, 2017, this Commission passed Resolution No. R-115-17 authorizing the City to award a contract for Milcon Concrete Incorporated to construct the Shawnee Neighborhood Storm Sewer Phase 1 project.  
Milcon alerted the City to a possible conflict with water mains within the project right of way. Further investigation showed that a 6 inch water main in Cleveland Avenue and a 1 inch water main in Second Street will have to be moved before Milcon can construct the portion of the storm sewer along Second Street.  
The City produced engineered drawings for the water line relocation and Milcon Concrete submitted a change order request of $27,112.75.  
Moving the water line is not expected to substantially alter the project schedule. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted$: $420,000.00 (Stormwater Funds)  
Expenditure$: $377,508.75 which includes the original contract amount and the amended scope of work.  
Source of Funds: $37,508.75 from an Ohio Public Works Commission loan and $340,000.00 from a Community Development Block Grant.  
Narrative: Project will be funded through a loan and grant. Local funds will be used to repay the loan in subsequent years. |
<p>| OPTIONS | 1. Approve the Resolution to amend the agreement with Milcon Concrete Inc. for building of the Shawnee Storm Sewer. |</p>
<table>
<thead>
<tr>
<th>(Include Deny /Approval Option)</th>
<th>2. Deny the Resolution to amend the agreement with Milcon Concrete Inc. for building of the Shawnee Storm Sewer.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3.</td>
</tr>
<tr>
<td></td>
<td>4.</td>
</tr>
</tbody>
</table>

**PROJECT TIMELINE**

The project is expected to be completed prior to November 1, 2017. This amendment is not expected to substantially change that schedule.

**STAFF RECOMMENDATION**

Approval of the Resolution to amend the agreement with Milcon Concrete Inc. for building of the Shawnee Storm Sewer.

**REASON FOR SELECTING CONSULTANT/COMPANY**

Milcon has already been awarded the construction work through a competitive bid.

**ATTACHMENTS**

Milcon quantity sheet, contract amendment language, and project drawings.
FIRST AMENDMENT TO THE
CONTRACT WITH MILCON CONCRETE INCORPORATED FOR THE
CONSTRUCTION OF THE SHAWNEE NEIGHBORHOOD
STORM SEWER PHASE 1

This Amendment is made and entered into this 20th day of September, 2017, by and between the City of Piqua, acting by and through the City Manager ("Piqua") and Milcon Concrete Incorporated ("Contractor").

WHEREAS, Resolution No. R-115-17 awarded a contract to Contractor for the construction of the Shawnee Neighborhood Storm Sewer Phase I; and

WHEREAS, the Shawnee Neighborhood Storm Sewer Phase I bid documents incorrectly showed a water distribution line as not in conflict with the project.

NOW THEREFORE, Piqua and Contractor agree to amend the following terms and conditions:

1. **Scope of Services**

   Contractor shall relocate the water distribution line as shown in amended project plans (Exhibit A) provided by Piqua for a cost not to exceed $27,112.75 (Exhibit B).

   Piqua shall amend its agreement with Contractor to include the relocation of the water distribution line.

2. **Compensation**

   The compensation for construction services with Contractor shall not exceed $377,508.75, which includes the work to be performed as part of this amendment and work described in Resolution No. R-115-17.

3. All other Terms and Conditions not amended herein shall remain in effect and in their entirety.

   The parties enter into this Agreement this 20th day of September, 2017, as executed and witnessed in accordance with the below signatures.
City of Piqua
By:

Gary A. Huff
City Manager

Witness:

Contractor
By:

(Name and Title)

Witness:

Approved as to Form:

Stacy M. Wall, City Law Director
City of Piqua, Ohio
RESOLUTION NO. R-126-17

A RESOLUTION REQUESTING CONSENT TO AWARD A CONTRACT TO GRISSOM CONSTRUCTION LLC FOR CONSTRUCTION SERVICES FOR THE 2017 CATCH BASIN REPLACEMENT PROJECT

WHEREAS, after proper advertisement, bids were opened on September 6th, 2017, resulting in the tabulation of bids as listed in Exhibit A attached hereto; and

WHEREAS, it was determined by the City that Grissom Construction LLC was the most responsive bid in the interests of the City;

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 Grissom Construction LLC as the lowest, responsible bidder for the 2017 Catch Basin Replacement Project and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications as substantially attached in Exhibit B.

SEC 2: The Finance Director certifies that the funds are available and is hereby authorized to draw her warrant from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of $48,762.00.

SEC. 3: This Resolution shall take effect and be in force from 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
# A Resolution Requesting Consent to Award a Contract to Grissom Construction LLC for Construction Services for the 2017 Catch Basin Replacement Project

**Meeting Date:** September 19, 2017  
**Submitted By:** Sky Schelle - Water Quality Coordinator, Department: Utilities

**Agenda Classification:**  
- [X] Resolution  
- [ ] Regular  
- [ ] Consent  
- [ ] Ordinance

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

**Background:**  
During the summer of 2017, City Staff inspected approximately 2,500 public catch basins. This represents nearly every public catch basin in Piqua. The inspection’s purpose was to assign a condition rating to each basin so the City could direct resources to the most damaged basins. The 2017 Stormwater budget allows 24 basins to be replaced this year. The 24 selected are among the most damaged in Piqua. Many of them are in high traffic areas and/or have had barricades on them for months.

Grissom Construction will replace each of the 24 catch basins as well as repair curb and sidewalk damaged during basin replacement. Grissom has stated they can be finished prior to the stated project end date of November 30, 2017.

**Budgeting and Financial Impact:**  
- **Budgeted:** $60,000 (Stormwater Funds)  
- **Expenditure:** $48,762.00  
- **Source of Funds:** 411-401-701-7553 and 411-402-701-7204

**Options:**  
1. Approve the Resolution to enter into the agreement with Grissom to replace 24 catch basins.  
2. Deny the Resolution to enter into the agreement with Grissom to replace 24 catch basins.  
3.  
4.  

**Narrative:**
<table>
<thead>
<tr>
<th>PROJECT TIMELINE</th>
<th>Grissom has told City staff they can have the project done before November 1, 2017, which is 30 days before we asked for completion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approval of the Resolution to enter into the agreement with Grissom to replace 24 catch basins.</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>Grissom was the low bid and has done similar work for the City.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Draft Agreement, bid tab, and map showing catch basins to be replaced.</td>
</tr>
</tbody>
</table>
## CITY OF PIQUA
### 2017 CATCH BASIN REPLACEMENT PROGRAM
**DEADLINE: 9/06/17  10:00AM**

<table>
<thead>
<tr>
<th>Item List A - BASE BID</th>
<th>Quantity</th>
<th>Grissom Construction, LLC</th>
<th>L.J. DeWeese Co., Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Price</td>
<td>Extension</td>
</tr>
<tr>
<td>202 - CONCRETE WALK REMOVED - SF</td>
<td>224</td>
<td>$2.00</td>
<td>$448.00</td>
</tr>
<tr>
<td>202 - CURB, CURB &amp; GUTTER REMOVED, TYPE 2 - LF</td>
<td>161</td>
<td>$8.00</td>
<td>$1,288.00</td>
</tr>
<tr>
<td>608 - 4&quot; NON-REINFORCED CONCRETE PAVEMENT, CLASS QC1 - SF</td>
<td>224</td>
<td>$7.00</td>
<td>$1,568.00</td>
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<tr>
<td>609 - CITY OF PIQUA TYPE 2 CURB, CLASS QC1 - LF</td>
<td>84</td>
<td>$18.00</td>
<td>$1,512.00</td>
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<tr>
<td>609 - CITY OF PIQUA TYPE 6 CURB, CLASS QC1 - LF</td>
<td>77</td>
<td>$18.00</td>
<td>$1,386.00</td>
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<tr>
<td>611 - CATCH BASIN REPLACED, CITY OF PIQUA TYPE 1 - EACH</td>
<td>10</td>
<td>$1,690.00</td>
<td>$16,900.00</td>
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<tr>
<td>611 - CATCH BASIN REPLACED, CITY OF PIQUA TYPE 6 - EACH</td>
<td>14</td>
<td>$1,690.00</td>
<td>$23,660.00</td>
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<tr>
<td>614 - TRAFFIC CONTROL - LUMP</td>
<td>1</td>
<td>$1,000.00</td>
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<tr>
<td>614 - MOBILIZATION - LUMP</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

<p>| <strong>9 Items</strong> | <strong>Totals</strong> | <strong>$48,762.00</strong> | <strong>$56,550.00</strong> |</p>
<table>
<thead>
<tr>
<th>Item List A - BASE BID</th>
<th>Quantity</th>
<th>Finfrock Construction Co., Inc.</th>
<th>Performance Site Development</th>
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<tr>
<td></td>
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<td>202 - CONCRETE WALK REMOVED - SF</td>
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<td>611 - CATCH BASIN REPLACED, CITY OF PIQUA TYPE 6 - EACH</td>
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<td>614 - TRAFFIC CONTROL - LUMP</td>
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<td>614 - MOBILIZATION - LUMP</td>
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9 Items

Totals

$67,000.00

$97,324.00
AGREEMENT

THIS AGREEMENT is by and between the City of Piqua (hereinafter called OWNER) and Grissom Construction, LLC (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 - WORK

1.01 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

replacing 24 existing catch basins in the public right of way. The basins are of different size and material, but will all be replaced according to the City’s of Piqua’s desired catch basin specifications.

ARTICLE 2 - THE PROJECT

2.01 The Project for which the Work under the Contract Documents is generally described is as follows:

2017 Catch Basin Replacement Program

ARTICLE 3 - ENGINEER

3.01 The Project has been designed by the City of Piqua who is hereinafter called ENGINEER and who is to act as OWNER’s representative, assume duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 4 - CONTRACT TIME

4.01 Time of the Essence

A. All time limits for Milestones, if any, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.
4.02 Dates for Completion and Final Payment.

A. The Work will be completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions on or before Sixty (60) calendar days after the Notice to Proceed is issued.

4.03 Liquidated Damages

A. CONTRACTOR and OWNER recognize that time is of the essence for this Agreement. The parties also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER five hundred dollars ($500.00) for each day that expires after the time specified in paragraph 4.02 for completion and readiness for final payment, until the Work is completed and ready for final payment.

ARTICLE 5 - CONTRACT PRICE

5.01 OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined at the prices stated in CONTRACTOR’s Bid, attached hereto.

ARTICLE 6 - PAYMENT PROCEDURES

6.01 Submittal and Processing of Payments

A. CONTRACTOR shall submit Applications for Payment in accordance with ARTICLE 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

6.02 Progress Payments; Retainage

A. OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR’s Applications for Payment on or about the 25th day of each month during performance of the Work as provided in paragraph 6.02.A.1 below. All such payments will be measured by the Unit Price Work based on the number of units completed.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER may determine, or OWNER may withhold, in accordance with paragraph 14.02 of the General Conditions:
a. ninety-two percent of Work completed (with the balance being retainage). If Work has been 50% completed as determined by ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100% of the Work completed less the aggregate of payments previously made; and

b. ninety-two percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

c. when progress payments becomes due, the OWNER shall satisfy payment obligations by issuance of payment to the CONTRACTOR in an amount equal to one-hundred percent of the eligible payment due.

6.03 Final Payment

A. Upon final completion and acceptance of the Work in accordance with paragraph 14.07 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 14.07.

ARTICLE 7 - DELETED

ARTICLE 8 - CONTRACTOR’S REPRESENTATIONS

8.01 In order to induce OWNER to enter into this Agreement, CONTRACTOR makes the following representations:

A. CONTRACTOR has examined and carefully studied the Contract Documents and other related data identified in the Bidding Documents;

B. CONTRACTOR has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance of the Work;

C. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work;

D. CONTRACTOR has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical
conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in paragraph 4.02 of the General Conditions and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site which has been identified in the Supplementary Conditions as provided in paragraph 4.06 of the General Conditions;

E. CONTRACTOR has obtained and carefully studied or assumes responsibility for having done so all additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto;

F. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents;

G. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as indicated in the Contract Documents;

H. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents;

I. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR; and

J. the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance of the Work.
ARTICLE 9 - CONTRACT DOCUMENTS

9.01 Contents

A. The Contract Documents consist of the following:

1. This Agreement (pages A-1 to A-9, inclusive).
2. Performance and other Bonds submitted as per Contract Documents
4. General Conditions (pages 1 to 42, inclusive).
5. Supplementary Conditions (SC-1 to SC-8, inclusive).

6. Addenda number(s) 1-29____, (inclusive).
7. CONTRACTOR’s Bid (pages B-1 to B-12, inclusive).
8. Documentation submitted by CONTRACTOR prior to Notice of Award.
9. Prevailing Wage Documentation 09122017
10. The following forms are provided for possible use after the Effective Date of the Agreement and are attached hereto:
    a. Application for Payment;
    b. Contractor’s Affidavit, Final Estimate;
    c. Affidavit – City Income Tax; and
    d. Affidavit of Compliance, Prevailing Wages.

B. The documents listed in paragraph 9.01 are included within this Agreement (except as expressly noted otherwise above).

C. There are no Contract Documents other than those listed above in this ARTICLE 9.

D. The Contract Documents may only be amended, modified, or supplemented as provided in paragraph 3.05 of the General Conditions.
ARTICLE 10 - MISCELLANEOUS

10.01 Terms

A. Terms used in this Agreement will have the meanings indicated in the General Conditions.

10.02 Assignment of Contract

A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 Successors and Assigns

A. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 Severability

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.
10.05 OTHER PROVISIONS  (Insert other provisions here, if applicable.)

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in triplicate. One counterpart each has been delivered to OWNER, CONTRACTOR, and ENGINEER. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or on their behalf.

This Agreement will be effective on __________________, 2017 (which is the Effective Date of the Agreement.)

OWNER

City of Piqua

BY:

______________________________
City Manager

Witness _______________________
Address for giving notices:

201 W. Water Street
Piqua, Ohio 45356

CONTRACTOR

______________________________
BY:

______________________________
(Name and Title)

Witness _______________________
Address for giving notices:

______________________________

______________________________

______________________________
Address for giving notices:

______________________________

______________________________

______________________________

(If CONTRACTOR is a corporation, or a partnership, attach evidence of authority to sign).

______________________________
Email address for wage rate update notices:
RESOLUTION NO. R-127-17

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A MUTUAL AID AGREEMENT
FOR ADDITIONAL POLICE PROTECTION

WHEREAS, the City of Piqua has participated in mutual aid since at least 1998 for additional police protection; and

WHEREAS, the mutual aid agreement is originated by Montgomery County Sheriff and applies to participating agencies in Montgomery and Miami counties; and

WHEREAS, the mutual aid agreement is governed by the Ohio Revised Code; and

WHEREAS, the mutual aid agreement allows the Piqua Police Department to respond at a request of mutual aid as well as call on any of the participating agencies for assistance upon need.

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 Commission authorizes the City Manager to enter into a Mutual Aid Agreement as attached Exhibit A substantially in the same form for purposes of having mutual aid available and assisting in police matters.

SEC. 2: This Resolution shall take effect 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

MUTUAL AID AGREEMENT

POLICE

WHEREAS, the political subdivisions which are parties to this agreement are desirous of obtaining additional police protection for the citizens of the several political subdivisions by making the most efficient use possible of the police manpower of the several political subdivisions,

THEREFORE, by signing this document, the undersigned parties and their successors agree to the following:

(1) All previous versions of this mutual aid agreement entered into for the purpose of obtaining additional police protection are hereby revoked.

(2) When an event arises in any of the political subdivisions which are a part of this agreement, in which the political subdivision desires assistance or aid for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, as permitted by Section 5502.29 of the Ohio Revised Code (a "Mutual Aid Event"), the following procedures should be used to invoke the authority of this agreement:

a. [Requesting Agency] The highest ranking officer on duty of the police department must assess whether additional police manpower and equipment are necessary to handle the Mutual Aid Event;

b. If the additional police manpower and equipment are necessary, the highest ranking officer on duty of the Requesting Agency may request mutual aid from any political subdivision in this agreement;

c. [Responding Agency] The police department receiving the request for
mutual aid should ascertain if police manpower and equipment are available within their department. If police manpower and equipment are available, police manpower and equipment will be furnished to the requesting agency. The Responding Agency shall make a reasonable effort to respond in a timely manner;

d. If the Responding Agency agrees to provide mutual aid, the Responding Agency’s personnel shall report to and shall work under the direction and supervision of the highest ranking officer of the Requesting Agency on duty at the time the mutual aid request is made.

e. Pursuant to ORC §§ 5502.29 and 5502.41, when invoking mutual aid under this agreement, during the Mutual Aid Event, the Responding Agency personnel shall have the same law enforcement authority as the Requesting Agency Personnel;

f. The highest ranking officer on duty of the Responding Agency has the sole discretion of recalling the police manpower and equipment from the Requesting Agency’s jurisdiction;

g. As used herein, the term "emergency" shall mean an actual or potential condition that poses an immediate threat to life or property, and exceeds the capability of a local agency to counteract successfully. Notwithstanding the above, if mutual aid is provided, it will only be provided pursuant to the particular policy of the responding department.

(3) Notwithstanding the provision of Paragraph two (2) above, any police officer of a political subdivision which is a party to this agreement who sees a felony being committed within the territory of another political subdivision which is a party to this agreement, or who sees a police officer of another political subdivision which is a party to this agreement who is in distress, shall have the authority to apprehend or attempt to apprehend the person or persons committing said felony and shall have the authority to go to the assistance of such other police officer in distress, as long as he shall use sound discretion and reasonable judgment.
(4) In situations where mutual aid is utilized, radio communications should be established, if possible, on the talk group assigned by the Regional Dispatch Center or on MARCS Talk Group 57 LE 4.

(5) In the event of a mass arrest (the arrest of one hundred or more persons arising from a single incident) an agency providing mutual aid under this agreement shall assist in the preliminary processing of arrestees, said assistance consisting of:
   a. Identification of arrestees,
   b. Control of property obtained from arrestees,
   c. Completion of arrest documentation.

Agencies providing mutual aid in cases of mass arrest shall also assist in transporting prisoners and shall assist the Montgomery County Sheriff's Office and Greene County Sheriff's Office in detaining and securing prisoners if a temporary detention facility is utilized.

(6) The execution of this agreement shall not give rise to any liability or responsibility for failure to respond to any request for assistance made pursuant to this agreement against a political subdivision failing to respond and in favor of the political subdivision requesting assistance. This agreement shall not be construed as or deemed to be an agreement for the benefit of any third party or parties, and no third-party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

(7) Pursuant to ORC §§ 5502.29 and 5502.41, the Responding Agency and the personnel of that agency, while rendering assistance or aid under this agreement, or while in route to or from rendering assistance or aid under this agreement, in another participating political subdivision, shall be deemed to be exercising governmental functions as defined in ORC § 2744.01, shall have the defenses to and immunities from civil liability provided in ORC §§ 2744.02 and 2744.03, and shall be entitled to all applicable limitations on recoverable damages under ORC § 2744.05.
(8) No charge shall be made to any contracting political subdivision entering into this agreement for services rendered by any other contracting political subdivision under the provisions of this agreement. The Responding Agency will assume, in whole or in part, any loss, damage, expense, or cost the political subdivision incurs in rendering aid.

(9) There shall be no reimbursement for loss or damage to equipment while engaged in activity in accordance with this agreement, nor shall there be any reimbursement for any indemnity award or premium contribution assessed against the employing political subdivision for worker's compensation benefits arising by reason of injury or death to a member of the police department of said political subdivision while engaged in rendering services under this agreement.

(10) This agreement shall become effective July 1, 2016. Provided, however, any party to this agreement may withdraw at any time, upon thirty (30) days written notice addressed to the Chief of Police or other officer in charge of each of the other political subdivision which are a party hereto, and thereafter such withdrawing party shall no longer be a party to this agreement, but this agreement shall continue to exist among and between the remaining parties.

(11) This agreement may be executed in any number of counterparts, all of which together shall be considered a single instrument. It shall not be necessary for any counterpart to be signed by more than one party. All counterparts shall be filed with the office of the County Prosecutor of Montgomery County, Ohio, which shall be the official depository for this agreement.

The County Prosecutor of Montgomery County, Ohio, shall send to each party to this agreement a certificate showing the names of the contracting political subdivisions which have executed this agreement, and any additions or deletions of participating political subdivisions as they occur.