REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, APRIL 17, 2018
6:00 PM
COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET - PIQUA, OHIO 45356

REGULAR CITY COMMISSION MEETING

CALL TO ORDER

THE PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

PRESENTATION: FRIENDS OF THE PIQUA PARKS

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
   Approval of minutes from the April 3, 2018 Regular City Commission Meeting

2. RES. NO. R-52-18
   A Resolution authorizing preliminary consent legislation with the Ohio Department of Transportation (ODOT) for bridge deck sealing for priority and major bridges throughout District 7

3. RES. NO. R-53-18
   A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Fountain Park by the Miami Valley Corvette Club

4. RES. NO. R-54-18
   A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Lock Nine Park and Linear Park to Mainstreet Piqua and Piqua Arts Council

5. RES. NO. R-55-18
   A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Lock Nine Park and Linear Park to Mainstreet Piqua

6. RES. NO. R-56-18
   A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Fountain Park by Mainstreet Piqua

OLD BUSINESS

7. ORD. NO. 5-18 (Tabled 4-3-18) First Reading
   An Emergency Ordinance Renumbering Chapter 55 Stormwater Management of the Piqua Municipal Code

NEW BUSINESS

8. ORD. NO. 7-18 First Reading
9. **ORD. NO. 8-18 First Reading**
   An Emergency Ordinance amending Chapter 92 Streets and Sidewalks of the Piqua Municipal Code

10. **RES. NO. R-57-18**
    A Resolution requesting final legislation to enter into an agreement with the Ohio Department of Transportation (ODOT) for the Garbry Road/Looney Road intersection improvements project in the City of Piqua

11. **RES. NO. R-58-18**
    A Resolution awarding a contract for the purchase of Decorative Street Lights for the Looney and Garbry Roundabout

12. **RES. NO. R-59-18**
    A Resolution awarding a contract for conduit work for the relocation of power and communication lines for the Looney and Garbry Roundabout

13. **RES. NO. R-60-18**
    A Resolution awarding contract for maintenance of Piqua’s #9 Gas Turbine

14. **RES. NO. R-61-18**
    A Resolution awarding a contract for roof repairs to Piqua’s Power Plant

15. **RES. NO. R-62-18**
    A Resolution awarding a contract for the purchase of high-voltage breakers for the Power System

16. **RES. NO. R-63-18**
    A Resolution to continue participation in a Multi-Jurisdictional Hazard Mitigation Plan in conjunction with the Miami County Emergency Management Agency

17. **RES. NO. R-64-18**
    A Resolution to rescind a protective covenant restricting the retail use of Peters Subdivision Section 3 Inlots 5873

18. **RES. NO. R-65-18**
    A Resolution authorizing an R-PUD (Residential Planned Unit Development) Concept Plan for Lot 8195, 8196 and 8197

19. **RES. NO. R-66-18**
    A Resolution authorizing an amendment to Zoning Map to change the Zoning Designation of Lot 8195, 8196 and 8197 from R-3 (Residential Multi-Family) and OS (Open Space) to R-PUD (Residential Planned Unit Development)

**PUBLIC COMMENT**

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

**CITY MANAGER’S REPORT**

**COMMISSIONERS COMMENT**

**ADJOURNMENT TO EXECUTIVE SESSION**

1. To consider pending or imminent litigation

**ADJOURNMENT**
MINUTES
PIQUA CITY COMMISSION
TUESDAY, April 3, 2018
6:00 P.M.

Piqua City Commission met at 6:00 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 Lee, Short, Vogt, and Martin. Absent: None.

ADJOURNMENT TO EXECUTIVE SESSION
a. To prepare for and review negotiations on compensation or other terms and conditions of employment for City Personnel; to discuss the AFSCME Blue Collar compensation study.

Moved by Commissioner Martin, seconded by Commissioner Lee to adjourn into Executive Session at 6:05 P.M. Voice vote, Aye: Vogt, Martin, Lee, Short, and Hinds. Nay: None.

Moved by Commissioner Vogt, seconded by Commissioner Martin to adjourn from the Executive Session at 6:40 P.M. Voice vote: Aye: Hinds, Martin, Lee, Short, and Vogt. Nay: None.

REGULAR CITY COMMISSION MEETING

ANNOUNCEMENTS

No one came forward to speak at this time.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the Minutes from the March 20, 2018 Regular City Commission Meeting.

Resolution No. R-45-18

A Resolution reappointing a member to the Downtown Design District Review Board

City Manager Huff stated Jim Oda is being reappointed to the Downtown District Design Review Board for term of three years to expire on March 1, 2021.

Resolution No. R-46-18

A Resolution appointing a member to the Civil Service Commission

City Manager Huff stated James Stein is appointed as a member of the Civil Service Commission for a term of three years to expire on March 1, 2021.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to approve the Consent Agenda at this time. Voice vote, Aye: Martin, Short, Hinds, Lee, and Vogt. Nay: None. Consent Agenda was unanimously approved.

NEW BUSINESS

EMERGENCY ORD. NO. 5-18 (1st Reading)

An Emergency Ordinance renumbering Chapter 55 Stormwater Management of the Piqua Municipal Code

Law Director Stacy Wall stated she would like to have Ordinance No. 5-18 tabled at this time due to the State adding additional information, and they would like to review the additional information.
ORD. NO. 6-18 (1st Reading)


Law Director Stacy Wall stated she would like to have Ordinance No. 6-18 tabled at this time as the State of Ohio has appealed House Bill 331, will be rewriting the legislation and would like to wait.

RES. NO. R-47-18

A Resolution approving the renewal application for placement of farmland in an Agricultural District filed by Sally K. Apple (Trust) and Donald E. Apple (Trust) for parcels N44-076917, N44-076881, and N44-076907 in the City of Piqua

Law Director Stacy Wall provided the Staff Report.

The renewal of the application of the proposed lots in an Agricultural District states they are devoted exclusively for agricultural use as provided by the Ohio Revised Code Section 929.02.

PUBLIC COMMENT

No one came forward to speak at this time.


RES. NO. R-48-18

A Resolution authorizing an amendment to zoning map to change the zoning designation of 1435 Covington Avenue, Parcel N44-073178, from R-3 (Multi-family Residential) to B (General Business)

Economic Development Director Justin Sommer provided the Staff Report.

The property owner requested the change in the Zoning to accommodate future redevelopment of the lot to include a business use. A Public Hearing was held, and the Zoning change was approved by the Piqua Planning Commission.

Commissioner Martin asked what the green area was still showing on the plan? Mr. Sommer stated it was the drive to the Apartment Complex.

PUBLIC COMMENT

No one came forward to speak at this time.


RES. NO. R-49-18

A Resolution approving an amendment to the Collective Bargaining Agreement with Local 984 and Ohio Council 8, AFSCME (Blue Collar)

Law Director Stacy Wall provided the Staff Report.
Slight pay increases were approved for electricians to keep them within the range of market wages. Wage increases for journeyman line workers, and journeyman line crew leaders were also amended in the agreement, but have been previously approved, stated Ms. Wall.

Wages for wastewater operators, meter readers, and lab technicians will remain the same for 2019 due to being above market wage. These wage adjustments were the result of a compensation study that an independent consultant completed for the City.

PUBLIC COMMENT

No one came forward to speak at this time.


RES. NO. R-50-18

A Resolution authorizing the lease of portions of 8620 N. County Road 25-A

Stacy Wall Law Director provided the Staff Report.

The City entered into an agreement to lease space at 8620 N. Co. Rd. 25-A for a period of three years on November 21, 2017, Resolution No. R-144-17. Additional space is needed at this time, and Resolution No. R-50-18 is approving the additional space for a total of 8300 Sq. Ft for $3400 monthly rate for all of the space required at this time.

PUBLIC COMMENT

No one came forward to speak at this time.


RES. No. R-51-18

A Resolution authorizing the lease of portions of Parcel No. N44-250083

Economic Development Director Justin Sommer provided the Staff Report.

This is a lease agreement with NK Telco for use of the Roadside Park area on St. Rt. 66 for a telecommunications infrastructure for an annual cost of $1 for 25 years. The former pump station is longer in use at the site and is not of any value to the city. The site has been identified as a suitable location for a telecommunications utility hut for NK Telco to support the buildout of the fiber network. The city signed a lease with NK Telco in January of 2017 to lease fiber service.

Commissioners asked several questions including the size of the building, the use, and rental fee. Mr. Sommer provided additional information, and the cost savings to the city. City Manager Huff noted that NK Telco will demolish the former pump station at their expense, saving the city the demolition cost.

PUBLIC COMMENT

No one came forward to speak at this time.

PUBLIC COMMENT

Denise Bruce, Cleveland Street resident, came forward and asked why the Pump House in Shawnee has not been running with all of the recent rain. Ms. Bruce further stated she now has water standing in her basement. City Manager Huff stated he will check on it. Mayor Hinds thanked Ms. Bruce for bringing the information to their attention.

CITY MANAGER REPORT

City Manager Huff stated he did not have anything at this time.

COMMISSIONERS COMMENT

Commissioner Martin stated if you see water standing in the road do not try and go through it, turn around and take another route.

Commissioner Lee stated it was mentioned to him that the new wayfinding signs need to have more color on them.

Commissioner Short reminded citizens it is spring time, and to watch out for motorcycles.

Mayor Hinds announced Saturday April 7 is the Rails to Trails kickoff at 10:00 A.M. and she will be reading and presenting a Proclamation. Jim Oda, City Historian will be giving tours of Forest Hill Cemetery.

Mayor Hinds also announced Code Piqua will take place the week April 16-20 for citizens to offer their input for the new code updates. More information can be found on the Piqua website.

Mayor Hinds announced the Mills Brothers Concert on Thursday, April 19, 2018 at the Fort Piqua Plaza at 7:30 P.M. sponsored by the Johnston Farm and Indian Agency & the Piqua Area Chamber of Commerce.

Mayor Hinds stated Dancing with the Piqua Stars will take place on Saturday, April 21, 2018.

Mayor Hinds announced a Piqua Music Video Parade will take place on Sunday April 16th at 2:00 P.M. downtown, and filming will begin on April 14 & 15. Mayor Hinds encouraged citizens to participate to help promote the City of Piqua. More information can be found on the Piqua website.

Motion made by Commissioner Vogt, to adjourn from the Regular Commission Meeting 7:05 P.M. seconded by Commissioner Martin, motion was carried unanimously.

KATHRYN B. HINDS, MAYOR

PASSED: ____________________

ATTEST: ____________________

REBECCA J. COOL
CLERK OF COMMISSION

4
RESOLUTION NO. R-52-18

A RESOLUTION AUTHORIZING PRELIMINARY CONSENT LEGISLATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR BRIDGE DECK SEALING FOR PRIORITY AND MAJOR BRIDGES THROUGHOUT DISTRICT 7.

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to complete the programming on a project located within the City of Piqua.

SEC. 1: Project Description
WHEREAS, the State has determined the need for the described project:

Districtwide bridge deck sealing for priority and major bridges throughout District 7. To include Structure File numbers 5503167 (MIA-IR-75-16.20 L), 5503140 (MIA-IR-75-16.20 R), 5503221 (MIA-IR-16.350 R), 5503191(MIA-IR-16.350 L), 5503272 (MIA-IR-75-17.560 L), 5503302 (MIA-IR-75-17.590 R), 5503361 (MIA-IR-75-17.770 R) and 5503337 (MIA-IR-75-17.770 L) in the City of Piqua.

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

SEC.2: Consent Statement
Being in the public interest, the City of Piqua (CITY) gives consent to the Director of Transportation to complete the above-described project.

SEC. 3: Cooperation Statement
The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the costs of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SEC. 4: Utilities and Right-Of-Way Statement
The CITY agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The CITY also understands that right-of-way costs include eligible utility costs.

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

SEC. 5: Maintenance
Upon completion of the Project, and unless otherwise agreed, the CITY shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for such maintenance of the
Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SEC. 6: Authority to Sign
The City Manager of the City of Piqua is hereby empowered on behalf of the City of Piqua to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project.

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

__________________________
KATHRYN B. HINDS, MAYOR

PASSED: ______________________

ATTEST: ______________________
KIMBERLY J. HEBB
ACTING 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 Dave Short    _________
Commissioner Kris Lee    _________
RESOLUTION NO.  R-53-18

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A LEASE AGREEMENT TO PERMIT
THE USAGE OF A PORTION OF FOUNTAIN PARK
BY THE MIAMI VALLEY CORVETTE CLUB

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

SEC. 1: The City Manager is hereby authorized to permit the Miami Valley Corvette Club, to hold a Car Show on June 16, 2018 to use that part of Fountain Park between the Hance Pavilion and the dining hall, upon the condition that the Miami Valley Corvette Club obtain liability insurance satisfactory to the City Manager at a minimum coverage of $1,000,000, with the City of Piqua being named an additional insured for each event. The rental fee for this lease shall be $1.00 and other valuable consideration.

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

KATHRYN B. HINDS, MAYOR

PASSED: _______________________

ATTEST:
KIMBERLY J. HEBB
ACTING 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 Kris Lee ________
Commissioner David Short ________
<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 17, 2018</th>
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<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF A PORTION OF FOUNTAIN PARK TO MIAMI VALLEY CORVETTE CLUB</td>
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<tr>
<td>SUBMITTED BY</td>
<td>Brittany Van Horn, Special Events Coordinator</td>
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<td></td>
<td>Development Department</td>
</tr>
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<td>☒Consent ☐Ordinance ☒Resolution ☐Regular</td>
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<td>☒City Manager ☐Asst. City Manager/Finance</td>
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<td>☒Asst. City Manager/Development ☒Law Director</td>
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<tr>
<td></td>
<td>☒City Planner ☐Planning Commission</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>The Miami Valley Corvette Club desires to host a car show at Fountain Park. The event will be open to the public and the display area will primarily occupy a shaded grassy area between the dining hall and Hance Pavilion. The event will be the same as last year.</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></td>
</tr>
<tr>
<td>Narrative:</td>
<td>These types of community events contribute positively to a community’s quality of life and the local economy.</td>
</tr>
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<td>OPTIONS</td>
<td>1. Adopt the resolution to authorize the lease.</td>
</tr>
<tr>
<td>(Include deny /approval option)</td>
<td>2. Defeat the resolution and deny the lease.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>April 17, 2018 Regular City Commission meetings.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>1. Resolution and lease agreement</td>
</tr>
</tbody>
</table>
LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this _______ day of _________ 2018, by and between the City of Piqua and the Miami Valley Corvette Club as follows:

Section 1: For one dollar and other valuable consideration, the City leases to the Club the below-listed public park facilities for the day of June 16, 2018.

That portion of Fountain Park between Hance Pavilion and the dining hall.

Section 2: The Club shall occupy and use the leased premises solely for the purposes of the annual Independence Day celebration and related activities.

Section 3: The Club shall obtain liability insurance satisfactory to the City Manager at a minimum coverage of $1,000,000.

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

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

Section 6: This agreement shall not be assignable.

Section 7. The Club and all vendors shall comply with all inspections and obtain any permits required prior to display of automobiles, at the Club’s expense.

Section 8. The City shall review and contract with all exhibitors. No contract with any exhibitor shall place any liability upon the City.

Section 9. The Club shall be responsible for basic clean-up of the facilities after the conclusion of the festival.

Executed as of the above-referenced date by:

Gary A. Huff, City Manager
City of Piqua

President, Miami Valley Corvette Club
RESOLUTION NO. R-54-18

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

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

SEC. 1: The City Manager is hereby authorized to permit Mainstreet Piqua and Piqua Arts Council on June 23, 2018, July 21, 2018, and August 18, 2018 to use Lock Nine Park and Linear Park as the location of the Rock Piqua Riverfront Concert Series, upon the condition that Mainstreet Piqua and Piqua Arts Council obtains liability insurance satisfactory to the City Manager at a minimum coverage of $1,000,000 and complies with the terms of the attached Lease Agreement. The rental fee for this lease shall be $1.00 and other valuable consideration.

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

KATHRYN B. HINDS, MAYOR

PASSED: ______________________

ATTEST: ______________________

KIMBERLY J. HEBB

ACTING 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 Kris Lee               __________
Commissioner David Short           __________
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<td>SUBMITTED BY</td>
<td>Brittany Van Horn, Special Events Coordinator</td>
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<td>☑ Law Director</td>
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<td>☑ City Planner</td>
<td>☐ Planning Commission</td>
</tr>
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<td>BACKGROUND</td>
<td>Rock Piqua! Riverfront Concert Series: Piqua Arts Council and Mainstreet Piqua will collaborate with local supporters to organize and provide a high quality outdoor summer music series that includes food and drink offerings. The series of events will take place in an around the Lock Nine Park area near the Great Miami River for the purpose of highlighting the recreation opportunities that exist on and along the river corridor.</td>
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<td>BUDGET/FINANCIAL IMPACT</td>
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<td>This type of community event contributes positively to a community’s quality of life and the local economy.</td>
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<td>OPTIONS</td>
<td>1. Adopt the resolution to authorize the lease.</td>
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<td>2. Defeat the resolution and deny the lease.</td>
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<td>PROJECT TIMELINE</td>
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<td>STAFF RECOMMENDATION</td>
<td>Approve the proposed resolution.</td>
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<td>1. Resolution and lease agreement</td>
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ROCK PIQUA! RIVERFRONT CONCERT SERIES
LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this __________ day of __________ 2018,
by and between the City of Piqua (CITY) and the Piqua Arts Council and Mainstreet Piqua
(ASSOCIATION) as follows:

Section 1: For one dollar and other valuable consideration, the City leases to the Association on the
days of June 23, 2018, July 21, 2018, and August 18, 2018 the Lock Nine Park and portions of the
Linear Park public park facilities, and a portion of the Water Street public right of way from Spring
Street to Harrison Street, as more specifically shown on the attached Exhibit ‘A’.

Section 2: The Association shall occupy and use the leased premises solely for the purposes of the
Rock Piqua! Riverfront Concert Series and related activities, as more specifically shown on the
attached Exhibit ‘B’. The parties shall agree on the hours of park closure for the event.

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

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

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

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

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

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

Section 6: This agreement shall not be assignable.
Section 7: The Association and all performers and vendors shall comply with all inspections and obtain any permits required prior to operation, including any full time or on-site security, at the Association's expense.

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

Section 9: The Association shall be responsible for basic clean-up of the facilities after the conclusion of each Rock Piqua! Riverfront Concert Series event.

Section 10: Prior to any of the events a Liquor Permit from the state of Ohio shall be produced. The association shall comply with all requirements of the State of Ohio for training of all servers.

Section 11: Should the Piqua Police Department notify the association additional security is required, any cost shall be the responsibility of the association.

Section 12: The identified area for the event has had some construction work. Both parites shall agree on how to take precautions and secure any potential hazards due to any construction or exposed area.

Section 13: The association shall be responsible for immediate clean-up of the event area.

Executed as of the above-referenced date by:

CITY OF PIQUA

Gary A. Huff, City Manager

MAINSTREET PIQUA

Lorna Swisher, Executive Director

PIQUA ARTS COUNCIL

Jordan Knepper, Executive Director
EXHIBIT B

ROCK PIQUA! Riverfront Concert Series

A Piqua Arts Council and Mainstreet Piqua Program

Vision

A series of summer music events that...

- Attracts people to the riverfront area to raise the profile of the river corridor and the recreational trail system.
- Includes performers who can appeal to a wide age group and attract an audience from within and beyond the local community; e.g., local up and coming bands/performers from throughout the region.
- Incorporates beer and wines sales and specialty food vendor items.
- Raises funds to support the Piqua Arts Council and Mainstreet Piqua organizations.

Program Concept

Piqua Arts Council and Mainstreet Piqua will collaborate with local supporters to organize and provide a high quality outdoor summer music series that includes food and drink offerings. The series of events will take place in an around the Lock Nine Park area near the Great Miami River for the purpose of highlighting the recreation opportunities that exist on and along the river corridor.

The Rock Piqua! Riverfront Concert Series Planning Committee will be responsible for the general coordination of the event and solicitation of proposals and sponsorships and the committee will include representation from Piqua Arts Council and Mainstreet Piqua and the community at large. For the purpose of facilitating the event Piqua Arts Council and Mainstreet Piqua will serve as the contracting and fiduciary agencies and more or less share equal responsibility and or recognition and or financial gain occurring as a result of the planning, promotion, production, and execution of the music series of events. The specific task and roles to be filled by each organization will be as determined by the Planning Committee and agreed to as reasonable and appropriate by the Executive Director of each agency.

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

Location

The location of the event will be at the bend in the Great Miami River near where the river intersects with the multi-use recreational trail and in close proximity to the downtown area (the Lock Nine Park and surrounding area).

Dates/ Times

A series of music events will be held on multiple dates throughout the summer. The event will take place on Saturday and the music performance will begin at approximately 7:00 P.M. and end at approximately 11:00 P.M. In general the dates will begin in June and run through early August and attempt to avoid conflicts with other community events or other major attractions taking place within the immediate region. The determination of whether or not another event or attraction constitutes a conflict to be avoided will be at the discretion of the Planning Committee.
Performers

The Planning Committee will identify performers that may be suitable for the scale, location, and budget defined for the event and come to a consensus on the appropriateness of a particular act before any talent is contracted to perform at any of the music series event dates.

Food

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

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

The number of food vendors permitted to provide food service and the types of foods to be offered at each event will be limited to ensure each participating vendor a greater probability of profitability. A participation fee and contract determined appropriate by the Planning Committee will be required of each participating food vendor. The Planning Committee will identify food vendors that may be suitable for the scale, location, and budget defined for the event and come to a consensus on the appropriateness of a particular vendor before any entity is contracted to offer food service at the music series event dates.

Drink

The event will include soda and water, and beer and wine sales, and the beverage sales will be used to provide a source of income to the event. The Planning Committee will identify the beverage vendor option or options best suited for the scale, location, and budget defined for the event and come to a consensus on the appropriateness of a particular vendor before any entity is contracted to offer beverage service at any of the music series event dates.

Other

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

The goal is to provide the event to the community without requiring an admission fee. To achieve that goal sponsorships and other monetary support may be required. The Planning Committee will seek financial support from the community as deemed necessary and appropriate.

Roles and Responsibilities

It is understood that for an event of this scale to be successful the roles and responsibilities of all involved in executing the event must be clearly defined and understood. The following outlines the anticipated duties that each of the identified roles is expected to fulfill.

Roles and Responsibilities

Authorized Agent – Duties include providing the authoring signature on contracts and other documents to be executed and or provided in conjunction with the event.

Assignment: Piqua Arts Council

Food Coordinator - Duties include coordination with food vendors, and oversight of planning and execution of food preparation, sales, and clean-up needs, incidental to the event.

Assignment: Mainstreet Piqua

Beverage Coordinator - Duties include coordination with beverage vendors, and oversight of planning and execution of beverage preparation, sales, and clean-up needs, incidental to the event.

Assignment: Piqua Arts Council

Entertainment Coordinator - Duties include coordination with performing artist and audio/lighting/stage engineers, and oversight of planning and execution of engineer’s audio/lighting/stage set-up, operation, and tear-down, and artist’s pre-show, in-show, and post show needs, and any other ancillary entertainment activities, incidental to the event.

Assignment: Piqua Arts Council

Facilities Coordinator - Duties include coordination with sanitation, refuse, security, and electric service vendors/providers, and oversight of planning and execution of the set-up, operation, and tear-down, and security personnel pre-show, in-show, and post show needs, incidental to the event.

Assignment: Mainstreet Piqua

Marketing Coordinator - Duties include coordination of creation and publishing of print and electronic promotion and advertising materials, and media communication needs, incidental to the event.

Assignment: Piqua Arts Council/Mainstreet Piqua

Event Volunteers - Volunteers will be assigned to work under the direction of an event coordinator to assist with the completion of the task incidental to the coordinator’s responsibilities.
EXHIBIT B

ROCK PIQUA! Riverfront Concert Series

Assignment: Mainstreet Piqua

Anticipated Schedule

<table>
<thead>
<tr>
<th>START</th>
<th>FINISH</th>
<th>TASK</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:00 AM</td>
<td>NOON</td>
<td>STAGE/ROOF SET UP</td>
</tr>
<tr>
<td>NOON</td>
<td>3:00 PM</td>
<td>AUDIO/LIGHTING LOAD IN AND SET UP</td>
</tr>
<tr>
<td>3:00 PM</td>
<td>6:00 PM</td>
<td>BACKGROUND MUSIC/LIGHT PROGRAMING AND FOCUS</td>
</tr>
<tr>
<td>5:15 PM</td>
<td>6:00 PM</td>
<td>OPENING ACT LOAD IN AND SET UP (ON STAGE)</td>
</tr>
<tr>
<td>6:00 PM</td>
<td>6:20 PM</td>
<td>OPENING ACT SOUND CHECK</td>
</tr>
<tr>
<td>6:20 PM</td>
<td>7:00 PM</td>
<td>BACKGROUND MUSIC/PRE-SHOW ANNOUNCEMENTS</td>
</tr>
<tr>
<td>7:00 PM</td>
<td>8:30 PM</td>
<td>OPENING ACT PERFORMANCE</td>
</tr>
<tr>
<td>7:45 PM</td>
<td>8:30 PM</td>
<td>HEADLINE ACT LOAD IN (OFF STAGE PREP AREA)</td>
</tr>
<tr>
<td>8:30 PM</td>
<td>9:15 PM</td>
<td>HEADLINE ACT SET UP AND SOUND CHECK</td>
</tr>
<tr>
<td>9:15 PM</td>
<td>11:00 PM</td>
<td>HEADLINE ACT PERFORMANCE</td>
</tr>
<tr>
<td>11:00 PM</td>
<td>12:30 AM</td>
<td>AUDIO/LIGHTING STRIKE AND LOAD OUT</td>
</tr>
<tr>
<td>TBD</td>
<td>TBD</td>
<td>STAGE STRIKE</td>
</tr>
</tbody>
</table>

* ACTUAL PERFORMANCE TIMES TBD ONCE ARTISTS ARE CONFIRMED
RESOLUTION NO. R-55-18

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

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

SEC. 1: The City Manager is hereby authorized to permit Mainstreet Piqua on August 4, 2018 to use Lock Nine Park and Linear Park as the location of the Down a River Down a Beer – Recreational Trail Celebration Event, upon the condition that Mainstreet Piqua obtains liability insurance satisfactory to the City Manager at a minimum coverage of $1,000,000 and complies with the terms of the attached Lease Agreement. The rental fee for this lease shall be $1.00 and other valuable consideration.

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

KATHRYN B. HINDS, MAYOR

PASSED: 

ATTEST: 

KIMBERLY J. HEBB
ACTING 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 Kris Lee
Commissioner David Short
**Commission Agenda**  
**Staff Report**  
**Item #5**

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 17, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF A PORTION OF LOCK NINE PARK AND LINEAR PARK TO MAINSTREET PIQUA</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Brittany Van Horn, Special Events Coordinator  
Development Department |
| AGENDA CLASSIFICATION | ☑ Resolution  
☐ Consent  
☐ Ordinance  
☐ Regular |
| APPROVALS/REVIEWS | ☑ City Manager  
☑ Asst. City Manager/Finance  
☑ Asst. City Manager/Development  
□ Law Director  
☑ City Planner  
□ Planning Commission |
| BACKGROUND | The Down a River Down a Beer – Recreational Trial Celebration is an event that aims to…  
- Attract people to the riverfront area to raise the profile of the water trail and the recreational trail system.  
- Offer samplings of a variety of beer and food, with the food product highlighting local restaurants.  
- Includes a solo musical artist performance.  
- Raises funds to support the maintenance and promotion of the river corridor and the recreational trail system.  
The event organizers will collaborate with local supporters to organize and provide a high quality outdoor beer and food tasting event that also offers attendees an opportunity to experience and or witness canoeing, kayaking, and stand up paddle boarding on the Great Miami River water trail, and the demonstration of cycling equipment on the recreational trail.  
The event organizers will be responsible for the general coordination of the event and solicitation of sponsorships and volunteer support. Mainstreet Piqua and the Piqua Arts Council will serve as the contracting/fiduciary agent and be compensated for their expenses and receive recognition as part of the promotion, production, and execution of the event. Any monetary gain from the event will directed to a predetermined item or cause in support of the maintenance and promotion of river corridor and the recreational trail system. |
| BUDGET/FINANCIAL IMPACT | Budgeted $: 0  
Expenditure $: 0 |
<table>
<thead>
<tr>
<th>Source of Funds:</th>
<th></th>
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<tbody>
<tr>
<td>Narrative:</td>
<td>This type of community event contributes positively to a community’s quality of life and the local economy.</td>
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<tr>
<td><strong>OPTIONS</strong></td>
<td><strong>PROJECT TIMELINE</strong></td>
</tr>
<tr>
<td>(Include deny/approval option)</td>
<td>April 17, 2018 Regular City Commission meetings.</td>
</tr>
<tr>
<td>1. Adopt the resolution to authorize the lease.</td>
<td></td>
</tr>
<tr>
<td>2. Defeat the resolution and deny the lease.</td>
<td></td>
</tr>
<tr>
<td><strong>STAFF RECOMMENDATION</strong></td>
<td>Approve the proposed resolution.</td>
</tr>
<tr>
<td><strong>ATTACHMENTS</strong></td>
<td></td>
</tr>
<tr>
<td>1. Resolution and lease agreement</td>
<td></td>
</tr>
</tbody>
</table>
DOWN THE RIVER, DOWN A BEER
RECREATIONAL TRAIL CELEBRATION EVENT
LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this ______ day of _________ 2018, by and between the City of Piqua (CITY) and Mainstreet Piqua (ASSOCIATION) as follows:

Section 1: For one dollar and other valuable consideration, the City leases to the Association on the days of August 4, 2018, the Lock Nine Park public park facilities, as more specifically shown on the attached Exhibit ‘A’.

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

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

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

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

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

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

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

Section 6: This agreement shall not be assignable.

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

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

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

Executed as of the above-referenced date by:

CITY OF PIQUA

Gary A. Huff, City Manager

MAINSTREET PIQUA

Lorna Swisher, Executive Director
EXHIBIT B

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

Vision
An event that...

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

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

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

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

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

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

Food
EXHIBIT B

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

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

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

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

Drink

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

Other

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

Sponsorships

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

Sponsorship levels include: Brewery $2,500, Barrel $1,000, Keg $500, Case $250, 6-Pack $100
RESOLUTION NO. R-56-18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF A PORTION OF FOUNTAIN PARK BY MAINSTREET PIQUA.

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

SEC. 1: The City Manager is hereby authorized to permit Mainstreet Piqua, to hold Ohio Chautauqua on June 4-9, 2018 to use that part of Fountain Park between the Hance Pavilion and the dining hall, upon the condition that Mainstreet Piqua obtain liability insurance satisfactory to the City Manager at a minimum coverage of $1,000,000, with the City of Piqua being named an additional insured for each event. The rental fee for this lease shall be $1.00 and other valuable consideration.

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

KATHRYN B. HINDS, MAYOR

PASSED: _________________________

ATTEST: _________________________

KIMBERLY J. HEBB
ACTING 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 Kris Lee
Commissioner David Short
## Commission Agenda

### Staff Report

| MEETING DATE | April 17, 2018 |
| REPORT TITLE | A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT TO PERMIT THE USAGE OF A PORTION OF FOUNTAIN PARK TO MAINSTREET Piqua |
| SUBMITTED BY | Brittany Van Horn, Special Events Coordinator |
| Development Department |
| AGENDA CLASSIFICATION | □ Consent | □ Ordinance | □ Resolution | □ Regular |
| APPROVALS/REVIEWS | □ City Manager | □ Asst. City Manager/Finance |
| □ Asst. City Manager/Development | □ Law Director |
| □ City Planner | □ Planning Commission |
| BACKGROUND | Ohio Chautauqua is a five-day community event that combines living history performances, music, education, and audience participation into a one-of-a-kind cultural event the entire community will enjoy. |
| | Daytime activities feature stimulating adult programs and hands-on workshops for youth hosted by local community organizations. Each evening, family and friends gather as live music fills the air. Then, a talented performer appears on stage, bringing a historic figure to life through personal stories and historic detail. This enriching and delightfully entertaining experience is perfect for every generation. With its warm, nostalgic vibe, this truly unique experience is sure to open minds and start conversations. |
| BUDGET/FINANCIAL IMPACT | Budgeted $: 0 |
| | Expenditure $: 0 |
| | Source of Funds: |
| | Narrative: These types of community events contribute positively to a community’s quality of life and the local economy. |
| OPTIONS | 1. Adopt the resolution to authorize the lease. |
| | 2. Defeat the resolution and deny the lease. |
| PROJECT TIMELINE | April 17, 2018 Regular City Commission meetings. |
| ATTACHMENTS | 1. Resolution and lease agreement |
LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this _____ day of _______ 2018, by and between the City of Piqua and Mainstreet Piqua as follows:

Section 1: For one dollar and other valuable consideration, the City leases to the Mainstreet Piqua the below-listed public park facilities for the days of June 4-9, 2018.

That portion of Fountain Park between Hance Pavilion and the dining hall.

Section 2: The Mainstreet Piqua shall occupy and use the leased premises solely for the purposes of the annual Independence Day celebration and related activities.

Section 3: The Mainstreet Piqua shall obtain liability insurance satisfactory to the City Manager at a minimum coverage of $1,000,000.

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

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

Section 6: This agreement shall not be assignable.

Section 7. The Mainstreet Piqua and all vendors shall comply with all inspections and obtain any permits required prior to display of automobiles, at the Mainstreet Piqua’s expense.

Section 8. The City shall review and contract with all exhibitors. No contract with any exhibitor shall place any liability upon the City.

Section 9. The Mainstreet Piqua shall be responsible for basic clean-up of the facilities after the conclusion of the festival.

Executed as of the above-referenced date by:

Gary A. Huff, City Manager
City of Piqua

Mainstreet Piqua
EMERGENCY ORDINANCE NO. 5-18

AN EMERGENCY ORDINANCE RENUMBERING CHAPTER 55 STORMWATER MANAGEMENT OF THE PIQUA MUNICIPAL CODE

WHEREAS, the City of Piqua is adopting a new chapter of legislation regarding small cell towers that will become Chapter 55 and thus needs to renumber Stormwater Management to Chapter 56; and

WHEREAS, renumbering the chapter for Stormwater Management will allow for logical flow within the Chapters contained under Title V. Public Works by placing the new chapter regarding small cell towers immediately after the chapter governing Right of Way Management.

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

SECTION 1. That the City of Piqua hereby renumbers Chapter 55 of the Piqua Municipal Code as set forth below to Chapter 56: (proposed language is underlined and language to be deleted is struck)

CHAPTER 56.55: STORMWATER MANAGEMENT

General Provisions
556.01 Purpose
556.02 Definitions

Organization, Facilities and Maintenance
556.05 Organization of the utility
556.06 Stormwater facilities
556.07 Erosion, siltation and sedimentation
556.08 Routine and remedial maintenance and right-of-way
556.09 Property affected

Fees
556.30 User fee
556.31 Fees established
556.32 Collection
556.33 Enterprise fund requirements

Enforcement; Appeals; Nonliability
556.50 Enforcement
556.51 Appeals
556.52 No liability

556.99 Penalty
SECTION 2. All sections contained within Chapter 55 of the Piqua Municipal Code shall be renumbered with the prefix of 56 as reflected above in Section 1.

SECTION 3. This Resolution is declared an emergency and is effective upon passage for the immediate preservation of the public peace, health or safety in the City of Piqua as the renumbering of Chapter 55 is necessary to allow for new legislation that needs adopted in April 2018.

Tabled 4-3-2018

KATHRYN B. HINDS, MAYOR

PASSED: ______________________________

ATTEST: ______________________________

KIMBERLY J. HEBB

ACTING CITY COMMISSION CLERK

The Motion to adopt the foregoing Ordinance was offered by ______________________
Seconded by ________________ and on roll call the following vote ensued:

Mayor Kathryn Hinds ________ Commissioner John Martin ________
Commissioner William Vogt ________ Commissioner David Short ________
Commissioner Kris Lee ________
ORDINANCE NO. 7-18

AN EMERGENCY ORDINANCE ADOPTING AND IMPLEMENTING CHAPTER 55.
SMALL CELL FACILITIES & WIRELESS SUPPORT STRUCTURES
OF THE PIQUA MUNICIPAL CODE

WHEREAS, the State of Ohio signed into law on December 19, 2016, Senate Bill 331 that had an effective date of March 21, 2017, and governed small cell site installation in the public right-of-way; and

WHEREAS, prior to its effective date, SB 331 was challenged by municipalities across the State of Ohio, including the City of Piqua, for violating Home Rule and other constitutional provisions; and

WHEREAS, the Common Pleas Court of Franklin County found SB 331 unconstitutional and as a result of the pending litigation, municipalities and industry groups compromised and drafted House Bill 478; and

WHEREAS, HB 478 passed the House on February 14, 2018, and it is currently being considered by the Senate; and

WHEREAS, the legislation allows for municipalities to have control over design, aesthetics and placement of small cell facilities, it limits the size of small cell facilities and it exempts municipal electric poles from small cell attachments; and

WHEREAS, adopting and implementing the proposed Chapter 55 governing the small cell facilities is in the best interest of the public for the health and safety of the City of Piqua by being able to govern and manage the public right-of-way.

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

SECTION 1. That the City of Piqua hereby adopts the new Chapter entitled Small Cell Facilities & Wireless Support Structures as set forth in attached Exhibit A.

SECTION 2. This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and so that the City of Piqua may implement its regulations in compliance with HB 478 and have its regulations in effect 90 days prior to the adoption by the State of Ohio.

KATHRYN B. HINDS, MAYOR

PASSED: ____________________________________

ATTEST: ________________________________

KIMBERLY J. HEBB

ACTING CITY COMMISSION CLERK
The Motion to adopt the foregoing Ordinance was offered by ____________

Seconded by _________________ and on a roll call the following vote ensued:

Mayor Kathryn B. Hinds       ______
Commissioner John Martin     ______
Commissioner William Vogt    ______
Commissioner Dave Short      ______
Commissioner Kris Lee        ______
SMALL CELL FACILITIES & WIRELESS SUPPORT STRUCTURES

55.01 PURPOSE AND INTENT

The purpose of this Chapter is to establish general procedures and standards for the siting, construction, placement, collocation, modification, operation, and removal of small cell facilities and/or wireless support structures within the City of Piqua municipal boundaries.

The goals of this chapter are to:

A. Provide standards for the siting, construction, placement, collocation, modification, operation, and removal of small cell facilities and wireless support structures within the City of Piqua.

B. Establish criteria for making application to promote fair and efficient processing of applications.

C. Ensure that small cell facilities and wireless support structures conform to all applicable health and safety regulations.

D. Preserve the character of the City’s neighborhoods and historic districts by limiting the overall number of facilities within the City’s Right of Way.

E. Protect public improvements from being disrupted after completion, i.e. streetscaping, sidewalks and ramps and other public improvement projects.

F. Reduce visual clutter and preserve and enhance the aesthetic environment of the City of Piqua.

G. Ensure the safety of motorists, pedestrians, and other users of the City’s Rights of Way by limiting the placement and overall number of facilities within close proximity to roadways, sidewalks, or other such ways of travel.

H. Establish a fair and reasonable method to recover costs incurred in administering this Chapter.

55.02 DEFINITIONS

Within this Chapter, words with specific defined meanings are as follows:

Abandoned
Any small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the operator otherwise notifying the City and receiving the City’s approval.

Agent
A person that provides the City written authorization to work on behalf of a public utility.

Antenna
Communications equipment that transmits or receives radio frequency signals in the provision of wireless service.

Applicant
Any person that submits an application to the City to site, construct, place, collocate, modify, operate, and/or remove a small cell facility or wireless support structure in the City of Piqua.

Collocation, collocate
To install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure or utility pole.

Cable operator, cable service, franchise
These words have the same meanings as in the "Cable Communications Policy Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 522.

Decorative pole
A pole, arch, or structure other than a street light pole placed in the Right of Way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following:

A. Electric lighting;
B. Specially designed informational or directional signage;
C. Temporary holiday or special event attachments
D. Banners on poles authorized by the City of Piqua.

Enclosure
A cabinet for equipment intended to conceal its contents, prevent electrical shock to users, and protect the contents from the environment.

Equipment
Electrical and/or mechanical devices or components.

Historic District
A building, property, or site, or group of buildings, properties, or sites that are either of the following:

A. Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the national register, in accordance with section VI.D.1.a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;

B. A registered historic district as defined in Section 149.311 of the Ohio Revised Code.

Municipal Electric Utility
The same meaning as in section 4928.01 of the Ohio Revised Code.

Ohio Manual of Uniform Traffic Control Devices, OMUTCD
The uniform system of traffic control devices promulgated by the department of transportation pursuant to Section 4511.09 of the Ohio Revised Code.

**Occupy, Use**
With respect to a Right of Way, to place a tangible thing in a Right of Way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities necessary for the delivery of public utility services or any services provided by a cable operator.

**Permittee**
A person issued a permit.

**Person**
Any natural person, corporation, or partnership and also includes any governmental entity.

**Public Utility**
A wireless service provider as defined in division (A)(20) of section 4927.01 of the Ohio Revised Code or any company described in section 4905.03 of the Ohio Revised Code except in divisions (B) and (I) of that section, which company also is a public utility as defined in section 4905.02 of the Ohio Revised Code; and includes any electric supplier as defined in section 4933.81 of the Ohio Revised Code.

**Public Way Fee**
A fee levied to recover the costs incurred by the City and associated with the occupancy or use of a Right of Way.

**Right of Way, Public Way**
The surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which, on or after July 2, 2002, is owned or controlled by a municipal corporation. "Right of Way" excludes a private easement.

**Small Cell Facility**
A wireless facility that meets both of the following requirements:

A. Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than 6 cubic feet in volume.

B. All other wireless equipment associated with the facility is cumulatively not more than 28 cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

**Small Cell Facility Operator, Operator**
A wireless service provider, or its designated agent, or cable operator, or its designated agent, that operates a small cell facility and provides wireless service as defined in division (T) of section 4939.01 of the Ohio Revised
Code. For the purpose of this chapter, "operator" includes a wireless service provider or cable operator that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.

Substantial Change
Substantial change means the same as defined by the FCC in 47 C.F.R. § 1.40001 (b )(7), as may be amended, and as applicable to facilities in the public right of way, which defines that term as a collocation or modification that:

A. increases the overall height more than 10% or 10 feet (whichever is greater);
B. increases the width more than 6 feet from the edge of the wireless support structure;
C. involves the placement of any new enclosures on the ground when there are no existing ground-mounted enclosures;
D. involves the placement of any new ground-mounted enclosures that are ten percent (10%) larger in height or volume than any existing ground-mounted enclosures;
E. involves excavation or deployment of equipment outside the area in proximity to the installation and other wireless communications equipment already deployed on the ground;
F. would defeat the existing concealment elements of the wireless support structure as determined by the Enforcing Official; or
G. violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, enclosures or excavation that is inconsistent with the thresholds for a substantial change.

Note: For clarity, the definition in this Chapter includes only the definition of a substantial change as it applies to installations in the public right of way. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted wireless support structure without regard to any increases in size due to wireless facilities not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012.

Utility Easement
An easement dedicated for the use of a Public Utilities Commission of Ohio regulated utility.

Utility pole
A structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric distribution or telecommunications service. The term excludes street signs and decorative poles.

Wireless Facility
Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:

A. Equipment associated with wireless communications;
B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
C. The term includes small cell facilities.
D. The term does not include any of the following:
   1. The structure or improvements on, under, or within which the equipment is collocated;
   2. Coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless Service
Any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided to the public using wireless facilities.

**Wireless Service Provider**
A person who provides wireless service as defined in division (A)(20) of section 4927.01 of the Ohio Revised Code.

**Wireless Support Structure**
A pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a 15' or taller sign pole, or utility pole capable of supporting wireless small cell facilities. As used in section 4939.031 of the Ohio Revised Code this chapter, "wireless support structure" excludes all of the following:

A. A utility pole or other facility owned or operated by a municipal electric utility;
B. A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

**Permit, Work permit**
A permit issued by the City that must be obtained in order to perform any work in, on, above, within, over, below, under, or through any part of the Right of Way, including, but not limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, or installing, as well as the act of opening and cutting into the surface of any paved or improved surface that is part of the Right of Way. Also, a permit issued by the City that must be obtained in order to occupy the City's Right of Way.

### 55.03 APPLICABILITY

No small cell facility operator may collocate or remove a small cell facility or construct, maintain, modify, operate, replace, or remove wireless support structures in, along, across, upon, and/or under the Right of Way except in conformance with all provisions of this Chapter and any other applicable requirements of the City of Piqua.

### 55.04 PROCEDURES

#### 55.04.1 - Permit Required

Unless otherwise exempted, it shall be unlawful for any person to collocate or remove a small cell facility or construct, maintain, modify, operate, replace, or remove wireless support structures in, along, across, upon, and/or under the Right of Way unless a permit has been issued by the Enforcing Official.

#### 55.04.2 – Application Requirements
This section specifies the necessary requirements for a complete permit application. A complete application shall consist of the following:

A. Application Fee - The applicant must provide the applicable permit application fee in the amount currently required by City of Piqua and listed in its permit fee schedule.

B. RF Compliance Affidavit - Applicants must submit a sworn affidavit prepared and signed by an RF engineer with knowledge about the proposed project that affirms the proposed project will be compliant with all applicable governmental regulations in connection with human exposure to radiofrequency emissions. The affidavit must include:
   1. All frequencies on which the equipment will operate;
   2. how many channels will be used on each frequency;
   3. the effective radiated power ("ERP")
   4. output level in measured watts; and
   5. the height above ground for the lowest point on the lowest transmitter.

The required disclosures above must be included for all transmitters on the support structure, which includes without limitation existing collocated antennas and antennas used for wireless backhaul (such as microwave dish antenna or U/E relay).

C. Regulatory Authorization - To the extent that the applicant claims any regulatory authorization or other right to use the public right of way, the applicant must provide a true and correct copy of the certificate, license, notice to proceed or other regulatory authorization that supports the applicant's claim.

D. Owner's Authorization - Applicants must submit evidence sufficient to show that either:
   1. the applicant owns the proposed support structure or
   2. the applicant has obtained the owner's authorization to file the application.

E. Site Plans and Structural Calculations. The applicant must submit fully dimensioned site plans, elevation drawings and structural calculations prepared, sealed, stamped and signed by a Professional Engineer licensed and registered by the State of Ohio. Drawings must depict any existing wireless facilities with all existing wireless communications equipment and other improvements, the proposed facility with all proposed wireless communications equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed facility and any associated access or utility easements.

F. Equipment and Enclosure Specifications. The applicant shall provide dimensioned elevations, cut sheets, material samples or other construction documents necessary to evaluate for compliance with this Chapter.

55.04.3 Application Type

A. Each application to collocate or remove a small cell facility or construct, maintain, modify, operate, replace, or remove wireless support structures in, along, across, upon, and/or under the Right of Way shall be classified as one of three types. The three types of applications are:
   1. Small Cell Minor – An application that -
      a. involves removal or replacement of small cell facilities and any associated equipment on an existing wireless support structure; and such removal or replacement does not constitute a substantial change.
   2. Small Cell Substantial – An application that:
      a. involves the installation of a new small cell facility on a wireless support structure; or
b. Involves the removal or replacement of a small cell facility on an existing wireless support structure and such removal or replacement constitutes a substantial change.

3. Wireless Support Structure — An application for a proposal to construct, modify or replace a wireless support structure in the Right of Way.

B. Applications seeking to collocate a small cell facility to a wireless support structure owned by the City and located within the City Right of Way shall also be required to obtain an Attachment Certificate and shall be subject to an attachment fee.

C. The application fee for each application type shall be in an amount set by the City of Piqua in Appendix A.

55.04.4 Decisions

A. The Enforcing Official shall review the application for conformance with the standards of this Chapter and shall either:
   1. approve, approve with conditions, or deny a Small Cell Minor application; or
   2. grant or deny consent for Small Cell Substantial and Wireless Structure applications.

B. If a request is denied, the reasons for denial shall be provided in writing to the applicant.

C. The City reserves the right to deny an application if any one of the following conditions exist:

D. The application does not comply with a provision of this Chapter or a provision of the City of Piqua Codified Ordinances;
   1. The applicant is not authorized to conduct business in the State of Ohio;
   2. The applicant is not current in its obligation to pay to the City fees or taxes imposed by this Chapter;
   3. The design or location is deemed unsafe or non-compliant in regards to transportation and engineering standards for construction within the Right of Way;
   4. The design is counter to the health, safety, and welfare of the City;
   5. The design or location is in conflict with current or proposed accessibility standards;
   6. The design does not meet standards related to electrical, structural, safety or construction best practices.
   7. The proposed design is in conflict with existing infrastructure, facilities, and/or utilities.

E. Except as allowed in subsection (F) of this section, applications shall be reviewed and a decision rendered according to 55.04.4.A – Decisions, within the following time periods:
   1. Small Cell Minor – Small Cell Minor applications shall be rendered within 60 days of the date of filing.
   2. Small Cell Substantial – Small Cell Substantial applications shall be rendered within 90 days of the date of filing.

F. The time period required in subsection (E) of this section may be tolled only:
   1. By mutual agreement between the applicant and the City;
   2. If the application is determined to be incomplete; or
   3. The number of applications exceeds the City's capacity to process them in a timely manner. If such number of applications exceeds capacity, then the following tolling time periods may be instituted:
a. The time period may initially be tolled for up to 15 days when the number of applications received within any consecutive 30-day period exceeds 15 applications;
b. For every additional 15 applications that the City receives above the 15 applications stated in (a) the time period may be tolled an additional 15 days; and
c. For every additional 30 applications that the City receives above the 15 applications stated in (a) the time period may be tolled an additional 15 days.
d. However, in no instance shall the time tolled exceed 90 consecutive days.

G. To toll the time period for incompleteness, the City shall provide the applicant notice within 30 days of the date of filing. Such notice shall include a listing of the missing documents and/or information. The time period resumes once the applicant submits a response. If an application is still incomplete, the City shall notify the applicant within 10 days of the response.

H. In the case of a consolidated application, each small cell facility or wireless support structure proposed to be constructed, modified, collocated, or replaced shall constitute a separate application.

I. If multiple applications are received by the City to install two or more wireless support structures that would violate the spacing requirements of 55.05.2 (B)2 – Design & Siting Requirements, or to collocate two or more small cell facilities on the same wireless support structure, the City shall process and render a decision in the order they are received.

J. In the event that an application is received by the City to install a wireless support structure or small cell facility in a location in common with another application for a facility in the right of way, preference shall be granted in the following order of service provided:
   1. Municipal Infrastructure
   2. Water
   3. Electricity
   4. Gas
   5. Landline Telephone
   6. Wireless Service

55.04.5 Amendments

Amendments to an application in process which are not part of a response to a notice of incompleteness or a correction notice shall be treated as a new application.

55.04.6 Issuance of Permit and Certificates

A. When an application is approved or granted consent, a permit shall be issued to the applicant authorizing the following:
   1. Small Cell Work Permit – A permit to perform the approved removal, replacement, or maintenance work, subject to any conditions;
   2. Small Cell Collocation Permit – A permit to perform the approved removal, replacement, or installation, and grant occupancy within the City Right of Way, subject to any conditions;
   3. Wireless Support Structure Permit – A permit to construct, modify or replace a wireless support structure in the Right of Way.
B. An applicant seeking collocation of a small cell facility to a wireless support structure owned by the City and located within the City Right of Way shall be issued an Attachment Certificate authorizing such attachment, subject to any conditions.

55.04.7 Scope of Approval

A. No permit or certificate authorized by this Chapter shall be transferrable.
B. No permit or certificate authorized by this Chapter shall convey title, equitable or legal, in the Right of Way.

55.04.8 Duration of Approval

A. The work authorized by the permit issued must be completed within 180 days from the date of issuance, unless otherwise conditioned as part of the approval.
B. An Attachment Certificate is valid for 10 years from the date of issuance and may be renewed by the applicant in successive 5 year terms. Any request for renewal is subject to approval by the Enforcing Official and may be denied for cause.
C. In the event that any court of competent jurisdiction invalidates any portion of federal law which mandates approval of any permit, such permit shall automatically expire 1 year from the date of the judicial order.
D. In the event that any court of competent jurisdiction invalidates any portion of state law which mandates approval of any permit shall automatically expire 60 days from the date of the judicial order and any structure shall be removed in accordance with Section 55.05.01(M) General Standards unless otherwise authorized.

55.04.9 Revocation

The following are grounds for revocation or denial of approval:

A. The intentional provision of misleading information by the applicant (the provision of information is considered “Intentional” where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence);
B. The failure to comply with any condition of approval, order, or other applicable law, rule, or regulation;
C. The site, structure or operation is otherwise not in compliance with any other provision(s) of applicable law;
D. The subject site or use is otherwise not in compliance due to incomplete work or projects, or is not in compliance due to unperformed work as part of an open permit.

55.04.10 Appeals
The Board of Zoning Appeals shall act as the Board of Appeals for items concerning this chapter and shall hear and decide upon appeals where it is alleged there is an error in any written decision made by the Enforcing Official in the enforcement of this Code.

A. A complete written appeal shall be filed by the appellant within 10 days of the written decision of the Enforcing Official or the appeal shall become void. The appeal shall be filed with the Clerk of Commission. The written appeal shall:
   a. Cite specific provisions of this Chapter that are alleged to have been interpreted in error or the specific action being appealed and the grounds on which the appeal is being made;
   b. Include application fee payable to City of Piqua as stated in Appendix A.
   c. Include such other information as may be required to render a reasonable decision;
   d. .

B. An aggrieved party, the City of Piqua City Manager, or the City Manager’s designee, may appeal the Board of Appeals decision in accordance with ORC 2506.

55.05 STANDARDS

55.05.1 General

The City of Piqua desires to promote orderly small cell facility and wireless support structure installations using the smallest and least intrusive means available to provide services to the community. All such installations in the public right of way shall comply with all applicable provisions in this section. All applications shall be subject to the following conditions:

A. Compliance with all Applicable Laws – Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinances, or other rules.

B. Right to Inspect – The City or its designee may inspect a small cell facility or wireless support structure within the Right of Way upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to support, repair, disable, or remove any elements of the small cell facility or wireless support structure in emergencies or when the small cell facility or wireless support structure threatens imminent harm to persons or property.

C. Contact information – Permittee shall at all times maintain accurate contact information for all parties responsible for the small cell facility or wireless support structure, which shall include a phone number, street mailing address, and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Clerk of Commission.

D. Indemnities – The permittee and, if applicable, the non-government owner of a small cell facility or wireless support structure shall defend, indemnify, and hold harmless the City and its agents, officers, officials, and employees from:
   1. Any and all negligent or wrongful acts or omissions, damages, liabilities, injuries, losses, costs, and expenses arising out of any claims, demands, lawsuits, writs of mandamus, or other actions or proceedings brought against the City to challenge, attack, seek to modify, set aside, void, or annul the City’s approval of the applicable permit or certificate; and
   2. Any and all negligent or wrongful acts or omissions damages, liabilities, injuries, losses, costs, and expenses and any claims, demands, lawsuits, or other actions or proceedings of any kind,
whether for personal injury, death, or property damage, arising out of or in connection with the activities or performance of the permittee or its agents, employees, licensees, contractors, subcontractors, or independent contractors.

3. In the event the City becomes aware of any such actions or claims, the City shall promptly notify the permittee and shall reasonably cooperate in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

E. Interference with City Communication Services — In the event that the City has reason to believe that permittee's operations are causing interference with the City's radio communications operations, then the permittee shall, at its cost, immediately cooperate with the City to either rule out permittee as the interference source or eliminate the interference. Cooperation with the City may include, but shall not be limited to, temporarily switching the equipment on and off for testing.

F. Adverse Impact — Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the small cell facility or wireless support structure.

G. Maintenance — The site and the small cell facility or wireless support structure, including but not limited to all landscaping, fencing, and related equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

H. Good Condition — Small cell facilities and wireless support structures shall at all times employ best practices and maintain in use only the best available technology and methods for preventing failures and accidents so that the same shall not menace or endanger the life or property of any person.

I. Graffiti and Vandalism — Permittee shall remove any graffiti at permittee's sole expense.

J. Exposure to RF Radiation — All small cell facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards.

K. Utility Lines — Service lines must be undergrounded whenever feasible to avoid additional overhead lines and as governed by Piqua Codified Ordinance Chapter 92.

L. Relocation for Public Improvements — Permittee shall remove and relocate the permitted small cell facility and/or wireless support structure at permittee's sole expense to accommodate construction of a public improvement project by the City.

M. Removal if Discontinued — In the event that the use of a small cell facility is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. If a small cell facility is not removed within 90 days of discontinued use, the City may remove it at the owner's expense irrespective of the notice requirement under this section.

N. Abandoned — In the event that the use of a small cell facility is abandoned, the City may remove it at the owner's expense.

O. Site Restoration

1. Upon completion of the new work, the contractor shall restore the street and/or alley pavement as required;

2. Upon completion of the new work, the contractor shall restore all concrete walks, driveway aprons, and other concrete as required;

3. Upon completion of the new work, the contractor shall restore all tree lawns and/or sod strips with topsoil and sod.
P. General Construction — All work and designs shall comply with the following general standards for construction in the City's Right of Way:
   1. City of Piqua Codified Ordinances;
   2. City of Piqua Standard Construction Drawings;
   3. City of Piqua Construction and Material Specifications;
   4. Ohio Department of Transportation (ODOT) Location and Design Manual;
   5. ODOT Standard Drawings;
   6. ODOT Construction and Material Specifications;
   7. Ohio Manual of Traffic Control Devices;
   8. NACTO Urban Street Design Guidelines;
   10. AASHTO Roadside Design Guide;
   12. AASHTO Guide for Development of Bicycle Facilities;
   14. USAB American with Disabilities Act Accessibility Guidelines;
   15. National Fire Protection Association 70 National Electric Code; and
   16. all other applicable local, state, and federal codes and regulations.

Q. Taxes and assessments — To the extent taxes or other assessments are imposed by taxing authorities on the use of City property as a result of an applicant's use or occupation of the right of way, the applicant shall be responsible for payment of such taxes, payable annually unless otherwise required by the taxing authority.

R. Interference — Small cell wireless and wireless support structures shall be constructed and maintained in such a manner that will not interfere with the use of other property.

S. Financial Condition - All owners must procure and provide to the City a bond, or must provide proof of an equivalent financial mechanism, to ensure compliance with all provisions of this chapter. Such bond or financial mechanism must specifically cover the cost of removal of the item placed in the Right of Way.

T. Setbacks for Visibility and Access - Any new small cell facility or wireless support structure and other improvements associated with a new small cell facility or wireless support structure or an existing small cell facility or wireless support structure must be setback from intersections, alleys and driveways and placed in locations where it will not obstruct motorists' sightlines or pedestrian access.

U. Obstructions - Any new small cell facility or wireless support structure and other improvements associated with a new small cell facility or wireless support structure or an existing small cell facility or wireless support structure shall not obstruct any:
   1. worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
   2. access to any public transportation vehicles, shelters, street furniture, public sidewalks or other right of way improvements;
   3. worker access to above ground or underground infrastructure owned or operated by any public or private utility agency;
   4. fire hydrant access;
5. access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right of way; or
6. access to any fire escape.

V. Historic or Architecturally Significant Structures - Any new utility installation and other improvements associated with a new utility installation or an existing utility installation may not be placed directly in front of any historic or architecturally significant structures unless no other location is available and if placed shall comply with any design or concealment measures in an historic district.

W. No placement of any small cell facility or wireless support structure shall necessitate tree trimming, cause removal of, or otherwise damage any tree located within the City’s Right of Way or a designated utility easement. Such small cell facility or wireless support structure shall not be located within the eventual mature dripline or tree crown of any existing tree located within the City’s Right of Way or a designated utility easement.

55.05.2 Design and Siting Requirements

A. General Requirements
   1. Wireless support structures shall align with other poles to achieve a uniform inline appearance.
   2. Wireless support structures shall be setback from the edge of pavement according to applicable safety and construction standards as set forth in 55.05.1.P - General.
   3. All small cell facilities and wireless support structures and any related items shall be installed and maintained plumb and level and shall maintain an orderly and neat appearance.
   4. All equipment and enclosures shall be attached, anchored and/or strapped tightly to poles using corrosion resistant steel hardware.
   5. Wireless support structures shall support no more than two small cell facilities.
   6. Ambient noise suppression measures or placement of the equipment in locations less likely to impact adjacent properties shall be required to ensure compliance with all applicable noise regulations.
   7. Unless otherwise required for compliance with FAA or FCC regulations, the small cell facility or wireless support structure shall not include any permanently installed lights. Any lights associated with the equipment shall be appropriately shielded from public view. This shall not be interpreted to prohibit streetlights or the placement of luminaires by the City.

B. Location
   1. In accordance with ORC 4939.0314(D), Authority of a Municipal Corporation, the City shall reserve the right to propose an alternate location to the proposed location of a new wireless support structure, provided the alternate location is within 100’ or a distance equal to the width of the Right of Way in or on which the new wireless support structure is proposed, whichever is greater. The City of Piqua also finds that certain locations and collocation configurations are preferred. A preferred location and collocation configuration should be utilized whenever possible and should only be surpassed if in the determination of the Enforcing Official, clear and convincing evidence supports such a decision. Cost alone should not be grounds for such a determination. The order of preference is as follows:
      a. First, small cell facilities should be collocated on an existing pole or wireless support structure within a utility easement. If no such pole or wireless support structure is available, then proceed to the next preference;
b. Second, small cell facilities should be collocated on an existing pole or wireless support structure within an alley. If no such pole or wireless support structure is available, then proceed to the next preference;

c. Third, small cell facilities should be collocated on a new wireless support structure within a utility easement. If no such location is available, then proceed to the next preference;

d. Fourth, small cell facilities should be collocated on a new wireless support structure within an alley. If no such location is available, then proceed to the next preference;

e. Fifth, small cell facilities should be collocated on a wireless support structure currently supporting a small cell facility located within the City Right of Way. If no such wireless support structure is available, then proceed to the next preference;

f. Sixth, small cell facilities should be collocated on an existing pole located within the City Right of Way. If no such existing pole is available, then proceed to the next preference;

g. Seventh, small cell facilities should be collocated on a new wireless support structure located within a utility easement. If no such location is available, then proceed to the next preference;

h. Eighth, small cell facilities should be collocated on a new wireless support structure located within an alley. If no such location is available, then proceed to the next preference.

i. Ninth, small cell facilities should be collocated on a new wireless support structure located within the City Right of Way.

2. Any new wireless support structure shall be located at least 750 feet from any existing small cell facility.

C. Wireless Facilities Design

1. Wireless support structures shall be subject to the following design standards:

a. Wireless support structure and any collocated antennas shall be limited to 40 feet in height.

b. Wireless support structures shall be capable of supporting at least two small cell facility operators.

c. New wireless support structures shall have the following design elements:

i. Material – aluminum poles;

ii. Color – black anodized;

iii. Diameter – 12 inches;

iv. Style – smooth round tapered profile;

v. Base – trapezoidal pedestal base on a reinforced concrete footing/foundation pier;

vi. Exception – if the neighborhood context would be better served by a pole of a different material, color, style, or base as determined by the Enforcing Official, then such design elements may be substituted with an alternate design element. Such determination shall be based on the following factors:

   I. The design features of nearby poles serving in a similar capacity;

   II. The design features of the existing or proposed streetscape, district, or site;

   III. The historical context of a district or specific site;
IV. A desire to camouflage or conceal the pole from view.

2. Small cell facilities shall be subject to the following design standards:
   a. The City reserves the right to require the following:
      i. Antenna and all associated equipment shall be concealed to the extent deemed necessary by the Enforcing Official in response to the aesthetic context of the small cell facility. Some possible configurations include but shall not be limited to the following:
         I. Antenna(s) associated with the first fitting on a wireless support structure shall be top-mounted and concealed within a radome that matches the color of the pole on which it is mounted and also conceals the cable connections, antenna mount and other hardware. The Enforcing Official may approve a side-mounted antenna with the initial fitting if, or approve an alternate color, if in the Enforcing Official's discretion, the side-mounted antenna or alternate color would be more appropriate given the built environment, neighborhood character, overall site appearance and would promote the purposes of this Chapter.
         II. GPS antennas be placed within the radome or directly above the radome not to exceed six inches.
      b. Each Antenna and all associated equipment shall not exceed 6 cubic feet in volume.
      c. All portions of a Small Cell Facility other than an antenna and as identified by the ORC 4939.01 (P)2, shall not exceed 28 cubic feet in volume per facility.
      d. Small cell facilities mounted to a wireless support structure shall be completely concealed within a common enclosure capable of containing at least two small cell facilities. Such common enclosures shall:
         i. not exceed 21 cubic feet in volume;
         ii. not exceed 90 inches in height, 20 inches in width, or 20 inches in depth;
         iii. not extend more than 24 inches away from the pole on which it is mounted;
         iv. shall be centered on the vertical axis of the pole to which it is mounted;
         v. be mounted at a distance of at least 10 feet measured from grade to the bottom of the enclosure;
         vi. be mounted on the side of the pole opposite the side from which the nearest traffic lane's direction of travel approaches the pole. The Enforcing Official may approve an alternate mounting orientation, if in the Enforcing Official's discretion, the alternate mounting orientation would be more appropriate given the built environment, neighborhood character, overall site appearance and would promote the purposes of this Chapter.
      e. Such common enclosures shall have the following design elements:
         i. Material – The enclosure material shall be metal, a composite, or an equivalent material as determined by the Enforcing Official.
         ii. Color – The enclosure shall match the color of the pole on which it is mounted unless the surrounding context of the small cell facility is better suited to another color, as determined by the Enforcing Official.
iii. Style – The enclosure shall match the style, or lack thereof, of the pole on which it is mounted unless the surrounding context of the small cell facility is better suited to another style, as determined by the Enforcing Official.

iv. Coordinated Design Elements – common enclosures when located within 3000 feet of an existing common enclosure shall match the design elements of the existing common enclosure unless the surrounding context of the small cell facility is better suited to an alternate design.

f. All ground mounted equipment shall be placed in an underground vault. No above grade ground mounted equipment in service of a small cell facility is permitted unless a waiver is requested and the following conditions can be satisfied as determined by the Enforcing Official:

i. The applicant has submitted clear and convincing evidence that the equipment cannot feasibly be pole-mounted, placed in an underground vault, or hidden within or integrated into an existing streetscape element (i.e. - bus stop shelter). Increased costs alone shall not be a consideration. If a ground mounted enclosure is approved, the Enforcing Official shall reserve the right to require any of the following conditions:

   I. Concealed Enclosure – All equipment shall be completely concealed within a metal, composite, or equivalent material enclosure as determined by the Enforcing Official.

   II. Smallest Size – The enclosure shall be no larger than necessary based on the smallest available size of the proposed equipment as determined by the Enforcing Official.

   III. Camouflage – Camouflaging elements may be required. Such elements may include, but shall not be limited to, strategic placement in less visible or obstructive locations, placement within an existing streetscape element, landscape screening, and strategic painting or coating to camouflage such enclosure or equipment.

   ii. The maximum height of any such enclosure shall be 36”.

g. The vertical cable runs for the connection of power and other services on all small cell facilities collocated on new wireless support structure installations shall be concealed within the wireless support structure. The vertical cable runs for the connection of power and other services on all small cell facilities collocated on existing wireless support structure installations shall be concealed within the wireless support structure, unless it is determined not possible by the Enforcing Official. The vertical cable runs for the connection of power and other services on all small cell facilities collocated on utility poles shall be mounted to the surface of the pole within conduit.

h. Electric meters, telecommunications demarcation boxes, grounding equipment, power transfer switches, and cut-off switches shall be mounted on the same side of the pole as the small cell facilities common enclosure and shall match the color of the small cell wireless facilities and the color of the pole on which it is mounted. The Enforcing Official may approve an alternate mounting orientation or color, if in the Enforcing Official’s discretion, the alternate mounting orientation or alternate color would be more appropriate given the built environment, neighborhood character, overall site appearance and would promote the purposes of this Chapter.
55.05.3 Reservation of Right of Way

The City reserves the right to Reserve space for future public safety or transportation uses in the Right of Way or on a wireless support structure or pole owned or operated by the City in a documented and approved plan in place at the time an application is filed. A reservation of space shall not preclude placement of a pole or collocation of a small cell facility. If replacement of the City’s pole or wireless support structure is necessary to accommodate the collocation of the small cell facility and the future use, the small cell facility operator shall pay for the replacement of the pole or wireless support structure, and the replaced pole or wireless support structure must accommodate the future use.

55.05.4 Undergrounding

Wireless support structures shall be subject to compliance with the City of Piqua Code of Ordinances Chapter 92 unless a waiver has been granted under Design and Siting Requirements section 55.05.2(C)(2)(f) as stated herein.

55.06 Nonconformity

A nonconforming small cell facility and/or wireless support structure shall immediately lose its nonconforming designation and must be brought into compliance with all of the provisions of this chapter, and all other applicable City laws and ordinances or be removed if any of the following conditions are present:

A. The nonconforming small cell facility and/or wireless support structure or a part of the nonconforming small cell facility and/or wireless support structure is altered, modified, relocated, replaced, or changed in any manner whatsoever;

B. The nonconforming small cell facility and/or wireless support structure is damaged or deteriorated and requires any process of reconstruction, repair, maintenance, or restoration, and the cost of said reconstruction, repair, maintenance, or restoration exceeds fifty percent of the small cell facility and/or wireless support structure’s replacement cost;

C. The nonconforming small cell facility and/or wireless support structure is abandoned.

55.07 Conflict with other Provisions

In the event that any other applicable law or code requires any more restrictive requirements, the most restrictive requirement shall control.

55.08 Severability
The provisions of any part of this chapter are severable. If any provision or subsection, or the application of any provision or subsection to any person or circumstances, is held invalid, the remaining provisions, subsection, and applications of such ordinance to other persons or circumstances shall not be made invalid as well. It is declared to be the intent of this section that the remaining provisions would have been adopted had such invalid provisions not been included in this chapter when originally adopted by City Commission.

55.09 Penalties

A. Any person in violation of any of the terms of this chapter, or who, being the owner or agent of the owner of any lot, tract, or parcel of land, shall suffer or permit another to erect, construct, reconstruct, alter, repair, convert, attach, or maintain any such facility, shall be deemed to have violated the provisions hereof and commits a misdemeanor of the first degree with each day during the period such violation continues constituting a separate offense.

B. If any utility installation is erected, constructed, reconstructed, altered, repaired, converted, attached, or maintained in violation of this chapter or of any regulations made pursuant hereto, the proper officer of the City, in addition to other remedies, may institute in the name of the City any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, attachment, or use, to restrain, correct, or abate such violation, to prevent the use of such utility installation, and/or to prevent any illegal act, conduct, business, or use in or about such utility installation.

C. The Enforcing Official is authorized to make requests and to issue orders regarding utility installations in the right of way for the purpose of public safety and compliance with this chapter of the City of Piqua Code of Ordinances. The Enforcing Official is also authorized to conduct visual and external inspections of utility installations in the right of way at any time and shall make efforts to coordinate with the provider responsible for a utility installation for any internal inspection of the relevant equipment.
APPENDIX A: FEE SCHEDULE

All small cell facilities and wireless support structure fees shall be collected by the Enforcing Official at the rates established as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Cell Work Permit Application Fee</td>
<td>$250</td>
</tr>
<tr>
<td>Small Cell Collocation Permit Application Fee</td>
<td>$250</td>
</tr>
<tr>
<td>Wireless Support Structure Permit Application Fee</td>
<td>$250</td>
</tr>
<tr>
<td>Attachment to Municipal Pole (Annual Reimbursement Charge)</td>
<td>$200</td>
</tr>
<tr>
<td>Waiver/Appeal Application Fee</td>
<td>$250</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 8-18

AN EMERGENCY ORDINANCE AMENDING CHAPTER 92 STREETS AND SIDEWALKS OF THE PIQUA MUNICIPAL CODE

WHEREAS, the City of Piqua Municipal Code regulates streets and sidewalks in ensuring that the public right-of-way is protected; and

WHEREAS, the Ohio House of Representatives has passed HB 478 and it is awaiting Senate approval; and

WHEREAS, HB 478 is a result of a collaborative effort of more than 90 municipalities throughout the State of Ohio and the telecom industry to have workable legislation for the municipalities and the wireless industry; and

WHEREAS, HB 478 requires that any undergrounding requirements of a municipality be in effect 90 days prior to HB 478’s effective date, which is anticipated to be in July 2018; and

WHEREAS, Piqua Municipal Code Section 92.20 currently designates areas where undergrounding is required; and

WHEREAS, this ordinance creates a definition section as well as amends and expands the areas within the City of Piqua that are designated as underground placement, which is consistent with the City of Piqua Comprehensive Plan.

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

SECTION 1. That the City of Piqua hereby amends Chapter 92 of the Piqua Municipal Code as set forth below: (deleted language is indicated by strikethrough and proposed language is underlined)

§ 92.01 CONSTRUCTION PERMIT REQUIRED.
(A) It shall be unlawful for any person, firm, or corporation to erect, build, or construct any sidewalk, curb, curb and gutter, or driveway within the limits of any street or alley right-of-way in the city, before the person shall apply for and secure a permit for the work from the City Engineer.
(B) All sidewalks, curbing, and gutters shall be maintained and kept in repair by the owner of the real property abutting thereon in compliance with Chapter 153 of this code, and the owner shall be solely responsible and liable therefor.
(C) All sidewalks at intersections must be constructed or replaced with ramps for the disabled, in accordance with R.C. § 729.12.

§ 92.02 FILING OF PLAN PRIOR TO PERMIT ISSUANCE FOR NEW CONSTRUCTION.
(A) Generally. A permit shall not be issued for the new construction of any sidewalk, curb and gutter or driveway within the limit of any street or alley in the city, unless the grades, plans, and specifications for such new construction are filed in the office of the City Engineer, and are in full compliance with the following regulations for construction, copies of which are available at the office of the City Engineer. The
City Engineer will review all plans for new construction to ensure the ingress/egress at proposed curb cut locations will not cause any negative effects on traffic conditions. Final approval for the issuance of all curb cut permits shall be at the discretion of the City Engineer.

(B) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**BUSINESS DRIVEWAY.** A driveway providing access to property in areas zoned for business (B and CBD), to institutional and public recreation facilities permitted in areas zoned residential (R-1), and to multi-family structures in excess of eight units.

**CURB CUT.** The lowering of the normal height of a curb within a certain area for ease of entrance and exit of vehicles from private property.

**DRIVE WIDTH.** The distance measured along the right-of-way line from one edge of the driveway to the other, parallel to the curb line or edge of pavement.

**DRIVEWAY.** Any area constructed within a public right-of-way, connecting a public roadway with private property for the purpose of access by motor vehicles.

**INDUSTRIAL DRIVEWAY.** A driveway providing access to property in areas zoned industrial (I-1 and I-2).

**RESIDENTIAL DRIVEWAY.** A driveway providing access to private property in areas zoned residential (R-1AA, R-1A, R-1, R-2 and R-3), except driveways for multi-family structures in excess of eight units.

(C) Permits and fees. No driveway or curb cut shall be constructed, enlarged, or relocated until a permit is issued by the City Engineer, who shall review the permit request and approve or disapprove the request within five working days. Traffic and pedestrian safety shall constitute a primary factor in reviewing such requests. The fees for driveway or curb cut permits are as follows:

(1) Residential: $20
(2) Business: $30
(3) Industrial: $30
(4) Special: $50

(D) Construction. All driveway and curb construction shall conform to the standards as established by the city. All driveways shall be a minimum of 10 feet wide and a maximum of 24 feet for residential, 36 feet for business and 46 feet for industrial driveways.

(E) General restrictions.

(1) All driveways shall be flared on each side a distance of one foot for each two feet of distance between the front of the sidewalk and the curb line.

(2) Driveways shall be constructed at a 90-degree angle to the curb line.

(3) No driveway entrance shall interfere with municipal facilities such as street lights, traffic signs and signals, catch basins, hydrants, crosswalks, utility poles, underground pipe or duct, or other necessary structures. Arrangements shall be made with the proper authorities concerning these facilities before a permit will be issued.

(4) At a property line with an adjacent property or alley, no part of the curb opening or flare for a driveway shall extend beyond the property line projected at right angles to the curb line.

(5) No driveway shall be nearer to the side or rear yard property line than three feet except in R-2 and R-3 districts, where adjacent properties may share a common drive, in which case the driveway may be zero feet from the property line.

(6) At intersections, a distance of not less than 35 feet shall be left between the near edge of the driveway and the curb line of the crossroad extended, but in no case shall the undisturbed curb length between the near edge of the driveway and the point of curvature of the intersection curb return radius be less than 15 feet.

(7) A curb length of not less than ten feet shall be left undisturbed between adjacent driveways on the same property, and not less than three feet of undisturbed curb length shall remain between driveways on adjacent properties.

(F) Maximum number of driveways per lot.

(1) Lots with 50 feet frontage or less: 1 driveway
(2) Lots with 51 - 100 feet frontage: 2 driveways
(3) Lots with more than 100 feet frontage: 2 driveways plus 1 driveway for each additional 100 feet of lot frontage.
(4) In no case shall total sum of the drive widths of all driveways on a lot exceed 45% of the total lot frontage.

(G) Special driveways.

(1) Special driveways are those driveways that do not meet the standard driveway criteria, including, but not limited to, oversized driveways, driveways with curved returns, multiple driveways, and driveways not meeting required setback or undisturbed curb length separation distances.

(2) Requests for special driveways shall be submitted to the Board of Zoning Appeals for review. The City Engineer shall review all requests for special driveways and make comments to the Board of Zoning Appeals in writing. The fee for appearance before the Board shall be included in the $50 fee for special driveways and curb cuts, and shall be non-refundable. No additional variance request fee shall be required.

(H) Appeals. When any person seeks relief from a decision of the City Engineer, he or she may appeal in writing to the Board of Zoning Appeals within 15 days of his or her receipt of the decision. The Board of Zoning Appeals shall schedule a hearing and shall by majority vote affirm, annul, or modify the decision of the City Engineer. Further recourse shall be had through legal procedures.

§ 92.03 OBSTRUCTIONS; PERMIT TO BLOCK WAY.

(A) It shall be unlawful for any person, partnership, firm or corporation to place, maintain or permit showcases, stands, shelves or fixtures for the display of goods, wares and merchandise, or to place merchandise or display goods, wares and merchandise sold by them, or to conduct any construction activity requiring a permit, upon any sidewalk, street, alley, or other public place in the city without the consent of the City Engineer. A permit to block the way shall be obtained from the City Engineer prior to obstructing a sidewalk, street, alley, or other public place.

(B) Nothing in division (A) of this section shall be construed to prevent the moving of goods, wares and merchandise across any street or sidewalk in the ordinary course of trade, or for the use of families, nor shall anything in division (A) of this section be construed to prevent the sale of any personal property which is incidental to the collection of charitable contributions.

§ 92.04 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.

It shall be the duty of the owner, or of the occupant (if he or she shall be a person other than the owner) of each and every parcel of real estate in the city abutting upon any sidewalk to keep the sidewalk abutting his or her premises free and clear of snow and ice, and to remove all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours, after the abatement of any storm during which snow and ice may have accumulated.

§ 92.05 PROHIBITED ACTS.

(A) No person shall place snow or ice upon any street in the city between the center of the street and five feet from the curb or curb line and no person shall place snow or ice within any intersection or crosswalk area on any street in the city.

(B) It shall be unlawful for any person to sweep, place, deposit, throw, drip or pour any paper, trash, garbage or debris into any street or alley, or other public place.

(C) It shall be unlawful for any person, firm or corporation, either as principal, agent or employee to erect, string, stretch or spread advertising or political signs and banners, or any other devices across any street, alley or other public place in the city except as permitted and allowed by the city building code and by the zoning code.

(D) It shall be unlawful for any person, firm or corporation either as principal, agent or employee to paint any sign of any kind or nature upon the sidewalks, streets or curbs of the city or to attach any signs to any lighting standards, utility poles, posts, trees or parking meters, except by authority of the City Manager.

(E) (1) It shall be unlawful to use any part of the streets, alleys, sidewalks, or other public places in the city by a musician or musicians, singer or singers, or by the giving of any entertainment or show, or by operating any amusement device, and no person or persons shall sell, give away, donate or otherwise transfer possession or part with title to any item, printed matter, or pictures of any kind or description, while playing music, singing or while giving an entertainment or show.

(2) No person, after first being warned by a law enforcement officer, shall stand, sit, or lie in or upon a public or quasi-public sidewalk, street, curb, crosswalk, median, or that portion of private property utilized for public purposes so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles
thereon; nor shall any person block or obstruct or prevent the free passage to the entrance of any building open to the public.

(3) No person shall operate a skateboard or roller skates or hurl, toss or throw a frisbee (or similar device):
   (a) On, over or upon any sidewalk in the Central Business District (as designated on the official zoning map of the city);
   (b) On, over or upon any public or private property primarily used for vehicular travel or parking.

(4) This division shall not apply to any person, firm or corporation in the sale or giving away of any item, printed matter, or pictures of any kind or description or the giving of any entertainment or show or operation of an amusement device, the proceeds of which, in whole or in part, are received by or paid over to a religious or charitable organization, or by city or civic sponsored events, but only when authorized by the City Manager.

§ 92.06 PLANTING OF VEGETATION ON CITY STREETS.
The placing of trees, shrubs or flowers on the city’s hard surface portion of the sidewalks of the city shall be permitted with the written approval of the City Manager. Any approval shall designate the location of the placing of trees, shrubs or flowers. Curb placements shall be movable containers no more than 36 inches by square or diameter at the top of the container or more than 26 inches in height from the sidewalk level. Total planting in any container shall not exceed nine feet above sidewalk level.

§ 92.07 FILING FEE STREET VACATION.
No petition to vacate any public street or alley in the city, pursuant to section 98 of the Charter, shall be filed with the Clerk of the Commission without being accompanied by payment of a filing fee of $100 to cover the cost of processing the petition.

POLES, WIRES AND FIXTURES

§ 92.19 DEFINITIONS
Within this Chapter, words with specific defined meanings shall have the same meaning as the definitions provided within section 55.02 of the City of Piqua Code of Ordinances.

Decorative pole. A pole, arch, or structure other than a street light pole placed in the Right of Way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following:

(1) Electric lighting;

(2) Specially designed informational or directional signage;

(3) Temporary holiday or special event attachments

(4) Banners on poles authorized by the City of Piqua.

Enclosure. A cabinet for equipment intended to conceal its contents, prevent electrical shock to users, and protect the contents from the environment.

Equipment. Electrical and/or mechanical devices or components.

Occupy, Use. With respect to a Right of Way, to place a tangible thing in a Right of Way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities necessary for the delivery of public utility services or any services provided by a cable operator.

Public Utility. A wireless service provider as defined in division (A)(20) of section 4927.01 of the Ohio Revised Code or any company described in section 4905.03 of the Ohio Revised Code except in divisions (B) and (I) of that section, which company also is
a public utility as defined in section 4905.02 of the Ohio Revised Code; and includes any electric supplier as defined in section 4933.81 of the Ohio Revised Code.

**Right of Way, Public Way.** The surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which, on or after July 2, 2002, is owned or controlled by a municipal corporation. "Right of Way" excludes a private easement.

**Utility Easement.** An easement dedicated for the use of a Public Utilities Commission of Ohio regulated utility.

**Utility pole.** A structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric distribution or telecommunications service. The term excludes street signs and decorative poles.

**Wireless Support Structure.** A pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a 15' or taller sign pole, or utility pole capable of supporting wireless small cell facilities. As used in section 4939.031 of the Ohio Revised Code this chapter, "wireless support structure" excludes all of the following:

a) A utility pole or other facility owned or operated by a municipal electric utility;

b) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

§ 92.20 INSTALLATION OF PUBLIC UTILITIES OVER CERTAIN RIGHT OF WAY, PUBLIC WAY, AND UTILITY EASEMENTS STREETS PROHIBITED.

(A) It shall be unlawful to install utility poles, wireless support structures, overhead or above ground lines, cables, wires, equipment, enclosures, fixtures, guys and anchors for electric distribution or telecommunications service, upon or over the streets, sidewalks or street rights-of-way right of way, public way, or utility easements, or parts thereof hereinafter named and referred to as underground or buried utility areas, except for street signs, decorative poles and fixtures and ancillary equipment necessary thereto for providing street lighting or traffic control, which may be installed within designated underground or buried utility areas traffic supporting cable messenger and conductors between the supporting poles and suspended center-mounted unit. The streets are as follows:

(B) The following right of way, public way, or utility easements, are hereby designated as underground or buried utility areas:

(1) Within the Piqua Downtown Historic District and any future historic districts as approved by the City of Piqua City Commission.

(2) Within the right of way, public way, and contiguous utility easements known as:

a) (1) Main Street from Water Wood Street to Riverside Drive;

b) (2) Wayne Street from Water Wood Street to Greene Street;

c) (3) North Downing Street from Water Street to Greene Street;

d) (4) Water Street from Main Harrison Street to Downing Street;

e) (5) High Street from Main Harrison Street to Downing Street;

f) (6) Ash Street from Main Street Armory Drive to Downing Street;
g) (7) Greene Street from Main Spring Street to Downing Street; and  
h) (8) North Street between from Main Spring Street and to Wayne  
Streets.  
i) Mound Street from Wayne Street to Main Street  
j) Sycamore Street from Main Street to Downing Street  
k) Wood Street from Wayne Street to Main Street  
l) East Main Street from Main Street to First Street  
m) Former Miami and Erie Canal from East Main Street to Riverside  
Drive  
n) Forest Avenue from Echo Lake Drive to north end  
o) Cromes Drive from Statler Road to Patrizio Place  
p) Patrizio Place from Cromes Drive to east end.  

(3) The right of way, public way, and contiguous utility easements occupied by  
and described by the following subdivision name references:  

a) Marymount Subdivision  
b) Lakewood Subdivision  
c) Hopewood Estates  
d) McNeal Subdivision  
e) Flesh Subdivision  
f) Lakeridge Subdivision  
g) Echo Hills Subdivision  
h) Eagles Nest Subdivision  
i) Park Ridge Subdivision  
j) Deerfield Subdivision  
k) Blackwell Subdivision  
l) Marwood Estates  
m) Lakeview Subdivision  
n) Arrowhead Estates  
o) Kenridge Subdivision  
p) Sandel Subdivision  
q) Indian Ridge Subdivision  
r) Eastview Subdivision  

(B) The use or maintenance of utility poles, wireless support structures, overhead or  
above ground lines, cables, wires, equipment, enclosures, guys, fixtures and anchors for  
electric distribution or telecommunications service, upon or over the streets, sidewalks, or  
street rights-of-way, right of way, public way, utility easements, or parts thereof, which by  
the terms of this chapter have been designated underground or buried utility areas is  
hereby declared to be unlawful to install. Upon receipt of notification the owner of  
existing installations within the designated area shall provide to the City within 90 days a  
plan for the removal of such facilities with said removal of facilities to be completed by a  
date agreed upon by the City and the facility owner, and said completion date shall not to  
be more than five years from the date of notification. Existing facilities shall be  
recognized as unlawful at such time the plan submittal period expires and the owner has  
failed to respond with a submittal or upon the facility removal date agreed upon, and each  
day’s use. Each day that an unlawful installation continues to exist shall constitute a
separate offense and shall be a separate violation of the terms of this chapter and punishable accordingly. Penalty, see § 10.99

§ 92.21 WIRE CROSSING IN RESTRICTED AREAS.
(A) Overhead lines, cables, or wires for electric distribution or telecommunications service located within right of way, public ways, or utility easements not designated as underground or buried utility areas shall be permitted to cross over intersecting right of way, public ways, or utility easements designated as underground or buried utility areas provided the facilities cross over in a manner that minimizes the presence and length of the overhead facilities within the restricted area. Wire crossings will be permitted in the restricted area between Main and Spring Streets when the conductors are along or parallel to the Miami Erie Canal right of way, provided no poles, guys or anchors are located within the street or sidewalk or street right of way of intercepting street areas, and also provided that all conductors are in useful and active service and are necessary for the maintenance of existing service.
(B) All wire clearances to adjacent or contiguous structures shall be in accordance with the National Electric Safety Code and Public Utilities Commission of Ohio Order No. 72. Penalty, see § 10.99

§ 92.22 MAINTENANCE OF SERVICE BY OWNER.
In the event the owner of overhead or above ground lines, cables, wires, equipment, enclosures for electric distribution or telecommunications service equipment named in this subchapter desires to maintain service within a right of way, public way, or utility easement area designated as underground or buried utility areas, the facilities must be placed under the surface of the above named districts, streets, subdivisions or parts thereof, and which installation must be made in accordance with the National Electric Safety Code, and in accordance with the plans, specifications and approval of the City Engineer. Penalty, see § 10.99

PARADES
§ 92.35 PERMIT FOR PARADE REQUIRED.
(A) No person, association, corporation, company or organization of any kind shall commence, engage or participate in any event involving a procession, show, march, exhibition, pageant or other similar display ("parade") in or upon any street, park, sidewalk or other place in the city unless a parade permit has been previously obtained from the City Manager.
(B) This subchapter does not apply to funeral processions or governmental agencies acting within the scope of their functions.

§ 92.36 PERMIT APPLICATION.
(A) Applications for parade permits shall be submitted to the City Manager (on forms available at the department) not less than 15 days before the date on which the proposed parade is to occur, unless this requirement is waived for good cause by the City Manager.
(B) The application shall include the following information:
(1) Name, address, and phone number of the person seeking to conduct the parade.
(2) Name, address and phone number of the organization sponsoring such parade.
(3) Date on which the parade is to be conducted.
(4) Time the parade is to start.
(5) Parade route including the starting point and ending destination.
(6) Approximate number of units which will constitute the parade.
(7) The time and location that the parade units will assemble.
(8) Any reasonable information that the City Manager determines necessary to render a fair determination as to whether a permit is to be issued or not.

(C) Each application for a parade permit shall be approved or approved with conditions or rejected by the City Manager within seven days after an application is submitted.

SECTION 2. All other sections of Chapter 92 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and so that the City of Piqua may regulate the underground placement of wires to be in compliance with the requirements of HB 478.

_______________________________
KATHRYN B. HINDS, MAYOR

PASSED: ________________________________

ATTEST: ________________________________

KIMBERLY J. HEBB
ACTING CITY COMMISSION CLERK
RESOLUTION NO. R-57-18

A RESOLUTION REQUESTING FINAL LEGISLATION TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE GARBRY ROAD/LOONEY ROAD INTERSECTION IMPROVEMENTS PROJECT IN THE CITY OF PIQUA

WHEREAS, on the 15th day of December, 2015, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of construction of a roundabout at the intersection of Looney Road and Garbry Road, 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 within the city limits, 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.

The share of the cost of the LPA is now estimated in the amount of Two Hundred Eighty Eight Thousand Three Hundred Sixty Five and - - - 00/100 Dollars, ($288,365.00). For the purpose of this resolution, an approximate 10% contingency has been added to the local share bringing the total to Three Hundred Twenty Thousand and - - - 00/100 Dollars ($320,000.00), 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 Three Hundred Twenty Thousand and - - - 00/100 Dollars ($320,000.00) 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 the 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 December, 2015, 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: ____________________________

ATTEST: ____________________________

KIMBERLY J. HEBB
ACTING 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 Dave Short
Commissioner Kris Lee
**Commission Agenda**  
**Staff Report**

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 17, 2018</th>
</tr>
</thead>
<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 Garbry Road/Looney Road Intersection Improvements Project in the City of Piqua.</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: Amy L. Havenar, P.E., City Engineer  
Department: Engineering |
| AGENDA CLASSIFICATION |  
- [x] 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 December 15, 2015, City Commission passed a resolution authorizing the City Manager to enter into a preliminary agreement with ODOT for the Garbry Road/Looney Road Intersection Improvements Project. The City then engaged consultants to begin the detailed design and the right-of-way acquisition.  
We are now to the point where ODOT is ready to bid the project. As such, we need to enter into the Final Legislation with ODOT so they can proceed with the bidding and subsequent construction of the project. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $1,191,500  
Expenditure $: $320,000 (includes a 10% contingency)  
Source of Funds:  
- Local (103 Fund)  
- FHWA Grant (MVRPC) up to $1,062,013 |
| Narrative | The City has received funding from the Federal Highway Administration through the Miami Valley Regional Planning Commission for up to 75% of the project.  
While the bids are not in yet for this project, the estimated construction cost at this time (including Construction Administration) is approximately $1,155,000. The estimated local portion of the project is approximately $320,000, 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. The grant was approved for $1,062,013. |
| OPTIONS (Include Deny / Approval Option) | 1. Approve the resolution to enter into an agreement with ODOT.  
| PROJECT TIMELINE | 2. Deny the resolution and do not proceed with the project and return the grant funding.  
| STAFF RECOMMENDATION | The project is currently scheduled for construction in the summer of 2018.  
| REASON FOR SELECTING CONSULTANT/COMPANY | Approval of the Resolution to enter into an agreement with ODOT to allow for the Garbry Road/Looney Road Intersection Improvements Project to proceed.  
| ATTACHMENTS | N/A  
| ATTACHMENTS | Contract (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:

The project consists of construction of a roundabout at the intersection of Looney Road and Garbry Road, 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 Eighty Eight Thousand Three Hundred Sixty Five and - - - - 00/100 Dollars, ($288,365.00).

5. The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, 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.

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 (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or 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 (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). 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.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.
IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(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: ________________________
   Stephen H. Johnson
   Chief, Transportation Section

Date: ________________________
RESOLUTION NO. R-58-18

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF DECORATIVE STREET LIGHTS FOR THE LOONEY AND GARBRY ROUNDABOUT

WHEREAS, the present operations of the City require the purchase of decorative street lights for the Garbry Road/Looney Road Intersection Improvements Project; 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: Contract with All-Phase Electric Supply Co. for the purchase of eight (8) decorative street lights is hereby approved as the lowest, responsible bidder for said project 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 $60,660.

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: ________________________

KIMBERLY J. HEBB

ACTING 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 Kris Lee
Commissioner John Martin       Commissioner Dave Short
Commissioner William Vogt
| MEETING DATE | April 17, 2018 |
| REPORT TITLE | A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF DECORATIVE STREET LIGHTS FOR THE LOONEY AND GARBRY ROUNDOABOUT |
| SUBMITTED BY | Name & Title: Ed Krieger, Power System Director  
Department: Power System |
| AGENDA CLASSIFICATION | ☑ Consent  ☑ Ordinance  ☑ Resolution  ☑ Regular |
| APPROVALS/REVIEWS | ☑ City Manager  ☑ Asst. City Manager/Finance  
☑ Asst. City Manager/Development  ☑ Law Director  
☑ Department Director  ☑ Other: Energy Board |
| BACKGROUND | The roundabout plan calls for eight decorative streetlights, similar to those on the U.S. 36 corridor. The purchase was properly advertised, with competitive, sealed bids opened on 3/23/18, with results attached as Exhibit A. All Phase Electric, the low bidder, is the company that supplied similar poles on the U.S. 36 corridor. The Piqua Energy Board unanimously recommended that Piqua City Commission approve purchasing decorative street lights from All-Phase Electric at a not to exceed cost of $60,660 at their regular March 27, 2018 meeting. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $64,000  
Expenditure $: $60,660 (includes a 5% contingency)  
Source of Funds: Power System (401-000-190-3373) |
| Narrative: | The Power System budgeted for the purchase and installation of the required lighting for the roundabout. |
| OPTIONS | 1. Approve the Resolution R-58-18 awarding a purchase order to All Phase Electric.  
2. Deny the Resolution R-58-18 and direct staff on how to proceed. |
| PROJECT TIMELINE | The street lights have a lead time of four weeks. They will be placed on order shortly after approval, in order to begin installation in June. |
| REASON FOR SELECTING CONSULTANT/COMPANY | They had the lowest bid, which met our specifications. The City has been very satisfied with All Phase’s service and products in the past. |
| ATTACHMENTS | Exhibit A - Bid Tabulation (IFB #1812)  
Light Pole Details |
**IFB # 1812 Roundabout Utility Relocation**

Bid Opening 3/23/18 at 2:00 p.m.

"Exhibit A"

<table>
<thead>
<tr>
<th>HOLOPHANE FIXTURE</th>
<th>All Phase</th>
<th>Dickman Supply</th>
<th>MESCO</th>
<th>Powerline Supply</th>
<th>Graybar Electric</th>
<th>Bayside Electric</th>
<th>WESCO</th>
<th>Pathmaster</th>
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<td>ESL2 P308 50K AS BK TG 3 S</td>
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<td>$976.50</td>
<td>$979.00</td>
<td>$987.65</td>
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<td>$998.94</td>
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**HOLOPHANE POLE**

RTFS241" T4.5X10-FEST-PRTNG-5K ATC88 AT22CSBFFP

<table>
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<tr>
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<th>All Phase</th>
<th>Dickman Supply</th>
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<th>Powerline Supply</th>
<th>Graybar Electric</th>
<th>Bayside Electric</th>
<th>WESCO</th>
<th>Pathmaster</th>
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</thead>
<tbody>
<tr>
<td>Round Tapered Steel 24 ft. 1 inch Pole, Single 96 inch Aluminum ATC Series Roadway Arm, Two Piece Adjacent Style Clamshell Base, Flag Pole Holder, GFI Weatherproof Receptacle with a small in use wet location cover, Set of Four Anchor Bolts</td>
<td>$6,245.00</td>
<td>$6,250.00</td>
<td>$6,318.35</td>
<td>$6,319.05</td>
<td>$6,390.62</td>
<td>$6,500.00</td>
<td>$6,532.30</td>
<td>$6,817.00</td>
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**TOTAL UNIT PRICE**

$7,221.50

**QUANTITY**

<table>
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<th>Dickman Supply</th>
<th>MESCO</th>
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</table>

**GRAND TOTAL**

$57,772.60

**Delivery Time**

<table>
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<tr>
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<td></td>
<td>4 weeks</td>
<td>4 weeks</td>
<td>30 weeks</td>
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<td>5 weeks</td>
<td>5 weeks</td>
<td>6 weeks</td>
<td>5-6 weeks</td>
</tr>
</tbody>
</table>
Decorative Street Light Bid
To the
City of Piqua, Ohio

Specifications

POST DESCRIPTION
The lighting post shall consist of a one-piece fluted tapered pole, pole top finial, anchor bolts and base plate. The post shall be welded to the square steel base plate. The post shall be provided with (1) receptacle, (1) flag pole holder, and (4) 32" banners arm.

MATERIALS
The lighting pole shall be formed from tubes conforming to ASTM A500 process, and have a constant linear taper of .14 (b). The tube's seam will have a smooth full length longitudinal high frequency resistance weld and will have no visual appearance. The tube shall run the entire length of the shaft and be oriented to accept the cast steel base.

DIMENSIONS
The post shall be 24'-3" in height with a 15" square base. The pole base plate will be 13.5" x 13.5". The finial will be 2.5" x 2.5" long for arm mounting.

INSTALLATION
The pole shall be provided with four 1" diameter L-type anchor bolts to be installed on a 6'-15" bolt circle, and shall include double nuts, two flat washers, and one lock washer, per bolt.

LUMINARE DESCRIPTION
Esplanade Tear Drop LED 2 Series See details in Bid

Accessory Mounting Detail

<table>
<thead>
<tr>
<th>Orientation</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLAT POLE HOLDER</td>
<td>6'-0&quot;</td>
</tr>
<tr>
<td>RECEPTACLE</td>
<td>17'-0&quot;</td>
</tr>
</tbody>
</table>

City of Piqua
Piqua, OH

Refer to Order #: 2372-18-11118-2
RESOLUTION NO. R-59-18

A RESOLUTION AWARDING A CONTRACT FOR CONDUIT WORK FOR THE RELOCATION OF POWER AND COMMUNICATION LINES FOR THE LOONEY AND GARBRY ROUNDABOUT

WHEREAS, the City of Piqua desires to complete the Garbry Road/Looney Road Intersection Improvements Project; and

WHEREAS, Piqua Power, AT&T and Charter Communications/Spectrum all have their respective utilities located within the project limits that need to be relocated prior to the start of construction; however, jointly completing this project by open-trench construction was not cost effective; and

WHEREAS, Charter Communications/Spectrum has offered to take the lead in coordinating the directional boring and trenching for the project thereby greatly reducing the overall cost.

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 to Charter Communications/Spectrum be approved following the conditions set forth in the existing Joint Use Agreement to allow for Charter Communications/Spectrum to take the lead in coordinating the conduit work required for this project.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrant from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of $40,200.

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: ____________________________

KIMBERLY J. HEBB

ACTING 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 Kris Lee
Commissioner John Martin  Commissioner Dave Short
Commissioner William Vogt
<table>
<thead>
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<th>MEETING DATE</th>
<th>April 17, 2018</th>
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<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AWARDING A CONTRACT FOR CONDUIT WORK FOR THE RELOCATION OF POWER AND COMMUNICATION LINES FOR THE LOONEY AND GARBRY ROUNDABOUT</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name &amp; Title: Ed Krieger, Power System Director</td>
</tr>
<tr>
<td></td>
<td>Department: Power System</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
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</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
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</tr>
<tr>
<td></td>
<td>□ Asst. City Manager/Development □ Law Director</td>
</tr>
<tr>
<td></td>
<td>✔ Department Director □ Other: Energy Board</td>
</tr>
</tbody>
</table>

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

Overhead power and fiber-optic communication lines at the Looney Rd. and Garbry Rd. intersection need to be converted to underground lines before construction of the roundabout begins in June. Because Charter Communications/Spectrum and AT&T also have several lines to relocate, and there is not much unoccupied space to relocate to, Piqua Power, Spectrum and AT&T worked on a joint relocation plan. Once it was determined how deep the lines will have to be, in order to have proper clearance from existing underground utility lines, we realized the conduit installation would have to be contracted out. The trench project went through the appropriate bid process under IFB 1812. Team Fishel was the only bidder. They bid $226,139.44 for the combined cost to Piqua, Spectrum and AT&T. That price was well over twice the estimated cost, so the bid was rejected.

Piqua Power, Spectrum, and AT&T determined it would be more affordable to bore under the existing road and trench the other sections. Spectrum offered to take the lead on the project and use its existing blanket contracts already in place. Piqua Power will reimburse Spectrum through our existing Joint Use invoicing system. Spectrum’s contractor, USI has quoted $32,150 for Piqua’s relocation share of the project, which is significantly below Piqua’s $90,460 share of Fishel’s joint trench bid. The Piqua Energy Board unanimously recommended that Piqua City Commission approve a contract with Spectrum for required conduit installation up to a cost of $100,000 at their regular March 27, 2018 meeting.
# BUDGETING AND FINANCIAL IMPACT  
(Indicates project costs and funding sources)

<table>
<thead>
<tr>
<th>Budgeted $:</th>
<th>$126,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure $:</td>
<td>$40,200 (includes a 25% contingency)</td>
</tr>
<tr>
<td>Source of Funds:</td>
<td>Power System (401-000-190-3366)</td>
</tr>
<tr>
<td>Narrative:</td>
<td>The Power System has budgeted for the required relocation of electric and fiber-optic facilities related to the construction of the Looney and Garbry Roundabout.</td>
</tr>
</tbody>
</table>

## OPTIONS  
(Include Deny/Approval Option)

| 1. | Approve Resolution No. R-59-18 approving refunding Spectrum to pay for the installation of electric conduits by their subcontractor, USI. |
| 2. | Do not approve the Resolution and provide staff with further direction. |

## PROJECT TIMELINE

The rolled conduit, necessary for boring underground, has a three week lead time. Soon after approval, USI will order the rolled conduit and begin trenching, using stick conduit provided by Piqua, Spectrum and AT&T. Utility relocation work needs to be completed before the road contractor can begin roundabout construction in June.

## REASON FOR SELECTING CONSULTANT/COMPANY

Piqua Power has a joint use agreement in place with Spectrum which will allow us to complete the conduit installation cost-effectively and in a manner that will not cause the Power System to delay the construction of the Looney and Garbry roundabout.

## ATTACHMENT

Roundabout Utility Relocation Drawing
RESOLUTION NO. R-60-18

A RESOLUTION AWARDING A CONTRACT
FOR MAINTENANCE OF PIQUA’S #9 GAS TURBINE

WHEREAS, the Power System owns, maintains and operates two combustion turbines as back-up power sources for Piqua electric customers.

WHEREAS, the continued operation of these units provides significant financial benefit to Piqua electric customers.

WHEREAS, Sulzer has specialized experience as it relates to maintaining the City’s two combustion turbines.

WHEREAS, Sulzer will be on site in Mid-May for warranty work, thus providing the City with additional cost-savings as it relates to additional planned maintenance activities; and

WHEREAS, the City of Piqua has determined that advertisement of bids would not be of any material benefit to the city due to Sulzer’s specialized experience and cost savings associated with planned warranty work pursuant to City Charter Section 34.19 (E).

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 with Sulzer for the maintenance of Piqua’s #9 gas turbine is hereby approved and the City Manager is authorized to execute a contract pursuant to contract specifications;

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrant from time to time on the appropriate account of the city treasury according to contract terms, not exceeding a total of $55,000.

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: __________________________

KIMBERLY J. HEBB

ACTING 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 Dave Short  _________
Commissioner Kris Lee  _________
 Commission Agenda  
Staff Report

**MEETING DATE:** April 17, 2018

**REPORT TITLE:** A RESOLUTION AWARDING A CONTRACT FOR MAINTENANCE OF PIQUA’S #9 GAS TURBINE

**SUBMITTED BY:** Name & Title: Ed Krieger, Power System Director
Department: Power System

<table>
<thead>
<tr>
<th>AGENDA CLASSIFICATION</th>
<th>☐ Consent</th>
<th>☐ Ordinance</th>
<th>☒ Resolution</th>
<th>☐ Regular</th>
</tr>
</thead>
</table>

**APPROVALS/REVIEWS**
- ☒ City Manager
- ☐ Asst. City Manager/Finance
- ☐ Asst. City Manager/Development
- ☐ Law Director
- ☒ Department Director
- ☒ Other: Energy Board

**BACKGROUND**
The Power System owns and operates two combustion turbines, #8GT and #9GT. These units provide Piqua with a back-up power source should the transmission grid go dark. In addition, these units are utilized for shaving the City’s 1CP and 5CP transmission peaks, which provides significant savings to Piqua’s electric customers.

In 2012, Piqua completed a major initiative which upgraded the controls for both #8GT and #9GT to Emerson’s Ovation Software. In addition, Piqua completed a rebuild of #8GT which included repairing the rotor due to a catastrophic failure. In 2016, the thermal block was rebuilt on #9GT and the exhaust and intake structures were replaced. This planned series of improvements has significantly improved the operating reliability of Piqua’s gas turbines.

Planned improvements for Piqua’s #9GT in 2018 include rebuilding the unit’s torque converter, replacing the gas turbine building roof and the replacement of the original, 1965 vintage Allis-Chalmers diesel starting engine. In addition, Sulzer will be on site in mid-May to complete warranty work related to the 2016 thermal block rebuild. As a result, it will be cost-effective to utilize the Sulzer field service crews to install the rebuilt torque converter and new Cummins diesel starting engine while they are on site.
Sulzer completed the rotor rebuild on #8 GT in 2012 and thermal block rebuild on #9 GT in 2016. The Power System has been completely satisfied with their work on Piqua’s vintage gas turbines.

The Piqua Energy Board unanimously recommended that Piqua City Commission approve a contract with Sulzer for required maintenance of Piqua’s #9 gas turbine at their regular March 27, 2018 meeting.

<table>
<thead>
<tr>
<th>BUDGETING AND FINANCIAL IMPACT</th>
<th>Budgeted $: $100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure $: $55,000 (Estimated Time and Material Pricing)</td>
<td></td>
</tr>
<tr>
<td>Source of Funds: Power System (401-202-513-7547)</td>
<td></td>
</tr>
<tr>
<td>Narrative: Sulzer will be billing Piqua for this work under their 2018 Domestic field service schedule, with no charge for mobilization or de-mobilization due to the required warranty combustion repairs.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OPTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Approve Resolution No. R-60-18 awarding a contract to Sulzer for maintenance of Piqua’s #9 gas turbine at a not to exceed cost of $55,000.</td>
</tr>
<tr>
<td>2. Do not approve the Resolution and provide staff with further direction</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROJECT TIMELINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sulzer will complete the installation of the new diesel starting engine and rebuilt torque converter, as well as warranty combustion repairs in mid-May in order to have the gas turbine available for the summer transmission peak-shaving season.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REASON FOR SELECTING CONSULTANT/COMPANY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Piqua has utilized Sulzer in the past for maintenance work on both of Piqua’s combustion turbines. Sulzer is one of only a few companies that have experience working on vintage gas turbines, similar to Piqua’s 1965 and 1970 units. Sulzer has performed admirably for Piqua in the past.</td>
</tr>
<tr>
<td>In addition, Sulzer will not be charging Piqua for mobilization or demobilization due to required warranty combustion work that is already planned to be completed in Mid-May. Leveraging this required presence allows us to complete the additional maintenance activities in a timely and cost-effective manner.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STAFF RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approve Resolution No. R-60-18 awarding a contract to Sulzer for maintenance of Piqua’s #9 gas turbine at a not to exceed cost of $55,000.</td>
</tr>
</tbody>
</table>
RESOLUTION NO. R-61-18

A RESOLUTION AWARDING A CONTRACT
FOR ROOF REPAIRS TO PIQUA'S POWER PLANT

WHEREAS, the present operations of the City require roof repairs to Piqua's Power Plant for the Power System; 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 with WRI Applications, LLC for the purpose of completing roofing repairs at Piqua's Power Plant is hereby approved as the lowest, responsible bidder for said project 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 warrant from time to time on the appropriate account of the city treasury according to contract terms, not exceeding a total of $70,000.

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: ______________________

KIMBERLY J. HEBB
ACTING 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 Dave Short
Commissioner Kris Lee
### Commission Agenda
**Staff Report**

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 17, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AWARDING A CONTRACT FOR ROOF REPAIRS TO PIQUA’S POWER PLANT</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: Ed Krieger, Power System Director  
Department: Power System |
| AGENDA CLASSIFICATION | ☒ Consent  
☐ Ordinance  
☒ Resolution  
☐ Regular |
| APPROVALS/REVIEWS | ☒ City Manager  
☐ Asst. City Manager/Finance  
☐ Asst. City Manager/Development  
☐ Law Director  
☒ Department Director  
☐ Other: Energy Board |
| BACKGROUND | For the past 4 years the Power System has been actively making repairs to the roof at Piqua’s Power Plant. This initiative will help to extend the life of the plant and reduce overall maintenance expenses. This project was publicly advertised and bids were received on March 20, 2018. The bid specification includes a “foam type” roofing system with a polyurea coating, matching the system utilized the past four years.  

The only bid received was from WRI Applications. The Power System is requesting authorization to enter into a contract with WRI Applications for roof repairs at the Power Plant for a not to exceed price of $70,000, which includes an approximate contingency of 10% to accommodate any potential unforeseen conditions. The Piqua Energy Board unanimously recommended that Piqua City Commission approve a contract with WRI Applications for the required roof repairs at the Piqua Power Plant at their regular March 27, 2018 meeting. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $65,000  
Expenditure $: $70,000  
Source of Funds: Power System (401-202-511-7553)  
Narrative: Completion of repairs to this section of the Power Plant roof will complete all required repairs to the Power Plant roof over the past five years. |
| OPTIONS          | 1. Approve Resolution No. R-61-18 awarding a contract to WRI Applications, LLC for roof repairs to the Power Plant.  
|                 | 2. Do not approve Resolution No. R-61-18 and provide staff with further direction. |
| PROJECT TIMELINE | WRI Roofing has a required completion date of July 31, 2018. |
| REASON FOR SELECTING CONSULTANT/COMPANY | WRI Applications was only bidder which submitted a bid for this project. WRI Applications has completed other repairs to the roof on Piqua’s Power Plant and we are very satisfied with their work and product. |
| STAFF RECOMMENDATION | Approve Resolution No. R-61-18 awarding a contract to WRI Applications, LLC for roof repairs to Piqua’s Power Plant at a cost not to exceed $70,000. |
| ATTACHMENTS     | Power Plant Roof Repair Bid Tabulation  
|                 | Roof System Technical Specifications  
|                 | Power Plant Roof Aerial |
City of Piqua, OH
IFB # 1814
Power Plant Roof Repair
Opened 3/20/18 at 2:00 p.m.

Exhibit A

WRI Applications, LLC
Piqua, OH

Roof repairs per the specifications $ 63,810.00
Days to complete work 16
VFI-540 Polyurea Hybrid roof coating, forms a fully adhered elastomeric membrane that encapsulates and protects from corrosion and rust.

100% Solids Formulation

Seamless-No Leaks; Superior protection from leaks, rust and corrosion

Superior Elongation and Tensile; Features high physical properties such as tensile strength, elongation, hardness and tear resistance

Economical and Profitable; Cost savings due to the product’s solar reflectivity; lowers air conditioning costs

Self-flashing; Greatly reduces or eliminates parapet, stack, vent and pitch pocket leaks
Seals cracks and crevices better than other roofing products due to its high build properties

Sets up instantly and is tack-free in 10 to 30 seconds

Renewable through easy recoating; Easy maintenance without compromising the integrity of the roof

Can be applied to different substrates

VFI-540 is a spray-applied aluminum roof coating. Its composition is made up of two components; one to one by volume. VFI-540 must be applied using plural component spray equipment capable of maintaining a temperature of 130°F - 150°F, 2,500 psi minimum pressure and a 1:1 volume mix ratio.

<table>
<thead>
<tr>
<th>Product</th>
<th>Aluminum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Viscosity</td>
<td>Poly Component - 550 ± 75 cps @77°F</td>
</tr>
<tr>
<td></td>
<td>Ioc Component - 550 ± 75 cps @77°F</td>
</tr>
<tr>
<td>Tensile Strength</td>
<td>1752 psi</td>
</tr>
<tr>
<td>Elongation</td>
<td>200-300%</td>
</tr>
<tr>
<td>Solids</td>
<td>Weight - 97%</td>
</tr>
<tr>
<td></td>
<td>Volume - 96%</td>
</tr>
<tr>
<td>Permeability</td>
<td>.34 perms @ 44 mil thickness</td>
</tr>
<tr>
<td>Density</td>
<td>Poly Component - 8.40 ± .2 lbs./gal. (S.G. 1.01)</td>
</tr>
<tr>
<td></td>
<td>Ioc Component - 9.80 ± .2 lbs./gal. (S.G. 1.175)</td>
</tr>
</tbody>
</table>

Setting the standard for Renewable Coatings and Spray Foams

For more information, contact us today at 800-367-9218

www.volatilefree.com

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RESOLUTION NO. R-62-18

A RESOLUTION AWARDING A CONTRACT
FOR THE PURCHASE OF HIGH-VOLTAGE BREAKERS
FOR THE POWER SYSTEM

WHEREAS, the present operations of the City require the purchase of high-voltage breakers for the Power System; 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 with Hitachi T&D Solutions, Inc. for the purchase of twelve (12) high-voltage breakers is hereby approved as the lowest, responsible bidder for said project 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 warrant from time to time on the appropriate account of the city treasury according to contract terms, not exceeding a total of $693,000.

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: __________________________
   KIMBERLY J. HEBB
   ACTING 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 Dave Short  __________
Commissioner Kris Lee  __________
<table>
<thead>
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<th>MEETING DATE</th>
<th>April 17, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF HIGH-VOLTAGE BREAKERS FOR THE POWER SYSTEM</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name &amp; Title: Ed Krieger, Power System Director</td>
</tr>
<tr>
<td></td>
<td>Department: Power System</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>☒ Department Director ☒ Other: Energy Board</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>The Power System owns and operates three 69kV electrical substations, connecting the City’s electric system to Dayton Power &amp; Light’s transmission system. The critical piece of equipment that controls the flow of power into the City is the 69kV circuit breaker. These devices are 40-50 years old and utilize oil as the medium to extinguish the electrical arc when opened. New technology extinguishes the arc in a vacuum, thus eliminating maintenance and environmental issues associated with older oil and newer SF6 alternatives. The Power System plans to replace twelve (12) 69kV circuit breakers over the next three years, enhancing system reliability, while reducing maintenance costs and addressing environmental concerns. Competitive bids were received on March 19, 2018 with Hitachi T&amp;D Solutions, Inc. the only bidder meeting Piqua specifications. The Power System is requesting authorization to purchase twelve (12) 69kV vacuum breakers from Hitachi T&amp;D Solutions, Inc. over the next three years for a not to exceed price of $693,000, which includes contingency. The Piqua Energy Board unanimously recommended Piqua City Commission approve this purchase at its regular meeting on March 27, 2018.</td>
</tr>
<tr>
<td>BUDGETING AND FINANCIAL IMPACT</td>
<td>Budgeted $:</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Expenditure $:</td>
<td>$175,000 (2018)</td>
</tr>
<tr>
<td>Source of Funds:</td>
<td>Power System (401-000-190-3353)</td>
</tr>
<tr>
<td>Narrative:</td>
<td>The Power System has budgeted to complete the breaker replacements in Substation #5 in 2018, Substation #4 in 2019 and Substation #3 in 2020.</td>
</tr>
</tbody>
</table>

| OPTIONS | 1. Approve Resolution No. R-62-18 awarding a contract to Hitachi T&D Solutions, Inc. for the purchase of twelve (12) 69kV vacuum circuit breakers for the Power System at a not to exceed cost of $693,000 over the next three years. |
|         | 2. Do not approve the Resolution and provide staff with further direction |

| PROJECT TIMELINE | The first three 69kV vacuum circuit breakers will be installed in Piqua’s Substation #5 this coming fall, with Substation #4 and Substation #3 in subsequent years. |

| REASON FOR SELECTING CONSULTANT/COMPANY | Hitachi T&D Solutions, Inc. is the only manufacturer to offer an alternative to SF6 gas. In addition, the other four bidders rejected the City’s Terms and Conditions. Dayton Power & Light has been utilizing the Hitachi 69 kV vacuum circuit breaker for a number of years and speaks very highly of their experience with the breakers installed on their 69,000 Volt electrical system. |

| STAFF RECOMMENDATION | Approve Resolution No. R-62-18 awarding a contract to Hitachi T&D Solutions, Inc. for the purchase of twelve (12) 69 kV vacuum circuit breakers for the Power System at a not to exceed cost of $693,000 over the next three years. |

<table>
<thead>
<tr>
<th>ATTACHMENT</th>
<th>Bid Tabulation – Exhibit A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SSOE Bid Review (3-26-18)</td>
</tr>
</tbody>
</table>
March 26, 2018

Mr. Ed Krieger
Power System Director
City of Piqua
123 Bridge Street
Piqua, Ohio 45356-3805

RE: Breaker Replacement
Review of Bids
Contract No. 018-00042-00

Dear Mr. Krieger:

The City of Piqua (City) opened up bids on March 19, 2018 for Contract No. 018-00042-00 69 kV Substation Breaker project. The scope of work consists of providing up to twelve (12) breakers for Substations 3, 4 and 5. Delivery of the breakers would occur over 2018, 2019 and 2020. The specification allowed the bidders to propose either Sulfur Hexafluoride (SF6) type breakers or vacuum type breakers. Installation of the breakers would be performed by the City. Five (5) bids were received. A tabular summary of the bids is provided below.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Breaker</td>
<td>SF6</td>
<td>SF6</td>
<td>SF6</td>
<td>SF6</td>
<td>Vacuum</td>
</tr>
<tr>
<td>Base Bid for Twelve Breakers</td>
<td>$415,800</td>
<td>$418,140</td>
<td>$442,128</td>
<td>$553,740</td>
<td>$630,030</td>
</tr>
<tr>
<td>Delivery Days</td>
<td>112 - 140</td>
<td>112</td>
<td>112 - 140</td>
<td>167</td>
<td>98</td>
</tr>
<tr>
<td>On Site Installation Inspection and Testing Services - $/Hr</td>
<td>$206.25</td>
<td>$250</td>
<td>$261</td>
<td>$250</td>
<td>$200</td>
</tr>
</tbody>
</table>

Alstom Grid LLC (Alstom), Siemens Industry Inc. (Siemens), ABB Inc. (ABB), and Hitachi T&D Solutions Inc. (Hitachi) provided a bid bond. Mitsubishi Electric Power Products Inc. (Mitsubishi) did not provide a bid bond. All bidders except ABB acknowledged receipt of Addendums 1 and 2. ABB only acknowledged receipt of Addendum No. 1. All of the bidders completed and submitted the Non-Collusion
Affidavit of Bidder and Affidavit in Compliance with Section 3517.13 of the Ohio Revised Code. All bidders except Mitsubishi provided a completed Delinquent Personal Property Taxes Affidavit of Bidder.

**SF6 versus Vacuum Circuit Breakers**

SF6 is an inorganic, colorless, odorless, non-flammable gas. It is an excellent electrical insulator but is an extremely potent greenhouse gas and will require special handling. The City would need to report emissions of SF6 if it were to have electrical equipment with nameplate capacity exceeding 17,820 lbs of SF6. Each of the breakers will have approximately 30 Lbs. of SF6, so reporting of emissions is not an issue for the foreseeable future. Table No. 2 provides a comparison of the major attributes of SF6 versus vacuum type breakers.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>SF6 Breaker</th>
<th>Vacuum Breaker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating energy requirements</td>
<td>Operating Energy requirements are low, because the mechanism must move only relatively small masses at moderate speed, over short distances. The mechanism does not have to provide the energy to create the gas flow</td>
<td>Operating energy requirements are low, because the mechanism must move only relatively small masses at moderate speed, over very short distances</td>
</tr>
<tr>
<td>Arc Energy</td>
<td>Due to the high conductivity of the arc in the SF6 gas, the arc energy is low. (Arc voltage is between 150 and 200V.)</td>
<td>Due to the very low voltage across the metal vapor arc, energy is very low. (Arc voltage is between 50 and 100V.)</td>
</tr>
<tr>
<td>Contact Erosion</td>
<td>Due to the low energy the contact erosion is small.</td>
<td>Due to the very low arc energy, the rapid movement of the arc root over the contact and the fact that most of the metal vapor re-condenses on the contact, contact erosion is extremely small.</td>
</tr>
</tbody>
</table>
Table No. 2
SF6 Versus Vacuum Breaker Technology

<table>
<thead>
<tr>
<th>Criteria</th>
<th>SF6 Breaker</th>
<th>Vacuum Breaker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Switching behavior in relation to current chopping</td>
<td>The pressure build-up and therefore the flow of gas is dependent upon the value of the current to be interrupted. Large currents are cooled intensely, small currents gently. High frequency transient currents will not, in general, be interrupted. The de-ionization of the contact gap proceeds very rapidly due to the electro-negative characteristic of the SF6 gas and the products.</td>
<td>No flow of an 'extinguishing' medium needed to extinguish the vacuum arc. An extremely rapid de-ionization of the contact gap, ensures the interruption of all currents whether large or small. High frequency transient currents can be interrupted. The value of the chopped current is determined by the type of contact material used.</td>
</tr>
<tr>
<td>Number of short-circuit operations</td>
<td>10—50</td>
<td>30—100</td>
</tr>
<tr>
<td>Number of full load operations</td>
<td>5,000—10,000</td>
<td>10,000—20,000</td>
</tr>
<tr>
<td>Number and time of mechanical operations before service</td>
<td>5,000—20,000</td>
<td>10,000—30,000</td>
</tr>
<tr>
<td></td>
<td>5—10 years</td>
<td>5—10 years</td>
</tr>
<tr>
<td>The mean time to failure (MTF), i.e. the average interval of time between failures for operating Mechanisms.</td>
<td>Identical, since similar operating mechanisms are used</td>
<td>Identical, since similar operating mechanisms are used</td>
</tr>
<tr>
<td>The mean time to failure (MTF), i.e. the average interval of time between failures for Interrupters</td>
<td>The number of moving parts is higher for the SF6 circuit-breaker but sufficient service experience is available for both types of circuit-breakers to allow a valid practical comparison. Available data on failure rates confirms that there is no discernible difference in reliability between the two circuit-breaker types.</td>
<td></td>
</tr>
<tr>
<td>Reliability</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Dielectric withstand strength</td>
<td>High</td>
<td>Very High</td>
</tr>
</tbody>
</table>

It is SSOE’s opinion that both SF6 and Vacuum breakers are acceptable and will provide the City with reliable operation.

Review of Bids

Each of the bidders is a well-recognized electrical equipment manufacturer. In 2015, General Electric (GE) completed acquisition of Alstom’s power and grid businesses. As a result, GE Digital Energy and Alstom Grid have combined to form Grid Solutions, a GE and Alstom joint venture.
Given the relative bid prices, SSOE’s evaluation concentrated on the bids submitted by Alstom and Siemens for SF6 type breakers and on Hitachi for vacuum breakers.

All three (3) have made some technical clarifications. The clarifications are not considered material and are acceptable to SSOE. Hitachi has the shortest schedule at 98 days; however, all proposed schedules are acceptable. Hitachi has the lowest hourly rate for service at $200 per hour with Alstom slightly higher at $206.25 per hour and Siemens at $250 per hour. Alstom and Siemens each provided spare parts pricing, with Alstom’s pricing being significantly lower than Siemens. Hitachi did not provide spare parts pricing.

The specification requires a warranty period of twelve (12) months from energization but no more than eighteen (18) months from delivery. Alstom has met this warranty. Siemens has proposed a warranty that extends both of these periods by twelve (12) months while Hitachi has proposed a warranty that extends both of these periods by twenty four (24) months.

Alstom, Siemens, ABB and Mitsubishi took complete exception to the City’s commercial terms and conditions. The bids submitted by these four (4) firms each state that their commercial terms and conditions will take precedence over the City’s commercial terms and conditions. Hitachi provided a limited number of exceptions to the commercial terms and conditions and would like to negotiate final terms and conditions with the City. SSOE understands that the City Law Director has determined that the City should reject the bids in which the bidder took complete exception to the City’s commercial terms and conditions and requires that the bidder’s commercial terms and conditions have precedence.

**Recommendation**

Given the City Law Director’s directive to reject the bids submitted by Alstom, Siemens, ABB and Mitsubishi, the only acceptable bid is the bid submitted by Hitachi for vacuum type breakers. Therefore, SSOE recommends that the City proceed on the basis of awarding the contract to Hitachi and evaluate their proposed exceptions to the commercial terms and conditions. SSOE can assist in the evaluation of commercial terms and conditions; however, SSOE is primarily an engineering firm and does not provide legal guidance.

Attached is a Notice of Award (NOA) for signature by the City. The NOA is based upon the City purchasing twelve (12) vacuum type breakers from Hitachi. After the City and Hitachi agree upon commercial terms and conditions, please date, sign and returned the attached NOA. SSOE will then prepare the contract documents for signing by both the City and Hitachi.
Mr. Ed Krieger  
City of Piqua, Ohio  
March 26, 2018  
Page 5 of 5

Let us know if you have any questions or need any further information. SSOE is available to discuss our bid review and recommendation at your convenience.

Sincerely,

SSOE

[Signature]

Tom Fitzpatrick, PE PMP  
Senior Project Manager

cc: Joe Hulderman, PE - SSOE
NOTICE OF AWARD

TO: Hitachi T&D Solutions Inc.
7250 McGinnis Ferry Road
Suwanee, GA 30024

CONTRACT FOR: Substation 69kV Power Circuit Breaker Project

You are notified that your Bid dated March 19, 2018 for the above Contract has been considered. You are the apparent Successful BIDDER and have been awarded a Contract for: the supply of twelve 69 kV vacuum circuit breakers

(Indicate total Work, alternates or sections or Work awarded)

The Contract Price of your Contract is Six Hundred Thirty Thousand and Thirty Dollars ($630,030.00).

Three copies of each of the proposed Contract Documents (except Drawings) accompany this Notice of Award. Additional sets of the Drawings may be requested at the pre-construction meeting for this project.

You must comply with the following conditions precedent within fifteen days of the date of this Notice of Award, that is by ____________________.


2. You must deliver with the executed Contract Documents the Contract Security (Bond) as specified in the Instructions to Bidders (ARTICLE 20), and as further described in Article 5 of the General and Supplementary Conditions.

3. You must deliver with the executed Contract Documents the Certificates of Insurance as specified in the Instructions to Bidders (ARTICLE 20), and as further described in Article 5 of the General and Supplementary Conditions.

Failure to comply with these conditions within the time specified will entitle OWNER to consider your Bid in default, to annul this Notice of Award and to declare your Bid Security forfeited.

Within ten days after you comply with the above conditions, OWNER will return to you one fully executed counterpart of the Contract Documents.

City of Piqua
By:

(Authorized Signature) (Title)
**Exhibit A**

<table>
<thead>
<tr>
<th></th>
<th>G.E. Grid Solutions</th>
<th>Siemens</th>
<th>ABB</th>
<th>Mitsubishi</th>
<th>Hitachi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost of 12 breakers SF6</td>
<td>$415,800.00</td>
<td>$418,140.00</td>
<td>$442,128.00</td>
<td>$553,740.00</td>
<td>$630,030.00</td>
</tr>
<tr>
<td>Total cost of 12 breakers Vacuum per bid specifications</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly rate</td>
<td>$206.25</td>
<td>$250.00</td>
<td>$310.00</td>
<td>none listed</td>
<td>$200.00</td>
</tr>
<tr>
<td>Days for delivery</td>
<td>112-140</td>
<td>112</td>
<td>16-20 weeks</td>
<td>167</td>
<td>98</td>
</tr>
</tbody>
</table>

Rejected our Terms and Conditions
RESOLUTION NO. R-63-18

A RESOLUTION TO CONTINUE PARTICIPATION IN A MULTI-JURISDICIONAL HAZARD MITIGATION PLAN IN CONJUNCTION WITH THE MIAMI COUNTY EMERGENCY MANAGEMENT AGENCY

WHEREAS, there currently exists between the City of Piqua, Ohio and the Board of Commissioners of Miami County, Ohio, an agreement that the County through its Emergency Management Agency shall provide emergency management for the City in conjunction with the countywide coordinated program, and

WHEREAS, through this countywide coordinated program, Miami County Emergency Management Agency has developed a Multi-Jurisdictional Hazard Mitigation Plan that includes all hazards to which Miami County and its municipalities are susceptible as per the Disaster Mitigation Act of 2000; and

WHEREAS, goals, objectives and strategies to mitigate against the hazards that have been identified in the County, including the City of Piqua, have been developed, and

WHEREAS, mitigation measures for the City and surrounding areas have been analyzed and prioritized, and

WHEREAS, Miami County stakeholders have reviewed the Multi-Jurisdictional Hazard Mitigation Plan.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, State of Ohio;

That this Commission hereby adopts and plans to implement the actions prescribed in the Miami County Multi-Jurisdictional Hazard Mitigation Plan with approved date of March 13, 2018 which is on file in the Office of the Director, Miami County Emergency Management Agency. This Resolution shall take effect immediately.

KATHRYN B. HINDS, MAYOR

PASSED: __________________________

ATTEST: ______________________
KIMBERLY J. HEBB
ACTING 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 Dave Short ________
Commissioner Kris Lee ________
### MEETING DATE
April 17, 2018

### REPORT TITLE
A resolution to continue participation in a Multi-Jurisdictional Hazard Mitigation Plan in conjunction with the Miami County Emergency Management Agency.

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

### AGENDA CLASSIFICATION
- [X] Resolution
- [ ] Regular

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

### BACKGROUND
The Miami County Hazard Mitigation Plan is required to be updated every five years in order to remain eligible to receive public assistance for hazard mitigation fund grants. The City of Piqua has been participating in the Hazard Mitigation Plan Update Meetings since the 2011 Plan Approval. The Hazard Mitigation Committee’s purpose is to address sustained actions to reduce or eliminate the long-term risk to human life and property from hazards. These are mitigation activities are included within the Plan and once completed, they reduce future damages, death, and injuries should a disaster strike.

Implementing this Plan also provides Piqua with the opportunity to participate in the Hazard Mitigation Grant Program (HMGP).

### BUDGETING AND FINANCIAL IMPACT
- Budgeted $: $0
- Expenditure $: $0
- Source of Funds:

### Narrative:
There is no cost to the City of Piqua associated with the implementation of the Hazard Mitigation Plan Update.

### OPTIONS
1. Approve the resolution and adopt the Miami County Multi-Jurisdictional Hazard Mitigation Plan.
2. Do not approve the resolution and do not take advantage of the Hazard Mitigation Plan.

### PROJECT TIMELINE
The Miami County EMA has requested that the plan be adopted no later than May 30, 2018.

### STAFF RECOMMENDATION
Approve the resolution to allow for the adoption of the Miami County Multi-Jurisdictional Hazard Mitigation Plan.
<table>
<thead>
<tr>
<th>REASON FOR SELECTING CONSULTANT/COMPANY</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATTACHMENTS</td>
<td>Exhibit A - Letter from Miami County Emergency Management</td>
</tr>
</tbody>
</table>
March 28, 2018

Mayor Katherine Hinds
City of Piqua
201 W. Water St.
Piqua, Ohio 45356

Dear Mayor Hinds:

We are pleased to announce the 2015 5-Year Hazard Mitigation Plan update has been completed and approved through the Federal Emergency Management Agency (FEMA) contingent upon your jurisdiction’s adoption by written resolution. The 5-Year Hazard Mitigation Plan approval allows the county, villages, townships, and municipalities of Miami County the opportunity to participate in the Hazard Mitigation Grant Program (HMGP). The 2015 updated Miami County Hazard Mitigation Plan is available to review online at the Miami County website: www.miamicounty.ohio.gov under Services or copies may be obtained from our office.

The Board of Miami County Commissioners will consider approval of the plan by resolution after all jurisdictions have approved it. It is our intent to make this funding available to all Miami County residents and public entities. For communities to be eligible to receive pre and post disaster hazard mitigation funding the plan must also be adopted, by the local jurisdiction through a resolution. We would like to continue to achieve 100% participation from all of Miami County’s jurisdictions and would request the plan be adopted by your jurisdiction no later than May 30, 2018 and returned to the Miami County Office of Emergency Management Agency, 510 West Water Street, Troy, Ohio 45373 for compilation with other jurisdication’s approval and ultimately for presentation to the Miami County Commissioners for their consideration.

The Miami County Hazard Mitigation Committee will continue to meet on a regular basis to encourage and promote hazard mitigation activities and help reduce the future financial impact and loss of life from natural hazards that may occur within Miami County.

Hazard Mitigation grants fund projects to protect public and private property as long as the project fits within the state and local government mitigation strategies to address areas of risk and complies with the HMGP guidelines.

Should you have any questions or need additional information in regards to the hazard mitigation planning process, please contact the Emergency Management Agency office at 937-332-8560 or email at kartz@miamicountyema.org.

Sincerely,

Kenneth Artz
Kenneth Artz, Director
Miami County Office of Emergency Management

Paul Huelskamp
Paul Huelskamp, P.E., P.S.
Miami County Hazard Mitigation
Committee Chairperson
RESOLUTION NO. R-64-18

A RESOLUTION TO RESCIND A PROTECTIVE COVENANT RESTRICTING THE RETAIL USE OF PETERS SUBDIVISION SECTION 3 INLOT 5873

WHEREAS, the Planning Commission has studied a request to rescind a protective covenant restricting the retail use of Peters Subdivision Section 3 Inlot 5873, as described 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 151.143 requires the Commission to take action on Subdivision Final Plat recommendations received from the Planning Commission; and

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

SEC. 1: The protective covenant restricting the retail use of Peters Subdivision Section 3 Inlot 5873 is hereby rescinded.

SEC. 2: The Peters Subdivision Section 3 Final Plat is hereby revised and amended to rescind the protective covenant restricting the retail use of Inlot 5873.

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: ____________________________
KIMBERLY J. HEBB
ACTING 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 Kris Lee
Commissioner Dave Short
<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 17, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION TO RESCIND A PROTECTIVE COVENANT RESTRICTING THE RETAIL USE OF PETERS SUBDIVISION SECTION 3 INLOT 5873</td>
</tr>
<tr>
<td>(Should match resolution/ordinance title)</td>
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<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>☑ Resolution</td>
</tr>
<tr>
<td>☐ Consent</td>
<td>☑ Ordinance</td>
</tr>
<tr>
<td>☑ City Manager</td>
<td>☑ Asst. City Manager/Finance</td>
</tr>
<tr>
<td>☑ Asst. City Manager/Development</td>
<td>☑ Law Director</td>
</tr>
<tr>
<td>☑ Planning Commission</td>
<td>☑ City Planner</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td></td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>The prospective buyer, with the consent of the property owner, has requested the protective covenant restricting the retail use of Inlot 5873 be rescinded and the use of the property be regulated solely based upon its zoning designation. 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>(Includes description, background, and justification)</td>
<td></td>
</tr>
<tr>
<td>BUDGETING AND FINANCIAL IMPACT</td>
<td>Budgeted $:</td>
</tr>
<tr>
<td>(Includes project costs and funding sources)</td>
<td>Expenditure $:</td>
</tr>
<tr>
<td>Source of Funds:</td>
<td></td>
</tr>
<tr>
<td>Narrative:</td>
<td>Having conducted a public hearing to receive public comment and deliberate on the matter, the Planning Commission found the protective covenant restricting the retail use of the property to be unwarranted and has recommended rescinding the covenant.</td>
</tr>
<tr>
<td>OPTIONS</td>
<td>1. Adopt the resolution to authorize rescinding the covenant</td>
</tr>
<tr>
<td>(Include Deny/Approval Option)</td>
<td>2. Defeat the resolution to reject rescinding the covenant</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>April 9, 2018 – Planning Commission: Public Hearing</td>
</tr>
<tr>
<td></td>
<td>April 17, 2018 – 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>Exhibit</td>
</tr>
</tbody>
</table>
RESOLUTION No. PC 13-18

WHEREAS, Thom Baker, has submitted a request to rescind a protective covenant restricting the retail use of Peters Subdivision - Section 3, Inlot 5873; and,

WHEREAS, Section 151.34 of the City of Piqua Code of Ordinances provides the procedure for consideration of a final plat, including holding a public hearing and making a determination regarding the conformity of the plat with the applicable subdivision and zoning regulations; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established findings that indicate rescinding the subject protective covenant:

☐ Will be compatible with the intended use of the real property.
☐ Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.
☐ Is compatible with the general economic development policies of the City.
☐ Conforms to all other applicable codes and regulations of the city.

NOW THEREFORE BE IT RESOLVED, board member _____________ hereby moves to recommend ___________________ of the request made, as described by this resolution, the testimony provided, and the documents included herewith, and the motion is seconded by board member _____________, and the voting record on this motion is hereby recorded as follows.

<table>
<thead>
<tr>
<th></th>
<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Jim Oda</td>
<td>☑</td>
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<tr>
<td>Mr. Gary Koenig</td>
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<tr>
<td>Mr. Stu Shear</td>
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<tr>
<td>Mrs. Cindy Pearson</td>
<td>☑</td>
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<tr>
<td>Mr. Mark Spoltman</td>
<td>☑</td>
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<td>☐</td>
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</tr>
</tbody>
</table>
Chris Schmiesing  
City of Piqua  
201 W. Water Street  
Piqua OH 45356

Re: Protective covenant restricting the retail use of Peters Subdivision - Section 3, Inlot 5873

Mr. Schmiesing:

Please accept this letter as my acknowledgement of the request submitted seeking to rescind a protective covenant restricting the retail use of Peters Subdivision - Section 3, Inlot 5873. As the current owner of the subject property I hereby consent to the request to rescind the subject protective covenant and wish to express my support for the approval of this item.

Sincerely,

Barbra J. Sherry
TERMINATION OF COVENANT AGREEMENT

This Termination of Covenant Agreement is made and entered into the last date set forth below, by and among the CITY OF PIQUA, OHIO, an Ohio municipal corporation (the "City"), and all of the undersigned LOT OWNERS IN THE PETERS SUBDIVISION, SECTION 3, IN THE CITY OF PIQUA, OHIO (collectively, "Current Lot Owners").

RECITALS:

A. The City and the then owner of Lot 5873 in Peters Subdivision, Section 3, in the City of Piqua entered into an Agreement dated June 17, 1964, which was recorded on June 22, 1964, in Book 16, Page 33 of the Miscellaneous Records of Miami County, Ohio (the "Agreement"); and

B. The City and the Current Lot Owners have mutually agreed to terminate a covenant in the Agreement.

NOW, THEREFORE, in consideration of the promises, covenants and agreements contained herein, the City and the Current Lot Owners agree as follows:

1. The City and the Current Lot Owners hereby mutually agree to terminate the covenant in the Agreement that restricts any retail establishment from being conducted or permitted in the Peters Subdivision except a drugstore having first floor area not to exceed two thousand (2,000) square feet.

2. The parties shall cause this instrument to be recorded in the Official Records of Miami County, Ohio, as soon as reasonably possible after all parties have executed same.

IN WITNESS WHEREOF, the parties have executed this Mutual Agreement to Terminate Agreement as of the day and year shown below their respective signatures.
CITY OF PIQUA, OHIO  
AN OHIO MUNICIPAL CORPORATION

By: ________________________

Its: ________________________

Dated: ______________________

By: ________________________

Its: ________________________

Dated: ______________________

CURRENT LOT OWNERS

Lot 5864

Jonathan A. Wessel

Dated: 1/26/17

Aprille M. Wessel

Dated: ______________________

Lot 5865

Steven C. Perrine

Dated: 1/21/18

Penny L. Perrine

Dated: 1/21/18

Lot 5866

Dorla D. Curtis

Dated: 1/20/18

Dated: 1/20/18
Lot 5867
Licette Realty II LLC
By: ____________________________
Its: ____________________________
Dated: _________________________

Lot 5868
By: Bryan S. Eades
Dated: 1-26-2018

Lot 5869
By: Rita Stang
Dated: 1/26/2018

Lot 5870
By: Charles A. Vosler
Dated: 1/31/2018

Lot 5871
By: Bradley A. Elliott
Dated: 1/26/18

Lot 5872
By: Keith Howard
Dated: 1/26/18

DECEASED
Juanita M. Vosler
Dated: _________________________

Rachel K. Elliott
Dated: 1-28-18

Pamela B. Howard
Dated: 1-28-18
Lot 5867
Liette Realty II LLC
By: [Signature]
Its: [Name]
Dated: 1-30-2018

Lot 5868

Bryan S. Eades
Dated: 

Lot 5869

Rita Stang
Dated: 

Lot 5870

Charles A. Vosler          Juanita M. Vosler
Dated: 

Lot 5871

Bradley A. Elliott         Rachel K. Elliott
Dated: 

Lot 5872

Keith Howard               Pamela E. Howard
Dated: 

3
Lot 5873

Barbara J. Sherry

Dated: ______________________

20' Strip Between Lots 5874 and 5875

Barbara J. Sherry

Dated: ______________________

Lot 5874

Steven D. Frazier

Dated: 1-19-18

Deborah S. Frazier

Dated: 1-19-18

Lot 5875

Barbara J. Drapp

Dated: 1/25/2019

Lot 5876

Daniel J. Yeomans, II

Dated: ______________________

Linda S. Yeomans

Dated: ______________________

Lot 5877

Jessica L. Lauber

Dated: 1-23-12

Dated: ______________________
Lot 5873

Barbara J. Sherry

Dated: 2-7-18

20' Strip Between Lots 5874 and 5875

Barbara J. Sherry

Dated: 2-7-18

Lot 5874

Steven D. Frazier

Dated: ______________________

Lot 5875

Barbara J. Drapp

Dated: ______________________

Lot 5876

Daniel J. Yeomans, II

Dated: ______________________

Lot 5877

Jessica L. Lauber

Dated: ______________________

Deborah S. Frazier

Dated: ______________________

Linda S. Yeomans

Dated: ______________________
Lot 5873

Barbara J. Sherry
Dated: __________________________

20' Strip Between Lots 5874 and 5875

Barbara J. Sherry
Dated: __________________________

Lot 5874

Steven D. Frazier
Dated: __________________________

Lot 5875

Barbara J. Drapp
Dated: __________________________

Lot 5876

Daniel J. Yeomans, II
Dated: 2-15-18

Lot 5877

Jessica L. Lauber
Dated: __________________________

Deborah S. Frazier
Dated: __________________________

Linda S. Yeomans
Dated: 2-15-2018
Lot 5878
Dustin Wenrich
Dated: 2-1-15

Leslie D. Wenrich
Dated: 2-1-18

David H. Brown
Dated: 2-1-18

Susanne M. Brown
Dated: 2-1-28

Lot 5879
Herbert E. Gragg
Dated: 1-20-18

Lot 5880
Wells Fargo Bank
By: 
Its: 
Dated: 

Lot 5881
John T. Stevens
Dated: Jan 30, 2018

This instrument prepared by: FAULKNER, GARMHAUSEN, KEISTER & SHENK, A Legal Professional Association, Courtyard Center - Suite 300, 100 South Main Avenue, Sidney, Ohio 45365.
Lot 5879

Herbert E. Gragg

Dated: ____________________________

Lot 5880

Mary L. Spruance

Dated: 3-13-18

Lot 5881

John T. Spruance

Dated: ____________________________

This instrument prepared by: FAULKNER, GARMHAUSEN, KEISTER & SHenk, A Legal Professional Association, Courtyard Center - Suite 300, 100 South Main Avenue, Sidney, Ohio 45365.

g'atm investments determination agmt-city of pips & lot owners 3-1-18.doc
RESOLUTION NO. R-65-18

A RESOLUTION AUTHORIZING AN R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) CONCEPT PLAN FOR LOT 8195, 8196, AND 8197

WHEREAS, the Planning Commission has studied a proposed R-PUD (Residential Planned Unit Development) for lots 8195, 8196, AND 8197, 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 154.043 requires the Commission to take action on planned unit development concept plan 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 concept plan for an R-PUD (Residential Planned Unit Development) for Lot 8195, 8196, and 8197, as shown in Exhibit "A" attached hereto, is hereby approved.

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

KATHRYN B. HINDS, MAYOR

PASSED: ____________________________

ATTEST: _______________________

KIMBERLY J. HEBB

ACTING 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 Kris Lee
Commissioner Dave Short
# Commission Agenda
## Staff Report

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 17, 2018</th>
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<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AUTHORIZING AN R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) CONCEPT PLAN FOR LOT 8195, 8196, AND 8197</td>
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</tbody>
</table>
| SUBMITTED BY | Name: Chris Schmiesing, City Planner  
Department: Development Department |
| AGENDA CLASSIFICATION | ☒ Resolution  
☐ Consent  
☐ Ordinance  
☐ Regular |
| APPROVALS/REVIEWS | ☒ City Manager  
☐ Asst. City Manager/Finance  
☐ Asst. City Manager/Development  
☐ Law Director  
☒ Planning Commission  
☐ City Planner |
| BACKGROUND | The property owner has requested approval of a concept plan for an R-PUD (Residential Planned Unit Development). 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: |
| OPTIONS | 1. Adopt the resolution to authorize the concept plan  
2. Defeat the resolution to reject the concept plan |
| PROJECT TIMELINE | April 9, 2018 – Planning Commission: Public Hearing  
April 17, 2018 – City Commission: Final Action |
| STAFF RECOMMENDATION | Approve resolution |
| REASON FOR SELECTING CONSULTANT/COMPANY | N/A |
| ATTACHMENTS | Exhibit |
RESOLUTION No. PC 14-18

WHEREAS, HCF Management applicant for the subject property located at 1567 Garbry Road, in the City of Piqua, Ohio, has submitted a request to accept approval for R-PUD (Planned Unit Development) Concept Plan for Lots 8195, 8196 and 8197; and

WHEREAS, Section 154.044 Submission Requirements, of the City of Piqua Code of Ordinances provides authorization for the approval of an Application; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established findings that indicate the proposed zoning designation:

☑ Will be compatible with the intended use of the real property.
☑ Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.
☑ Is compatible with the general economic development policies of the City.
☑ Conforms to all other applicable codes and regulations of the city.

NOW THEREFORE BE IT RESOLVED, board member Koenig hereby moves to recommend (approval or denial) of the request made, as described by this resolution, the testimony provided, and the documents included herewith, and the motion is seconded by board member Spoltman, and the voting record on this motion is hereby recorded as follows.

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March 5, 2018

City of Piqua
Chris Schmiesing - City Planner
201 W. Water Street
Piqua, OH 45356

Re: Narrative of the proposed Garbry Ridge project work

Dear Mr. Schmiesing:

In 1998, HCF Realty of Garbry Ridge, Inc. purchased property on Garbry Road and constructed the existing assisted living facility. Over the years we have purchased additional property adjacent to Garbry Ridge for future expansion. Our long term goal was to create a campus setting that would encompass our current assisted living facility, independent living cottage homes and eventually a replacement building for our long term care facility Piqua Manor. We have conducted market studies over the past few years for possible needs in the community and have confirmed the need for additional memory care assisted living units and the need for independent living homes.

Planning for this project began with the corporate intention of providing memory care assisted living housing and services. Our plan is to construct a 15 unit memory care addition to our current building with the capability to add one additional wing, if needed. At this time, we are also planning to develop a portion of the infrastructure that will be needed for the first phase of the senior living cottages homes consisting of approximately three buildings, with two units in each building. Attached is an overall master plan that reflects our long term development plan.

Phase one of the proposed project is to develop the site utilities and roadways required for the addition of the assisted living units to our current building and the four proposed senior living cottage homes including portions of the parking, utilities and storm drainage retention. This portion is planned to start in 2018.

Phases two & three of the proposed project is to complete the site utilities and roadways required for the remaining senior living cottage homes shown on the project master plan including the roadways, parking, utilities and storm drainage. The start date for phase two & three will be determined by the success and demand of the senior living cottage homes. We anticipate that the cottage homes will be successful, allowing us to complete the remaining cottage homes in two phases over the next three or four years. The final phase of the project would be to build a new long term facility that would replace our current Piqua Manor. This would not be in the near future but is our long term goal to complete our campus setting in Piqua Ohio.

Sincerely,

[Signature]

Revis Nickles
Vice President - Development & Properties

1100 Shawnee Road • Lima, OH 45805 • Phone (419) 999-2010 • Fax (419) 999-6284 • www.HCFInc.com
DESCRIPTION OF 28.129 ACRES FOR ZONING PURPOSES

Situated in the City of Piqua, County of Miami, State of Ohio; also being a part of the Northwest Quarter of Section 24, Town 1 North, Range 11 East; also being those lands as conveyed to HCF Realty of Garbry Ridge, Inc. in Deed Book 764 Page 936 and Official Record 333 Page 104, also being Lots 8195, 8196 and 8197; being more particularly described as follows:

Commencing at the southeast corner of the northwest quarter of Section 24; thence,

Along the south line of said northwest quarter section, North 84° 58' 27" West for a distance of 495.34' to a point; thence,

North 03° 37' 36" East for a distance of 83.86' to a point, said point being the southeasterly corner of the herein-described lands and the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Along the southerly line of the herein-described lands, North 83° 28' 59" West for a distance of 1219.36' to a point; thence,

Along a westerly line of the herein-described lands, North 03° 31' 24" East for a distance of 382.20' to a point; thence,

Along a northerly line of the herein-described lands, South 86° 28' 28" East for a distance of 349.77" to a point; thence,

Along a westerly line of the herein-described lands, North 02° 02' 20" East for a distance of 687.53' to a point along the centerline of Garbry Road (60' right-of-way); thence,

Along a northerly line of the herein-described lands and the centerline of Garbry Road, North 76° 56' 58" East for a distance of 926.76' to a point; thence,

Along the easterly line of the herein-described lands, South 03° 37' 36" West for a distance of 1397.53' to the point of beginning, containing 28.129 acres of land, more or less.

Basis of bearings for the above-described lands is a portion of the centerline of Garbry Road being North 76° 56' 58" East as described in Deed Book 764 Page 936.

The above description is based on record documents and is intended to be used for zoning purposes only.

STATE OF OHIO

MICHAEL KELLER
PROFESSIONAL SURVEYOR

3/05/18

Michael L. Keller
Professional Surveyor, Ohio License No. 7978
RESOLUTION NO. R-66-18

A RESOLUTION AUTHORIZING AN AMENDMENT TO ZONING MAP TO CHANGE THE ZONING DESIGNATION OF LOT 8195, 8196, AND 8197 FROM R-3 (RESIDENTIAL MULTI-FAMILY) AND OS (OPEN SPACE) TO R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT)

WHEREAS, the Planning Commission has studied a proposed amendment to the zoning map to change the zoning designation of lot 8195, 8196, and 8197, from R-3 (Multi-Family Residential) and OS (Open Space) to R-PUD (Residential Planned Unit Development), 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 154.043 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-PUD (Residential Planned Unit Development) for Lot 8195, 8196, and 8197, 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-PUD (Residential Planned Unit Development) for Lot 8195, 8196, and 8197, 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: ____________________

KIMBERLY J. HEBB

ACTING 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 Kris Lee __________
Commissioner Dave Short __________
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<td>SUBMITTED BY</td>
<td>Name: Chris Schmiesing, City Planner</td>
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<td>Department: Development Department</td>
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<td>☑ Asst. City Manager/Development</td>
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<td>☑ Planning Commission</td>
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<td>BACKGROUND</td>
<td>The property owner has requested the zoning designation of the subject property be changed to be R-PUD (Residential Planned Unit Development). This zoning will accommodate the intended development of the lot to include an expansion of an existing elderly care facility and independent living cottage homes. 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>
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<td>Source of Funds:</td>
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<td>Narrative:</td>
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RESOLUTION No. PC 15-18

WHEREAS, HCF Management applicant for the subject property located at 1567 Garbry Road, in the City of Piqua, Ohio, has submitted a request to change the zoning designation of Lots 8195, 8196 and 8197 from R-3/Open Space to R-PUD (Planned Unit Development); and

WHEREAS, Section 154.041 (B) of the City of Piqua Code of Ordinances provides the procedure for authorizing the approval of a Change to the Zoning designation of a lot; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established findings that indicate the proposed zoning designation:

☑ Will be compatible with the intended use of the real property.
☑ Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.
☑ Is compatible with the general economic development policies of the City.
☑ Conforms to all other applicable codes and regulations of the City.

NOW THEREFORE BE IT RESOLVED, board member ☑ Pearson hereby moves to recommend ☑ approval or denial of the request made, as described by this resolution, the testimony provided, and the documents included herewith, and the motion is seconded by board member ☑ Stu shear, and the voting record on this motion is hereby recorded as follows.

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CITY OF PIQUA, OHIO

Application for Zoning Change

1. Applicant's Name: Revis Nickles
   Phone: 419-999-2010
   Applicant's Address: 1100 Shawnee Road Lima, OH 45805

2. Owner's Name: HCF Management, Inc
   Phone: 419-999-2010
   Owner's Address: 1100 Shawnee Road Lima, OH 45805

3. Type of legal interest held by applicant:

4. Location of Rezoning request:
   A. Legal description (Inlot No. or attach legal description): Legal Description Attached
   B. Address: 1567 Garby Road Piqua, OH 45356

5. Existing zoning: R-3/Open Space

6. Existing usage: Assisted Living

7. Proposed zoning: R-PUD

8. Proposed usage: Assisted Living/Independent Cottages/Skilled Nursing

9. Is this "Request for Zoning" contingent upon annexation? Y _____ N X

10. Describe the reason for the requested rezoning: Purchased adjacent land zoned "open space" and want to develop senior living campus

11. Has a Rezoning Request for this location been made before? Y _____ N X
    If yes, give date of previous application: __________

12. No. of site plans submitted (if required UNLESS waived): 1-1/2 set and Electronic set
    I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws of the City of Piqua, Ohio.

   Signature of Applicant: ____________________________ Date: 3/5/18

   Signature of Owner: ____________________________ Date: 3/5/18

Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

********************************************************************** OFFICE USE ONLY**********************************************************************

$50.00 Fee paid 100.00 Date fee paid 3-8-18

Receipt no. 190223 P.C. Res. no. ___________
March 5, 2018

City of Piqua
Chris Schmiesing - City Planner
201 W. Water Street
Piqua, OH 45356

Re: Narrative of the proposed Garbry Ridge project work

Dear Mr. Schmiesing:

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Sincerely,

Revis Nickles
Vice President - Development & Properties

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STATE OF OHIO

MICHAEL L. KELLER
PROFESSIONAL SURVEYOR

Registered

Michael L. Keller
Professional Surveyor, Ohio License No. 7978

Date

3/05/18