

A G E N D A
PIQUA CITY COMMISSION
MONDAY, OCTOBER 6, 2008
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

RESIDENCE PRIDE AWARDS - OCTOBER 2008:

- Elmer & Vickie Stewart – 231 McKinley Avenue
- Frances Noland (Owner) - Judy & Allan Wright (Renters) - 636 W. Water Street
- The Learning Place – 201 R.M. Davis Parkway
- Shad & Donna Freeman – 1600 New Haven Road
- Clarence & Lillian Ford (Owners) – Norma Leiberick (Renter) - 109 Johnston Street

PRESENTATION OF PROCLAMATION - CRIME PREVENTION -2008

REGULAR CITY COMMISSION MEETING

1. **APPROVAL OF MINUTES** Approval of the minutes from the September 8, Special City Commission Meeting, September 15, Regular City Commission Meeting, August 27 and September 24, 2008 City Hall in the Park minutes
2. **ORD. NO. 25-08** An Ordinance amending Ordinance No. 33-66 relating to the Municipal Income Tax
3. **RES. NO. R-108-08** A Resolution of authorization for an Ohio Public Works Commission (OPWC) Grant application for the Riverside Drive/Broadway Phase II reconstruction project
4. **RES. NO. R-109-08** A Resolution awarding a contract for the purchase of a refuse packer truck for the Sanitation Department
5. **RES. NO. R-110-08** A Resolution authorizing the City Manager to submit an application for Federal Safetea-Lu Funds through the Miami Valley Regional Planning Commission for the County Road 25-A Phase II Reconstruction Project

6. **RES. NO. R-111-08** A Resolution for preliminary consent to award a contract to Peterson Construction Company for the construction of a 3.0 million gallon flow equalization basin and standby power generator for the Wastewater Treatment Plant
7. **RES. NO. R-112-08** A Resolution declaring and designating a blighted area in the City of Piqua, Ohio
8. **RES. NO. R-113-08** A Resolution approving the fiscal year 2008 Community Development Block Grant Revitalization program application
9. **RES. NO. R-114-08** A Resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation (ODOT) for the landscape design services to the I-75/US Route 36 interchange in conjunction with the Ohio Department of Transportation US Route 36 bridge deck Replacement project over I-75
10. **RES. NO. R-115-08** A Resolution adopting a Long Range Financial plan for the City of Piqua

OTHER:

- Monthly Reports – August 2008

ADJOURN

**MINUTES
PIQUA CITY COMMISSION WORK SESSION
SEPTEMBER 8, 2008
5:00 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356**

Piqua City Commission met in a Special Work Session in the Administrative Conference Room in the Municipal Government Complex, 201 W. Water Street for a work session. Mayor Hudson called the meeting to order at 5:00 P.M. Also present were Commissioners Martin, Vogt, and Terry. Absent: Fess. Also in attendance: City Manager Fred Enderle, Human Resource Director Elaine Barton, and Finance Director Cynthia Holtzaple. Numerous Fire and Police Personal and several citizens.

Purpose of the Special Meeting is to discuss Long Range Financial Planning.

Commissioner Terry arrived at 5:05 P.M.

City Manager Enderle handed out a packet of information regarding the Long Range Financial Plan. Included in the packet were:

1. Core Services
2. Recommended Revenue Enhancements
3. Proposed Expenditure Reductions

Mr. Enderle stated the purpose of the plan was to address all funds of the City, but with the major focus on the General Fund because it supports the general purposes of the City and is most volatile in terms of funding sources (state and local taxes, etc.). The purpose of the plan is to:

- Align financial capacity with long-term service goals
- Combine financial forecasting with strategic thinking and planning
- Gather information, analyze challenges and opportunities, decide a plan of action, and continue to evaluate action taken

Mr. Enderle presented a slide with the projections that were proposed in March 2008 and went over the projected General Fund balances through 2011.

Mr. Enderle went over the Recommended Revenue Enhancements line by line and answered questions regarding the items. These included New Fee Increases, Current Fee Increases, Cost Recovery of Services, Grant and Foundation Support, Property Rental, and Income Tax. And in the Enterprise Accounts this included New Fees, Current Fee Increases, and Cost Recovery of Services. There was discussion on how this would be implemented and several questions regarding the costs and fees.

Mr. Enderle explained how the proposed expense reduction list was put together, and also went over the report line by line for each department and explained how it would be implemented.

Mr. Enderle went over the projections of the Minimal Revenue & Expenses Alternatives and explained the estimated costs thru 2011.

City Manager Enderle stated he feels with prudent budgeting between now and 2011, couple with increased economic activity, we will putting the City on a course that will achieve our long-term planning goals. Mr. Enderle reminded everyone that this is a plan, and as such, it needs to be adaptable to changing conditions. This means we may have to adjust our course down the road if there are significant changes in economic conditions.

Public Comment

Bill Hogston, President of the Piqua Fire Fighters Union, asked several question concerning the General Fund Balance. City Manager Enderle explained how the money was appropriated.

There were questions and a discussion followed in reference to ambulance run fees, possible reduction of an inspector in the Health Department, the issuance of civil citations, and the collection of the fees. City Manager Enderle explained what is planned and stated the information is reflected in the numbers in the proposals.

Executive Session

- a. To consider the purchase or sale of property for public purposes
- b. To prepare for and review terms and conditions of employment for City personnel

Moved by Commissioner Fess, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 6:15 P.M and move into Executive Session. Roll call, Aye: Vogt, Fess, Martin, Hudson, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from Executive Session at 8:25 P.M. Voice vote, Aye: Hudson, Martin, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 8:25 P.M. Voice vote, Aye: Terry, Martin, Fess, Hudson and Vogt. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
MONDAY, SEPTEMBER 15, 2008
7:30 P.M.**

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

Moved by Commissioner Martin, seconded by Commissioner Fess, to excuse Commissioner Terry from the September 15, 2008 Piqua City Commission Meeting. Voice vote, Aye: Hudson, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously.

REGULAR CITY COMMISSION MEETING

APPROVAL OF MINUTES

Moved by Commissioner Fess, seconded by Commissioner Vogt, that the Minutes of the August 25, 2008 Piqua City Commission work Session, and the September 2, 2008 Regular City Commission Meeting be approved. Voice vote, Aye: Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously.

RES. NO. R-99-08

A Resolution of appreciation for the public service of Jeffrey H. Meckstroth as a City Employee

Public Comment

No one came forward to speak for or against Resolution No. R-99-08.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adopt Resolution No. R-99-08. Voice vote, Aye: Hudson, Vogt, Martin, and Fess. Nay, None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-99-08 adopted.

RES. NO. R-100-08

A Resolution of appreciation for the public service of Thomas R. Zechman as a City Employee

Mayor Hudson read the proclamation and presented it to Mr. Zechman

Mr. Zechman thanked the Mayor and the City Commission for the opportunity to have served as the Public Works Director for the City of Piqua. Mr. Zechman mentioned a few of the major projects he was fortunate enough to involved with and thanked the Public Works Department, the department heads, and staff members citing it has been a pleasure to work with them over the years.

Public Comment

No one came forward to speak for or against Resolution No. R-100-08.

Commissioner Fess stated she has had the privilege of knowing Mr. Zechman since he moved to Piqua, and voiced her appreciation and respect for him. Mrs. Fess further stated she has enjoyed working with Mr. Zechman thru the years on various projects said Mr. Zechman is truly a consument professional.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that resolution No. R-100-08 be adopted. Voice vote, Aye: Martin, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-100-08 adopted.

RES. NO. R-101-08

A Resolution authorizing the City Manager to enter into an agreement with the Miami County Board of Commissioners and the Village of Fletcher to provide sanitary sewer service to the Village of Fletcher

There was discussion and questions regarding the sanitary overflow and the size of the line coming from Fletcher to the State Patrol on Rt. 36. Commissioner Vogt voiced his concern about spending the \$150,000 at this time. Public Works Director Tom Zechman stated Fletcher would still go forward with this project even if the City of Piqua does not approve this resolution at this time. City Manager Enderle stated working with Fletcher on this project would save the City of Piqua money in the future to invest in this project at this time. There was also questions and discussion on the impact on new industry coming into Piqua, and what properties this sanitary sewer line would serve. City Manager Enderle explained the advantages to moving forward with Fletcher on this project at this time. Commissioner Fess asked if this would have to come back to the City Commission for approval. City Manager Enderle stated yes, it would have to come back before the City Commission in the future. Commissioner Fess stated there was a lot of money spent on infrastructure over the last ten-fifteen years.

Public Comment

No one came forward to speak for or against Resolution No. R-101-08.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Resolution No. R-101-08 be adopted. Roll call, Aye: Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-101-08 adopted.

RES. NO. R-102-08

A Resolution approving the tax rates for the City as determined by the Miami County Budget Commission

Commissioner Martin asked if the city to money received from Miami County was from the property taxes paid by the property owners in Piqua. City Manager Enderle stated yes the money received by the City is from the property taxes. Commissioner Vogt stated the City does not get that much of the total amount of the property tax paid. City Manager Enderle stated the schools get most of the money from the property taxes.

Public Comment

Brad Boehringer, 128 Mound Street asked how the property tax money is spent. City Manager Enderle stated the City only receives a small portion and it is explained in the City Budget.

No one else came forward to speak for or against Resolution No. R-96-08

Moved by Commissioner Vogt, seconded by Commissioner Fess, that Resolution No. R-102-08 be adopted. Voice vote, Aye: Hudson, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-102-08 adopted.

RES. NO. R-103-08

A Resolution awarding a contract to Morton Salt for the purchase of road salt for the Street Department

Commissioner Fess inquired as to the reason the salt is not available this year, and asked if it would be possible to use sand instead of salt. Mr. Zechman explained the reason the salt is not readily available, and the reason for not using salt on the streets. Commissioner Vogt asked if it would be possible to purchase salt from other communities as needed. City Manager Enderle stated that other communities were only purchasing what they would need, and would not have any excess to sell the City of Piqua this year.

Public Comment

No one came forward to speak for or against Resolution No. R-103-08.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Resolution No. R-103-08 be adopted. Voice vote, Aye: Martin, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-103-08 adopted.

RES. NO. R-104-08

A Resolution amending the total payment to Tuttle Construction, Inc. for the Fort Piqua Plaza Restoration project right-of-way improvements

Several questions were asked regarding the reason for the additional \$80,000 and when the work would be completed. Mr. Zechman explained the need for the additional \$80,000 and stated the work would be completed by the opening of the project in October.

Public Comment

No one came forward to speak for or against Resolution No. R-104-08.

Moved by Commissioner Terry, seconded by Commissioner Fess, that Resolution No. R-104-08 be adopted. Roll call, Aye: Fess, Vogt, Martin and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-104-08 adopted.

RES. NO. R-105-08

A Resolution appointing a member to the Tree Committee

Commissioner Fess stated she felt that Regina Favorite would be a great addition to the Tree Committee

Public Comment

No one came forward to speak for or against Resolution No. R-105-08.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Resolution No. R-10508 be adopted. Voice vote, Aye: Hudson, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-105-08 adopted.

RES. NO. R-106-08

A Resolution authorizing the City Manager to enter into all necessary agreements with the Fort Piqua Redevelopment Corporation relating to the Fort Piqua Hotel Development Project

City Manager Enderle provided a brief power point presentation on the amount of money that was needed to complete the project. Mr. Enderle went over the figures on both the revenue and expense reports and stated we would have a positive balance in the fund when the project is completed.

Commissioner Fess asked if someone would explain the Piqua Improvement Corporation and who made up the members. City Manager Enderle explained how the PIC was made up and who the

members were. Commissioner Fess stated she would like to have the project updates on the Hotel Project be put on the City's web site. City Manager Enderle stated the project budget has not changed since December 11, 2006, and will try to get all the information on the web site.

Public Comment

No one came forward to speak for or against Resolution No. R-106-08.

Commissioner Fess thanked City Manager Enderle for his presentation and explanation of the funds being spent.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-106-08 be adopted. Roll call, Aye: Hudson, Fess, Vogt, and Martin. Nay, None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-106-08 adopted.

RES. NO. R-107-08

A Resolution appointing a member to the Civil Citation Appeals Board

Public Comment

No one came forward to speak for or against Resolution No. R-107-08.

Moved by Commissioner Vogt, seconded by Commissioner Fess, that Resolution No. R-107-08 be adopted. Voice vote, Aye: Vogt, Hudson, Martin, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-107-08 adopted.

Public Comment

Bradley Boehringer, 128 Mound Street, voiced his concern over the City Commission awarding a contract to MEB at the September 2, 2008 City Commission Meeting.

Commissioner Fess responded to Mr. Boehringer's concerns over the issuance of the contract to MEB at the last City Commission Meeting of September 2, 2008.

Solider Fish, 904 W. Grant Street, voiced his concern and read a prepared letter regarding the lack of a skateboard park in the City of Piqua.

Commissioner Vogt congratulated Jeff Meckstroth and Tom Zechman on their retirements, stating good men are hard to replace. Mr. Vogt stated citizens can put their brush and debris from the windstorm out to the curb for pick up, or they can drop it off at the compost site.

Commissioner Martin also congratulated Mr. Meckstroth and Mr. Zechman on their retirement. Mr. Martin also complemented the City Power Department for keeping our power on during the windstorm, and the other departments for help in getting the city cleaned up so quickly.

Commissioner Fess stated the City of Piqua is blessed to have such wonderful people in the Power Plant and in the other departments working for the citizens, and thanked them all for their hard work and dedication. Mrs. Fess thanked Mr. Meckstroth and Mr. Zechman for their service to the City of Piqua.

City Manager Enderle stated Bill Sommer and his crew at the Distribution Department were out working many hours to ensure the citizens of Piqua had power during the recent windstorm. Mr. Enderle stated there are many dedicated loyal and caring employees who work for the City of Piqua who go the extra mile.

Mayor Hudson asked what type of information is given to new residents or new renters coming into the city. Cynthia Holtzapple explained what type of information is provided to new residents. Mayor Hudson stated the City of Piqua would be losing a large number of experienced employees over the next few years, and thanked Mr. Zechman for his service to the community and to the City of Piqua. Mayor Hudson voiced his commitment to have a skateboard park and a community center in the City of Piqua before he leaves office.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from The Regular Piqua City Commission Meeting at 9:10 P.M. Voice vote, Aye; Hudson, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Minutes of Public Meeting

City Hall in the Park meeting held at 7:30 p.m., Wednesday, August 27, 2008 at French Park in Piqua attended by members of the Piqua City Commission, city staff members and public.

Present from the City Commission was: Vice Mayor Lucinda Fess, Commissioner John Martin, Commissioner William Vogt, and Commissioner Julia Terry. Absent was Mayor Thomas Hudson.

City Manager Fred Enderle welcomed the audience, introduced city staff present.

City Commissioner John Martin moved that the prepared agenda be bypassed and the meeting proceed to questions and answers.

Questions and answers about several city related matters occurred.

Commissioner Terry made the motion for adjournment, seconded by Commissioner Vogt. Motion carried unanimously by voice vote. Meeting adjourned at approximately 9:00 p.m.

Note: Previous meetings of City Hall in the Park: Wednesday, May 28 at 7:30 p.m. in Lower Fountain Park; Wednesday, June 25 at 7:30 p.m. in Pitsenbarger Sports Complex; Wednesday, July 30 at 7:30 p.m. in Ann M. Das Park were all attended by members of the City Commission and City Staff. No motions were made by members of the City Commission.

Submitted by: A.H. Burner, Deputy Assistant City Manager

Minutes of Public Meeting

City Hall in the Park meeting held at 7:30 p.m., Wednesday, September 24, 2008 at Mote Park in Piqua attended by members of the Piqua City Commission, city staff members and public.

Present from the City Commission was: Mayor Thomas Hudson, Commissioner John Martin, Commissioner William Vogt, Commissioner Julia Terry, and Commissioner Lucinda Fess. In the absence of City Manager Fred Enderle, Finance Director Cynthia Holtzapple welcomed the audience, introduced city staff present.

Mrs. Holtzapple introduced those making the three brief informational presentations on important aspects concerning Piqua citizens: Civil Citations by Amy Welker, Health & Sanitation Director, Long Range Financial Planning Process by Finance Director Cynthia Holtzapple, and Recycling by Amy Welker, Health & Sanitation. Time was provided for citizens' questions and comments by City Commissioners.

Questions and answers about several city related matters occurred after the informational presentations. At a point, exchanges between certain citizens and other citizens became so uncivil and unruly that the meeting could no longer continue in the judgement of members of the Piqua City Commission. Commissioner Vogt made the motion for adjournment, seconded by Commissioner Fess. Motion carried unanimously by voice vote. Meeting adjourned at 8:07 p.m.

Submitted by: A.H. Burner, Deputy Assistant City Manager

ORDINANCE NO. 25-08

AN ORDINANCE AMENDING ORDINANCE NO. 33-66,
RELATING TO THE MUNICIPAL INCOME TAX

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

SECTION 1. Ordinance No. 33-66 as enacted July 5, 1966 and as subsequently amended by Ordinance Numbers 18-67, 26-71, 28-71, 10-76, 67-78, 76-79, 24-83, 36-84, 29-88, 20-89, 84-89, 18-90, 7-97, 34-00, 39-00, 27-02, ~~and 20-03, and 22-04~~ is hereby amended to read as follows (with deletions lined out and additions underlined):

Section 1: Purpose

To provide funds for the purposes of permanent improvements, new equipment, extension and enlargement of municipal services and facilities, capital improvements and operating expenses of the City of Piqua, there shall be, and is hereby levied, a tax on income, qualifying wages, commissions and other compensation, net profits, and other taxable income as hereinafter provided.

Section 2: Definitions

As used in this ordinance, the following words shall have the meaning ascribed to them in this Section, except as and if the context clearly indicates or requires a different meaning.

ADJUSTED FEDERAL TAXABLE INCOME – A C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

- a. Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
- b. Add an amount equal to five percent (5%) of intangible income deducted under Section (2)(a), but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;
- c. Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

- d. (1) Except as provided in Section (2)(d)(2) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;
- (2) Section (2)(d)(1) does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the internal Revenue Code.
- e. Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;
- f. In the case of a real estate investment trust and regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;
- g. If the taxpayer is not a C corporation and is not an individual, the taxpayer shall compute adjusted federal taxable income as if the taxpayer were a C corporation, except;
 - (1) Guaranteed payments and other similar amounts paid or accrued to a partner, former partner, member, or former member shall not be allowed as a deductible expense; and
 - (2) Amounts paid or accrued to a qualified self-employed retirement plan with respect to an owner or owner-employee of the taxpayer, amounts paid or accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction.

Nothing in Section 2 shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

Nothing in this ordinance shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.

ADMINISTRATOR – The individual designated by the Director of Finance, with the approval of the City Manager, to administer and enforce the provisions of the ordinance.

ASSIGNMENT – The assignment made by a resident of the City of Piqua of claim for refund due from another taxing municipality granting credit to non-residents thereof.

ASSOCIATION – A partnership, limited partnership, limited liability company (including a single owner LLC), Chapter S corporation as defined in the federal tax code, 26 U.S.C. 1361, or any other form of unincorporated enterprise owned by two or more persons.

BOARD OF REVIEW – The Board created by and constituted as provided in Section 13 of this ordinance.

BUSINESS – An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, including but not limited to the renting or leasing of property, real, personal or mixed.

CORPORATION – A corporation or joint stock association organized under the laws of the United States, the State of Ohio or any other state, territory or foreign country or dependency, but not including Chapter S corporations.

THE DIRECTOR OF FINANCE – The Director of Finance of the City of Piqua, Ohio.

DOMICILE – The permanent legal residence of a taxpayer. A taxpayer may have more than one residence, but not more than one domicile.

EMPLOYEE – One who works for qualifying wages, ~~salary~~, commission or other type of compensation in the service of an employer.

EMPLOYER – An individual, partnership, association, corporation, governmental body, unit or agency or any other entity, whether or not organized for profit, who or that employs one or more persons on a ~~salary~~, qualifying wage, commission or other compensation basis.

FISCAL YEAR – An accounting period of twelve (12) months or less ending on any day other than December 31, and used by the taxpayer for Federal Income Tax purposes.

FORM 2106 – The Internal Revenue Service Form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

GROSS RECEIPTS – The total revenue derived from sales, work done, or service rendered before any deductions, exceptions or credits are claimed.

INCOME – Shall include all monies derived from any source whatsoever, including but not limited to:

- a. All ~~salaries~~, qualifying wages, commissions, other compensation and other income from whatever source received by residents of Piqua.

- b. All salaries, qualifying wages, commission, other compensation and other income from whatsoever source received by nonresidents for work done or services performed or rendered or activities conducted in Piqua.
- c. The portion attributable to the city of the net profits of all unincorporated businesses, associations, professions, corporations or other entities from sales made, work done, services performed or rendered, and business or other activities conducted in Piqua.

INTANGIBLE INCOME – Income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. Intangible income does not include prizes, awards, or other income associated with any lottery winnings or other similar games of chance.

INTERNAL REVENUE CODE – The Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

JOINT ECONOMIC DEVELOPMENT DISTRICT – Districts created under the Ohio Revised Code sections 715.70 through 715.83, as amended from time to time.

LIMITED LIABILITY COMPANY – A limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.

MUNICIPALITY – The City of Piqua.

NET PROFITS – A net gain from the operation of a business, profession, enterprise or other activity after provision for all ordinary and necessary expenses, either paid or accrued in accordance with the accounting system used by the taxpayer for Federal Income Tax purposes, without deduction of taxes imposed by this ordinance, federal, state and other taxes based on income; and in the case of an association, without deduction of qualifying wages salaries paid to partners and other owners; and otherwise adjusted to the requirements of this ordinance.

Net profits shall include any amount or value received, realized or recognized in a sale or other disposition of tangible personal property or real property used in business, in excess of book value.

NON-RESIDENT – An individual domiciled outside the City of Piqua.

NON-RESIDENT UNINCORPORATED BUSINESS ENTITY – An unincorporated business entity not having an office or place of business within the City of Piqua.

NONQUALIFIED DEFERRED COMPENSATION PLAN – A compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

PERSON – Every natural person, partnership, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a penalty, the term “person” as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

PLACE OF BUSINESS – Any bona fide office (other than a mere statutory office), factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity, individually or through one or more of his regular employees regularly in attendance.

QUALIFIED PLAN – A retirement plan satisfying the requirements under Section 401 of the Internal Revenue Code as amended.

QUALIFYING WAGES – Wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted in accordance with Section 718.03(A) of the Ohio Revised Code.

~~RECIPROCITY CREDIT – The credit granted by a municipality to its residents, and to non-residents whose city or residence grants a similar credit to non-residents thereof, based on fifty percent (50%) of the lesser of the two rates.~~

RESIDENT – An individual domiciled in the City of Piqua.

RESIDENT UNINCORPORATED BUSINESS ENTITY – An unincorporated business entity having an office or place of business within the City of Piqua.

RULES AND REGULATIONS – Administrative directives promulgated by the Administrator and approved by the Board of Review for the purpose of administering this ordinance.

SCHEDULE C – The Internal Revenue Service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.

SCHEDULE E – The Internal Revenue Service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.

SCHEDULE F – The Internal Revenue Service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.

S CORPORATION – A corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

TAXABLE INCOME – Qualifying wages, and other compensation paid by an employer or employers before any deductions and/or the net profits from the operation of a business, profession or other enterprise or activity adjusted in accordance with the provisions of the ordinance. Please refer to INCOME.

TAXABLE YEAR – The calendar year, or the fiscal year upon the basis of which the net profits are to be computed under the ordinance and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.

TAXING MUNICIPALITY – Any municipal corporation levying a municipal income tax on income, qualifying wages, commissions and other compensation earned by individuals, and on the net profits and other taxable income earned from the operation of a business, profession or other activity.

TAXPAYER – A person, whether an individual, partnership, association or any corporation or other entity, required under this ordinance to file a return or pay a tax.

Section 3: Imposition of Tax

- A. Subject to the provisions of Section 16 of this ordinance, an annual tax for the purposes specified in Section 1 hereof shall be imposed at the rate of one and three-fourths percent (1.75%) per annum.

The first one percent (1%) of said tax shall be levied until repealed by this commission; the next one-half percent (.5%) until repealed by the electorate; and the remaining one-fourth percent (.25%) from January 1, 1991 through December 31, 2010 and upon:

1. All qualifying wages, commissions, other compensation and other income earned or received during the effective period of this ordinance by residents of the City of Piqua.
2. All qualifying wages, commissions, other compensation earned and other income earned or received during the effective period of this ordinance by nonresidents for work done or services performed or rendered in the City of Piqua.
3. a. The portion attributable to the City of Piqua of the net profits earned or received during the effective period of this ordinance, of all resident unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Piqua.
- b. The portion of the distributive share of net profits earned or received during the effective period of this ordinance of a resident partner or owner of a resident unincorporated business entity not attributable to the City of Piqua

and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner, taxable hereunder on income attributable to another taxing municipality, shall be subject to the Relief and Reciprocity Provisions of Section 15 hereof.

4. a. The portion attributable to the City of Piqua of net profits earned or received during the effective period of this ordinance of all non-resident unincorporated businesses, professions or other entities, derived from sales made, work done or services performed or rendered and business or other activities conducted in the City of Piqua, whether or not such unincorporated business entity has an office or place of business in the City of Piqua.
 - b. The portion of the distributive share of net profits earned or received during the effective period of this ordinance of a resident partner or owner of a nonresident unincorporated business entity not attributable to the City of Piqua and not levied against such unincorporated business entity. Provided, however, that the liability of an individual partner or owner taxable hereunder on income attributable to another taxing municipality shall be subject to the Relief and Reciprocity provisions of Section 15 hereof.
 5. The portion attributable to the City of Piqua of net profits earned or received during the effective period of this ordinance of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Piqua, whether or not such corporations have an office or place of business in the City of Piqua.
 6. All income received as gambling winnings as reported on IRS Form W-2G, Form 5754 and or any other Form required by the Internal Revenue Service that reports winnings from gambling, prizes and lottery winnings. Gambling losses are not deductible.
- B. The portion of the net profits attributable to the City of Piqua of a taxpayer conducting a business, profession or other activity, both within and without the boundaries of the City of Piqua, shall be determined as provided in Section 718.02 of the Revised Code of Ohio and in accordance with the Rules and Regulations.

C. OPERATING LOSSES ~~CARRY FORWARD~~

- a. The Municipality does not allow a net operating loss carryback or carryforward.
- b. Losses from federal schedules and other sources reported for federal income tax purposes cannot be used to offset qualifying wages, commissions, other compensation and other taxable income earned or received by residents or nonresidents of the Municipality.

If an individual is engaged in two or more taxable business activities to be included in the same return, the net loss of one unincorporated business activity may be used to offset the profits of another (except any portion of a loss or profit separately reportable for municipal tax purposes to another taxing entity) for purposes of arriving at overall net profits or net operating loss.

- ~~1. The portion of a net operating loss sustained in any taxable year allocable to the City of Piqua may be applied against the portion of the profit of the succeeding year (s) allocable to the City of Piqua, until exhausted but in no event for more than five (5) taxable years. No portion of a net operating loss shall be carried back against net profits of any prior year.~~
- ~~2. The portion of a net operating loss sustained shall be allocated to the City of Piqua in the same manner as provided herein for allocating net profits to the City of Piqua.~~
- ~~3. The Administrator shall provide by Rules and Regulations the manner in which such net operating loss carry forward shall be determined.~~

D. CONSOLIDATED RETURNS

1. Any affiliated group, which files a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code, may file a consolidated return with the City of Piqua. However, once the affiliated group has elected to file a consolidated return or a separate return with Piqua, the affiliated group may not change its method of filing in any subsequent tax year without written approval from Piqua.
2. In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the City of Piqua, constituting a portion only of its total business, the Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City of Piqua. If the Administrator finds net profits are not properly allocated to the City of Piqua by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity or by some other method, the Administrator shall make such allocations as the Administrator deems appropriate to produce a fair and proper allocation of net profits to the City of Piqua.

Section 4: Effective Period

The first one percent (1%) of said tax shall be levied, collected and paid with respect to the income, qualifying wages, commissions and other compensation, and with respect to net profits of businesses, professions or other activities earned from January 1, 1977, and until repealed by this Commission.

The next one-half percent (.5%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1984 and until repealed by the electorate.

The remaining one-fourth percent (.25%) of said tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned from January 1, 1991 through December 31, 2010.

Section 5: Return and Payment of Tax

- A. Each taxpayer who engages in business or other activity or whose qualifying wages, commissions, other compensation and other taxable income is subject to the tax imposed by this ordinance, and every resident shall, except as herein provided, shall, whether or not a tax be due thereon, make and file a return on or before April 15th of each the year, whether or not a tax is due. following the effective date of this ordinance, and on or before April 15 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed by the 15th day of the fourth month from the end of such fiscal year or period. The Administrator is hereby authorized to provide by regulation in accordance with Rules and Regulations that the return of an employer or employers, showing the amount of tax deducted by said employer or employers from the salaries, qualifying wages, commissions, other compensation or other income of an nonresident employee, and paid by the employer or employers to the Administrator, shall be accepted as the return required of any nonresident employee whose sole income, subject to tax under this ordinance, is such salary, qualifying wages, commissions, other compensation or other income.

The Administrator shall also have authority to require that certain retired individuals may be exempt from this section, providing that no reportable or taxable income exists beyond income exempt from taxation as provided by this ordinance.

- B. The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from such Administrator, or on a generic form, setting forth:
1. a. The aggregate amount of qualifying wages, commissions, other compensation and other income earned or received; and

- b. The gross income from a business, profession or other activity less allowable expenses incurred in the acquisition of such gross income;
 - c. Such income shall include only income earned or received during the year, or portion thereof, covered by the return and subject to the tax imposed by this ordinance;
 - 2. a. The amount of tax imposed by this ordinance on income reported,
 - b. Any credits to which the taxpayer may be entitled under the provisions of Sections 6, 7 and 15 of this ordinance; and
 - 3. Such other pertinent statements, information returns or other information as the Administrator may require.
 - 4. A generic form once completed and filed must contain all of the information required to be submitted with Piqua's prescribed returns, reports or documents, and must be in a similar format that will allow processing of the generic forms without altering Piqua's procedures for processing forms. The taxpayer or return preparer filing the generic form must also otherwise comply with the rules or ordinances of Piqua governing the filing of returns, reports or documents. Determination as to whether a generic form meets this criteria shall be the responsibility of the Administrator.
- C. The Administrator may extend the time for filing of the annual return upon the request of the taxpayer for a period of not to exceed six (6) months, or one (1) month beyond any extension requested of or granted by the Internal Revenue Service for filing of the Federal Income Tax Return (whichever occurs later). The Administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due.
- No penalty or interest shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended.
- D. 1. The taxpayer making a return shall, at the time of filing thereof, pay to the Administrator the balance of tax due, if any, after deducting:
- a. The amount of City of Piqua Income Tax deducted or withheld at the source pursuant to Section 6 hereof;
 - b. Such portion of the tax as has been paid on declaration by the taxpayer pursuant to Section 7 hereof;
 - c. Any credit allowable under the provisions of Section 15 hereof.

2. Should the return, or the records of the Administrator, indicate an overpayment of the tax to which the City of Piqua is entitled under the provisions of this ordinance, such overpayment shall first be applied against any existing liability and the balance, if any, at the election of the taxpayer communicated to the Administrator, shall be refunded or transferred against any subsequent liability. Provided, however, that overpayment of less than five dollars (\$5.00) ~~one dollar (\$1.00)~~ shall not be refunded.
- E. 1. AMENDED RETURNS. Where necessary, an amended return must be filed in order to report additional income and pay any additional tax due, or claim a refund of tax overpaid, subject to the requirements and/or limitations contained in Sections 11 and 15. Such amended returns shall be on a form obtainable on request from the Administrator. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return.
2. Within three (3) months from the final determination of any federal tax liability affecting the taxpayer's City of Piqua tax liability, such taxpayer shall make and file an amended City of Piqua return showing income subject to the City of Piqua tax based upon such final determination of federal tax liability, and pay any additional tax shown due thereon or make claim for refund of any overpayment.

Section 6: Collection at Source

- A. 1. Each employer within or doing business within the City of Piqua who employs one or more persons on a salary, qualifying wage, commission, other compensation or other income basis shall, at the time of payment thereof, deduct the tax of one and three-fourths percent (1.75%) from the qualifying wages, commissions, other compensation or other income earned or received by Piqua residents regardless of where such compensation was earned or received and shall deduct the tax of one and three-fourths percent (1.75%) from the qualifying wages, commissions, other compensation or other income earned or received within Piqua by non-residents;
2. Notwithstanding the provisions of paragraph A. 1. of this Section, where such employer employs a Piqua resident in another taxing municipality requiring such employer to deduct its tax from all employees engaged therein, such employer shall withhold for, and remit to, the City of Piqua only the difference, if any, between the tax imposed by such other taxing municipality and the tax imposed by this ordinance;
 3. Except as provided in Section 6 (4), each such employer shall, on or before the 15th day last day of the this month following such withholding each calendar quarter, make a return and remit to the City of Piqua the tax hereby required to be withheld. Such return shall be on a form or forms prescribed by, or acceptable to,

the Administrator and shall be subject to the Rules and Regulations. Such employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have, in fact, been withheld.

4. Based on city income taxes withheld by an employer during the measurement period and the amounts specified in the rules and regulations, monthly, quarterly or semi-monthly payments are required on or before the fifteenth day of the month following the end of each period. The Tax Administrator may revoke the approval of quarterly filing and payments whenever the Tax Administrator has reason to believe that the conditions for granting such authorization have changed, were judged incorrectly, were not met, or when it is in the best interest of the city to do so. Notice of withdrawal shall be made in writing and, in such case, the employer must begin to file in accordance with Section 6 (3).
5. On or before the 28th day of February following any calendar year, such employer shall file with the Administrator an information return for each employee from whom City of Piqua Income Tax has been, or should have been, withheld, showing the name, address and Social Security number of the employee, the total amount of compensation paid during the year and the amount of City of Piqua Income Tax withheld from such employee.
6. An employer is not required to make any withholding with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of the corporation with respect to whose stock the option has been issued.
7.
 - a. An employee is not relieved from liability for a tax by the failure of the employer to withhold the tax as required by a municipal corporation or by the employer's exemption from the requirements to withhold the tax.
 - b. The failure of an employer to remit to the municipal corporation the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer in connection with the failure to remit the tax withheld.
- B. Such employer, in collecting said tax, shall be deemed to hold the same until payment is made by such employer to the City of Piqua, as a Trustee for the benefit of the City of Piqua and any such tax collected by such employer from his employees shall, until the same is paid to the City of Piqua, be deemed a trust fund in the hands of such employer.
- C. All employers that provide any contractual service within Piqua, and who employ subcontractors in conjunction with that service, shall provide Piqua the names and addresses of the subcontractors. The subcontractors shall be responsible for all income tax withholding requirements under this ordinance.

- D. In addition to the wage reporting requirements of this section, any person required by the Internal Revenue Service to report on Form 1099-Misc. payments to individuals not treated as employees for services performed shall also report such payments to the Municipality when the services were performed in the Municipality. The information may be submitted on a listing, and shall include the name, address and social security number (or federal identification number), and the amount of the payments made. Federal form(s) 1099 may be submitted in lieu of such listing. The information shall be filed annually on or before February 28 following the end of such calendar year.
- E. DOMESTIC SERVANTS. No person shall be required to withhold the tax on the qualifying wages, commissions, other compensation, and other taxable income paid domestic servants employed exclusively in or about such person's residence. However, such domestic servants shall be responsible for filing and paying their own returns and taxes.

Section 7: Declarations

- A. Every person who anticipates any taxable income which is not subject to Section 6 hereof, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 3 hereof shall file a declaration setting forth such estimated income of the estimated profit or loss from such business activity, together with the estimated tax due thereon, if any. ~~provided, however, if a person's income is wholly from qualifying wages from which the tax will be withheld and remitted to the City of Piqua in accordance with Section 6 hereof, such person need not file a declaration.~~
- B. 1. Such declaration shall be filed on or before April 15 of each year during the life of this ordinance, except that no penalties or interest shall be assessed, for not filing a declaration, on any resident taxpayer who was not domiciled in Piqua on the first day of January of the year in which they became subject to estimated payments, nor shall penalties or interest be assessed on estimated payments if the taxpayer has remitted an amount equal to one hundred percent of the previous year's tax liability, provided that the previous year reflected a twelve-month period.
2. Those taxpayers reporting on a fiscal year basis shall file a declaration within 15 days of the fourth month after the beginning of each fiscal year or period.
- C. 1. Such declaration shall be filed upon a form furnished by, or obtainable from, the Administrator, or on a generic form. Credit shall be taken for Piqua income tax to be withheld, if any, from any portion of such income. In addition, credit may be taken for tax payable to other taxing municipalities in accordance with the provisions of Section 15 hereof.

2. The original declaration (or any subsequent amendment thereof) may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.
 3. A generic form once completed and filed must contain all of the information required to be submitted with Piqua's prescribed returns, reports or documents, and must be in a similar format that will allow processing of the generic forms without altering Piqua's procedures for processing forms. The taxpayer or return preparer filing the generic form must also otherwise comply with the rules or ordinances of Piqua governing the filing of returns, reports or documents. Determination as to whether a generic form meets this criteria shall be the responsibility of the Administrator.
- D. The taxpayer making the declaration shall, at the time of the filing thereof, pay to the Administrator at least one-fourth (1/4) of the estimated annual tax due after deducting:
1. Any portion of such tax to be deducted or withheld at the source pursuant to Section 6 hereof;
 2. Any credits allowable under the provisions of Section 15 hereof; and
 3. Any overpayment of previous year's tax liability which taxpayer has not elected to have refunded. Provided, however, the taxpayer may elect to apply any overpayment of previous tax liability to any one or more installments of the estimated annual tax.

At least a similar amount shall be paid on or before the 15th day of the sixth, ninth and thirteenth month after the beginning of taxpayer's taxable year, provided that in case an amended declaration has been duly filed, or the taxpayer is taxable for a portion of the year only, the unpaid balance shall be paid in equal installments on or before the remaining payment dates.

- E. On or before the 15th day of the fourth month of the year following that for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the City of Piqua shall be paid therewith in accordance with the provisions of Section 5 hereof.

Section 8: Duties of the Administrator

- A. 1. It shall be the duty of the Administrator to receive the tax imposed by this ordinance in the manner prescribed herein from the taxpayers; to keep an accurate record thereof; and to report all monies so received to the Director of Finance.

2. It shall be the duty of the Administrator to enforce payment of all taxes owed the City of Piqua, to keep accurate records for a minimum of six (6) years showing the amount due from each taxpayer required to file a declaration and/or make any return, including taxes withheld, and to show the dates and amounts of payments thereof.
- B. Said Administrator is hereby charged with the enforcement of the provisions of this ordinance, and is hereby empowered, subject to the approval of the Board of Review, to adopt and promulgate and to enforce Rules and Regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this ordinance, including provisions for the re-examination and correction of returns.
 - C. In any case where a taxpayer has failed to file a return or has filed a return which does not show the proper amount of tax due, the Administrator may determine the amount of tax appearing to be due the City of Piqua from the taxpayer and shall send to such taxpayer and tax practitioner a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.
 - D. Subject to the consent of the Board of Review and pursuant to the Rules and Regulations, the Administrator shall have the power to compromise any interest or penalty, or both, imposed by Section 10 of this ordinance.

Section 9: Investigative Powers of the Administrator
Penalty for Divulging Confidential Information

- A. The Administrator, or any authorized employee, is hereby authorized to examine the books, papers, records and Federal Income tax returns of any employer or of any taxpayer or person subject to, or whom the Administrator believes is subject to the provisions of this ordinance, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this ordinance.

Every such employer, supposed employer, taxpayer or supposed taxpayer is hereby directed and required to furnish upon written request by the Administrator, or the Administrator's duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations are hereby authorized.

- B. The Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before the Administrator and may examine such person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and Federal Income Tax returns and the attendance of all persons before the Administrator, whether as parties or witnesses, whenever the Administrator believes such persons have knowledge of such income or information pertinent to such inquiry.

- C. The refusal to produce books, papers, records and Federal Income Tax returns, or the refusal to submit to such examination by any employer or person subject or presumed to be subject to the tax, or by any officer, agent or employee of a person subject to the tax or required to withhold tax, or the failure of any person to comply with the provisions of this Section or with an order or subpoena of the Administrator authorized hereby, shall be deemed a violation of this ordinance punishable as provided in Section 12 hereof.
- D. Any information gained, as the result of any returns, investigations, hearings or verifications required or authorized by this ordinance shall be confidential, except for official purposes, or except in accordance with proper judicial order. Any person divulging such information in violation of this ordinance shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be subject to a fine or penalty of not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both. Each disclosure shall constitute a separate offense.

In addition to the above penalty, any employee of the City of Piqua who violates the provision of this Section relative to the disclosure of confidential information shall be guilty of an offense punishable by immediate dismissal.

- E. Every taxpayer shall retain all records necessary to compute his or her tax liability for a period of six (6) years from the date his or her return is filed, or the withholding taxes are paid.

Section 10: Interest and Penalties

- A. All taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this ordinance and remaining unpaid after they become due shall bear interest at the rate of one percent (1%) per month.
- B. In addition to interest as provided in paragraph A hereof, penalties based on the unpaid tax are hereby imposed as follows:
 - 1. For failure to pay taxes due, a penalty of one percent (1%) per month with a maximum of twenty-five percent (25%) of the net tax liability and with an annual minimum \$20. The \$20 minimum is waived for first-time filers and if taxes are paid within two weeks of filing.
 - 2. For failure to remit taxes withheld or required to be withheld from employees: Three percent (3%) per month.
 - 3. Where the taxpayer has failed to file a return by the due date or by the date resulting from extension, a failure to file fee of twenty-five dollars (\$25.00) may be assessed.

4. Where the employer has failed to file quarterly returns by the due dates, a failure to file fee of twenty-five dollars (\$25.00) may be assessed per each return.

C. EXCEPTIONS

1. A penalty shall not be assessed on an additional tax assessment made by the Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Administrator, or filed in accordance with Article VII, Section C of the Rules and Regulations; and provided further, that in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit, providing an amended return is filed and the additional tax is paid within three (3) months after final determination of the federal tax liability.
 2. The city shall not impose any penalty, interest, or other similar assessment or charge against a taxpayer for the late payment or nonpayment of estimated tax liability in either of the following circumstances:
 - (a) The taxpayer is an individual who resides in the city but was not domiciled there on the first day of January of the current calendar year;
 - (b) The taxpayer has timely remitted an amount at least equal to one hundred percent (100%) of the taxpayer's tax liability for the preceding year as shown on the return filed by the taxpayer for the preceding year, provided that the return for the preceding year reflected a twelve-month period and taxpayer filed a return for the preceding year.
- D. A return check fee will be assessed in an amount set periodically in the Rules and Regulations promulgated by the Tax Administrator.
- E. Upon recommendation of the Administrator, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Administrator to recommend abatement of penalty and interest, the Board may nevertheless abate penalty or interest, or both.

Section 11: Collection of Unpaid Taxes and Refunds of Overpayment

- A. All taxes imposed by this ordinance shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amounts are recoverable. Except in the case of fraud, omission of twenty-five percent (25%) or more of income subject to this tax, or failure to file a return, an additional assessment shall not be made after three (3) years from the time the return was due or filed, whichever is later. In the case of fraud, omission of 25% or more of income subject to this tax, or failure to file

a return, all additional assessments shall be made and all prosecutions to recover Piqua's income taxes and penalties and interest thereon shall be brought within six (6) years after the tax was due or the return was filed, whichever is later. In those cases in which the Commissioner of Internal Revenue and the taxpayer have executed a waiver of the federal statute of limitation, the period within which an additional assessment may be made by the Administrator shall be one (1) year from the time of the final determination of the federal tax liability.

- B. Those officers or employees having control or supervision of, or charged with, the responsibility of filing the return and making payments for a corporation or association shall be personally liable for failure to file the return or pay the taxes and penalties and interest due as required. The dissolution, bankruptcy, or reorganization of any employer does not discharge the officers' or employees' liability for a prior failure of such business to file a return or pay the taxes due.
- C. Taxes erroneously paid shall not be refunded unless a claim for refund is made within three (3) years from the date which such payment was made or the return was due, or within three (3) months after final determination of the federal tax liability, whichever is later.
- D. Amounts of less than ~~one dollar (\$1.00)~~ five dollars (\$5.00) shall not be collected or refunded.

Section 12: Violations – Penalties

A. Any person who shall:

1. Fail, neglect or refuse to make any return or declaration required by this ordinance; or
2. Make any incomplete, false or fraudulent return; or
3. Fail, neglect or refuse to pay the tax, penalties or interest imposed by this ordinance; or
4. Fail, neglect or refuse to withhold the tax from his employees or remit such withholding to the Administrator; or
5. Refuse to permit the Administrator or any duly authorized agent or employee to examine his or her books, records, papers and Federal Income Tax returns relating to the income or net profits of a taxpayer; or
6. Fail to appear before the Administrator and to produce his or her books, records, papers or Federal Income Tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Administrator; or

7. Refuse to disclose to the Administrator any information with respect to the income or net profits of a taxpayer; or
8. Fail to comply with the provisions of this ordinance, the Rules and Regulations or any order or subpoena of the Administrator authorized hereby; or
9. Give to an employer false information as to his or her true name, correct Social Security number and residence address, or fail to promptly notify an employer of any change in residence address and date thereof; or
10. Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and City of Piqua tax withheld, or to knowingly give the Administrator false information; or
11. Attempt to do anything whatever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this ordinance.

Shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months or both, for each offense.

- B. All prosecutions under this Section must be commenced within three (3) ~~five (5)~~ years from the time to the offense complained of except in the case of failure to file a return or in the case of filing a false or fraudulent return, in which event the limitation of time within which prosecution must be commenced shall be six (6) ~~ten (10)~~ years from the date the return was due or the date the false or fraudulent return was filed.
- C. The failure of any employer or person to receive or procure a return declaration or other required form shall not excuse him or her from making any information return, return or declaration, from filing such form, or from paying the tax.

Section 13: Board of Review

- A. A Board of Review, consisting of the City Manager, who shall act as chairman, and two other individuals, each to be appointed by the Mayor of the City of Piqua, is hereby created. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board may be conducted privately and the provisions of Section 9 hereof, with reference to the confidential character of information required to be disclosed by this ordinance, shall apply to such matters as may be heard before the Board of Review.
- B. All Rules and Regulations and amendments or changes thereto, which are adopted by the Administrator under the authority conferred by this ordinance, must be approved by the Board of Review before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Administrator, and, at the request

of the taxpayer or Administrator, is empowered to substitute alternate methods of allocation.

- C. Any person dissatisfied with any ruling or decision of the Administrator, which is made under the authority conferred by this ordinance, may appeal therefrom to the Board of Review within thirty (30) days from the announcement of such ruling or decision by the Administrator provided the taxpayer making the appeal has filed with the City of Piqua the required return or other documents concerning the obligation at issue. The appeal shall be in writing and shall state why the decision should be deemed incorrect or unlawful. The Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof.

Section 14: Use of Funds

The total income tax funds collected under the provisions of this ordinance shall be held by the Director of Finance in a separate fund known as the "INCOME TAX FUND" and shall be deposited in a separate account, or accounts, in such bank or banks, as the Director in his or her sole discretion may decide.

Relating to the first one percent (1%), not less than twenty-eight percent (28%) shall be used for the construction, operation and maintenance of streets, including the draining thereof. Not less than twenty-one percent (21%) shall be used for permanent improvements and operation of the Safety Department. Not less than seven percent (7%) shall be used for permanent improvements and operation of City parks. Not more than forty-four percent (44%) shall be used for General Fund purposes, other than those listed above, and for the purpose of paying the cost of collecting the tax levied by this ordinance and the cost of administering and enforcing the provisions thereof.

The funds collected under the provisions of this ordinance relating to the next one-half percent (.5%) levy in excess of one percent (1%) shall be used entirely for capital and operating needs of police, fire and public safety-related services.

The funds collected under the provisions of this ordinance relating to the remaining one-fourth percent (.25%) levy shall be used entirely for the construction, reconstruction and resurfacing of streets and alleys, including the installation, maintenance and reconstruction of storm drainage lines, manholes and catch basins.

Section 15: Relief and Reciprocity Provisions

It is the intent of this section that a taxpayer, subject to tax in more than one municipality on the same income, who has complied with the provisions hereof, shall not be required by this ordinance to pay a total municipal income tax on such income greater than the tax imposed at the higher rate.

~~Accordingly, notwithstanding any other provisions of this ordinance,~~

~~A. Residents of Piqua~~

A. When a resident of Piqua is subject to and has paid, or has acknowledged liability for, a municipal income tax in another municipality on the same income taxable under this ordinance, and such other municipality does not allow a credit to its non-residents, such Piqua resident may claim a credit of the amount of such tax paid to such other municipality, but not in excess of the tax assessed by this ordinance.

~~b. When a resident of Piqua incurs losses in another municipality, which cannot provide a credit because of insufficient earnings in the other municipality then the credit is available, but not to exceed the tax assessed by this ordinance, to offset other resident income.~~

~~1. a. When a resident of Piqua is subject to and has paid, or has acknowledged liability for, a municipal income tax in another municipality on the same income taxable under this ordinance, and such other municipality allows a credit to its non-residents on the same basis as provided in paragraph B-1 of this section, a credit shall be allowed against Piqua income tax of fifty percent (50%) of the tax due hereunder or fifty percent (50%) of the tax due under the ordinance of such other municipality, whichever is the lesser;~~

~~b. If the tax due such other municipality has been paid to or withheld in such other municipality, a resident of Piqua may claim credit for and assign to the City of Piqua any claim or refund to which he or she may be entitled from such other municipality. In the event an amount is not received by the City of Piqua equal to such credit claimed by reason of tax payments made to, or withheld in, such other municipality, then the taxpayer shall be liable to the City of Piqua for an amount by which the claimed credit exceeds the amount recovered on such assignment by the City of Piqua, together with penalty and interest. If satisfactory evidence is offered, however, that the taxpayer is entitled to the claim covered by the assignment, such taxpayer shall not be deprived of credit therefore because of fault or neglect on the part of either municipality.~~

~~c. Assignment of any claim for refund to which a Piqua resident may be entitled from another municipality shall be tentatively accepted as payment of that portion of Piqua income tax represented by such assignment; provided, however, should an overpayment result from the credit allowed by reason of such assignment, no refund thereof shall be made until such assignment has been accepted for payment by such other municipality.~~

~~B. Non Residents of Piqua~~

~~1. When a non-resident of Piqua is subject to the tax imposed by this ordinance and is also subject to tax on the same income in the municipality of his or her~~

~~residence, a credit of fifty percent (50%) of the tax due under this ordinance or fifty percent (50%) of the tax due under the ordinance of such other municipality, whichever is the lesser, shall be allowed against the tax due under this ordinance, provided:~~

- ~~a. Such other municipality imposes on its residents a tax same income and reciprocal provision is made in the ordinance of such other municipality granting to non-residents thereof a credit on the same basis as provided in paragraph B-1 of this section against the tax levied thereby;~~
 - ~~b. Such non-resident is subject to and has acknowledged liability in the municipality of his or her residence for any tax due after such reciprocal credit is allowed; and~~
 - ~~c. The municipality of his or her residence furnishes evidence of payment of tax therein or evidence of assignment by the taxpayer of his or her claim for reciprocal credit to such other municipality.~~
- ~~2. Any amount due a non-resident as a result of having overpaid the tax due the City of Piqua, or arising from allowance of the credit provided for herein may, under Rules and Regulations, be assigned to and paid to such other municipality.~~

~~C. Non-Resident City Employee~~

~~All employees of the City of Piqua, Ohio who are not otherwise subject to this ordinance shall have deducted from their salaries, wages, commissions or other personal service compensation, the applicable Piqua city income tax. The non-resident employee shall be subject to or beneficiary of the same provisions allowed non-residents working within the City of Piqua.~~

- ~~D. The credits provided for in paragraphs A, B and C of this section will not be allowed unless the same are claimed in a timely return or form acceptable to, and filed with the Administrator. In the event the taxpayer fails, neglects, or refuses to file such timely return or form, he or she shall not be entitled to such credit and shall be liable for the full amount of tax assessed by this ordinance, together with such interest and penalties, both civil and criminal, as are prescribed by this ordinance.~~
- ~~E. Any claim for credit for income taxes paid another municipality on the same income taxable hereunder, or claim for an assignment of any refund due to the credit provided for herein, must be filed with the Administrator of the City of Piqua on or before December 31st of the year following that for which such credit is claimed.~~

~~Provided, however, in the event such claim for reciprocity refund shall have been assigned to the municipality of residence, such municipality of residence must file a claim for refund with the Administrator of the City of Piqua on or before January 31st next, following such December 31st. Failure to file such claim for reciprocity credit~~

~~or refund, or assignment thereof, within the times prescribed herein, shall render such credit claim for refund, or assignment, null and void.~~

B. The City of Piqua shall grant a credit against the tax imposed by this ordinance to every taxpayer who works in a joint economic development zone created under section 715.691 or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Ohio Revised Code. The credit shall not exceed the tax assessed by this ordinance on such income earned in such joint economic development zone or joint economic development district where such tax is paid.

Section 16: Saving Clause

If any sentence, clause, section or part of this ordinance, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this ordinance. It is hereby declared to be the intention of the Commission of the City of Piqua that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 17: Exclusions From Taxation

The provisions of this Ordinance shall not be construed as levying a tax upon the following:

- A. Military pay or allowances of members of the Armed Forces of the United States and of members of their reserve components, including the National Guard.
- B. Poor relief, pensions, including Social Security benefits, unemployment compensation or similar payments, including disability benefits received from private industry or local, state or federal governments, or from charitable, religious or educational organizations.
- C. Alimony received
- D. Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.
- E. Any charitable, educational, fraternal or other type of non-profit association or organization enumerated in Section 718.01 of the Revised Code of Ohio, which is exempt from payment of real estate taxes, is exempt from payment of the tax imposed by this ordinance.

- a. Any association or organization falling in the category listed in the preceding paragraph not exempt from the payment of real estate taxes is required to file declarations and final returns and remit the taxes levied under this ordinance on all business activities of a type ordinarily conducted for profit by taxpayers operating for profit.
 - b. Where such non-profit association or organization conducts income-producing business, both within and without the corporate limits, it shall calculate its profits allocable to the City of Piqua under the method or methods provided above.
- F. Any association, organization, corporation, club or trust, which is exempt from federal taxes on income by reason of its charitable, religious, educational, literary, scientific, etc. purposes.
 - G. Gains from involuntary conversion and capital gains, cancellation of indebtedness, interest on federal obligations, items of income already taxed by the State of Ohio, as of the date of enactment of Ordinance 33-66 (being 7/5/66), and income of a decedent's estate during the period of administration (except such income from the operation of a business).
 - H. Earnings and income of all persons 15 ~~18~~ years of age and under. Earnings and income will be taxable for the portion of the year after which they become 16 ~~19~~.
 - I. Parsonage allowance, to the extent of the rental allowance or rental value of a house provided as a part of an ordained minister's compensation. The minister must be duly ordained, commissioned or licensed by a religious body constituting a church or church denomination.
 - J. Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars (\$1,000) annually.
 - K. Intangible income.
 - L. The income of a public utility, when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the Ohio Revised Code, except a municipal corporation may tax the following, subject to Chapter 5745 of the Ohio Revised Code:
 - a. The income of an electric company or combined company;
 - b. The income of a telephone company.

As used in Section 17 (L) of this ordinance, "combined company", "electric company", and "telephone company" have the same meanings as in Section 5727.01 of the Ohio Revised Code.

M. The City of Piqua shall not tax the compensation paid to a nonresident individual for personal services performed by the individual in the City of Piqua on twelve (12) or fewer days in a calendar year unless one of the following applies:

- a. The individual is an employee of another person, the principal place of business of the individual's employer is located in another municipality in Ohio that imposes a tax applying to compensation paid to the individual for services paid on those days; and the individual is not liable to that other municipality for tax on the compensation paid for such services.
- b. The individual is a professional entertainer or professional athlete, the promoter of a professional entertainment or sports event, or an employee of such promoter, all as may be reasonably defined by the City of Piqua.

Section 18: Collection of Tax After Termination of Ordinance

- A. This ordinance shall continue effective insofar as the levy of taxes is concerned until repealed by the electorate, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this ordinance are concerned, it shall continue effective until all of said taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this ordinance shall have been fully terminated, subject to the limitations contained in Sections 11 and 12 hereof.
- B. Annual returns due for all or any part of the last effective year of this ordinance shall be due on the date provided in Sections 5 and 6 of this ordinance as though the same were continuing.

SECTION 2: Ordinances 33-66, 18-67, 26-71, 28-71, 10-76, 67-78, 76-79, 24-83, 36-84, 29-88, 20-89, 84-89, 18-90, 7-97, 34-00, 39-00, 27-02, ~~and 20-03~~, and 22-04 as previously enacted, are hereby repealed;

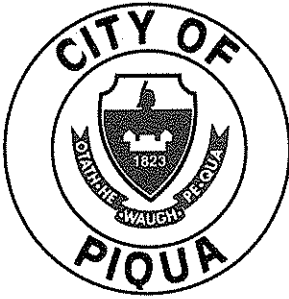
SECTION 3: This Ordinance shall take effect and be in force beginning January 1, 2009.

PASSED:

THOMAS D. HUDSON, MAYOR

ATTEST:

REBECCA J. COOL
CLERK OF COMMISSION



INCOME TAX DEPARTMENT

Cynthia A. Holtzapple — Administrator, Department of Taxation
201 West Water Street • Piqua, Ohio 45356
(937) 778-2009 • FAX (937) 778-1130
E-Mail: choltzapple@piquaoh.org

MEMORANDUM

TO: Frederick E. Enderle, City Manager
FROM: Cindy Holtzapple, Tax Administrator
RE: Tax Ordinance 25-08
DATE: October 2, 2008

+++++

This revised City of Piqua income tax ordinance is being updated to allow for the mandatory filing of all City of Piqua residents. Retired citizens will only be required to file in the first year provided that no reportable or taxable income exists besides the income that is exempt from taxation such as Social Security and pensions.

Other minor changes and clarifications within the ordinance are being updated to be consistent with federal and state definitions and tax practices of other surrounding cities in our region. Prior ordinance language is lined out with new language underlined. Please let me know if I can provide any additional information pertaining to this matter.

Respectfully submitted,

Cynthia A. Holtzapple
Administrator, Department of Taxation

RESOLUTION NO. R-108-08

**A RESOLUTION OF AUTHORIZATION
FOR AN OHIO PUBLIC WORKS COMMISSION
(OPWC) GRANT APPLICATION FOR THE
RIVERSIDE DRIVE/BROADWAY PHASE II
RECONSTRUCTION PROJECT**

WHEREAS, the State of Ohio, through the Ohio Public Works Commission, administers financial assistance for reconstruction projects and the City of Piqua is requesting funding in the amount of \$525,000; and

WHEREAS, the reconstruction project encompasses Broadway from Riverside Drive to Washington Avenue; and

WHEREAS, this project will also include underground utility work, new curb and gutter and new sidewalks the entire length of the project with construction scheduled for 2010.

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

SEC. 1: The City of Piqua approves filing an application for the Ohio Public Works Commission for funding in the amount of \$525,000 for the Riverside Drive/Broadway Phase II Reconstruction Project; and

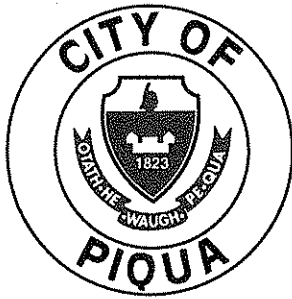
SEC. 2: Frederick E. Enderle, City Manager, is hereby authorized and directed to execute and file an application with the Ohio Public Works Commission and to provide all information and documentation required to become eligible for possible funding assistance;

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



ENGINEERING DEPARTMENT

Amy L. Havenar, P.E. – City Engineer
201 West Water Street • Piqua, Ohio 45356
(937) 778-2044 • FAX (937) 778-5165
E-Mail: ahavenar@piquaoh.org

September 24, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR COMMISSION AUTHORIZATION TO MAKE APPLICATION TO THE
OHIO PUBLIC WORKS COMMISSION FOR FUNDING FOR THE
BROADWAY - PHASE II RECONSTRUCTION PROJECT
TOTAL PROJECT COST \$1,400,000 – FUNDING REQUEST \$525,000**

We request authorization to make application for the above referenced project. The City of Piqua has received preliminary notification that this project will be funded.

This project encompasses the reconstruction of Broadway from Riverside Drive to Washington Ave. It will include underground utility work, new curb and gutter and new sidewalk the entire length of the project. This will be Phase II of the Riverside Drive/Broadway Reconstruction Projects.

Mote & Associates, Inc. has been hired to prepare plans and specifications for the project, which is scheduled for construction in 2010.

Riverside Drive Reconstruction – Phase I received \$400,000 in funding last year from the Ohio Public Works Commission. This design of Phase I is currently underway with construction scheduled for the spring of 2009. The project limits of Phase I are Riverside Drive from Main Street to Broadway.

Please let me know if I can provide any additional information pertaining to this matter.

Respectfully submitted,

Amy L. Havenar, PE

ALH/jc

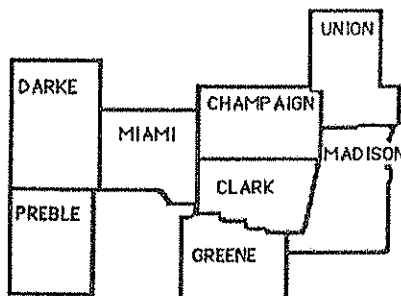
Attachment

c: Cynthia A. Holtzapple, Finance Director
Doug Harter, Street Superintendent



DISTRICT ELEVEN

OPWC District 11 DPWIC
3130 East Main St. – Suite 2A
Springfield, OH 45505



Phone: (937) 521-2136
Fax: (937) 328-3940
E-Mail:
zbalassone@clarkcountyohio.gov

PUBLIC WORKS INTEGRATING COMMITTEE

September 22, 2008

Amy Havenar
201 W. Water St.
Piqua, OH 45356

Project: Broadway Reconstruction Phase II

Dear Amy Havenar,

Your project is potentially eligible to receive funding from the Ohio Public Works Commission. All final applications must be submitted by **October 10, 2008** to the TCC Office. Below is a checklist of the required documents needed. Only send in the additional documents that are not in your preliminary application. In addition to the checklist provided, please provide the documents below if applicable to your project:

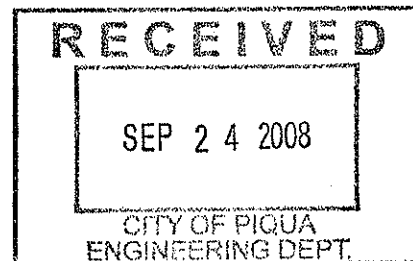
- Notice of Award or Letter of Guarantee from granting source for all matching funds that are not local share funds
- Cooperation agreement, if more than one subdivision involved, identifying fiscal and administrative responsibilities of each participant
- Statement evaluating potential impact to farmland if project includes new and expansion components

If you have any further comments or questions regarding your application, or the process, you can contact me at (937) 521-2136.

Sincerely,

A handwritten signature in black ink, appearing to read 'ZB', with a stylized flourish at the end.

Zachary Balassone
OPWC District 11 Staff



RESOLUTION NO. R-109-08

**A RESOLUTION AWARDING A CONTRACT FOR
THE PURCHASE OF A REFUSE PACKER TRUCK
FOR THE SANITATION DEPARTMENT**

WHEREAS, the present operations of the City require the purchase of a refuse packer truck for the Sanitation Department; and

WHEREAS, on January 7, 2008, this Commission passed Resolution No. R-6-08 authorizing the City Purchasing Analyst to advertise for bids, according to law, for a refuse packer truck for the Sanitation Department;

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 for said refuse packer truck is hereby awarded to Kinstle Sterling Western Star Truck Center as the lowest, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications;

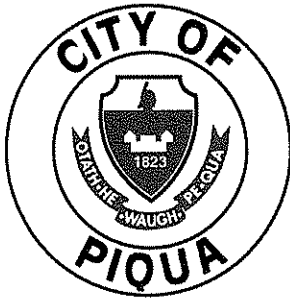
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$109,226.00;

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



HEALTH DEPARTMENT

201 West Water Street • Piqua, Ohio 45356
(937) 778-2060 • FAX (937) 778-0050

MEMORANDUM

TO: Frederick E. Enderle, City Manager

FROM: Amy Welker, Health & Sanitation Director *AW*
Beverly M. Yount, Purchasing Analyst

RE: Refuse Packer Truck Purchase

DATE: September 29, 2008

+++++

This is a request for commission authorization to purchase a 2009 Sterling Acterra with a McNeilus 2010 Rear Packer for \$109,226.00 from Kinstle Sterling Western Star Truck Center out of Wapakoneta, Ohio. We are also planning to trade-in our oldest packer truck, a 1996 Ford. Kinstle Sterling offered us \$11,000.00 for our trade-in bringing our total amount owed to \$98,226.00. We consider this to be a very generous trade-in allowance based on the other bids we received. Depending on when we place our order, we will most likely receive the new truck in the Spring of 2009. Financing will be obtained for availability later this year or early in 2009. The needed funds will be placed in the 2009 Budget proposal.

I have attached the bid tabulation sheet and you should note that we received a total of 14 bids for these specifications. We were very fortunate to have such a variety of trucks, manufacturers and options to choose from. Fred Langston, Sanitation Supervisor, has reviewed all of the specifications and has recommended we go with Bid # 4. Kinstle Sterling submitted the two lowest bids, Bid # 2 and Bid # 4, which consist of the same truck model with different packers. Based on previous knowledge and experience we are choosing the McNeilus Packer over the E-Z Pack. There has been less maintenance, better warranty on parts, better functionality and less cylinder replacement on the McNeilus we currently own as compared to the E-Z Pack we own.

It is requested that this item be placed on the October 6, 2008 Piqua City Commission Meeting Agenda for approval.

Please let me know if you have any questions, concerns, or need further clarification.



IFB 8015 Refuse Packer Truck Bid Tabulation Opened 9/5/08 at 2:00 p.m.

	Bid # 1	Bid # 1 alternate	Bid # 2	Bid # 3	Bid # 4
Truck Make	Tri-State Sterling Truck Sales Cincinnati, Ohio	Tri-State Sterling Truck Sales Cincinnati, Ohio	Kinsle Sterling Western Star Truck Center Wapakoneta, Ohio	Valley Ford Truck Inc. Cleveland, Ohio	Kinsle Sterling Western Star Truck Center Wapakoneta, Ohio
Truck Model	Sterling Acterra	Sterling Acterra	Sterling Acterra	Ford 750	Sterling Acterra
Truck and Accessories Cost	\$ 60,438.00	\$ 60,438.00	\$ 60,630.00	\$ 62,243.28	\$ 60,630.00
Packer Make	Goliath G300	New Way 20RL Cobra	EZ Pack G300C	New Way 20RL Cobra	McNeilus 2010 Rear Packer
Packer Model	EZ Pack	46,178.00	46,378.00	46,140.00	48,596.00
Packer and Accessories Cost	\$ 46,178.00	\$ 46,178.00	\$ 46,378.00	\$ 46,140.00	\$ 48,596.00
Trade-in value for 1996 Ford R-82 (optional)	\$ 3,500.00	\$ -	\$ 11,000.00	\$ 3,500.00	\$ 11,000.00
Total cost for truck and packer without trade-in included	\$ 106,616.00	\$ 106,616.00	\$ 107,008.00	\$ 108,383.28	\$ 109,226.00
Total cost for truck and packer with trade-in included	\$ 103,116.00	\$ 106,616.00	\$ 96,008.00	\$ 104,883.28	\$ 98,226.00
Approximate delivery date in days after receipt of order	180	180	120-150	220	120-150

IFB 8015 Refuse Packer

	Bid # 6	Bid # 5	Bid # 7	Bid # 8	Bid # 9
	Stoops Freightliner Dayton, Ohio	Stoops Freightliner Dayton, Ohio	Stoops Freightliner Dayton, Ohio	S&S Truck Sales Inc. Lima, Ohio	McNeilus Truck & Mfg Fairfield, Ohio
Truck Make	Freightliner	Freightliner	Freightliner	GMC	Freightliner
Truck Model	M2-106	M2-106	M2-106	C7500	M2
Truck and Accessories Cost	\$ 55,550.00	\$ 55,550.00	\$ 55,550.00	\$ 68,095.00	\$ 68,185.00
Packer Make	EZ Pack	McNeilus	Neway	Goliath	McNeilus
Packer Model	G300C	2010	20RL Cobra	G300C	2010
Packer and Accessories Cost	\$ 55,078.00	\$ 55,096.00	\$ 55,564.00	\$ 46,378.00	\$ 47,776.00
Trade-in value for 1996 Ford R-82 (optional)	\$ 4,000.00	\$ 2,000.00	\$ 2,000.00	\$ 4,000.00	\$ 3,000.00
Total cost for truck and packer without trade-in included	\$ 110,628.00	\$ 110,646.00	\$ 111,114.00	\$ 114,473.00	\$ 115,961.00
Total cost for truck and packer with trade-in included	\$ 106,628.00	\$ 108,646.00	\$ 109,114.00	\$ 110,473.00	\$ 112,961.00
Approximate delivery date in days after receipt of order	120	120	120	180	60

IFB 8015 Refuse Packer

	Bid # 10	Bid # 11	Bid # 12	Bid # 13	Bid # 14
	Kenworth of Dayton Dayton, Ohio	Miami Valley Int'l Trucks, Inc. Dayton, Ohio	Boyer Ford Trucks Inc. Minneapolis, MN	Best Equipment Co., Inc. North Royalton, Ohio	Boyer Ford Trucks Inc. Minneapolis, MN
Truck Make	Kenworth	International	Ford	Freightliner	Sterling
Truck Model	T370	7400	F-750	M2	L7501
Truck and Accessories Cost	\$ 68,950.00	\$ 72,728.00	package only	\$ 64,855.00	package only
Packer Make	McNeilus	E-Z Pack	Loadmaster	Leach	Loadmaster
Packer Model	2010	G300C	Legacy 3	2R111	Legacy 3
Packer and Accessories Cost	\$ 48,596.00	\$ 46,378.00	package only	\$ 69,513.00	package only
Trade-in value for 1996 Ford R-82 (optional)	\$ 4,000.00	\$ 4,000.00	\$ 500.00	\$ -	\$ 500.00
Total cost for truck and packer without trade-in included	\$ 117,546.00	\$ 119,106.00	\$ 119,990.00	\$ 134,368.00	\$ 134,810.00
Total cost for truck and packer with trade-in included	\$ 113,546.00	\$ 115,106.00	\$ 119,490.00	0	\$ 134,310.00
Approximate delivery date in days after receipt of order	100-120	126-168	210	150-190	210

RESOLUTION NO. R-110-08

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO SUBMIT AN APPLICATION FOR FEDERAL SAFETEA-LU
FUNDS THROUGH THE MIAMI VALLEY REGIONAL
PLANNING COMMISSION FOR THE COUNTY ROAD 25-A
PHASE II RECONSTRUCTION PROJECT**

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the SFY2013-2014 Surface Transportation Program (STP); and

WHEREAS, the City of Piqua has committed to a timely project development schedule; and

WHEREAS, the City of Piqua has committed the necessary resources to support the local cost portion of the projects; and

WHEREAS, the County Road 25-A Phase II (from Country Club Road to Looney Road) Reconstruction Project will be submitted to MVRPC.

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

SEC. 1: The City Manager is authorized and directed to execute and file an application with MVRPC and to provide all information and documentation required to become eligible for possible funding assistance; and

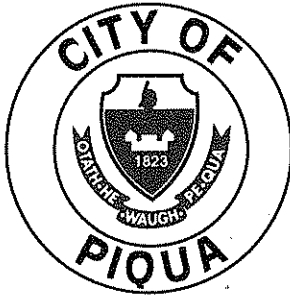
SEC. 2: This Commission does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the STP program.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



ENGINEERING DEPARTMENT

Amy L. Havenar, P.E. – City Engineer
201 West Water Street • Piqua, Ohio 45356
(937) 778-2044 • FAX (937) 778-5165
E-Mail: ahavenar@piquaoh.org

September 29, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **Request for Commission Authorization to make application to the Miami Valley Regional Planning Commission (MVRPC) for a funding grant through the Surface Transportation Program (STP) for the County Road 25-A Phase II Reconstruction Project – Country Club Road to Looney Road**

We request authorization to make application for the above referenced grant.

Country Road 25-A from the Main Street bridge to Looney Road was originally programmed as one project. However, due to the escalating construction costs, the project was broken down into two phases. CR 25-A Reconstruction – Phase I included the reconstruction of CR 25-A between the Main Street bridge and Country Club Road. This project was finished up in August 2008.

CR 25-A Reconstruction – Phase II will include the reconstruction of CR 25-A between Country Club Road and Looney Road. The project will be similar to Phase I in that there will be all new roadway base, new utilities, new curb, gutter and sidewalks the entire length of the project.

While there is still minimal design work to do for Phase II, the majority of the design was completed by Choice One Engineering in 2005 prior to the CR 25-A project being split into two phases.

The estimated cost for this project, excluding right-of-way acquisition, is approximately \$3-million. For Surface Transportation Program (STP) projects, MVRPC will provide up to 80% of the overall project cost with the applicant providing a minimum of 20%. It is anticipated that the grants through the STP will be available in SFY2013-2014.

Applications are due in the office of the MVRPC on October 15, 2008. Please let me know if I can provide any additional information pertaining to this matter.

Respectfully submitted,

Amy L. Havenar, PE



RESOLUTION NO. R-111-08

**A RESOLUTION FOR PRELIMINARY CONSENT TO
AWARD A CONTRACT TO PETERSON CONSTRUCTION
COMPANY FOR THE CONSTRUCTION OF A 3.0 MILLION
GALLON FLOW EQUALIZATION BASIN AND STANDBY
POWER GENERATOR FOR THE WASTEWATER TREATMENT
PLANT**

WHEREAS, the City of Piqua has identified the need for the following described project:

Construction of a 3.0 million gallon flow equalization basin and standby power generator

WHEREAS, on January 7, 2008, this Commission passed Resolution No. R-7-08 authorizing the City Purchasing Analyst to advertise for bids, according to law for the construction of a 3.0 million gallon flow equalization basin and standby power generator for the Wastewater Treatment Plant; and

WHEREAS, the City is in the process of making application for a loan from the Ohio EPA Division of Environmental and Financial Assistance for said project; and

WHEREAS, OEPA requires the City of Piqua to approve a Resolution of Intent to award a contract for said project.

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

SEC. 1: Preliminary consent to award a contract to Peterson Construction Company is hereby awarded for the construction of a 3.0 million gallon flow equalization basis and standby power generator for the Wastewater Treatment Plant in the amount not to exceed \$4,125,000.

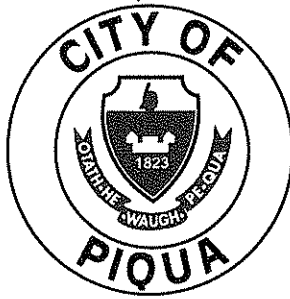
SEC. 2: Whereas this legislation is consent only legislation as required by the OEPA before approving such a loan for the construction of a 3.0 million gallon flow equalization basin and standby power generator.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



ENGINEERING DEPARTMENT

Amy L. Havenar, P.E. – City Engineer
201 West Water Street • Piqua, Ohio 45356
(937) 778-2044 • FAX (937) 778-5165
E-Mail: ahavenar@piquaoh.org

September 29, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION
TO DECLARE ITS INTENT TO AWARD A CONTRACT TO
PETERSON CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF
A 3.0 MILLION GALLON FLOW EQUALIZATION BASIN AND STANDBY
POWER GENERATOR CONTINGENT UPON APPROVAL OF FUNDING
FROM THE OHIO EPA DIVISION OF ENVIRONMENTAL AND FINANCIAL
ASSISTANCE (DEFA)
TOTAL CONTRACT NOT TO EXCEED \$4,125,000**

On Tuesday, September 23, 2008, six bids were received for the above referenced project. A tabulation of bids received are as shown below.

CONTRACTOR	BID
Peterson Construction Company	\$3,750,000
Kirk Brothers	\$4,073,000
Crace Construction Co.	\$4,212,934
Dugan & Meyers Construction Co.	\$4,408,000
PAE & Associates	\$4,552,000
Sunesis Construction	\$4,670,000

A mandatory pre-bid meeting was held on Tuesday, September 9th to allow the contractors a chance to view the site and to ask questions about the project.

We are currently in the process of making application for a loan from the Ohio EPA Division of Environmental and Financial Assistance. One requirement of the OEPA before approving such a loan is a resolution of intent to award a contract.



Frederick E. Enderle
Page 2
September 29, 2008

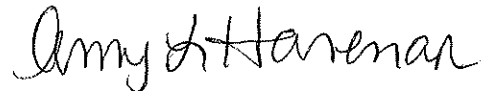
We anticipate OEPA approval the first of November. We will then request final legislation the end of November to award a contract. The E.Q. Basin will take one year to be built.

This request for legislation includes approximately 10% contingency for items of work that may be required, but are not included in the specifications.

Attached, please find a memo from the city's consultant, CDM, making recommendation to award a contract to Peterson Construction Company.

Please let me know if I can provide any additional information pertaining to this matter.

Respectfully submitted,

A handwritten signature in cursive script, reading "Amy L. Havenar".

Amy L. Havenar, P.E.
Interim Public Works Director

ALH/jc

Attachment

c: Dave Burtner, Wastewater System Superintendent



8805 Governor's Hill Drive, Suite 260
Cincinnati, Ohio 45249
tel: 513 583-9800
fax: 513 583-0090

September 24, 2008

Amy Havenar, P.E.
City Engineer
City of Piqua
201 W. Water Street
Piqua, OH 45356

Subject: WWTP Flow Equalization Basin & Standby Power Generator
Bid Evaluation and Recommendation for Award

Dear Ms. Havenar,

CDM has reviewed and evaluated the bids received by the City of Piqua through its City Commission on September 23, 2008 at 2:00 p.m. for construction of the Wastewater Treatment Plant Flow Equalization Basin & Standby Power Generator Project 07-07. A total of six competitive bids were received for this project, which are summarized in the table below.

Bidder	Bid Amount
1) Peterson Construction Co.	\$3,750,000.00
2) Kirk Brothers	\$4,073,000.00
3) Crace Construction Co.	\$4,212,934.00
4) Dugan & Meyers Construction Co.	\$4,408,000.00
5) PAE & Associates	\$4,552,000.00
6) Sunesis Construction	\$4,670,000.00
Engineer's Opinion of Probable Construction Cost	\$6,235,000.00

Attached is the bid tabulation of bid prices for each line item from each prospective bidder.

The contract's basis of award per Article 11.1 in Section 00100 is the "...lowest responsible and eligible Bidder." Peterson Construction Company's apparent low bid was complete, and no discrepancies or math errors were noted. We have reviewed the qualifications of Peterson Construction Company and believe them to be capable of performing the work as defined in the Contract Documents. It is our opinion that Peterson Construction Company is the lowest responsible and eligible bidder for this project.



Amy Havenar, P.E.
September 24, 2008
Page 2

It is our recommendation that the Piqua City Commission award the construction contract to Peterson Construction Company in the amount of \$3,750,000.00.

Please call me at (513) 716-6528 if you have any questions, or if I can be of further assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert C. Yoxthimer', followed by a long horizontal line.

Robert C. Yoxthimer, P.E., BCEE
Associate
Camp Dresser & McKee Inc.

Enclosure

RESOLUTION NO. R-112-08

A RESOLUTION DECLARING AND DESIGNATING A BLIGHTED AREA IN THE CITY OF PIQUA, OHIO

WHEREAS, for the purposes of the State of Ohio Small Cities Community Development Block Grant Downtown Revitalization Program, a blighted area has three or more of the following characteristics:

1. Fifty-one percent of the structures are deteriorated by reason of age, obsolescence or lack of maintenance as evidence by a combination of:
 - a. Vacant structures.
 - b. Deteriorated structures requiring rehabilitation amounting to at least \$8,000 or 15% of the value of the structure.
 - c. More than one major building component needs replacing such as electrical wiring, plumbing, heating, ventilating and air conditioning systems.
 - d. Structure needs demolition.
2. Predominance of defective or inadequate street layout.
3. Faulty lot layout in relation to size, adequacy, accessibility or usefulness.
4. Unsanitary or unsafe conditions.
5. Deterioration of site or other improvement evidenced by age (more than thirty-five years old), inadequate water pressure for firefighting, infiltration and sanitary sewer back-up, inadequate storm drainage, visibly deteriorated streets, curbs and gutters.
6. Median housing value is less than 80% of the median housing value in Miami County.
7. Property tax or special assessment delinquency, which exceeds fair market value of the land.
8. Existence of conditions which endanger life or property by fire or other causes; and

WHEREAS, the combination of three or more of the above factors substantially impairs the sound growth of the area, retards the provision of housing, or constitutes an economic and social liability to the community; and

WHEREAS, Mainstreet Piqua, Inc., has completed a review of the blighting influences which currently exist in that portion of the Central Business District bounded roughly by North Street on the north, Spring Street on the east, East Main Street to the south and Wayne Street on the west, with Ash Street continuing west to Downing Street (as shown on the attached map as "Figure 1")

That said review has concluded that the area is a "blighted area" as the same is defined by state law and the rules and regulations governing the State of Ohio's administration of the Community Development Block Grant by reason of the following:

1. Specifically with respect to deteriorated structures, ninety-six percent of the structures in the area are substandard by reason of age, obsolescence or lack of maintenance. Ninety percent of the structures are in need of major repairs and three percent of the structures are in need of minor repairs. At least sixteen percent of the structures are in need of repairs of totaling \$8,000 or more. At least fifty-five percent of the structures have at least one major building component that is need of being replaced.
2. Sub-standard parking lots needing major renovation are located along Greene, Wayne and Ash Streets. All water and sewer lines in the area more than fifty years old and are in need of occasional repair. Specifically, with respect to unsafe conditions, there are numerous overhead utility lines located along the Canal Place alley east of Main Street. These overhead utility lines present a health and safety hazard.
3. Specifically with respect to deterioration of improvements, major repair and/or replacement of sidewalks is needed and major repair and/or replacement of curbs and gutters is needed on portions of North Main Street, portions of West Greene Street, portions of North Wayne Street and at Canal Place. Major repairs and and/or replacement of street furniture and existing street lighting should be replaced with more attractive units along portions of North Main Street, portions of West Greene Street and portions of North Wayne Street.

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

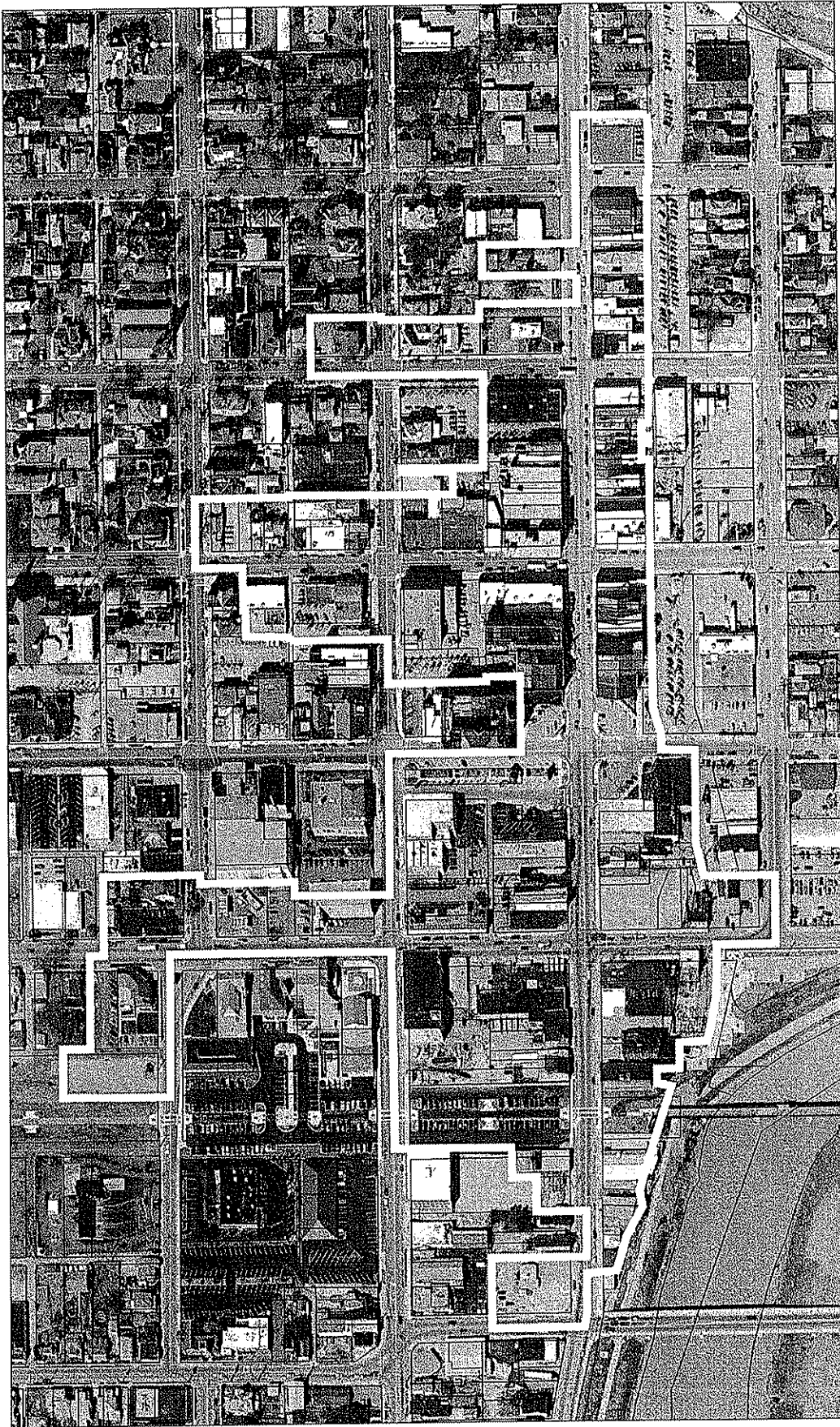
SEC. 1: The Commission hereby finds that the above-described portion of the Central Business District is presently a blighted area, for the purpose of the State of Ohio Small Cities Community Development Block Grant (CDBG) Downtown Revitalization Program;

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY OF PIQUA
DOWNTOWN SLUM & BLIGHT DISTRICT





DEVELOPMENT OFFICE

William Lutz – Development Program Manager
201 West Water Street • Piqua, Ohio 45356
(937) 778-2062 • FAX (937) 778-0809
E-Mail: blutz@piquaoh.org
Web: <http://www.piquaoh.org>

To: Fred Enderle, City Manager

From: Bill Lutz, Development Program Manager

Date: September 29, 2008

Subj.: Resolutions for Next City Commission Meeting – FY 2008 Tier II Downtown Revitalization Program

Fred:

Attached please find two resolutions that are requested to be adopted by the City Commission at their October 6th meeting. These resolutions deal with the City's Tier II Downtown Revitalization Program Application.

As you may be aware, the City of Piqua is one of only nine communities that have been invited to prepare an application to the Ohio Department of Development for Community Development Block Grant Downtown Revitalization Funds. Through this program, the Ohio Department of Development will fund up to 6 communities with a maximum grant request of \$400,000.

The first resolution allows the City to actually apply to the funding for program. For this particular request, the City of Piqua will be working with Mainstreet Piqua, Inc. to administer the program to provide commercial rehabilitation to approximately twenty-five buildings in the downtown area and the community is requesting the maximum amount of \$400,000. All rehabilitation will meet local building and trade codes and will meet the design standards of the Downtown District Design Review Board. Additionally, assistance provided to individual property owners will be in the form of a grant that will provide 50% of the total rehabilitation cost, with the property owner responsible for the other 50%.

The second resolution re-establishes the slum and blight area that is required for the Community Development Block Grant funding. This area is the same as the area adopted in 2002, however, new buildings in the 500 and 600 Block of North Main Street have been added, as well as a new building on the 500 block of North Wayne Street and new buildings in the 100 block of South Main Street. Additionally, the Fort Piqua Plaza was removed, given its new status as a rehabilitated building.

Both resolutions are required for adoption on October 6th so that the application may be filed with the Ohio Department of Development on October 7th. If you have any comments or questions, please do not hesitate to contact me.

Sincerely,

William Lutz

RESOLUTION NO. R-113-08

**A RESOLUTION APPROVING THE FISCAL YEAR 2008 COMMUNITY
DEVELOPMENT BLOCK GRANT REVITALIZATION PROGRAM
APPLICATION**

WHEREAS, the City of Piqua is unit of local government that possesses the legal authority to apply for Small Cities Community Development Block Grant funding available through the State of Ohio, under the Housing and Community Development Act of 1974, as amended; and

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

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

SEC. 1: The Fiscal Year 2008 Community Development Block Grant Downtown Revitalization Program is hereby approved and the City Manager is hereby authorized and directed to submit the City's program application to the Ohio Department of Development, including all understandings and assurances therein. The approved activities are: Commercial Building Rehabilitation Grants.

SEC. 2: The City Manager is to be the designated agent of the program in connection with the application and is authorized to execute all agreements in conjunction with the Fiscal-Year 2008 Community Development Block Grant Downtown Revitalization Program;

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



DEVELOPMENT OFFICE

William Lutz – Development Program Manager
201 West Water Street • Piqua, Ohio 45356
(937) 778-2062 • FAX (937) 778-0809
E-Mail: blutz@piquaoh.org
Web: <http://www.piquaoh.org>

To: Fred Enderle, City Manager

From: Bill Lutz, Development Program Manager

Date: September 29, 2008

Subj.: Resolutions for Next City Commission Meeting – FY 2008 Tier II Downtown
Revitalization Program

Fred:

Attached please find two resolutions that are requested to be adopted by the City Commission at their October 6th meeting. These resolutions deal with the City's Tier II Downtown Revitalization Program Application.

As you may be aware, the City of Piqua is one of only nine communities that have been invited to prepare an application to the Ohio Department of Development for Community Development Block Grant Downtown Revitalization Funds. Through this program, the Ohio Department of Development will fund up to 6 communities with a maximum grant request of \$400,000.

The first resolution allows the City to actually apply to the funding for program. For this particular request, the City of Piqua will be working with Mainstreet Piqua, Inc. to administer the program to provide commercial rehabilitation to approximately twenty-five buildings in the downtown area and the community is requesting the maximum amount of \$400,000. All rehabilitation will meet local building and trade codes and will meet the design standards of the Downtown District Design Review Board. Additionally, assistance provided to individual property owners will be in the form of a grant that will provide 50% of the total rehabilitation cost, with the property owner responsible for the other 50%.

The second resolution re-establishes the slum and blight area that is required for the Community Development Block Grant funding. This area is the same as the area adopted in 2002, however, new buildings in the 500 and 600 Block of North Main Street have been added, as well as a new building on the 500 block of North Wayne Street and new buildings in the 100 block of South Main Street. Additionally, the Fort Piqua Plaza was removed, given its new status as a rehabilitated building.

Both resolutions are required for adoption on October 6th so that the application may be filed with the Ohio Department of Development on October 7th. If you have any comments or questions, please do not hesitate to contact me.

Sincerely,

William Lutz

RESOLUTION NO. R-114-08

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT
OF TRANSPORTATION (ODOT) FOR THE LANDSCAPE
DESIGN SERVICES TO THE I-75/US ROUTE 36 INTERCHANGE
IN CONJUNCTION WITH THE OHIO DEPARTMENT OF
TRANSPORTATION US ROUTE 36 BRIDGE DECK
REPLACEMENT PROJECT OVER I-75**

WHEREAS, on March 19, 2007, the City of Piqua passed preliminary legislation (Resolution No R-51-07) to allow ODOT to replace the bridge decks on US Route 36 over I-75 in State Fiscal Year 2010 and to include landscaping improvements to the I-75/US Route 36 interchange as part of the project; and

WHEREAS, LJB, Inc. was the Ohio Department of Transportation's consultant for the bridge project and landscape design project; and

WHEREAS, it was determined that a more detailed, inclusive landscape plan was essential to this project; and

WHEREAS, it was also determined that the landscape project was beyond the scope and capabilities of LJB, Inc. to provide as part of their agreement with ODOT; and

WHEREAS; LJB, Inc. has contacted a sub-consultant, Envision Works, Inc. for the landscape architectural services.

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

SEC1: The City Manager is hereby authorized to enter into an agreement with the Ohio Department of Transportation for the landscape architectural services for the I-75/US Route 36 interchange.

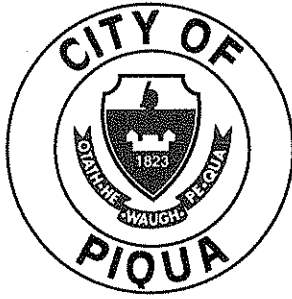
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms in the amount not to exceed \$11,000.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



ENGINEERING DEPARTMENT

Amy L. Havenar, P.E. – City Engineer
201 West Water Street • Piqua, Ohio 45356
(937) 778-2044 • FAX (937) 778-5165
E-Mail: ahavenar@piquaoh.org

September 30, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **Request for commission authorization to enter into an agreement with the Ohio Department of Transportation (ODOT) for the landscape design services to the I-75/US Route 36 Interchange in conjunction with the ODOT US Route 36 Bridge Deck Replacement Project over I-75.
Total City of Piqua Cost Not To Exceed \$11,000**

On March 19, 2007, the City of Piqua passed Preliminary Legislation (Resolution #51-07) to allow ODOT to replace the bridge decks on US Route 36 over I-75 in State Fiscal Year 2010 and also to include the landscaping improvements to the I-75/US Route 36 interchange as part of the project.

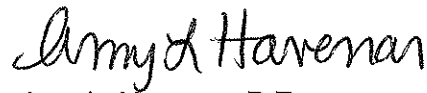
Because this area is one of the gateways to the City as defined in the Plan It Piqua 2007 Comprehensive Plan Update, we felt that a more detailed, inclusive landscape plan was essential to this project. However, after initial meetings with ODOT and their consultant on the bridge project, LJB, Inc., it was determined that this was beyond the scope and capabilities of LJB, Inc. to provide as a part of their agreement with ODOT.

Therefore, LJB, Inc. has contacted a sub-consultant, Envision-Works, Inc. for the Landscape Architectural Services. Please see attached for their proposal.

All costs associated with the design for the landscape enhancements will be split 50/50 between the City and ODOT.

Please let me know if I can provide any additional information pertaining to this matter.

Respectfully submitted,


Amy L. Havenar, P.E.

ALH/jc

Attachments

c: Cynthia Holtzapple, Finance Director



September 24, 2008

**MIA-36-11.76 L&R (Over IR 75), PID # 79567
Interchange Landscaping Design**

1. SCOPE OF SERVICES

A. The Project consists of (1) site investigations and (2) construction documentation to develop site landscaping, earthwork, etc. The design services include design of over-all site grading and drainage, landscaping, seeding, possible fencing, erosion control measures and other related components. Project does not include structural engineering beyond the scope of landscape architectural practice, electrical or lighting design or graphic design of logos.

B. Construction costs associated with the project are to be evaluated throughout the design phases.

C. A budget for landscaping, earthwork and other associated amenities is estimated at \$250,000 using transportation enhancement funding (80% Federal, 20% Local ~ City of Piqua). Anything over the transportation enhancement funding cap will be at 100% local cost, at the discretion of the City of Piqua. The development of the schematic design of the project will be based on the desires and concepts of the City of Piqua and will be based on the approximately \$250,000 initial project budget. The City of Piqua has indicated that this budget will be the approximate total expenditure for this project in its entirety. Final design and construction fees are based on the \$250,000 construction budget. If the construction budget is changed, Envision-Works reserves the right to modify the fees required for the project.

2. CONSULTANT PREQUALIFICATIONS

There are no consultant prequalifications for landscape plan design. Required services are described below. In addition, services will include both coordination and presentation meetings.

A maximum of three(3) meetings are required: Two (2) coordination meetings and one (1) presentation/public meeting are included for services as noted below. Any additional meetings requested by the client will be billed on an hourly rate basis as outlined in the professional fees section below. It is assumed that these meetings will be held in the Piqua area.

A. Schematic Design

1. Consultant will study appropriate design schemes and begin to develop specific planting layouts and selection of plant varieties. Schematic layout will detail the interchange landscape plantings; interchange infield grading; and, gateway signage with accompanying landscape features. The City of Piqua will be responsible for acquiring the permit to place the proposed signs in ODOT L/A right of way. Selection of plant materials shall be based on aesthetics, hardiness, and salt and drought tolerance.

September 24, 2008

MIA-36-11.76 L&R (Over IR 75), PID # 79567

Interchange Landscaping Design

Gateway signage for this project will include the schematic design only in the form of massing and general concepts only. The City of Piqua will provide Envision-Works with gateway concepts, graphics and other related information that will be used to develop the overall project master plan. Due to the detailed nature of the development of the design of graphics and signage elements, it is not possible to determine specific fees for this portion of the project at this time. Once the program and design scope of the signage is determined in the schematic design portion of the project, and a specific budget is determined for the signage portion of the project, a separate proposal will be prepared to develop final design and construction documents for the signage portion of the project.

2. Consultant to provide grading concept that will provide optimum drainage for the proposed landscape design concept. The grading concepts will be provided to LJB for inclusion into the construction document package. Envision-Works, Inc will provide the grading information in cad format. Envision-Works will provide the final gateway sheets to LJB in a mutually agreed to electronic format on LJB project sheets to be incorporated into the project construction package.
3. Consultant will analyze the project features, landscaping amenities and develop a cost estimate for the design concepts and any alternative solutions.
4. Consultant will provide photo cuts of proposed plant materials and other site amenities.
5. Consultant to prepare color renderings of the landscape design concept that will be used for planning purposes and at the presentation meeting.
6. Consultant will use LJB field survey information and ODOT available LIDAR information to create the schematic and final designs.
7. Consultant will use ODOT Roadside Safety Landscaping Guidelines (from LDM Volume 1 References dated January 20, 2006).
8. Consultant will attend three (3) meetings with ODOT and the City of Piqua Engineering Staff. These meetings are part of the three (3) total meetings listed above.

B. Design Development

1. Based upon the approval of the schematic concepts and evaluation of the budget, the Consultant will refine studies, layouts, grading, and details for project amenities and landscaping components including review and selection of specific plant materials.
2. Consultant will re-evaluate probable construction costs and make appropriate changes to layouts and details to achieve an acceptable site landscape development package within budgetary limits.

September 24, 2008

MIA-36-11.76 L&R (Over IR 75), PID # 79567

Interchange Landscaping Design

3. Consultant will review availability of plant materials prior to selection to, as best as possible, avoid material shortages or delays. This work task will include discussions with our regular nurseries to check availability of planned nursery stock. Discussions related to contract growing or other plant acquisition activities are not included in this scope of services.

C. Construction Documents

1. On the basis of the approved design/development documents and reports, the Consultant will prepare final construction documents, cost estimates, and detailed plans to show the exact character and scope of the work to be performed. This work will include drawings for the current project budget only. If the project budget changes, Envision-Works reserves the right to modify its proposed fees according to the revised budget. Final plans will consist of:

a. Landscaping Plans specifying and locating trees, shrubs, flowers, ground covers, ornamental grasses and other softscape amenities including special pavements, wall features, etc. and gateway signage. The plans will also include ODOT material legends and summary with appropriate ODOT item numbers. The Legend will indicate botanical names, sizes, form, root condition and special conditions, seeding types, mulches, etc. Appropriate specifications will be included on the plans. These plans will be provided to LJB for inclusion into the construction document package.

CLIENT RESPONSIBILITIES AND MISCELLANEOUS PROVISIONS

The following describes the client's responsibilities relative to this project.

1. Client agrees to provide the Consultant with all available information, surveys, reports, and professional recommendations and any other related items requested by the consultant in order to provide its professional services. The Consultant may rely on the accuracy and completeness of these items. These items may be obtained from local jurisdictions as outlined in the scope of services.
2. Client agrees to advise Landscape Architect of any known or suspected contaminants at the Project site. Client shall be solely responsible for all subsurface soil conditions.
3. Client agrees to provide all requested documents and services and to render decisions in a timely manner so as not to delay the orderly and sequential progress of the Landscape Architect's services.
4. Either Client or Consultant may terminate this Agreement upon seven days written notice.

September 24, 2008

MIA-36-11.76 L&R (Over IR 75), PID # 79567

Interchange Landscaping Design

5. If terminated, the Client agrees to pay the Consultant for all Basic and Additional Services rendered and Reimbursable Expenses incurred up to the date of termination.
6. Upon not less than seven days' written notice, the Consultant may suspend the performance of its services if Client fails to pay the Consultant in full for services rendered or expenses incurred. The Consultant shall have no liability because of such suspension of services or termination due to Client's nonpayment.
7. Client and Consultant agree to mediate claims or disputes arising out of or relating to this Agreement before initiating litigation. The mediation shall be conducted by a mediation service acceptable to the parties. A party shall make a demand for mediation within a reasonable time after a claim or dispute arises, and the parties agree to mediate in good faith. In no event shall any demand for mediation be made after such claim or dispute would be barred by applicable law. Mediation fees shall be shared equally.
8. Upon the parties signing this Agreement, the Consultant grants the Client a nonexclusive license to use the consultant's documents as described in this Agreement, provided Client performs in accordance with the terms of this Agreement. No other license is implied or granted under this Agreement. All instruments of professional service prepared by the Consultant, including but not limited to, drawings and specifications, are the property of the Consultant. These documents shall not be reused on other projects without the Consultant's written permission. The Consultant retains all rights, including copyrights, in its documents. The Client or others cannot use the Consultant's documents to complete this Project with others unless the Consultant is found to have materially breached this Agreement.
9. The law of the State of Ohio, the Consultant's principal place of business, governs this Agreement.
10. This Agreement is the entire and integrated agreement between the Client and the Consultant and supersedes all prior negotiations, statements or agreements, either written or oral. The parties may amend this Agreement only by a written instrument signed by both Client and Consultant.
11. In the event that any term or provision of this Agreement is found to be unenforceable or invalid for any reason, the remainder of this Agreement shall continue in full force and effect, and the parties agree that any unenforceable or invalid term or provision shall be amended to the minimum extent required to make such term or provision enforceable and valid.
12. Neither Client nor Consultant shall assign this Agreement without the written consent of the other.

September 24, 2008

**MIA-36-11.76 L&R (Over IR 75), PID # 79567
Interchange Landscaping Design**

13. Irrespective of any other term in this Agreement, Landscape Architect shall not control or be responsible for construction means, methods, techniques, schedules, sequences or procedures; or for construction safety or any other related programs; or for another parties' errors or omissions or for another parties' failure to complete their work or services in accordance with Landscape Architect's documents.
14. Client agrees to indemnify, defend and hold Landscape Architect harmless from and against any and all claims, liabilities, suits, demands, losses, costs and expenses, including, but not limited to, reasonable attorneys' fees and all legal expenses and fees incurred through appeal, and all interest thereon, accruing or resulting to any and all persons, firms or any other legal entities on account of any damages or losses to property or persons, including injuries or death, or economic losses, arising out of the Project and/or this Agreement, except that the Consultant shall not be entitled to be indemnified to the extent such damages or losses are found by a court or forum of competent jurisdiction to be caused by the Consultants negligent errors or omissions.
15. Should any legal proceeding be commenced between the parties to this Agreement seeking to enforce any of its provisions, including, but not limited to, fee provisions, the prevailing party in such proceeding shall be entitled, in addition to such other relief as may be granted, to a reasonable sum for attorneys' and expert witnesses' fees, which shall be determined by the court or forum in such a proceeding or in a separate action brought for that purpose. For purposes of this provision, "prevailing party" shall include a party that dismisses an action for recovery hereunder in exchange for payment of the sum allegedly due, performance of covenants allegedly breached, or consideration substantially equal to the relief sought in the action or proceeding.
16. Client and Landscape Architect waive consequential damages for any claims, disputes or other matters in question arising out of or relating to this Agreement. Landscape Architect's waiver of consequential damages, however, is contingent upon the Client requiring contractor and its subcontractors to waive all consequential damages against Landscape Architect for claims, disputes or other matters in question arising out of or relating to the Project.
17. To the extent damages are covered by property insurance during construction, Client and Landscape Architect waive all rights against each other and against the contractors, consultants, agents and employees of the other for such damages. Client or Landscape Architect, as appropriate, shall require of the contractors, consultants, agents and employees of any of them similar waivers in favor of the other parties described in this paragraph.

September 24, 2008

MIA-36-11.76 L&R (Over IR 75), PID # 79567

Interchange Landscaping Design

18. Client acknowledges and agrees that proper Project maintenance is required after the Project is complete. A lack of or improper maintenance in areas such as, but not limited to, manufacture's specifications, improper use of the improvements, normal and customary maintenance of all hardscape surfaces and landscape materials, may result in damage to property or persons. Client further acknowledges and agrees that, as between the parties to this Agreement, Client is solely responsible for the results of any lack of or improper maintenance.

19. Nothing in this Agreement shall create a contractual relationship for the benefit of any third party.

PROJECT SCHEDULE AND ESTIMATED BUDGET

Based on our current understanding of the project, we anticipate that the scope of services described above will require approximately 12 weeks to complete construction documents from the time we receive from you an authorization to proceed with the work.

Landscape Architect shall render its services as expeditiously as is consistent with professional skill and care. During the course of the Project, anticipated and unanticipated events may impact any Project schedule.

As of the date of this Agreement, Client's Project budget is \$250,000. Client agrees to promptly notify Landscape Architect if Client's schedule or budget changes. Client acknowledges that significant changes to the Project or construction schedule or budget, or to the Project's scope may require Additional Services of Landscape Architect.

PROFESSIONAL FEES

Client agrees to pay Landscape Architect as follows:

To complete the aforementioned scope of services Envision-Works, Inc. proposes an hourly rate not-to-exceed consulting fee of \$19,475.00. Envision-works, Inc. proposes invoicing you for services rendered on an hourly rate basis plus any project related reimbursable expenses outlined below. The above fee does NOT include the reimbursable budget below.

The following staff hourly rate schedule will be used to invoice the client for this project:

Senior Landscape Architect	\$95.00 per/hour
Landscape Architect	\$85.00 per/hour
Graduate Landscape Architect	\$75.00 per/hour
CAD Technician	\$55.00 per/hour

September 24, 2008

MIA-36-11.76 L&R (Over IR 75), PID # 79567

Interchange Landscaping Design

Reimbursable costs not to exceed \$500.00.

Reimbursable Expenses are subject to a multiple of 1.1 and include, but are not limited to: reproduction, postage, and handling of documents; long distance and facsimile charges; authorized travel; and Client requested renderings and models.

Excluded Services are not a part of Landscape Architect's Basic or Additional Services and are the responsibility of others. Excluded Services include, but are not limited to, the following: Subsurface conditions; soil issues (including suitability for construction, plant material, soil content, level of compaction); lot line location; underground utilities' locations unknown to the Landscape Architect.

Landscape Architect shall bill Client for Basic and Additional Services and Reimbursable Expenses once a month. All payments are due Landscape Architect upon receipt of invoice. An amount equal to one and one half percent per month will be charged on all amounts due more than 30 days after the date of invoice.

Additional Services beyond Consultant's Basic Scope of Services may be provided if authorized by the Client and confirmed in writing by either party.

AGREEMENT EXECUTION

The Consultant: Envision-Works, Inc

The Client:

The terms and services described in this agreement are acceptable and my signature provides authorization for the Consultant to complete the work.

Name

Name

Title

Title

Date

Date

If this Agreement is not signed and returned to Landscape Architect within 90 days, the offer to perform the described services may, in Landscape Architect's sole discretion, be withdrawn and be null and void.

RESOLUTION NO. R-115-08

**A RESOLUTION ADOPTING A LONG RANGE FINANCIAL
PLAN FOR THE CITY OF PIQUA**

WHEREAS, Piqua City Commission initiated a review and study of the City of Piqua long range financial needs in the late fall of 2007; and

WHEREAS, the Piqua City Commission, along with the City Manager, directors, and staff representing all departments, provided the local expertise and knowledge necessary to guide a successful planning process; and

WHEREAS, public meetings and work sessions were held throughout the planning process to provide the departments, commission, and community at large with the opportunity to participate in the planning process; and

WHEREAS, a thorough planning process has generated involvement necessary to produce the information essential to completing a responsible long range financial plan.

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

SEC. 1: The Piqua City Commission hereby adopts the Long Range Financial Plan as a comprehensive plan for the City of Piqua.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Memo

To: City Commission
From: Fred Enderle
Date: September 8, 2008
Re: Long Range Financial Planning Recommendations

The purpose of this memorandum is to transmit Long Range Financial Planning recommendations for the Commissions consideration and approval. The recommendations are attached in three documents: Core Services, Recommended Revenue Enhancements and Expenditure Reductions. Also included in your packet are three scenarios projecting General Fund Balance out to 2011. The first scenario is an existing conditions scenario, which you have seen before, and represents what is likely if we do nothing. The second scenario represents making minor modifications, while the third scenario represents the projected outcome if all the recommended actions are implemented.

The Long Range Financial Planning process was recommended at the time of adoption of the 2008 Annual Budget in November 2007. The purpose of the plan was to address all funds of the City, but with the major focus on the General Fund because it supports the general purposes of the City and is the most volatile in terms of funding sources (state and local taxes, etc.). The purpose of the plan is to:

- Align financial capacity with long-term service goals
- Combine financial forecasting with strategic thinking and planning
- Gather information, analyze challenges and opportunities, decide a plan of action, and continue to evaluate action taken

You will note from review of the differing pro formas that none completely addresses the long-term issue in the general fund of annual revenues meeting expenses. Even in implementing all my recommendations, we still face a potential \$1.6 million deficit in 2011. However, I feel with prudent budgeting between now and 2011, coupled with increased economic activity, we will be putting the City on a course that will achieve our long-term planning goals.

I remind everyone that this is a plan, and as such, it needs to be adaptable to changing conditions. This means we may have to adjust our course down the road if there are significant changes in economic conditions.

Also included in your packet are the results of a survey we did comparing our Police and Fire Departments to communities similar in size and characteristic to Piqua. I am providing this information now because a number of groups and individuals are aware that we are gathering the information and looking forward to receiving a copy of the results. However, all the information needs more analysis and in many cases additional follow up and clarification. So, we are not in a position to draw any conclusions from the information at this point.

PROJECTIONS AS PRESENTED MARCH 10, 2008

(in millions)

GENERAL FUND	Actual 2006	Actual 2007	Estimated 2008	Estimated 2009	Estimated 2010	Estimated 2011
Beginning Fund Bal.	5.0	5.8	3.1	1.8	(1.7)	(5.8)
Revenues	15.8	15.5	12.4	10.6	10.6	10.6
Expenditures	15.0	18.2	13.7	14.1	14.7	15.5
Net Income/Deficit	0.8	(2.7)	(1.3)	(3.5)	(4.1)	(4.9)
Ending Fund Bal.	5.8	3.1	1.8	(1.7)	(5.8)	(10.7)

Recommended Revenue Enhancements

Governmental Accounts					
New Fee Increases	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Engineering					
sidewalk permits	2,150	Y	2,150		
inspection fee for subdivision construction	30,000	Y	30,000		
inspection fee for construction work zones and street closing permits	1,250	Y	1,250		
Health					
civil citations / re-inspection fees	30,000	Y	30,000		
Planning & Zoning					
implement contractor licensing requirement	11,250	Y	11,250		
Streets					
auto registration fees	100,000	Y		100,000	
Parks					
charge baseball & softball for lights	4,000	Y	4,000		
seasonal softball leagues	300	Y	300		
seasonal youth sports	300	Y	300		
Other					
occupancy licensing program	150,000	Y		150,000	
Fire					
fines for illegal burning	250	Y	250		
Police					
civil fines	250,000	Y	80,000	80,000	90,000
Total Potential New Fees	579,500		159,500	330,000	90,000

Current Fee Increases	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Health					
food & vital stats. fees	15,000	Y	15,000		
public / private club pool license fees	350	Y	350		
Contractor registration fees for plumbers & electricians	1,900	Y	1,900		
plumbing permit fees	1,900	Y	1,900		
Streets					
compost facility prices	8,000	Y	8,000		
Total Potential Current Fee Increases	27,150		27,150	-	-

Recommended Revenue Enhancements

Cost Recovery of Services	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Civil Service					
applicant testing fee to cover entry level testing materials	1,500	Y	1,500		
Streets					
charge water dept. for patches	12,500	Y	12,500		
Fire					
increase charges for some of our services	25,000			25,000	
charge out admin. on contract services	1,000	Y	1,000		
Police					
charge out admin. on contract services	1,000	Y	1,000		
charge for junk vehicle processing	1,500	Y	1,500		
Total Potential Cost Recovery of Services	42,500		17,500	25,000	-

Grant & Foundation Support	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Neighborhood Improvement Team					
seek grants, funding opportunities	5,000	Y	5,000		
Community Development					
apply for micro enterprise loan program	5,000	Y	5,000		
All Departments					
attract other grant, loan and foundation dollars	10,000	Y	10,000		
Total Potential Grant & Foundation Support	20,000		20,000	-	-

Property Rental	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Parks					
increase all building rental fees	12,000	Y	12,000		
increase fees at Hollow House by \$150/month	1,800	Y	1,800		
Total Potential Property Rental	13,800		13,800	-	-

Income Tax	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Mandatory filing with accomodations	150,000	Y	150,000		
increased collection program	100,000	Y	50,000	50,000	
income tax increase of .25% for support of General and/or Safety VOTE REQUIRED!	1,000,000				1,000,000
Total Potential Income Tax	1,250,000		200,000	50,000	1,000,000

Recommended Revenue Enhancements

Enterprise Accounts					
New Fees	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Water					
charge to register backflow preventers	6,000	Y	6,000		
Refuse					
bulk pick up fee (\$5/item) for anytime pickup	25,000	Y	25,000		
pass through additional county/state fees	varies				
UBO					
AT&T project to pass out brochures	1,250	Y	1,250		
Total Potential New Fees	<u>32,250</u>		<u>32,250</u>	-	-

Current Fee Increases	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Golf					
permit outings during prime time	24,000	Y	24,000		
add \$1 daily greens fees	16,000	Y	16,000		
advertise 4 for 3 players during off times	9,000	Y	9,000		
increase concessions by 10%	5,000	Y	5,000		
add 3% to memberships	2,250	Y	2,250		
add additional leagues	2,160	Y	2,160		
Golf Subtotal	<u>58,410</u>		<u>58,410</u>		
Pool					
increase all fees by 10%	5,400	Y	5,400		
expand pool rentals and increase fees	4,000	Y	4,000		
increase concessions by 15%	3,300	Y	3,300		
double lesson fees	2,000	Y	2,000		
Pool Subtotal	<u>14,700</u>		<u>14,700</u>		
Water					
raise cost for bulk water from \$4 to \$8 per 1,000 gallons	2,500	Y	2,500		
Total Potential Fee Increases	<u>75,610</u>		<u>75,610</u>	-	-

Cost Recovery of Services	Estimated Value \$	Implement Y/N	2009 & Beyond	2010 & Beyond	2011 & Beyond
Utility (new)					
stormwater (\$3 res./ equiv commercial)	400,000	Y		400,000	
Total Potential Cost of Recovery Services	<u>400,000</u>		-	<u>400,000</u>	-

Proposed Expense Reductions

Governmental Accounts			
Administration	Estimated Value \$	Implement Y/N	2009 & Beyond
Memberships & Subscriptions	1,250	Y	1,250
Reduce Contractual Services	12,500	Y	12,500
Reduction of operating expenses	1,325	Y	1,325
Travel & Training reduction	3,150	Y	3,150
Total Potential Expense Reductions	18,225		18,225
Development	Estimated Value \$	Implement Y/N	2009 & Beyond
Reduce and/or restructure consultant services	24,000	Y	24,000
Travel & Training	4,666	Y	4,666
Membership & Subscriptions	2,000	Y	2,000
Total Potential Expense Reductions	30,666		30,666
General Government	Estimated Value \$	Implement Y/N	2009 & Beyond
Discontinue payment of street lighting	167,000	Y	167,000
Reduce Mainstreet Piqua	5,000	Y	5,000
Reduce or eliminate Focus	3,500	Y	3,500
Total Potential Expense Reduction	175,500		175,500
Health	Estimated Value \$	Implement Y/N	2009 & Beyond
Eliminate Intern (NIT)	6,300	Y	6,300
Eliminate Renew Piqua Banquet	1,500	Y	1,500
Travel & Training	1,150	Y	1,150
Total Potential Expense Reductions	8,950		8,950
Parks, Streets, Pool & Golf	Estimated Value \$	Implement Y/N	2009 & Beyond
Civic Events			
Band, July 4th, etc.	6,000	Y	6,000
Reduce overtime	9,500	Y	9,500
Reduce mowing			
rough cuts once a week	5,000	Y	5,000
creeks & fences	5,000	Y	5,000
Travel & Training	300	Y	300
Close pool when less than 25 swimmers	2,500	Y	2,500
Total Potential Expense Reductions	28,300		28,300
Public Safety	Estimated Value \$	Implement Y/N	2009 & Beyond
Police/Fire			
Eliminate Halloween Candy	1,000	Y	1,000
Eliminate National Night Out	1,250	Y	1,250
Reduce Fire Prevention Handouts	1,000	Y	1,000
Remove annual report from budget	500	Y	500
Travel & Training	5,100	Y	5,100

Proposed Expense Reductions

Replace duty ammo every two years	500	Y	500
Mileage limitations on patrols & 3,000 mile oil changes	<u>1,700</u>	Y	<u>1,700</u>
Total Potential Expense Reductions	<u><u>11,050</u></u>		<u><u>11,050</u></u>

Personnel	Estimated Value \$	Implement Y/N	2009 & Beyond
Restructuring	312,756	Y	312,756
Overtime Reductions	109,500	Y	109,500
Benefit Changes	51,000	Y	51,000
Cost of Living Adjustments	<u>67,360</u>	Y	<u>67,360</u>
	<u><u>540,616</u></u>		<u><u>540,616</u></u>

Core Services

Low Priority Services

Administration	Provide Revenue	Estimated Value \$	Recommendations
Periodically issue permits for the placement of dumpsters	No		
Participate in surveys	No		
Notary services to public	No		
Assist with contract agreements and see that terms are followed	No		
List and sell various items on govdeals.com	No		
Development	Provide Revenue	Estimated Value \$	
Microenterprise program	No		
Streets	Provide Revenue	Estimated Value \$	
Periodically support special events within the City	No		No overtime - without reimbursement except for City sponsored or co-sponsored events
Parks	Provide Revenue	Estimated Value \$	
Annual Heritage Festival Tennis Tournament	Yes	700	
Annual Car Show	Yes	1,800	
Periodic Ballet Lessons	Yes	400	
Annual Tennis Lessons	Yes	575	
Several Dayton Dragons Trips	Yes	175	
Seasonal Adult Softball Leagues	Yes	300	Charge admin. fee to recoup cost
Seasonal Youth Sports Organizations Support Provided	Yes	300	Charge admin. fee to recoup cost
Daily Golf Pro Shop	Yes	63,819	
Annual Business Appreciation Golf Outing	No		
Weekly Golf Club Rentals	Yes	200	
Seasonal swimming lessons	Yes	1,500	
Wading Pool	No		

Core Services

Public Safety	Provide Revenue	Estimated Value \$
Periodical blood pressure checks at the Fire dept.	No	
Mercury recovery program at Fire	No	
Daily vacation house check by Police	No	
Daily property incidents investigated by Police	No	
Monthly background checks for other City Depts. by Police	No	
Total Revenue from Low Priority Services		67,969

Medium Priority Services

Inspect monthly the construction work zones for street closings and permits	Yes	1,250	Charge permit fee to recoup costs
Special projects for City Manager as needed	No		
Daily tax return preparation for citizens	No		
Minimal small claims cases	No		
Sitting on various boards as needed	No		
Various property purchases	No		
Periodically provide Speaker's Bureau	No		
Serve as Safety Coordinator and attend Safety Council mtgs. Monthly	Yes	6,000	W/C Reimbursement
Partner with Consultant to establish succession and leadership development plan	No		
Establish wellness program	No		
Annual employee picnic	No		
Job posting, descriptions and advertisements as needed	No		

Streets	Provide Revenue	Estimated Value \$
Daily street sweeping	No	

Parks	Provide Revenue	Estimated Value \$
Daily Facility Reservations	Yes	17,000
Daily Driving Range	Yes	16,150
Annual Junior Golf Program	Yes	3,000
Seasonal pool rentals	Yes	4,700

Core Services

Health	Provide Revenue	Estimated Value \$
Provide immunizations weekly	No	
Provide pre-natal care to pregnant women on a weekly basis	No	
Provide health care for newborn babies and children weekly	No	

Public Safety	Provide Revenue	Estimated Value \$
Periodic Sporting & Public Events coverage by Fire Dept.	No	Only if reimbursed for overtime & vehicle
Periodic attendance at parades by Fire	No	Only City co-sponsored/supported events
Dare school program by Police	No	
Periodic attendance at parades and special events by Police	No	Only City co-sponsored/supported events
Loud noise complaints investigated by Police	No	
Parking complaints investigated by Police	No	
Police Dept. assisting other governmental agencies	No	
Community contacts and meeting with Police	No	
Civil Service agility testing by Fire	No	

**Total Revenue from Medium
Priority Services**

48,100

PROJECTIONS WITH ALL REVENUE & EXPENSE ALTERNATIVES

(in millions)

GENERAL FUND	Actual 2006	Actual 2007	Estimated 2008	Estimated 2009	Estimated 2010	Estimated 2011
Beginning Fund Bal.	5.0	5.8	3.1	1.8	0.9	(0.1)
Revenues	15.8	15.5	12.4	11.2	11.4	11.4
Expenditures	15.0	18.2	13.7	12.1	12.4	12.9
Net Income/Deficit	0.8	(2.7)	(1.3)	(0.9)	(1.0)	(1.5)
Ending Fund Bal.	5.8	3.1	1.8	0.9	(0.1)	(1.6)