

A G E N D A
PIQUA CITY COMMISSION
MONDAY, NOVEMBER 3, 2008
6:00 P.M. EXECUTIVE SESSION
7:30 P.M. REGULAR CITY COMMISSION MEETING
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION

1. To prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel

REGULAR CITY COMMISSION MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Presentation of Proclamation – Family Month in the City of Piqua

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| 1. | <u>APPROVAL OF MINUTES</u> | Approval of the minutes from the October 20, 2008 Regular City Commission meeting |
| 2. | <u>ORD. NO. 25-08-Amended</u>
3rd Reading | An Ordinance amending Ordinance No. 33-66 relating to the Municipal Income Tax |
| 3. | <u>ORD. NO. 26-08</u>
2nd Reading | An Ordinance amending Section 93.04 of the Piqua Code relating to Fire Prevention |
| 4. | <u>ORD. NO. 27-08</u>
2nd Reading | An Ordinance vacating a portion of Campbell Street public right-of-way |
| 5. | <u>RES. NO. R-115-08-Amended</u>
Tabled 10/20/08 | A Resolution adopting a Long Range Financial plan for the City of Piqua |

6. **RES. NO. R-119-08**

A Resolution awarding a contract 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-120-08**

A Resolution amending the total payment to Camp Dresser & McKee, Inc. for the design and construction phase engineering of a 3.0 million gallon flow equalization basin and a standby power generator project

ADJOURN

➤ Monthly Reports-September 2008

**MINUTES
PIQUA CITY COMMISSION
MONDAY, OCTOBER 20, 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 Martin, Vogt, Fess, and Terry. Absent: None.

REGULAR CITY COMMISSION MEETING

APPROVAL OF MINUTES

Moved by Commissioner Fess, seconded by Commissioner Terry, that the minutes of the October 6 2008 Regular City Commission Meeting be approved. Voice vote, Aye: Terry, Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously.

ORD. NO. 25-08
(2nd Reading)

An Ordinance amending Ordinance No. 36-66 relating to the Municipal Income Tax

There was discussion concerning the age limit for charging Income Tax to 16 and 17 year old students, the verification of gambling losses and other such reportable income.

Commissioner Fess asked if it would be possible to hold a work session to discuss the Municipal Income Tax ordinance before making a decision. City Manager Enderle stated he would like to hold a Work Session on Tuesday, October 28th to go over the Long Range Financial Plan and since it is just the first reading on the Municipal Income Tax ordinance it could also be discussed.

City Manager Enderle further stated he has said it more than once, that every cut the commission makes in the long-range financial plan has to be absorbed somewhere, whether it be in reducing services or in layoffs.

Public Comment

Brad Boehringer, 128 Mound Street, commended the Piqua City Commission on their willingness to make changes in the ordinance on accepting profit and loss statements. Mr. Boehringer also explained how a profit and loss statement could be used for the Municipal Income Tax reporting.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Ordinance No. 25-08 be given a second reading. Voice vote, Aye: Hudson, Fess, Vogt, Martin and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 25-08 be given a second reading.

ORD. NO. 26-08
(1st Reading)

An Ordinance amending Section 93.04 of the Piqua Code relating to Fire Prevention

There was discussion of if the current Fire Chief is the Fire Prevention Officer and if this would be a new position. City Manager Enderle explained the current Fire Chief is the Fire Prevention Officer but he delegates the duties to another officer at this time, and no, it would not be a new position. City Manager Enderle stated "this ordinance will provide more flexibility and establish a pay range for the fire prevention officer in the fire department". Currently the position is ranked as assistant chief, and the assistant chief of fire prevention has moved over to take a shift, leaving that position open and available.

City Manager Enderle further stated, " per our discussion in the long range comprehensive plan, this is a position that we targeted that could be reclassified to another pay grade".

Public Comment

Bill Hogston, Greene Street, President of the Piqua Firefighters Local 252 stated he represents two bargaining units, the Piqua Firefighters and the Fire Officers at this time. Mr. Hogston stated currently there is pending arbitration action on this very issue wanting the Commissioners to be aware that under both contracts, the commissioners are bound to adopt no ordinances, no resolutions, or conduct other legislative matters in conflict with this agreement. Obviously we feel this is a conflict that is yet to be resolved and would like to ask the commission to table this ordinance until this can be resolved, said Mr. Hogston. There was discussion if the commission would be in violation at this time if the ordinance were to pass. City Manager Enderle explained that the issue under arbitration is the ability to move the fire prevention assistant chief position to shift without giving a test first, and to not be confused by the issue.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Ordinance No. 26-08 be given a first reading. Voice vote, Aye: Hudson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 26-08 be given a first reading.

ORD. NO. 27-08 **(1st Reading)**

An Ordinance vacating a portion of Campbell Street public right of way

City Manager Enderle stated the two interested parties have agreed to meet with the City to discuss the vacating of the Campbell Street right of way.

Public Comment

Bill Shivley came forward and thanked the City Manager for offering him the opportunity to speak with the interested parties before the ordinance is passed.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 27-08 be given a first reading. Voice vote, Aye: Terry, Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 27-08 be given a first reading.

Res. No. R-115-08 **(Tabled 10-6-08)**

Moved by Commissioner Fess, seconded by Commissioner Terry, to remove Resolution No. R-115-08 from the table at this time. Voice vote, Aye: Vogt, Hudson, Martin, Terry and Fess. Nay: None. Motion carried unanimously. Mayor Hudson stated Resolution No. R-115-08 has been removed from the table.

A Resolution adopting a Long Range Financial plan for the City of Piqua

City Manager Enderle stated " I don't want to sound like I want to limit public comment, but we have been going over this stuff for over a year, and the more public comment you take, the less time you have to deliberate."

Commissioner Terry asked if the plan is adopted is it set in stone, or can it be changed. City Manager Enderle stated, no it is not set in stone and changes can be made as necessary. Commissioner Martin asked if the plan would come to the City Commission for a line-by-line approval. City Manager Enderle explained how it would be presented to the Commission for approval.

Public Comment

Several residents came forward to voice their opinions and concerns over numerous items in the long-range financial plan. Some of the questions included were: what is the plan if the five property maintenance ordinances on the November 4, 2008 ballot are not passed, the issuance of an occupancy permit when a tenant or resident sells or moves out of a home, if additional personnel would have to be hired to enforce the ordinances, how would bank foreclosure properties be handled, is there any other reason for the occupancy permit inspections other than for revenue, what are the penalties if the resident or landlord does not pay for the inspection fee and occupancy permit, the lack of new businesses in the city, and the possible charging to the Piqua Youth Baseball and Softball leagues for use of the field lights when they have never been charged for the use of the field lights in the past.

City Manager tried to explain the reasons for the items that were questioned, and stated the information would be considered in the work-study session.

Ted Willis, 1008 Colleen Drive, asked if there would be a charge for property owners to sell their homes, and if a person with a rental property shows their home, will they be charged. City Manager Enderle stated a city inspector will come out to inspect the home, and if a person sells their home, the fee would be for the city inspector to come out and inspect your home before the new owner can get an occupancy permit for it. Mr. Willis stated he felt residents were not aware of this ordinance and said he believed that they would not tolerate it.

Mr. Willis voiced his opinion over the City charging a fee for a property maintenance inspection to receive an occupancy permit if implemented in the City of Piqua. City Manager Enderle explained how the occupancy permit process would be implemented, and stated, "this does not adopt an ordinance, this is just a long range fiscal plan that the commission would consider doing in the future".

Bill Shively, came forward and stated that the city should be cautious in implementing this occupancy permit because the number of homes that may not meet the current code standards and code standards change constantly, and he doesn't think the banks that foreclose on local homes will spend the money to fix the necessary violations and the homes would set empty.

Several landlords voiced their opinions on the occupancy permit, citing they do keep their properties up to code and don't want to pay more taxes.

City Manager Enderle stated he would like to schedule a work-study session for Tuesday, October 28, at 5:00 p.m. to discuss all the elements of the plan, and suggested that commissioners come ready to provide some direction to city staff to put together a final plan that they would feel comfortable with.

Moved by Commissioner Fess, seconded by Commissioner Vogt, that Resolution No. R-115-08 be tabled until the November 3, 2008 Regular City Commission Meeting. Voice vote, Aye: Hudson, Terry, Vogt, Martin, and Fess. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-115-08 tabled until the November 3, 2008 Regular City Commission Meeting.

RES. NO. R-116-08

A Resolution amending the total payment to Zachrich Leasing, Inc. for the Shawnee Storm Water Pumping Station improvement project

Commissioner Fess asked for an explanation of the gate structure. Amy Havenar, Acting Public Works Director gave a brief explanation of the gate structure and the reason for the change order. There was discussion of the contingency cost and the price structure.

Public Comment

Mike Chappie voiced his concern over the use of a motorized gate citing he feels the motor will break, and then how will they lower the gate if needed.

Chet Osborn, 406 Staunton Street, voiced concern if the gate fails, who is responsible for the damages, and is there any type of backup plan in place. Amy Havenar explained who would be responsible if the gate should fail and how the backup plan works.

Moved by Commissioner Fess, seconded by Commissioner Martin, that Resolution No. R-116-08 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-116-08 adopted.

RES. NO. R-117-08

A Resolution amending Resolution No. R-28-08 (Section 2) by expanding the Diversity Committee by two additional members

Public Comment

No one came forward to speak for or against Resolution No. R-117-08.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-117-08 be adopted. Voice vote, Aye: Fess, Terry, Martin, Vogt, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-117-08 adopted.

RES. NO. R-118-08

A Resolution appointing two members to the Community Diversity Committee

Public Comment

No one came forward to speak for or against Resolution No. R-118-08.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-118-08 be adopted. Voice vote, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-118-08 adopted.

PUBLIC COMMENT

Gary Felver, 529 Park Avenue, American Legion Chairman for Post 184 thanked the Commission for passing an ordinance earlier in the year to place the amendment for Chapter 64 to the Piqua Code on the November 4, 2008 ballot.

Bill Mader, 324 S. Downing Street, asked several questions and voiced his opinion on several items.

Ted Willis, 1008 Colleen Drive, voiced his opinion on the long-range financial plan the city is working on, and stated he knows the city is concerned about the appearance of rental properties in the city. Mr. Willis further stated he feels the landlords need to work together on bringing their properties up to code, and asked the city to work with the landlords.

Brad Boehringer, 128 Mound Street, voiced his opinion on the new Piqua Plaza and thanked Ruth Koon and the Library Legacy Alliance for spearheading the project and doing such a wonderful job. Mr. Boehringer asked if they could form a citizens committee to work out problems, and urged citizens to get out and vote on November 4, 2008.

Roy Howard, Spiker Road, stated he wanted to apologize to Commissioner Fess for getting her called out at the last City Commission meeting, and to encourage citizens to vote no on the five property maintenance ordinances on November 4, 2008.

Skip Murray, 1215 Walker Street, representing Citizens for Piqua Neighborhoods asked citizens to support the five property maintenance ordinances on the November 4 ballot, stating these are just common sense ordinance.

Chuck Starrett, 4244 Demming Road, voiced his opinion on the five-property maintenance ordinance and urged citizens to vote no on these ordinances on November 4, 2008.

Bill Hogston, Greene Street, President of the Piqua Firefighters stated the firefighters unions support the amendment to Chapter 64 on the November 4 ballot.

Ruth Koon, stated the grand opening of the Fort Piqua Plaza on Sunday took the community to another height. Ms Koon urged citizens to continue to work on improving the other buildings in the city, and to vote for the five-property maintenance ordinance on November 4, 2008.

Dan French, resident, business owner, President of Grow Piqua Now Organization, and a small time landlord voiced his support of the five property maintenance ordinances. Mr. French stated the city of Piqua has welcomed seven or eight new businesses to the community and numerous jobs in the past year and is confident about continued growth in the future.

Several landlords also voiced their opinions on the five property maintenance ordinances on the November ballot and urged citizens to vote no on November 4, 2008.

Commissioner Vogt stated he is very impressed with the Fort Piqua Plaza renovations especially the fourth floor, citing it is second to none in a three county area. Commissioner Vogt commented that he was very negative on the project at one time, but is glad he changed his mind. Commissioner Vogt voiced his opinion on the occupancy permit process.

Commissioner Martin encouraged citizens to visit the Fort Piqua Plaza. Commissioner Martin also inquired about stop signs in several locations in Piqua, and asked citizens to inspect their flags and if they are tattered please replace them. City Manager Enderle stated he would look into the situation with the stop signs.

Commissioner Fess congratulated Ruth Koon, Dan French, and the Library Legacy Alliance Committee for spearheading the hotel renovation, and for all their hard work over the past months in raising the money needed to go forward with the project. It is a spectacular building and it is a miracle that it has happened, and thanked all who contributed to the project to make it happen. Commissioner Fess also thanked all who came forward to speak, stating everyone was respectful and this is the way a City Commission meeting should be.

Commissioner Terry agreed with Commissioner Fess stating a lot of good has come from the meeting. Commissioner Terry stated it was a spectacular grand opening for the Fort Piqua Plaza and invited citizens to go in and look around.

Mayor Hudson stated Fort Piqua Plaza is jaw dropping beautiful and encouraged citizens to visit. Mayor Hudson thanked everyone for their input stating it was very positive and passionate, and encouraged citizens to get out and vote on November 4, 2008.

Commissioner Terry stated before the Fort Piqua Plaza could open many hours were spent by city employees and Library staff at the last minute cleaning and working hard together to make the deadline for the grand opening and wanted to thank them for their efforts.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 9:45. Voice vote, Aye: Fess, Hudson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

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 unless losses are supported by an independent verifiable statement.
- 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. Each such employer shall, on or before the 15th day last day of the this month or quarter following such withholding each calendar quarter, make a return and remit to the City of Piqua the tax hereby required to be withheld. Employers shall deposit withholding to the City of Piqua on a monthly basis if the tax liability for

the previous year equals or exceeds three thousand dollars (\$3,000.00). 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. 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.
5. 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.
6.
 - 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, literacy, 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 17 +8 years of age and under. Earnings and income will be taxable for the portion of the year after which they become 18 +9.
- 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.

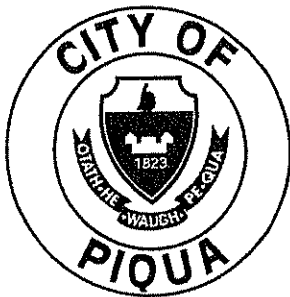
PASSED:

3rd Reading-Amended

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

ORDINANCE NO. 26-08

AN ORDINANCE AMENDING SECTION 93.04 OF
THE PIQUA CODE RELATING TO FIRE PREVENTION

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

SEC. 1: Section 93.04 (Bureau of Fire Prevention; Duties) of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined):

- (A) The Fire Prevention Codes shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and shall be operated under the supervision of the Chief of the Fire Department.
- (B) ~~The Assistant Chief in charge of the fire prevention bureau shall be chosen as per the civil service rules for promotions.~~ The Fire Chief of the Piqua Fire Department may delegate any of his powers or duties under this chapter to the Assistant chief of the fire prevention officer. ~~bureau.~~
- (C) The Chief of the Fire Department, from time to time, may designate as many members to be inspectors as he may deem necessary. They shall have such powers and perform such duties as are set forth in other sections of this chapter, and as may be conferred and imposed from time to time by law.
- (D) A report of the bureau of fire prevention shall be made annually to the chief of the fire department. Such report shall contain all proceedings under this chapter.
- (E) It shall be the duty of the fire prevention bureau to enforce all state and local fire codes in the City of Piqua, Ohio
- (F) It shall be the duty of the assistant chief of the fire prevention officer ~~bureau~~ to investigate and recommend to the City of Piqua, Ohio such additional ordinances, or amendments to existing ordinances, as he may deem necessary for the safeguarding of life an property against fire and explosion.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____
2nd Reading

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 27-08

**AN ORDINANCE VACATING A PORTION OF
CAMPBELL STREET PUBLIC RIGHT-OF-WAY**

WHEREAS, by Resolution No. R-94-08, passed September 2, 2008, Piqua City Commission expressed its intention to vacate a portion of Campbell Street (north of Water Street) public right-of-way; and

WHEREAS, Piqua Charter Section 98 has been complied with in all respects; and

WHEREAS, the City Planning Commission adopted Resolution No. PC 40-08 recommending approval of said vacation;

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

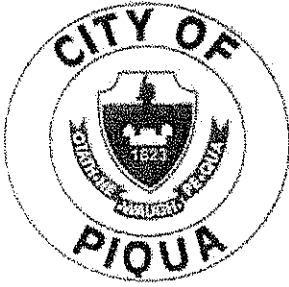
SEC. 1: A portion of Campbell Street (north of Water Street) public right-of-way as described in (Exhibit "A") attached hereto is hereby vacated for all public purposes except for public utility purposes.

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

THOMAS D. HUDSON, MAYOR

PASSED: _____
2nd Reading

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

October 8, 2008

MEMORANDUM

TO: Frederick E. Enderle

**RE: Request for Commission Legislation to Vacate the Platted Campbell Street
Public Right-of-Way**

At the October 7, 2008 meeting of the Planning Commission, with four of the five members present, the Planning Commission recommended approval of the above referenced public right-of-way vacation request. Therefore, I am forwarding this request for legislative action by the City Commission on this matter.

In accordance with the city code, all adjacent property owners were notified of the public hearing date and given an opportunity to speak on this matter. Also, all city departments, as well as all utility companies known to maintain facilities within the city of Piqua, were notified of this request and asked to respond with any concerns. No conflicts were identified by the utility companies notified. However, it was requested that a utility easement be maintained over the existing right-of-way area. The only concern presented from city department representatives related to ensuring connectivity between the east-west alley segments on either side of the existing Campbell Street right-of-way is maintained. Specifically, this concern was raised with reference to the need for refuse trucks to be able to travel through the alley way from one end to the other without having to turn around - a maneuver that would be all but impossible. Likewise, staff pointed out that any alteration to the alley through-way that interrupts the connectivity that the alley provides to and from Water Street and Roosevelt Avenue would adversely affect the accessibility of the properties contiguous to the alley improvements. To address this concern, staff recommended that the applicant be required to provide an alley easement across the north end of what is currently the Campbell Street right-of-way to maintain the connectivity of the east-west alley segments on either side of the existing right-of-way. The applicant commented on the proposed improvements for the area proposed for vacation noting that the area will be improved with a paved parking surface to be flanked by a planting area located at either end of the existing right-of-way. It was explained to the Planning Commission that the planting areas will not eliminate the Water Street access to the parking area or the alley, nor will they obstruct the movement of traffic traveling the east-west alley alignment. Rather, the planting areas are intended to enhance the appearance of the site while also acting as a deterrent to *Campbell Street* cut-through traffic. The applicant acknowledged that the installation of the improvements over the proposed vacation area has commenced prematurely, noting that time is of the essence with regards to completing the work necessary to finish the project before the close of this construction season. Also present to speak against this request was Mr. Jerry Hunolt of 216 N. Downing Street. Mr. Hunolt expressed concern with vacating of the Campbell Street right-of-way citing a hypothetical future closure of the east-west alley as reason for concern. Staff responded to this concern, citing the issues that would arise and make it unlikely the alley would ever be permitted to be closed should such a scenario ever be presented.

October 8, 2008

Page 2

RE: Request for Commission Legislation to Vacate a Portion of the Platted Campbell Street Public Right of Way

After considering the information provided, the Planning Commission found that the portion of public right-of-way proposed to be vacated is not essential to any transportation or utility infrastructure interest of the community. In taking action on the request, the Planning Commission recommended the approval of the proposed vacation provided a utility easement is maintained over the existing alley right-of-way limits, and provided that a alley easement is maintained across the northernmost end of the existing Campbell Street right-of-way.

Included with this memo for the City Commissions' reference in considering this request, please find a copy of the supporting documents pertaining to this matter.

Sincerely,

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enclosures

RESOLUTION No. PC 40-08

WHEREAS, pursuant to article 92.07 of the City of Piqua Code of Ordinances, Michael P. Yannucci, the adjacent property owner, has filed with the Clerk of the Commission a petition requesting that an improved portion of the Campbell Street Right of Way from Water Street to the north end be vacated; and,

WHEREAS, pursuant to Section 98 of the City of Piqua Charter the City Commission has adopted Resolution R-94-08 declaring their intention to vacate the subject right of way; and,

WHEREAS, pursuant to Section 98 of the City of Piqua Charter notice of the intent has been served on the abutting property owners and the Planning Commission has conducted a public hearing to consider the request to vacate the subject portion of right of way, and the commission has determined the vacation of the right of way will not impair the maintenance or improvement of existing or proposed infrastructure;

NOW THEREFORE BE IT RESOLVED, board member Oda hereby moves to APPROVE WITH
*CONDITIONS the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member BURP, and the voting record on this motion is hereby recorded as follows.

* UTILITY EASEMENT AND ALLEY EASEMENT TO BE PROVIDED AS
DESCRIBED IN TESTIMONY

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	☒	☐	☐	☐
Mr. Brad Bubp	☒	☐	☐	☐
Mr. Mike Taylor	☒	☐	☐	☐
Mrs. Jean Franz	☐	☐	☐	☒
Mr. Mark Spoltman	☒	☐	☐	☐

CITY OF PIQUA, OHIO

APPLICATION FOR VACATION
OF PUBLIC RIGHT-OF-WAY

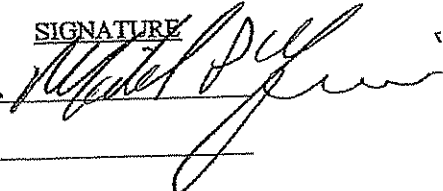
1. Applicant's Name Michael P. Yannucci Phone # 773-3161
Applicant's Address 333 W. High Street Piqua, OH 45356
2. Owner's Name Michael P. Yannucci Phone # 773-3161
3. Type of legal interest held by applicant Owner of Property
4. Location of Public Right-Of-Way Vacation request Campbell Street (South Half)

See Exhibit A

City owned Alley will be maintained.

5. Describe the reason for the requested Vacation of Public Right-Of-Way
Parking, and management of ingress and egress.

6. Property owners adjacent to Right-Of-Way to be vacated.

NAME	ADDRESS	SIGNATURE
<u>Michael P. Yannucci</u>	<u>320/322 W. Water St.</u> <u>400 W. Water St.</u>	
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Applicant  Date _____

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

\$100.00 Fee Paid \$100.00

Date Fee Paid 8/7/08

Receipt No. 180372

Res. No. _____

RESOLUTION NO. R-94-08

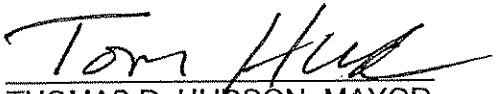
A RESOLUTION OF INTENT TO VACATE
PUBLIC RIGHT-OF-WAY

WHEREAS, pursuant to Piqua Charter Section 98, this Commission must adopt a resolution expressing its intention to vacate a portion of platted Campbell Street (north of Water Street) right-of-way.

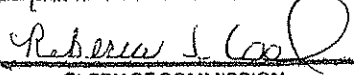
NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

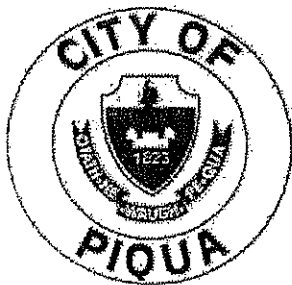
SEC. 1: This Commission hereby intends to vacate a portion of platted Campbell Street (north of Water Street) right-of-way as described in Exhibit "A" attached hereto. The City Manager or his duly authorized representative is hereby directed to cause notice of this Resolution to be served by certified mail upon all persons whose property abuts said tract. Said notice shall state the time and place at which objections can be heard by the Planning Commission.

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: September 2, 2008
ATTEST: Rebecca J. Cool
REBECCA J. COOL
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-94-08 is a true, accurate and correct copy of Resolution R-94-08 passed by the Commission of the City of Piqua, Ohio, on the 2 day of September, 2008.

CLERK OF COMMISSION

**PLANNING AND ZONING**

Christopher W. Schmiesing -- Planning and Zoning Supervisor
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

August 18, 2008

MEMORANDUM

TO: Frederick E. Enderle

RE: **Request for Commission Legislation to Declare Intent to Vacate a Portion of the Platted Campbell Street Public Right of Way**

A request to vacate the remaining portion of the platted Campbell Street public right of way north of Water Street has been received by this office. As you will recall the northernmost portion of Campbell Street right of way was previously vacated earlier this year. The portion of right of way affected by this request begins at Water Street and ends approximately 180 feet to the north. The property found on either side of the right of way is owned by the proprietor of the Jamieson & Yannucci Funeral Home. The impetus for the vacation request is the property owner's recent acquisition of these properties and the desire to rework this area to better compliment the use of the surrounding properties. Currently, the only traffic volume of any significance that this section of Campbell Street experiences, is generated by adjacent funeral home, dwelling unit, and professional office space uses. The petitioner indicates that it is his intent to continue to allow the adjacent property owners use of the vacated portion of Campbell Street as needed to access/exit their property.

To consider a request to vacate public right of way, section 98 of the City Charter requires the commission to first pass a resolution declaring its intention to do so. Therefore, I am forwarding this request for the City Commissions' adoption of said resolution. In doing so, the City Commission will be authorizing this request to be advanced to the Planning Commission to conduct a public hearing and further study this request. After such time the Planning Commission has held a public hearing to consider all of the facts pertaining to this matter, the item will be returned to the City Commission with the Planning Commissions' recommendation for approval or denial of this request. A recommendation for approval will result in the City Commission being asked to consider the adoption of an ordinance to approve the vacation of the subject right of way.

Staff's initial observations concerning this request finds that the subject right of way does not appear to be essential to the surrounding neighborhood or to the maintenance of city services provided to this area. Enclosed for the City Commissions' reference in considering this request, please find a copy of the application submitted to this office.

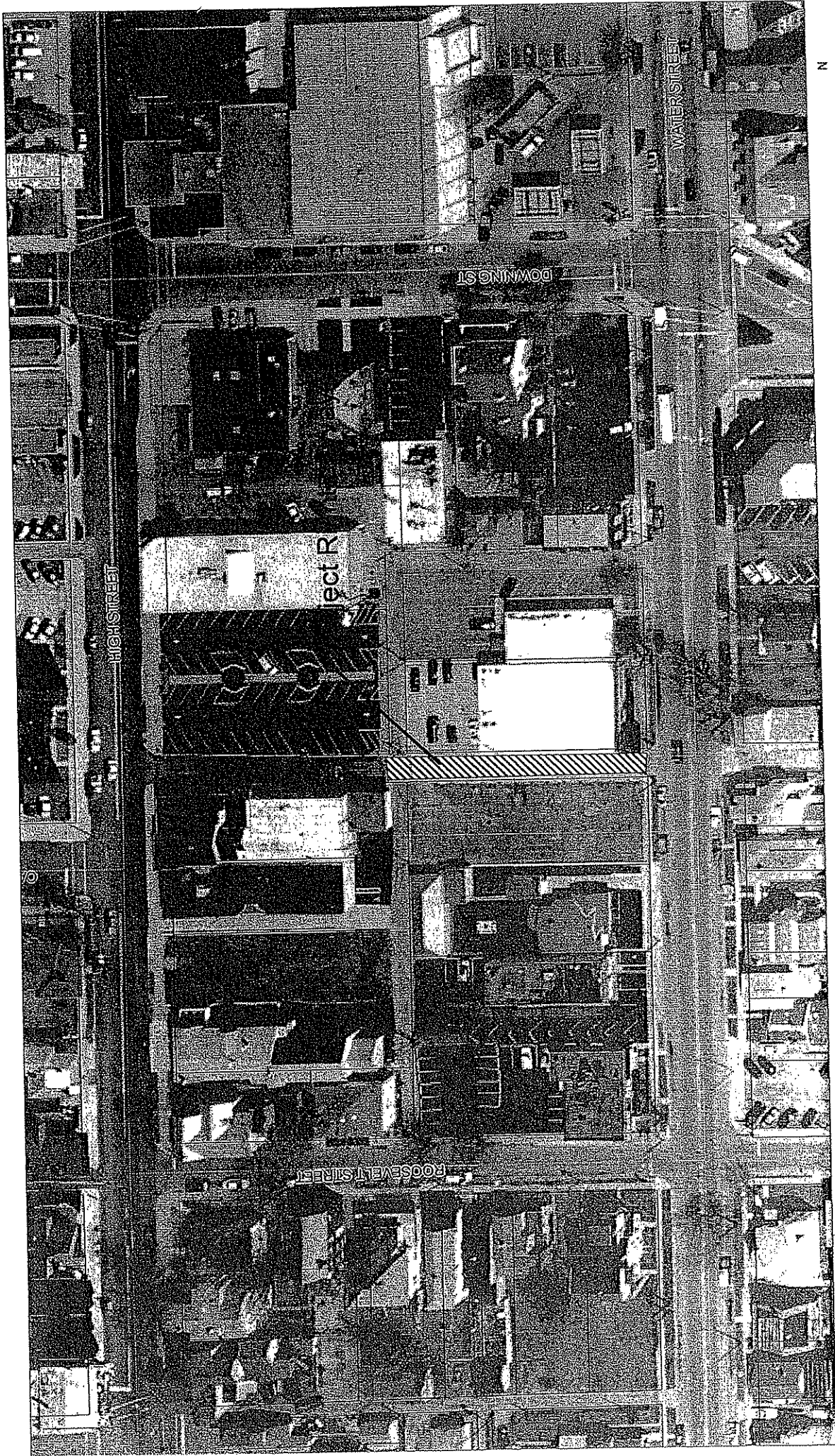
Sincerely,

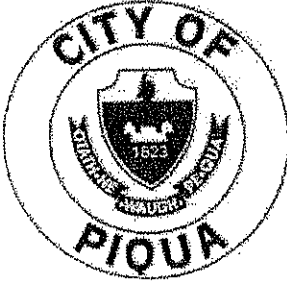
Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enclosures

EXHIBIT A





PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

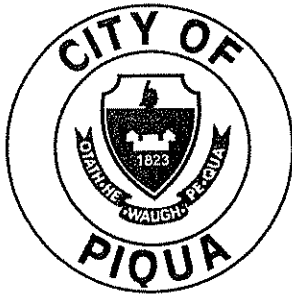
September 9, 2008

LEGAL NOTICE

Pursuant to Section 98 of the City of Piqua Charter, notice of the City of Piqua City Commissions' declaration of intent to vacate a portion of Campbell Street right-of-way beginning at Water Street on the south end and extending north to the north end of the Campbell Street right-of-way, and notice of the City of Piqua Planning Commission meeting date, time, and location, at which a public hearing will be conducted concerning this matter, said meeting to be held on Tuesday, October 7, 2008 at 6:00 P.M. in the Commission Chambers located on the 2nd floor of the Municipal Government Complex, 201 West Water Street, Piqua, Ohio, is hereby provided.

Christopher W. Schmiesing
City Planner

PUBLISH: Saturday, September 20, 2008



PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-0809
E-Mail: cschmiesing@piquaoh.org
Website: <http://www.piquaoh.org/zoning.htm>

September 9, 2008

TO: _____ AT&T
Legal Mandate Group, Rm 225
3233 Woodman Drive
Kettering, Ohio 45420

_____ Vectren Energy Delivery of Ohio
Troy Service Center
1300 Experiment Farm Road
Troy, Ohio 45373

_____ D.P.&L.
2385 Campbell Road
Sidney, Ohio 45365

_____ Time Warner Cable
1450 Experiment Farm Road
Troy, Ohio 45373

_____ City of Piqua Power System
Ed Krieger

_____ City of Piqua Engineering
Amy Havenar

_____ City of Piqua Water System
Ron Klima

_____ City of Piqua Wastewater
Dave Burtner

_____ City of Piqua Street Department
Doug Harter

_____ City of Piqua Health Department
Amy Welker

_____ City of Piqua Police Department
Bruce Jamison

_____ City of Piqua Fire Department
Gary Connell

*** REQUEST FOR COMMENTS ***

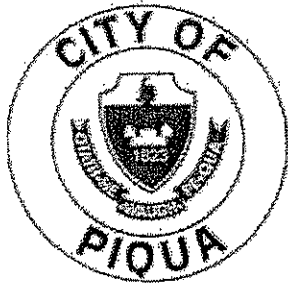
Please review the enclosed item and notify this office in writing with any concerns or comments your office may have regarding this matter.

This is your opportunity to speak in favor of, or object to, the requested item. Please email your comments to cschmiesing@piquaoh.org or mail them to the address listed above so that they are received by this office no later than 5 p.m. on October 7, 2008.

Please contact this office if you have any questions pertaining to this matter.

Christopher W. Schmiesing
City Planner
City of Piqua

Enc.



PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

September 26, 2008

*** MEETING NOTICE ***

Please be advised that the City of Piqua Planning Commission will conduct a meeting at the time and location stated below.

TIME: **6:00 P.M.**

DATE: **Tuesday, October 7, 2008**

LOCATION: **Commission Chambers, Municipal Government Complex
201 W. Water Street**

It has been determined by this office that you may have an interest in an agenda item that will be discussed at this meeting (see enclosed meeting agenda). To view the Planning Commission packet in its entirety, visit http://www.piquaoh.org/agenda_plan_comm.htm or visit this office.

This is your opportunity to speak in favor of, or object to, the item requested. If you desire to state your opinion concerning this matter and will be unable to attend the meeting, please submit your statement in writing to this office prior to 5pm on the date of the meeting.

Please contact this office if you have any questions pertaining to this notice.

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enc.

OCTOBER 7, 2008 PLANNING COMMISSION MAILING LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY/STATE/ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLITEN BOARD		
PC 40-08	YANNUCCI MICHAEL P	333 W HIGH ST	PIQUA, OH 45356
PC 40-08	ROWELL DELLA M	408 W WATER ST	PIQUA, OH 45356
PC 40-08	SKINNER DORIS E	810 S ROOSEVELT AV	PIQUA, OH 45356
PC 40-08	SHIVELY WILLIAM A	116 E MAIN ST	FLETCHER OH 45326
PC 40-08	REISER W JOSEPH & LAURIE WINANS REISER	406 S RIDGE AVE	TROY, OH 45373
PC 40-08	XSSV PROPERTIES LTD	414 W WATER ST	PIQUA, OH 45356
PC 40-08	HUNOLT JERRY E	PO BOX 1660	PIQUA, OH 45356
PC 40-08	ROUTSON MICHAEL M	407 W HIGH ST	PIQUA, OH 45356
PC 40-08	TERRY L JONES D C INC	210 N DOWNING ST	PIQUA, OH 45356
PC 39-08	MILLER DEAN	419 GARNSEY ST	PIQUA, OH 45356
PC 39-08	CLINE TOM	5758 POE AVE	DAYTON, OH 45414
PC 39-08	STEWART ALLEN & PENNY R	415 GARNSEY ST	PIQUA, OH 45356
ENTIRE PACKET TO:			
	FRED ENDERLE	INTER-OFFICE MAIL	
	CHRIS SCHMIESING	INTER-OFFICE MAIL	
	PLANNING COMMISSION	REGULAR MAIL	
E-MEETING NOTICE TO:			
	AMY WELKER	EMAIL	
	CHRIS BOEKE	EMAIL	
	CITY COMISSION	EMAIL	
	DEAN BURCH	EMAIL	
	DEBBIE STEIN	EMAIL	
	FRED ENDERLE	EMAIL	
	HARRY BUMGARNER	EMAIL	
	LORNA SWISHER	EMAIL	
	MARTIN KIM	EMAIL	
	STACY WALL	EMAIL	
	AMY HAVENAR	EMAIL	
	WAYNE WILLCOX	EMAIL	
	PIQUA DAILY CALL	EMAIL	
	DAYTON DAILY NEWS	EMAIL	
	WPTW	EMAIL	
	PIQUA CHANNEL 5	EMAIL	

PROOF OF PUBLICATION
THE STATE OF OHIO)SS:
MIAMI COUNTY)

PIQUA DAILY CALL

CITY OF PIQUA FINANCE DEPT
KIM MANIACI
201 W WATER ST
PIQUA OH 45356

REFERENCE: 9317 A43447
1208654 CAMPBELL ST. NOTICE

LAUREL BUTT, BEING DULY SWORN, SAYS THAT
SHE IS THE BUSINESS OFFICE ASSISTANT OF
THE PIQUA DAILY CALL, INC

Laurel M. Butt

(SIGNATURE OF THE BUSINESS OFFICE ASSISTANT)

A NEWSPAPER PRINTED, AND OF GENERAL CIRCULATION,
IN SAID COUNTY, AND THAT A NOTICE OF WHICH THE
ANNEXED IS A TRUE COPY, WAS PUBLISHED IN SAID
PAPER ON Sat. OF EACH WEEK FOR 1
WEEKS BEGINNING ON THE 20 DAY OF Sept 2008.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 22
DAY OF Sept. 2008.

Susan Brumfield
(NOTARY PUBLIC, MIAMI COUNTY, OH)

PUBLISHED ON: 09/20



SUSAN BRUMFIELD
Notary Public
In and for
the State of Ohio
My Commission Expires
Feb. 21, 2012

TOTAL COST: 63.25 AD SPACE: 5.000 INCH
FILED ON: 09/20/08

LEGAL NOTICE
Pursuant to Section 9B of the City of Piqua Charter, notice of the City of Piqua City Commissions' declaration of intent to vacate a portion of Campbell Street right-of-way beginning at Water Street on the south end and extending north to the north end of the Campbell Street right-of-way, and notice of the City of Piqua Planning Commission meeting date, time, and location, at which a public hearing will be conducted concerning this matter, said meeting to be held Tuesday, October 7, 2008 at 6:00 P.M. in the Commission Chambers located on the 2nd floor of the Municipal Government Complex, 201 West Water Street, Piqua, Ohio, is hereby provided.
Christopher W. Schmielesing
City Planner
9/20/08
1208654

LEGAL NOTICE DIRECTORY

LEGAL NOTICE

Pursuant to Section 98 of the City of Piqua Charter, notice of the City of Piqua City Commissions' declaration of intent to vacate a portion of Campbell Street right-of-way beginning at Water Street on the south end and extending north to the north end of the Campbell Street right-of-way, and notice of the City of Piqua Planning Commission meeting date, time, and location, at which a public hearing will be conducted concerning this matter, said meeting to be held on Tuesday, October 7, 2008 at 6:00 P.M. in the Commission Chambers located on the 2nd floor of the Municipal Government Complex, 201 West Water Street, Piqua, Ohio, is hereby provided.

Christopher W. Schmiesing
City Planner

9/20/08
1208654

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: _____
Tabled on 10/20/08 (Amended)

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	N	4,000		
seasonal softball leagues	300	Y	300		
seasonal youth sports	300	Y	300		
Other					
occupancy licensing program	150,000	N		150,000	
Fire					
finer for illegal burning	250	Y	250		
Police					
civil fines	250,000	Y	80,000	80,000	90,000
Total Potential New Fees	425,500		155,500	180,000	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	Y		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 accommodations	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	Y			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			
	Estimated Value \$	Implement Y/N	2009 & Beyond
Administration			
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			
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			
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			
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			
Civic Events			
Fund Band \$2,500, Fund July 4th \$1,000	2,500	Y	2,500
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	24,800		24,800
Public Safety			
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)

RESOLUTION NO. R-119-08

**A RESOLUTION AWARDDING A CONTRACT FOR
THE CONSTRUCTION OF A 3.0 MILLION GALLON FLOW
EQUALIZATION BASIN AND STANDBY POWER GENERATOR
FOR THE WASTEWATER TREATMENT PLANT**

WHEREAS, On October 6, 2008, this Commission passed Resolution No. R-111-08 declaring 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 for the Wastewater Treatment Plant; and

WHEREAS, the contract award was contingent upon approval of a loan from the Ohio EPA Division of Environmental and Financial Assistance; and

WHEREAS, the Ohio EPA approved said funding for this loan at their October 30, 2008 meeting; 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 the construction of a 3.0 million gallon flow equalization basin and standby power generator for the Wastewater Treatment Plant; and

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

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

SEC. 1: A contract is hereby approved with Peterson Construction Company as the lowest, responsible bidder for the construction of a 3.0 million gallon flow equalization basin and standby power generator for the Wastewater Treatment Plant.

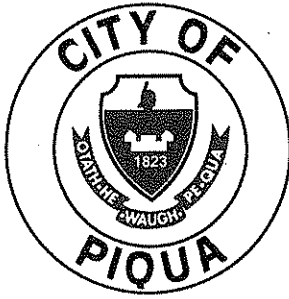
SEC. 2: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasury according to contract terms in the amount not to exceed \$4,125,000.00.

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



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

October 30, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION
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
TOTAL CONTRACT NOT TO EXCEED \$4,125,000**

We request authorization to award a contract as shown above.

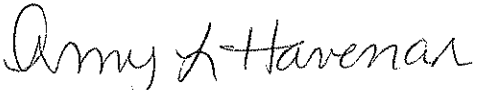
At its meeting on October 6, 2008, the City Commission declared its intent to award this contract contingent upon approval of a loan from the Ohio EPA Division of Environmental and Financial Assistance.

The Ohio EPA approved said funding for this loan at their October 30, 2008 meeting.

The completion time for the project is 365 days from the date on the Notice to Proceed, which will be issued immediately upon commission authorization to award a contract.

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

Respectfully submitted,


Amy L. Havenar, P.E.

c: Dave Burtner, Wastewater System Superintendent



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

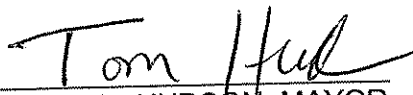
WHEREAS, OEPA requires the City of Piqua to approve a Resolution of Intent to award a contract for said project.

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.

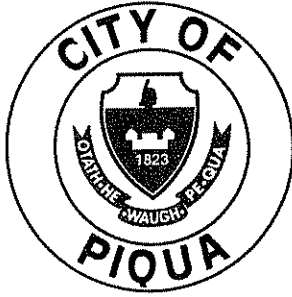

THOMAS D. HUDSON, MAYOR

PASSED: October 6, 2008

ATTEST: Rebecca J. Cool
REBECCA J. COOL
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-111-08 is a true, accurate and correct copy of Resolution R-111-08 passed by the Commission of the City of Piqua, Ohio, on the 6th day of October, 2008.


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

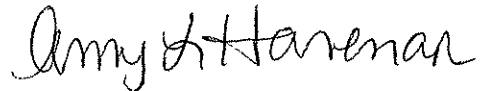
We anticipate OEPA approval the first of November. We will then request final legislation the end of November to award a contract. The E.Q. Basin will take one year to be built.

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 black ink, appearing to read "Amy L. Havenar". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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-120-08

**A RESOLUTION AMENDING THE TOTAL PAYMENT TO
CAMP DRESSER & MCKEE, INC. FOR THE DESIGN AND
CONSTRUCTION PHASE ENGINEERING OF A 3.0
MILLION GALLON FLOW EQUALIZATION BASIN AND
STANDBY POWER GENERATOR PROJECT**

WHEREAS, by Resolution No. R-59-07 passed on April 2, 2007, this Commission awarded the original contract to Camp Dresser & McKee, Inc. for design and construction phase engineering for a three-million gallon equalization basin; and

WHEREAS, it is necessary to approve Change Order No. 1 (attached hereto as Exhibit "A") to increase the payment to Camp Dresser & McKee, Inc. for design and construction phase engineering for a three-million gallon flow equalization basin and standby power generator 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: Change Order No. 1, which increases the total payment to Camp Dresser & McKee, Inc. to a total of \$321,427, an increase of \$21,427, is hereby approved.

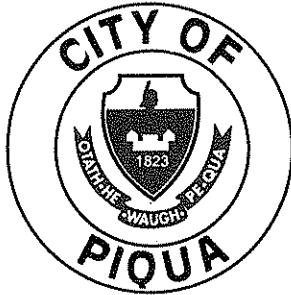
SEC. 2: The Finance Director is hereby authorized to draw her warrant on the appropriate account of the city treasury in payment according to this resolution.

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

October 28, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR COMMISSION AUTHORIZATION TO INCREASE THE DESIGN CONTRACT WITH CAMP DRESSER & McKEE, INC. FROM \$300,000 TO \$321,427 FOR THE DESIGN AND CONSTRUCTION PHASE ENGINEERING OF A 3.0 MILLION GALLON FLOW EQUALIZATION BASIN AND STANDBY POWER GENERATOR PROJECT.**

Peterson Construction Company, Inc., the apparent low bidder on the Flow Equalization Basin and Standby Power Generator Project, recently requested a change in the tank design from a prestressed tank to a cast-in-place tank. The reasons for their requested change are as follows:

- The concrete walls and slab would be constructed by PCC using local labor.
- The cast-in-place tank would use significantly more ready-mix concrete, which would be purchased locally keeping more money in the community.
- The cast-in-place tank would have thicker walls.
- The cast-in-place tank would take less time to construct than the prestressed tank.

The City of Piqua and Camp Dresser & McKee (CDM) both agree that either a cast-in-place tank or a prestressed tank will result in a quality built equalization basin for the City.

Up to this point, all of the construction documents were completed based upon the equalization basin being a prestressed tank. Therefore, if this change in the tank construction is made from a prestressed tank to a cast-in-place tank, CDM will need to review the new design submitted by Peterson Construction Company, as well as perform their own additional design work to ensure compliance with the tank requirements set forth by the American Water Works Association (AWWA). CDM will also have additional construction administration responsibilities during the construction of the tank.

Should the City proceed with the change to a cast-in-place concrete tank, there would be a credit to Peterson Construction Company's bid price of \$101,300.00.



Attached please find an amendment to the agreement between the City and CDM and also a letter from Peterson Construction Company detailing the proposed change in the tank design.

Please let me know if I can provide you with any additional information pertaining to this issue.

Respectfully submitted,

A handwritten signature in cursive script that reads "Amy L. Havenar". The signature is written in dark ink and is positioned above the printed name.

Amy L. Havenar, P.E.

Attachments

c: Dave Burtner, Wastewater System Superintendent

**AMENDMENT NO: 2
TO AGREEMENT
BETWEEN
OWNER AND ENGINEER**

This Amendment No: 2 is made and entered into this ____ day of November, 2007 to the Agreement between Camp Dresser & McKee Inc. ("ENGINEER") and the City of Piqua, Ohio ("OWNER") dated April 19, 2007, ("the Agreement").

WHEREAS, ENGINEER and OWNER entered into the Agreement for the design and construction of a 1.0 million gallon flow equalization basin ahead of the wastewater treatment plant to reduce the number of sanitary sewer overflows and to install a standby power generator for the wastewater treatment plant (the "Project"), and

WHEREAS, the parties desire to amend the Agreement so as to amend the scope of work, time periods of performance and payment, and/or responsibilities of OWNER; and

WHEREAS, the Agreement provides that any amendments shall be valid only when expressed in writing and signed by the parties.

NOW THEREFORE, in consideration of the mutual understandings and Agreements contained herein, the parties agree to amend the Agreement as follows:

1. The Basic Services of ENGINEER as described in the Agreement are amended and supplemented as follows:

1.2 Additional engineering services relating to constructing a cast-in-place equalization basin tank and not the specified prestressed concrete tank meeting the requirements of AWWA D-110.

2. The responsibilities of OWNER as described in the Agreement are amended and supplemented as follows:

N/A

3. The time periods for the performance of ENGINEER's services as set forth in the Agreement are amended and supplemented as follows:

N/A

4. The payment for services rendered by ENGINEER shall be as set forth below:

The total compensation for the Project shall be changed from the amended amount of \$299,187 to \$321,427 and is summarized as follows.

Original Agreement Amount	\$280,777
Previous Amendment No. 1 Amount	18,410
This Amendment No. 2 Amount	22,240

Total Compensation \$321,427

5. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this amendment on the date indicated above for the purpose herein expressed.

ENGINEER
Camp Dresser & McKee Inc.

Robert C. Yoxthimer

DATE: _____

OWNER
City of Piqua, Ohio

Frederick E. Enderle

DATE: _____



18817 S. R. 501 N., Box 2058, Wapakoneta, OH 45895-0558
Phone: (419) 941-2233 Fax: (419) 941-2244
www.petersonconstructionco.com

October 24, 2008

via E-mail

Ms. Amy Havenar, P.E.
City of Piqua
201 West Water St.
Piqua, Ohio 45356

RE: Piqua WWTP Flow Equalization Basin
PCC Project No.: P08-762
"Cast-in-Place EQ Basin"

Dear Ms. Havenar:

Thank you for taking the time to meet with us recently to discuss the upcoming improvement project at the Wastewater Treatment Plant. Peterson Construction Company is looking forward to the opportunity to again work with the City of Piqua.

Regarding our discussion on the option of changing the new Equalization Basin from a prestressed tank to a cast-in-place tank, we have had further discussions with our Structural Engineer, RDI. They have offered the attached design which is refined from the version that we had with us at the meeting. This design would allow us to offer a credit of \$101,300.00. If this was approved as a Change Order, we would provide submittal drawings and calculations that are stamped by an Ohio PE similar to the requirements of Section 13205, Wire Wrapped Prestressed Concrete Tanks. CDM would then review the submittal just like they would have reviewed the prestressed tank submittal.

The cast-in-place tank would have the same inside dimensions as the prestressed tank and would have no effect on the storage capacity, the mixing characteristics, or any other performance characteristics. The tank would be designed in accordance with ACI 350R Environmental Engineering Concrete Structures. 6" X 3/8" PVC waterstop would be utilized in the joints between the base slab & walls and the vertical wall joints so that the tank would be watertight. The completed tank would be leak tested as specified in Section 13205. The walls would be placed in 36' long sections. Each section would be placed in one monolithic vertical lift. High cycle vibrators would be used to ensure consolidation. The outside of the tank would receive a rubbed concrete finish.

As we discussed, some of the benefits of changing to the cast-in-place tank in addition to the cost savings are:



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- The walls and slab would be constructed by Peterson Construction Company using our local labor, so more labor dollars would be spent in the community. The prestressed tank specified would be constructed by a specialty subcontractor (Preload), who uses traveling crews from out of state so most of the money spent on the tank would leave Ohio.
- The cast-in-place tank would use significantly more ready-mix concrete than the prestressed tank. This would produce more work for the local concrete supplier and, again, more dollars staying in the community.
- The cast-in-place tank that we propose would have walls that are 24" thick which is approximately 3-4 times as thick as the walls on the prestressed tank. Therefore, the tank would be much stronger and more durable. The prestressed tank gets its strength from prestressing wires wrapped in many layers around the tank. If some of the prestressing wires would happen to be cut by accident (perhaps from a truck backing into the tank or a hole/anchor being installed in the tank), a serious structural problem would result. Also contributing to a more robust design in the cast-in-place tank are the approximately (1,150) #6 & #7 rebar dowels that connect the walls to the base slab. The final design on the prestressed tank are not known at this time but based on our past experience with this type of tank, there will be considerably less anchorage between the tank walls and base slab; this may be of concern due to the tank being located in the flood plain.
- The cast-in-place tank will take less time to construct than the prestressed tank. This would result in a shorter construction duration and possibly less cost to the City of Piqua for engineering inspection and administration.

Peterson Construction Company has constructed well over (100) cast-in-place tanks in the past so we have the expertise to construct a high quality structure. Most recently we constructed a 200' diameter cast-in-place Equalization Basin for the Sugarcreek WWTP which is located near Bellbrook, Ohio (see attached photo).

In closing, we believe that the cast-in-place tank would give the owner a much better tank using local employees at a significantly reduced cost. We would welcome any questions you have regarding this proposal and appreciate your consideration.

Sincerely,

PETERSON CONSTRUCTION COMPANY



Robert K. Knapke
Project Manager

RKK/lje
Enclosures (2)