REVISED

A G E N D A
PIQUA CITY COMMISSION
MONDAY OCTOBER 19, 2009
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION
Move into Executive Session for and review negotiations on compensation or other terms and conditions of employment for City personnel.

REGULAR CITY COMMISSION MEETING

1.	**APPROVAL OF MINUTES**	Approval of the minutes from the October 5, 2009 Regular City Commission Meeting
2.	**ORD. NO. 16-09** **3rd Reading**	An Ordinance levying a five-dollar municipal tax on motor vehicle licenses pursuant to Section 4504.06
3.	**ORD. NO. 18-09** **2nd Reading**	An Ordinance enacting Chapter 55 of the Piqua Municipal Code to establish a new Chapter entitled Stormwater Management, which provides for effective management and financing of a Stormwater Utility System
4.	**ORD. NO. 19-09** **1st Reading**	An Emergency Ordinance amending Chapter 76 of the Piqua Municipal Code to exclude bicycles from being parked on sidewalks
5.	**RES. NO. R-97-09**	A Resolution authorizing a purchase order to Nelson Tree Service, Incorporated for electric line clearance
6.	**RES. NO. R-98-09**	A Resolution authorizing a purchase order to G2 Digital Solutions for computer laptops

ECONOMIC DEVELOPMENT UPDATE
Presented by – Mr. Bill Murphy, Assistant City Manager/Director of Economic Development

ADJOURNMENT

MINUTES
PIQUA CITY COMMISSION
OCTOBER 5, 2009
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, Fess, Vogt, and Terry. Absent: None.

PROCLAMATION – Business Appreciation Week in the City of Piqua
Accepting – Ms. Lisa Whitaker – President of Piqua Chamber of Commerce

Mayor Hudson read the Proclamation and presented it to Lisa Whitaker, President of the Piqua Chamber of Commerce. Ms. Whitaker thanked the Mayor and stated they would proudly display the proclamation in their office. Ms. Whitaker also announced the Chamber of Commerce is hosting a Regional Business Showcase on October 15, 2009 with 110 companies in a 117 booths.

PROCLAMATION – Community Planning Month in the City of Piqua
Accepting – Chris Schmiesing – City Planner

Mr. Schmiesing thanked the City Commission for acknowledging the importance of planning in a community and the contributions that planning can bring to the community so far as the benefits derived. Mr. Schmiesing also thanked the citizens who take the time to participate on the Planning Commission, Board of Zoning Appeals, and the Downtown Design Review Board and other planning activities and applauds them for taking time out of their personal schedules to contribute to the community.

PROCLAMATION – International Walk to School Day in the City of Piqua
Accepting – Chris Schmiesing – City Planner

Mr. Schmiesing thanked the Commission for recognizing International Walk to School Day and accepted the proclamation on behalf of the Piqua City Schools representatives and city employees who participated in several meetings on a safe routes to school initinitative. October 21, 2009 is the date set for the Walk to School Day in the City of Piqua, said Mr. Schmiesing.

REGULAR CITY COMMISSION MEETING

APPROVAL OF MINUTES

Moved by Commissioner Martin, seconded by Commissioner Terry, that the minutes of the Regular City Commission Meeting of September 21, 2009 and the Piqua City Commission Work Session of September 28, 2009 be approved. Voice vote, Aye: Hudson, Fess, Terry, Martin, and Vogt. Nay: None.

ORD. NO. 16-09
(2nd Reading)

An Ordinance levying a five-dollar municipal tax on motor vehicle licenses pursuant to section 4504.06

There was discussion of the fees and when the increases would take place, if the City has had any firm commitment from the County that they plan on levying a motor vehicle tax any time soon. There has been no indication of the County levying this tax anytime in the near future. City Manager Enderle stated this is being brought forward as part of the Long Range Plan that was set to increase the revenue for the Street funds. There were questions concerning adding the extra five dollars in 2011, and thoughts were of not putting both on at this time, City Manager Enderle further explained.

Mayor Hudson asked where we are on the street levy, and when it is it up for renewal again. City Manager Enderle stated the street renewal levy is scheduled for renewal next year. Mayor Hudson stated he likes the thought of the money staying in the city versus the county receiving the revenue. Commissioner Fess stated there has been so many new fees put on citizens recently, and she would only like to add one additional fee at this time.

Law Director Wall stated Ordinance No. 17-09 could be tabled indefinitely for now, and Ordinance No. 16-09 could be passed at this time.

Public Comment

No one came forward to speak for or against Ordinance 16-09 at this time.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 16-09 be given a second reading. Aye: Fess, Terry, Martin, Vogt, and Hudson. Nay: None.

ORD. NO. 17-09
(2nd Reading)

An Ordinance levying a five-dollar municipal tax on motor vehicle licenses pursuant to section 4504.17

Public Comment

No one came forward to speak for or against Ordinance No. 17-09 at this time.

Moved by Commissioner Fess, seconded by Commissioner Terry, to table Ordinance No. 17-09 indefinitely. Voice vote, Aye: Hudson, Martin, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson then declared Ordinance No. 17-09 tabled indefinitely.

ORD. NO. 18-09
(1st Reading)

An Ordinance enacting Chapter 55 of the Piqua Municipal Code to establish a new Chapter entitled Stormwater Management, which provides for effective management and financing of a Stormwater Utility System

City Engineer Any Havenar, read the names of the Committee members who participated in the planning over the last nine months. Jim Rozelle, representative of Stantec Inc. gave a brief presentation on the need for the storm water project at this time.

There was discussion of where the money would come from for the unfounded mandates that have been placed on the City at this time, the use of grants to help defray costs, how the committee arrived at the suggested fees. There were also questions concerning water run off on yards, parking lots, roofs, and from the streams that run down from the Miami County areas. Other surrounding cities are also having the same issues and are doing the same type of plans.

It was stated the $4.70 per month is to be set in place for five years, and the money is designated for the sewers and will be reviewed again at the end of five years. Committee members Andy Monnin and Jim Vetter stated it was a consensus based program, and the City would have to pay substantial fees if this plan is not implemented sometime in the near future, they further explained how the Committee arrived at their suggestions for fees.

Mayor Hudson thanked all the Committee Members for taking the time to sit on the committee for this storm water plan at this time.

Public Comment

Earl Wagoner, New Haven Road, voiced his concern about the $4.70 per month increase and if it would appear on his monthly utility bill on a separate line. Mr. Wagoner would also like to see the $5.00 Municipal Tax on motor vehicle licenses not be put into effect at this time.

Commissioner Fess said she appreciated the presentation and stated that it was quite thorough and very understandable, it certainly helped her understand the direction the city is taking and why.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to give Ordinance No. 18-09 a first reading. Voice vote, Aye: Martin, Fess, Terry, Hudson, and Vogt. Nay: None. Motion carried unanimously.

RES. NO. R-94-09

A Resolution awarding a contract to Brian Brothers Painting and Restoration LLC for the 2009 Mausoleum Building repairs

There was discussion regarding the new roof that was put on last year, the type of repairs that need to be done, the plans to possibly market the remaining vaults in the Mausoleum to raise some revenue to help defray the costs in the future. It was stated that the Judge turned over the Mausoleum to the City of Piqua after the funds to maintain it ran out. The Forest Hill Cemetery has never had ownership of the Mausoleum at any time, it was previously set up in a trust, and when the trust money ran out the problems begin to arise. Bob Greaser, Project Manager gave a brief overview of the type of repairs that have taken place so far and what is needed to be done to complete the repairs at this time.

Public Comment

Larry Starrett, Fairfax Avenue, voiced his concern over the need to have heat and air conditioning in the Mausoleum, and inquired who previously owned the building. Mr. Starrett also asked the names of the people that are interred in the Mausoleum, and if they were local citizens.

Law Director Wall explained how the City of Piqua ultimately became responsible for the Mausoleum and the maintenance. The City of Piqua has no choice but to maintain the Mausoleum at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-94-09 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-94-09 adopted.

RES. No. R-95-09

A Resolution approving the 2009 School Travel Plan Safe Routes to School Countermeasure Application

There was discussion regarding the possibility of obtaining grant funds and what the requirements were to receive the funds. If the grants were received they would be at 100% with no local matching funds required, said City Planner Chris Schmiesing.

Public Comment

No one came forward to speak for or against Resolution No. R-95-09.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-95-09 be adopted. Voice vote, Aye: Vogt, Martin, Fess, and Terry. Nay. None. Motion carried unanimously. Mayor Hudson declared Resolution No. R-95-09 adopted.

RES. NO. 96-09

A Resolution of authorization to submit applications for Federal Safetea-Lu funds through the Miami Valley Regional Planning Commission

City Manager Enderle gave a brief overview of what projects the funds would be utilized for.

Public Comment

No one came forward to speak for or against Resolution No. R-96-09.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Resolution No. R-96-09 be adopted. Voice vote, Aye: Hudson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-96-09 adopted.

OTHER

Approval of the Monthly Reports for August.

The Monthly Reports for August were accepted.

Public Comment

Terry Wright, W. North Street, thanked the City Commission, stating there are several DVD's of previous Commission Meetings now available at the Piqua Public Library for viewing. Mr. Wright also voiced his concern over the funding for the Mausoleum and asked if anyone had looked into the possibility of using historical grant funds for repairs.

Joe Wilson, W. Greene Street, stated he attended the Dancing in the Moonlight/Car Show activities in the downtown last weekend. Mr. Wilson wanted to publicly thank Lorna Swisher and Mainstreet Piqua along with the city employees and volunteers for hard their work on putting together the event.

Lisa Whitaker, President of Piqua Chamber of Commerce, stated the Dancing in the Moon light/Car Show event was a very successful evening with the proceeds from the Car Show going to the Veterans Memorial Fund. Ms. Whitaker thanked Bruce Hogston, chairperson for the Car Show for raising $1000 for the Veterans Memorial Fund that evening.

Deron Yingst, Adams Street, voiced his concern about where the money that was set aside previously for improvements to the Mote Park building was at this time, and when the scheduled repairs would begin. City Engineer Amy Havenar stated the repairs should begin late winter or early spring.

Commissioner Vogt stated he attended the Dancing in the Moonlight/Car Show event and applauds Lorna Swisher for her efforts in putting together such an entertaining event. Also the Farmers Market in the downtown every Thursday has been very well attended and he wanted to give Lorna Swisher credit for all her work on putting this together every week.

Commissioner Martin stated he attended the Moonlight Stride to Ride event and it was very well attended with quite a number of bicyclist participating. Commissioner Martin also stated he received a telephone call inquiring if there are any plans for reconstruction of Commercial Street and also concern over the numerous potholes around town.

Mayor Hudson inquired as to the status of the Hospital Demolition project.

City Planner Chris Schmiesing stated there is nothing to new to report at this time, the City is still in contact with the owners, who are still looking for grant dollars to continue the cleanup. The EPA is also involved with the project along with the City, and will continue to monitor the situation, said Law Director Wall.

Mayor Hudson inquired as to the status of the Landscape Plans for the Rt. 75/36 Intersection. City Engineer Amy Havenar explained the plans and stated the project should begin sometime in 2010.

Mayor Hudson reminded citizens political signs are going to be coming out soon, and reminded citizens they are not to be placed in the public right-of-ways. Mayor Hudson also stated there is a portion of wood at Locke 9 Park that is deteoriated by the Bike Path and asked if someone would look into it. City Engineer Amy Havenar stated she would look into it.

Mayor Hudson stated a send off is scheduled for the Veterans on Tuesday morning and encouraged citizens to attend and show their support for the Veterans. Mayor Hudson also thanked Rich Koon and Ron Pierson for their continued efforts in putting these trips together for the Veterans.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission at 9:20 P.M. Voice vote, Aye: Vogt, Martin, Terry, Hudson, and Fess. Nay: None. Motion carried unanimously.

_____
THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 16-09

AN ORDINANCE LEVYING A FIVE DOLLAR MUNICIPAL TAX ON MOTOR VEHICLE LICENSES PURSUANT TO SECTION 4504.06

WHEREAS, Amended Substitute House Bill No. 419, which became effective on July 1, 1987, permits municipalities and other local governments to levy a five dollar tax on motor vehicles registered by citizens of such municipalities; and

WHEREAS, said tax would be used solely for street purposes as defined in Ohio Revised Code Section 4504.06; and

WHEREAS, public comments and work sessions were held throughout the Long Range Financial planning process on such dates as September 8, 2008, October 6, 2008, October 20, 2008, October 28, 2008 and November 3, 2008; and

WHEREAS, the motor vehicle license tax was included in the Long Range Financial Plan as adopted by Resolution No. R-115-08 on November 3, 2008; and

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: There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to Section 4504.06, Ohio Revised Code, for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section; and to provide additional revenue for the purposes set forth in Section 4504.06, Ohio Revised Code; and to supplement revenue already available for such purposes;

SEC. 2: Such tax shall be at the rate of Five Dollars ($5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is in the City of Piqua, Ohio;

SEC. 3: As used in this Ordinance, the term "motor vehicle" means any and all vehicles included within the definition of motor vehicle in Section 4501.01 and 4505.01 of the Ohio Revised Code;

SEC. 4: The tax imposed by this Ordinance shall apply to and be in effect for the registration year commencing January 1, 2011, and shall continue in effect and application during each registration year thereafter;

SEC. 5: The tax imposed by this Ordinance shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in Section 4503.10 of the Ohio Revised Code;

SEC. 6: All monies derived from the tax hereinbefore levied shall be used by the City of Piqua solely for the purposes specified in this Ordinance;

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

1st Reading 9-21-09
2nd Reading 10-05-09

_____
THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 18-09

AN ORDINANCE ENACTING CHAPTER 55 OF THE PIQUA MUNICIPAL CODE TO ESTABLISH A NEW CHAPTER ENTITLED STORMWATER MANAGEMENT, WHICH PROVIDES FOR EFFECTIVE MANAGEMENT AND FINANCING OF A STORMWATER UTILITY SYSTEM

WHEREAS, it is in the public interest for the City of Piqua to establish feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the community; and

WHEREAS, it is necessary to implement practices to control water quantity as well as protect water quality and to address the requirements established in Ohio's Municipal Separate Storm Sewer System (MS4) National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Regulations.

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

SECTION 1. That the City of Piqua hereby adopts Chapter 55 entitled Stormwater Management and hereby reads in full as follows:

CHAPTER 55: STORMWATER MANAGEMENT

Section

General Provisions

55.01 Purpose

55.02 Definitions

Organization and Operation

55.05 Organization of the Utility

55.06 Stormwater Facilities

55.07 Erosion, Siltation and Sedimentation

55.08 Routine and Remedial Maintenance and Right of Entry

55.09 Property Affected

Fees; Financial Administration

55.30 User Fee

55.31 Fees Established

55.32 Collection

55.33 Enterprise Fund Requirements

Legal Process

55.50 Enforcement

55.51 Appeals

55.52 No Liability

55.99 Penalty

§55.01 PURPOSE.

This chapter establishes a stormwater management user fee to fund and support the City's efforts to address the issues presented in the recital provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater permit and required operation, maintenance and replacement costs. The user fees include general public (institutional, agency, federal, state and local government and the like) and/or property owner user fees.

The purpose of the Stormwater Code contained in this chapter is to provide for effective management and financing of a stormwater system utility within the City. To effectively accomplish the management of a stormwater utility, this code shall:

(A) Provide for administration, operation, maintenance and inspection of existing and future stormwater management facilities;

(B) Protect the public health, safety and welfare by providing a mechanism for mitigating the damaging effects of uncontrolled and unplanned stormwater runoff.

(C) Establish and maintain fair and reasonable stormwater management service charges for each lot or parcel in the City which bear a substantial relationship to the cost of providing stormwater management services and facilities.

(D) Ensure that similar properties pay similar stormwater management service charges which reflect each property's quantity of impervious area, because this factor bears directly on the quantity and quality of stormwater runoff generated from developed areas. Charges for single-family detached dwelling units, two-family dwelling units and each housekeeping unit within a multi-family dwelling unit shall reflect the relatively uniform effect that such development has on runoff. Charges for all other properties shall be calculated based on their equivalency of impervious surface compared to single-family detached dwelling units, two-family dwelling units and each housekeeping unit within a multi-family dwelling unit.

(E) Provide a mechanism for consideration of specific or unusual service requirements of some non-residential properties accruing to or from properties as a result of providing their own stormwater management facilities.

(F) Provide to non-residential property owners a service charge adjustment process to review stormwater charges when unusual circumstances exist which alter runoff characteristics, when service varies from a normal condition or is of greater significance than contribution to runoff.

(G) Utilize stormwater management funds for the construction, operation, and maintenance of City stormwater facilities, except where activities or facilities are clearly unusual and in excess of normal level of service City-wide, and that developers are responsible for providing any stormwater facilities required for their project.

(H) In order to maintain the effectiveness of the Stormwater Code, this Code shall:

(1.) Establish a mechanism for appeals and amendments to its provisions.

(2.) Provide for a procedure for abatement of conditions or activities that are not in the interest of public health, safety or welfare.

(3.) Provide for its continuous validity through severability of its various provisions.

(4.) Provide for penalties for violations of its provisions.

The Stormwater Utility Department (STWUD) shall establish rules and regulations consistent with this chapter to ensure the effective enforcement and maintenance of the stormwater utility.

§55.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

STWUD. The Stormwater Utility Department of the City, or any duly authorized officials acting in its behalf.

ERU (EQUIVALENT RESIDENTIAL UNIT). The estimated average square footage of impervious area of a single-family residential property inside the City, equal to 2,700 square feet. This is the unit to which the base rate is applied and may periodically be adjusted based on changing conditions in the City.

ODNR. Ohio Department of Natural Resources.

IMPERVIOUS AREA. Surface areas of residential and non-residential properties which water will not penetrate and from which stormwater runoff will be produced. This includes, but is not limited to, rooftops, sidewalks, parking lots, pavements, concrete, asphalt and compacted gravel.

NON-RESIDENTIAL DEVELOPED PROPERTY. All tracts of real property either zoned or developed for (i) residential use intended for occupancy by more than three families per residential structure (e.g., apartment houses with four or more units under a single roof), (ii) commercial uses, (iii) non-profit non-residential uses (e.g., governmental organizations, churches, and fraternal organizations), and (iv) industrial uses.

NPDES. National Pollutant Discharge Elimination System.

RESIDENTIALLY DEVELOPED PROPERTY. All tracts of real property either zoned or developed for residential use in structures designed and permitted for habitation by one or two families (i.e., single-family homes, two-family homes (duplex units) or three-family homes (triplex units)).

SFR (SINGLE-FAMILY RESIDENTIAL). All tracts of real property with improvements intended for occupancy by one, two, or three families for residential purposes (i.e., single-family homes or duplex units), regardless of the number of sewer taps and fees it incurs.

STORMWATER SYSTEM. A system of constructed and naturally occurring above ground and below ground facilities or infrastructure intended to collect, treat, convey, and otherwise manage runoff from rain, snow, and other precipitation including, but not limited to, drains, inlets, conduits, culverts, storm sewers, manholes, pump stations, channels, ditches, swales, drainage easements, retention and detention basins, infiltration facilities, constructed best management practices (BMP's), lakes, ponds, streams, creeks, rivers and other related components.

VACANT/UNIMPROVED PROPERTY. All tracts of real property that are wholly vacant and unimproved (no impervious area), regardless of the zoning

classification assigned to the property or the uses permitted thereon by applicable law, rules, and regulations.

§55.05 ORGANIZATION OF THE UTILITY.

The Utility shall be administered and managed by the City Manager or his designee who shall have the responsibility for planning, developing, and implementing stormwater management and sediment control plans; financing, constructing, maintaining, rehabilitating, inspecting, and managing stormwater facilities; collecting fees and charges for the Utility; implementing and enforcing the provisions of this code; promoting public awareness of the progress and activities of the Utility; making recommendations regarding proposals for amendments to this chapter, including, but not limited to, service charges, rules, and regulations; and other related duties.

§55.06 STORMWATER FACILITIES.

(A) The Utility shall monitor the design, operation, maintenance, inspection, construction and use of all storm sewers, storm drains, and stormwater facilities in the City. The Utility shall be responsible for the design and construction of public stormwater facilities in the City and shall inspect, operate, and maintain them as prescribed in the stormwater rules and regulations.

(B) The Utility may accept overriding responsibility for permanent maintenance of stormwater facilities designed to control erosion when the benefitting area involves two or more property owners. The Utility may require facilities to be designed to reduce maintenance cost and will require adequate easements.

§55.07 EROSION, SILTATION AND SEDIMENTATION.

The Utility shall be responsible for controlling erosion, siltation and sedimentation that will adversely affect storm sewers, drainage ditches, watercourses and other drainage facilities.

§55.08 ROUTINE AND REMEDIAL MAINTENANCE AND RIGHT OF ENTRY.

(A) The Utility shall provide for inspection and routine maintenance of facilities that have been accepted for maintenance by the Utility. Maintenance may include catch basin cleaning, grating and casting repair, bridge surface drainage systems cleaning, channel clearing, erosion repair, and other incidentals. The Utility shall provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public. Remedial maintenance of bridge surface drainage systems shall remain the responsibility of agencies other than the Utility.

(B) Upon notice, the City Manager or his designee, including contractors and their employees or consultants and other employees, may enter upon lands within the City to make surveys and examinations to accomplish the necessary findings for planning and engineering studies or for inspection or maintenance of stormwater facilities. The City Manager or his designee shall maintain records of all inspections made.

§55.09 PROPERTY AFFECTED.

(A) Except as provided in this chapter, all residentially developed property and non-residential developed property located within the limits of the city shall be subject to the stormwater service charges established by this chapter regardless of whether the properties are privately or publicly owned. Vacant/unimproved property shall not be subject to the stormwater service charges.

(B) The Utility shall be responsible for stormwater drainage facilities and watercourses on all streets, boulevards, sidewalks, curbing, street and other municipal property and public easements, and highway structures and appurtenances belonging to the City.

(C) Where public facilities and watercourses are located in easements on private property, the owner of the property is responsible for aesthetic maintenance such as lawn mowing, litter pick-up, etc. The owner shall neither place nor allow structures or plantings that interfere with the operation and maintenance of such drainage facilities and watercourses.

(D) The Utility may authorize the construction of curbs, pavements, channels, watercourses, conduits, culverts, or other structures necessary to properly operate and maintain new and existing stormwater facilities.

§55.30 USER FEE.

(A) All owners of real property in the City shall be charged for the use of the stormwater system based on an estimate of the amount of stormwater and rate of flow of stormwater that is projected to discharge into the stormwater system from the property.

(B) By this chapter, which may be amended from time to time by resolution of the Commission, the City hereby sets and establishes a system of fees that is intended to assess users their fair and equitable share of the costs for use of the stormwater system for each property within the City. These fees shall be established in an amount sufficient to defray the reasonable costs for Federal stormwater permit requirements, operation, maintenance, and construction of necessary improvements or additions to the stormwater system. The subsequent amendments or adjustments shall take into consideration the amount of funds reasonably necessary to meet the level and cost of service required to manage and operate the stormwater system, including any previously unforeseen inflationary

pressures, system expansion, increases in state and federal program mandates, or related issues that may necessitate management program expansion.

§55.31 FEES ESTABLISHED.

(A) Subject to the provisions of this chapter, each and every owner and/or operator of residentially developed property and non-residential developed property shall have imposed upon them a stormwater user fee. The stormwater user fee shall be a monthly service charge and shall be determined by the provisions of this chapter and the applicable equivalent residential unit (ERU) and ERU rate established hereunder, which provisions may be amended from time to time in accordance with the provisions of this chapter or by resolution of the Commission. The established rate shall be contained within the Stormwater Management User Fee Policy. Effective with the initiation of the Stormwater Utility, one (1) ERU is equivalent to $4.70.

(B) The City Manager shall make recommendations to the Commission to adjust this definition of ERU from time to time by resolution to reflect development trends within the city or further equitably divide the costs of supporting the operation and maintenance of the stormwater system. In adjusting this definition, the Commission shall take into consideration the source of the data from which the subject ERU is to be established, the general acceptance and use of the source on the part of other stormwater systems, and the reliability and general accuracy of the source. The Commission may also utilize information obtained from property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information in order to determine impervious surface areas.

(1.)Residentially developed properties shall be billed on a per unit basis at one (1) ERU per month and duplexes, triplexes and apartments will be billed on a per unit basis of one-half (1/2) an ERU per month.

(2.)The fee for non-residential developed properties shall be calculated based on the total impervious area of the property divided by the then-effective average impervious area for an ERU multiplied by a rate of one (1) ERU per month at the rate established for an ERU. The impervious area estimate shall be based on ortho- rectified aerial photography and/or as-built plans as approved through the building permit process, or other sources at the discretion of the City Engineer.

(3.)Notwithstanding any other provision of this chapter, the STWUD shall assess the need for rate increases and report findings to the Commission.

(C) Rates and charges incurred under this section shall be prepared and collected by the City in accordance with those provisions regulating the preparation and issuance of bills for utility service. The monies collected under this section shall be used expressly for the benefit of the stormwater system.

§55.32 COLLECTION.

(A) The billing and collection of stormwater user fees shall be administered by the City Utilities Billing Office. The stormwater user fees for residentially developed properties and non-residential developed properties shall be billed as frequently as monthly with payment due as of the date stated in the billing.

(B) For billings and collections administered directly by the City, in the event a partial payment is received, the payment shall be applied according to established procedures. All bills for stormwater user fees shall become due and payable in accordance with the rules and regulations in effect, or subsequently adopted by, the Commission.

(C) All charges not under appeal and not paid within ten (10) days from date of billing shall be considered delinquent. All charges delinquent shall be subject to penalty and/or interest as established by Commission and could constitute a lien or an assessment upon the real property affected from the date charges are incurred as determined by the City Manager or the City Manager's designee. The City Manager may withhold other services, including water and electric, until such time as any outstanding charges are paid in full or a payment schedule acceptable to the City Manager by the delinquent party is agreed to.

(D) The City shall have authority to annually place tax liens on properties in default of fees required by this chapter. The City shall provide notice of any intended tax liens subject to the provisions of applicable Ohio law. Removal of the property tax lien will only occur upon full payment of the stormwater user fees or other payment arrangements approved by the Commission. In the alternative, the City may take appropriate legal action to collect unpaid charges.

(E) The threshold for retroactive billing shall be three (3) billing cycles. Omitted or previously unidentified property containing impervious surface that has not been charged stormwater user fees may be billed retroactively up to three (3) billing cycles.

§55.33 ENTERPRISE FUND REQUIREMENTS.

(A) The Stormwater Utility Fund shall be used for the following purposes:

(1.) Acquisition of property by gift, purchase, or condemnation necessary to construct, operate, and maintain stormwater management facilities.

(2.)Costs of administration and implementation of the stormwater management program.

(3.)Engineering and design; debt service and related financing expenses; planning and construction costs for new stormwater facilities; and inspection, enlargement, or improvement of existing facilities.

(4.)Operation and maintenance of the stormwater system, including the monitoring and inspection of stormwater control devices and facilities.

(5.)Water quality monitoring and water quality programs.

(6.)Inspection and enforcement activities.

(7.)Elected official, appointed official, stakeholder, and general public education and outreach relating to stormwater.

(8.)Billing, revenue collection, and associated administrative costs.

(9.)Other activities that are reasonably required to manage and operate the stormwater system.

(B) Funding for the Utility shall include, but not be limited to:

(1.)Stormwater user fees;

(2.)Direct Charges. This charge will be collected from owners, developers or others for the cost of designing and constructing stormwater facilities and administrative costs and related expenses where the Utility designs and/or constructs or contracts for the construction of such facilities, including costs associated with abatement procedures undertaken by the Utility;

(3.)Direct Assessment. This charge will be collected from owners/users in localized areas that desire stormwater drainage facilities not considered a part of the regional development or where an improvement is desired ahead of the priority status;

(4.)Fees as set forth in this chapter; and

(5.)Other income obtained from federal, state, local and private grants or revolving funds.

(C) All revenues generated by or on behalf of the Utility including stormwater management service charges and interest earnings on those revenues shall be deposited in the Stormwater Utility Fund and used exclusively for stormwater utility purposes.

(D) When a public improvement is funded by other funds of the City and/or by other agencies or organizations, the Utility may assume financial responsibility for any storm drainage improvement costs associated with the overall project.

§55.50 ENFORCEMENT.

The City Manager or his designee is authorized to take appropriate legal action to require compliance with this chapter.

§55.51 APPEALS.

(A) Any person, firm, corporation, or organization notified of non-compliance with this chapter, who, or that is required to perform monitoring, analyses, reporting and/or corrective actions that is aggrieved by a decision of a City employee or contractor issuing such decision, may appeal the decision in writing to the City Manager within ten (10) days following the effective date of the decision.

The appeal must include all necessary documents, including, but not limited to, a survey, all structures or improvements, total property area, impervious area, drainage structures, drainage patterns and any features that contain, retain, or detain storm runoff on their own property, and diminish the quantity of stormwater as handled by the City.

(B) Upon receipt of the request, the City Manager or designee shall request a report and recommendation from the subject City employee or contractor and shall set the matter for administrative hearing at the earliest practicable date.

(C) At the hearing, the City Manager or his designee may hear additional evidence, and may revoke, affirm, or modify the earlier decision. Such decision shall be final, subject to appeal to a court of competent jurisdiction.

(D) The threshold for retroactive credits and adjustments shall be three (3) billing cycles prior to appeal application and/or the date of property owner transfer, with exception to vacant/unimproved or unidentified property that has not been charged stormwater user fees.

§55.52 NO LIABILITY.

Floods and stormwater runoff may occasionally occur which exceeds the capacity of the system. This ordinance does not imply nor create a duty on the City to insure that property subject to fees and charges established herein will always be free from flooding or flood damage, or that stormwater systems capable of handling all storm events can be cost effectively constructed, operated, or maintained. Nor shall this ordinance create a liability on the part of, or cause of action against, the City, or any of their elected officials, officers, or employees for any flood damage or any damage that may result from storms or runoff thereof.

§55.99 PENALTY.

Any person, business, or entity found in violation of any provision of this chapter shall be deemed guilty of a first degree misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

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

_____
THOMAS D. HUDSON, MAYOR

1st Reading 10-05-2009

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ENGINEERING DEPARTMENT

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

September 29, 2009

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: REQUEST FOR CITY COMMISSION AUTHORIZATION TO ESTABLISH A STORMWATER MANAGEMENT USER FEE THROUGH THE CREATION OF A STORMWATER UTILITY

On November 1, 2006, the City of Piqua was required to submit a permit application and a Storm Water Management Plan (SWMP) to apply for coverage under the Ohio EPA NPDES General Permit for stormwater discharge. On January 30, 2009, the City of Piqua was issued coverage under the above reference permit.

We have until January 30, 2014 to implement all of the requirements set forth in the SWMP which include the following areas: Public Education/Outreach, Public Participation/Involvement, Illicit Discharge Detection/Elimination, Construction Site Runoff Control, Post Construction Runoff Control, and Pollution Prevention/Good Housekeeping.

Currently, all stormwater activities performed (street sweeping, storm sewer repairs, storm sewer replacements, etc.) are funded out of the Street Department. Needless to say, the amount of work currently being performed is far less than the amount that is now being required by our NDPES Permit.

Therefore, being faced with the unfunded federal mandate by the EPA to comply with the new permit requirements, the City of Piqua hired Stantec Consulting to assist the City in establishing a Storm Water Utility. The first step was to create a Storm Water Advisory Committee (SWAC) which consisted of representatives from Commercial, Industrial, Chamber of Commerce, Churches, Schools, City Residents and City Staff. The SWAC met monthly to identify/establish key elements of the program and through a facilitated process, were able to establish consensus on the issues (see attached letter from the SWAC members).

A work session was held on September 28, 2009 with City Commissioners, the SWAC, and Stantec Consulting to discuss the Stormwater Management Program. At that meeting, it was decided to proceed with introduction of the proposed stormwater ordinance to the City Commission for formal adoption.

In summary, the Stormwater Advisory Committee is recommending the following: the rate for one Equivalent Residential Unit (ERU) is $4.70/month, and the first billing cycle would begin December 30, 2009. The recommended rate of $4.70 per ERU will be consistent for the next 5 years. After that time, the program will be reevaluated to determine whether the current rate structure is sufficient to satisfy the new permit cycle that the City will be under.

Please let me know if you have any questions pertaining to this matter.

Respectfully submitted,

Amy L Havenar

Amy L. Havenar, P.E.
City Engineer

c: Cynthia Holtzapple, Finance Director
Doug Harter, Street Department Superintendent
Devon Alexander, Code Enforcement Officer

State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

6/5/2009

CITY OF PIQUA
FREDERICK E ENDERLE
201 W WATER ST
PIQUA OH 45356

RE: Approval for coverage under Ohio EPA NPDES General Permit **OHQ000002**
STORM WATER ASSOCIATED WITH **SMALL MS4 NOI**

odnr number:
if applicable

Dear Applicant:
The Ohio Environmental Protection Agency has received a Notice of Intent for coverage under the above referenced general permit for :

CITY OF PIQUA
201 W WATER ST

County: Miami
City: PIQUA

Ohio EPA Facility Permit Number: **1GQ00061*AG** Estimated Disturbed Acreage

This site/facility is approved for coverage under the above referenced Ohio EPA general permit. Please use your Ohio EPA facility permit number in all future correspondences.

Please familiarize yourself with your general permit. The permit contains requirements and prohibitions with which you must comply. Coverage remains in effect until a renewal general permit is issued and Ohio EPA has contacted you in writing about submitting a new NOI for continuing coverage.

For Coal Suface Mining Pemittees enclosed are Monthly Operating Report (MOR) forms for your use.

Program contacts:

Construction :	Mike Joseph	at (614) 752-0782	michael.joseph@epa.state.oh.us
MS4 / Marina / Alt.Const :	Jason Fyffe	at (614) 728-1793	jason.fyffe@epa.state.oh.us
MS4 / Industrial :	Anthony Robinson	at (614) 728-3392	anthony.robinson@epa.state.oh.us
Industrial / Coal:	John Morrison	at (614) 644-2259	john.morrison@epa.state.oh.us

You may obtain current information and forms from our web site at:
http://www.epa.state.oh.us/dsw/storm Thank you for your cooperation in this matter.

Sincerely,

Chris Korleski
Director

RECEIVED
JUN 10 2009

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Printed on Recycled Paper

Ohio EPA is an Equal Opportunity Employer

August 27, 2009

Piqua City Commission
201 West Water Street
Piqua, Ohio 45356

The Piqua Stormwater Advisory Committee has met monthly since March 2009. At these meetings the City staff and representatives from Stantec Consulting have presented information on the cities NPDES Phase II permit requirements, the operation, maintenance and capital improvement needs of the City related to the stormwater management system and the proposed level of service and cost of service associated with those needs. They have explained the methodology involved in determining impervious area for each parcel within the City and with that data the associated rate structure. We have discussed in detail the User Fee Policy proposed by the consultant and have suggested modifications to that policy. We have also reviewed and provided comments on the Executive Summary and proposed Ordinance.

At the suggestion of the Consultant, the Advisory Committee did not vote or take formal action on any of the material presented to the group. Rather, we discussed the material, expressed our respective views on the issues and attempted to reach consensus. The materials being presented to the City Commission represents the result of this process.

The Stormwater Advisory Committee was selected from a broad cross section of the community and includes representatives from local business, industry, schools, churches and property owners in the City. We appreciate the opportunity that the City has provided us in presenting this material to our group and allowing us to provide input on this process.

Signed: City of Piqua Stormwater Advisory Committee

Jim Vetter

Michael Bardo

Peggy Henthorn

Dave Crawford

Mark Spoltman

Bruce Driver

Andy Monnin

Jason Petty

Roger Ely

ORDINANCE NO. 19-09

AN EMERGENCY ORDINANCE AMENDING CHAPTER 76 OF THE PIQUA MUNICIPAL CODE TO EXCLUDE BICYCLES FROM BEING PARKED ON SIDEWALKS

WHEREAS, the City of Piqua Municipal Code regulates bicycles; and

WHEREAS, it has become an increasing problem with bicycles being parked on sidewalks creating an obstruction and potential hazard to the sidewalk and an adjoining entrance; and

WHEREAS, in order to prevent such obstructions it is necessary to regulate the parking of bicycles on sidewalks.

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

SECTION 1. That the City of Piqua hereby amends Chapter 76 of the Piqua Municipal Code as set forth below: (deleted language is indicated by strikethrough and proposed language is underlined)

§ 76.01 PROHIBITION AGAINST PARKING ON HIGHWAYS.

(A) (1) Upon any highway, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of the highway. In every event a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(2) This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic

offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

§ 76.02 CONDITION WHEN MOTOR VEHICLE LEFT UNATTENDED.

(A) (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

(2) The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

§ 76.03 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.

(A) Whenever any police officer finds a vehicle standing upon a highway in violation of R.C. § 4511.66 or a municipal ordinance, such officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(B) Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicles constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.

(R.C. § 4511.67)

(C) Whenever any city police officer or the city's Parking Control Officer finds an unattended vehicle illegally occupying a parking space in a city-owned or managed parking lot for which a permit to occupy is required by the city, or in any temporary traffic control zone, the police officer or Parking Control Officer may immobilize the vehicle or may provide for the removal of the vehicle from the parking space to a tow yard or other place of safety. The owner of the vehicle

shall be responsible for paying all costs associated with the towing and storage of the illegally parked vehicle.

(Ord. 21-98, passed 5-18-98; Am. Ord. 13-06, passed 6-19-06)

§ 76.04 PARKING PROHIBITIONS.

(A) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places or conditions:

(1) On a sidewalk, ~~except a bicycle~~;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within ten feet of a fire hydrant;

(5) On a crosswalk;

(6) Within 20 feet of a crosswalk at an intersection;

(7) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign, or traffic- control device;

(8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;

(9) Within 50 feet of the nearest rail of a railroad crossing;

(10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;

(11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(12) Alongside any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;

(14) At any place where signs prohibit stopping;

(15) Within one foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway, or thruway;

(17) Unlicensed or improperly licensed vehicles;

(18) On the curb or directly behind the curb;

(19) Alongside any area designated as "no parking" by signs or yellow paint as approved by the Public Works Director;

(20) Upon any street, roadway, alley, or other public right-of-way for the purpose of vehicle maintenance or repair.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

§ 76.05 PARKING NEAR CURB; PRIVILEGES FOR PERSONS WITH DISABILITIES.

(A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the municipality unless an unoccupied roadway width of not less than 25 feet is available for free- moving traffic.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(C) No vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

(D) Notwithstanding any statute or any rule, regulation, resolution, or ordinance, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Director of Transportation.

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and R.C. § 3781.111(C) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet.

(F) (1) No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (E) of this section, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with that division, unless one of the following applies:

(a) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates; or

(b) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked parking location in violation of division (F)(1)(a) or (F)(1)(b) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the municipality. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the municipality for towing and storing motor vehicles.

(3) If a person is charged with a violation of division (F)(1)(a) or (F)(1)(b) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in R.C. § 4503.44(A)(1).

(G) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person, and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(H) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (E) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(I) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(J) As used in this section:

HANDICAPPED PERSON means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.

PERSON WITH A DISABILITY THAT LIMITS OR IMPAIRS THE ABILITY TO WALK has the same meaning as in R.C. § 4503.44.

SPECIAL LICENSE PLATES and ***REMOVABLE WINDSHIELD PLACARD*** mean any license plates or removable windshield placard or temporary removable windshield placard issued under R.C. §§ 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

(K) *Penalty.*

(1) Whoever violates division (A) or (C) of this section is guilty of a minor misdemeanor.

(2) (a) Whoever violates division (F)(1)(a) or (b) of this section is guilty of a misdemeanor and shall be punished as provided in division (K)(2)(a) and (b) of this section. Except as otherwise provided in division (K)(2)(a) of this section, an offender who violates division (F)(1)(a) or (b) of this section shall be fined not less than $250 nor more than $500. An offender who violates division (F)(1)(a) or (b) of this section shall be fined not more than $100 if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

1. At the time of the violation of division (F)(1)(a) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (F)(1)(a) of this section.

2. At the time of the violation of division (F)(1)(b) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (F)(1)(b) of this section.

(b) In no case shall an offender who violates division (F)(1)(a) or (b) be sentenced to any term of imprisonment.

(c) An arrest or conviction for a violation of division (F)(1)(a) or (b) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(d) The clerk of the court shall pay every fine collected under division (K)(2) of this section to the municipality. Except as provided in division (K)(2) of this section, the municipality shall use the fine moneys it receives under division (K)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (E) of this section. The municipality may use up to 50% of each fine it receives under division (K)(2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the municipality that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (H) of this section shall be punished as follows:

(a) Except as otherwise provided in division (K)(3)(b) of this section, the offender shall be issued a warning.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than $25 for each parking location that is not properly marked or whose markings are not properly maintained.

§ 76.06 PARKING ON PRIVATE PROPERTY IN VIOLATION OF POSTED PROHIBITION.

(A) If an owner of private property posts on the property in a conspicuous manner a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

(1) Park a vehicle on the property without the owner's consent;

(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(B) Whoever violates this section is guilty of a minor misdemeanor.

§ 76.07 OBSTRUCTION OF TRAFFIC PROHIBITED.

No person shall park any vehicle under such conditions as to restrict free movement of vehicular traffic.

§ 76.08 DESIGNATION OF PARKING SPACES; VIOLATION.

(A) Each vehicle parking adjacent or next to any limited parking space shall park within the lines or other markings so established. Limited parking shall be as provided in Chapter 78.

(B) It shall be unlawful and a violation of this section to park any vehicle across any line or other marking, or to park a vehicle in such a position that it is not entirely within the area so designated by the lines or other markings.

(C) It shall be unlawful to permit any vehicle to remain in any one or more designated two-hour free parking zone for a total period exceeding two hours in any one day.

(D) It shall be unlawful to permit any vehicle to remain in any one or more designated three-hour free parking zone for a total period exceeding three hours in any one day.

(E) It shall be unlawful and a violation of this section for any vehicle to remain parking in any limited parking space in excess of the time permitted by law.

§ 76.09 DUTIES OF POLICE OFFICERS.

(A) It shall be the duty of police officers, acting in accordance with the instructions issued by the Chief of Police, to issue a citation, which shall include the following information.

(1) The location of each limited parking space in which the vehicle occupying the parking space is or has been parking in violation of any of the provisions of this chapter.

(2) The state license number of the vehicle.

(3) The time during which the vehicle is parking in violation of any of the provisions of this chapter, and any other facts of knowledge of which is necessary to a thorough understanding of the circumstances attending the violation. Each police officer shall also attach to the vehicle a notice to the owner or operator thereof that the vehicle has been parked in violation of the provisions of this chapter, and instructing the owner or operator to report at the office of the Police Department in regard to the violation.

(B) (1) There shall also be parking control officers, whose duties shall be the same as designated above for police officers in division (A); however, the parking control officers shall not be police officers and shall have no authority of arrest.

(2) The parking control officers shall be under bond to the city for faithful performance of their duties authorized by the City Manager in the amount of $5,000.

(C) If any vehicle is found upon a street, highway, alley, park or other public or private grounds of the city in violation of any provision of this chapter or any ordinance of this city, regulating the stopping, standing or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be prima facie responsible for the violation.

(D) In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parking as prohibited by the provisions of this chapter, and further testimony that

the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle was unlawfully parked, was so parked by the defendant. A certified registration copy showing that fact from the Registrar shall be proof of ownership.

§ 76.10 ON-STREET PARKING WEIGHT LIMITATIONS.

(A) Except in emergency situations it shall be unlawful for any person to stop, park or leave standing (while attended or unattended) any motor vehicle designed to be used for the conveyance, transfer or delivery of freight, merchandise or other substances and materials usually hauled in such vehicles, exceeding a gross weight of 6,000 pounds, or more, including the weight of the vehicle, whether loaded or unloaded, upon any street, alley or other marked public place in the city, except on designated and marked state and federal routes, whether temporary or permanent. And further, except that when the loaded contents of the vehicle exceeding such weights are for delivery to or the vehicle is called to remove merchandise or other material from any business, house or other place located not on state or federal routes, then the vehicles may be driven or operated on the streets, highways, alleys and other public places not designated or marked as state or federal routes; but only between the place of delivery or removal of freight and merchandise and the nearest intersecting state or federal routes.

(B) This section is expressly subject and subordinate to the provisions of § 74.40 and Chapter 78.

§ 76.11 LEASED PARKING SPACES AND DESIGNATED PARKING SPACES IN MUNICIPAL PARKING LOTS.

(A) The City Manager shall decide the number and location of spaces in city-owned or city-controlled off-street parking lots which shall be available to rent or lease to the public on a month-to-month basis.

(B) The City Manager shall determine the monthly rent for parking spaces and the hours and days to which the person, firm or corporation renting or leasing the space shall be entitled to exclusive use of the parking space.

(C) The city shall issue to each person, firm or corporation renting or leasing a space, a placard or decal signifying that the person is entitled to the exclusive use of the space during the times designated.

(D) The city shall erect signs in the off-street parking lots designating which spaces are not available for use by the general public.

(E) No person, firm or corporation shall park a motor vehicle in a leased or rented space unless the motor vehicle displays the placard or decal issued by the city, showing that the motor vehicle is authorized to park in the space.

(F) The City Manager shall determine the designation for each parking space in the municipal lots adjacent to the Municipal Government Complex. No person, firm, or corporation shall park a motor vehicle or any vehicle in the municipal parking lots adjacent to the Municipal Government Complex in violation of the designation and/or directive of the City Manager.

§ 76.12 TEMPORARY PARKING PERMITS.

The Chief of Police may, with the approval of the City Manager, issue temporary parking permits allowing motorists to use on-street parking spaces (including limited parking spaces) for special events and other appropriate circumstances. The permit shall allow the holder to use the space for time periods which may exceed the limit set forth in the traffic control map. The permit shall be valid for a limited period of time and for a fee (if any) to be determined by the Chief of Police and City Manager.

§ 76.13 WAIVER BY CHIEF OF POLICE.

(A) The Chief of Police is hereby granted authority to consider the waiver of parking ticket fines under the conditions set forth in this section. The person receiving the ticket shall present the ticket to the Chief of Police within seven calendar days and ask for relief by completing an affidavit form, which attests that the person driving the violating vehicle was unable to comply with the parking regulations for one of the following recognized reasons.

(1) The person was actively serving on jury duty.

(2) The vehicle was being used by a public safety department of the State or other local government, and the activity that the law enforcement employee was engaged in prohibited or made it impractical for the movement of the vehicle to accommodate the city's parking regulations.

(3) Permission was provided by the Chief of Police for the vehicle to be parked in the location, due to extraordinary circumstances.

(4) The driver was unable to comply with the parking regulations because of circumstances which were beyond the control of the driver. Inconvenience to the driver is not sufficient reason for waiver under this division.

(B) Each request will be subject to investigation by Police Department personnel to determine the validity of the request. The action of the Chief of

Police does not constitute a voiding of the violation, but it is a waiver of the fine for the violation.

§ 76.14 PARKING DURING SNOW EMERGENCIES.

(A) In order to facilitate the movement of traffic and to combat the hazards of excessive snow and ice on streets or portions of streets named in division (D) of this section, the City Manager may, at his discretion, declare an emergency due to such hazards whenever snow accumulates on streets within the city. The City Manager may declare additional streets to be subject to the provisions of this section, if he determines it is necessary to facilitate the movement of traffic on those streets. Upon the declaration of a snow emergency, the declaration shall be furnished to the local news media consisting of newspapers, radio, and television stations as soon as practicable thereafter. The emergency shall continue until a termination announcement is made by the City Manager, and the announcement of termination shall be furnished to the news media as soon as possible.

(B) After the emergency has been declared, no person, during the period of the emergency, shall park or cause or permit to remain standing his motor vehicle on either side of those streets or portions thereof named in division (D) of this section or by the City Manager.

(C) Any motor vehicle found parked or standing on those streets or portions thereof named in division (D) of this section or by the City Manager during the time of the emergency may be removed upon the order of any duly appointed officer of the Police Department. The owner or operator shall be subject to the costs of removal and storage.

(D) The streets or portions thereof where parking is prohibited after an emergency has been declared are the following.

(1) All primary arterials, urban minor arterials, and urban collectors, which include all U.S. routes and state routes within the city limits, and as designated by the Federal Highway Administration Functional Classification and Federal Aid System and endorsed by the City Commission in Resolution C-9811.

(2) Streets within the Downtown Business District.

(3) Any additional streets or portion thereof that the City Manager determines snow removal is necessary for the movement of traffic and/or upon which snow removal is necessary to combat the hazards of excessive snow and ice.

§ 76.15 FIRE LANES.

(A) The City Manager shall establish, on the recommendation of the Fire Chief, areas on public or private property to be known as fire lanes. These areas shall be of sufficient size to permit operation of firefighting and rescue equipment and personnel in emergency situations.

(B) The Fire Chief or his or her designee, on behalf of the City Manager, is hereby authorized to notify property owners to mark areas designated as fire lanes and erect signs at the property owner's expense. Failure by any property owner to mark fire lanes and/or erect signs within 30 days after notice by the Fire Chief will result in the city marking the lanes and/or erect signs at the property owner's cost. Fire lanes shall be designated by signs approved by the Fire Chief. Unless otherwise indicated, fire lanes shall be a minimum of 30 feet in width and shall be measured from the curb or other designated location.

(C) If the owner of the property upon which fire lanes are designated, fails to pay the costs identified in division (B) within 30 days after notice thereof is issued by the Fire Chief, the amount of the costs shall be certified by the Director of Finance to the Miami County Auditor for collection the same as other assessments are collected.

(D) Any person who leaves a vehicle unoccupied by a licensed driver in a designated fire lane in violation hereof shall be fined $25 and subject to immediate removal at the owner's expense.

§ 76.16 PARKING PROHIBITED IN CERTAIN AREAS.

(A) It shall be unlawful for any person, firm or corporation to park or leave standing any vehicle or combination of vehicles, listed herein and as defined in § 4501.01 of the Ohio Revised Code and/or § 154.005, on any street, roadway, alley, or other public place:

(1) Commercial tractor; and

(2) Semi-trailer.

(B) It shall be unlawful for any person, firm or corporation to park or leave standing any vehicle or combination of vehicles, listed herein and as defined in § 4501.01 of the Ohio Revised Code and/or § 154.005, on any street, roadway, alley or other public place:

(1) Bus;

(2) Trailer;

(3) Noncommercial trailer;

(4) Utility vehicle; and

(5) Recreational vehicle, to include motor home, travel trailer, fifth wheel trailer, park trailer, and boat trailer.

(C) The provisions of division (B) shall not apply to any vehicle described in division (B), when stopped, parked, or left standing under the following conditions:

(1) While being actively loaded or unloaded;

(2) The vehicle is being used to convey passengers to a public meeting, school, assembly, or church during the actual session of the public meeting, school, assembly, or church;

(3) Permission has been obtained from the City Manager or his or her designee.

§ 76.17 RESERVED HANDICAPPED PARKING.

(A) Designated parking spaces are reserved for the parking, stopping and standing of motor vehicles displaying a parking card issued under R.C. § 4503.44 or is being operated by or for the transport of a handicapped person and is displaying the special license plates authorized by R.C. § 4503.44.

(B) Reserved handicapped parking spaces may be established on public streets, alleys, parking lots and rights-of-way in front of residential, commercial, or industrial structures, by the City Manager.

(C) A handicapped parking space may be established on a public street abutting a residence, upon application by a resident. The application may be approved by the City Manager and based upon the following minimum criteria.

(1) Applicants must have a valid handicapped placard or license plate issued by the State of Ohio Bureau of Motor Vehicles.

(2) Applicants must occupy the real property abutting the proposed handicapped parking space.

(3) Applicants or a member of their immediate family must own the motor vehicle using the proposed handicapped parking space.

(4) Applicants must be severely handicapped in that he or she has lost the use of one or both legs, one or both arms, is blind or deaf and cannot move about without the aid of crutches, walker or a wheelchair or similar equipment.

(5) Proposed handicapped parking spaces must not significantly impair parking for other residents in the immediate area.

(6) Applicants must be without off-street parking in the immediate vicinity of the proposed handicapped parking space.

(D) No person shall stop, stand or park any motor vehicle at reserved handicapped parking spaces designated on private property or on any public streets, alleys, parking lots or other public rights-of-way by signs or markings at or on such spaces or designated in Chapter 78, Schedule VI, unless the motor vehicle displays a parking card or special license plate authorized by R.C. § 4503.44.

§ 76.18 PROHIBITED PARKING IN TEMPORARY TRAFFIC CONTROL ZONES.

The Public Works Director is hereby authorized to install and maintain, or grant permission to others such as contractors and public utility companies to install and maintain, temporary traffic control devices in temporary traffic control zones, whenever it is the Public Works Director's opinion that the implementing of a temporary traffic control zone is necessary to provide safe and efficient movement of vehicles, bicyclists, and pedestrians through or around temporary traffic control zones while reasonably protecting the workers and equipment. Such traffic control devices shall conform with the Ohio Department of Transportation manual and specifications for a uniform system of traffic control devices.

(A) Authorization of a temporary traffic control zone shall require that an application for a permit to block the way (a.k.a. street, alley, or sidewalk closing permit) be submitted to the Public Works Director.

(B) The Public Works Director, or his or her duly assigned representative, shall review all requests to implement a temporary traffic control zone for compliance with the Ohio Department of Transportation standards and specifications for a uniform system of traffic control devices.

(C) (1) Prior to a temporary traffic control zone becoming effective, a public notice shall be issued in the form of a press release being made available for circulation through the local newspaper, radio and television stations, the city's website on the internet, and any other local media outlet(s) known. Said press release shall include a description of the area included and the effective date of the temporary traffic control zone, and shall be released not less than 48 hours prior to the temporary traffic control zone becoming effective, except in the event of an emergency, in which case the Public Works Director may waive the press release requirement.

(2) ***TEMPORARY TRAFFIC CONTROL ZONE*** is an area of a highway where road user conditions are changed because of a work zone or an incident through the use of temporary control devices, police, or other authorized officials.

§ 76.19 UNIFORMITY OF TRAFFIC CONTROL DEVICES.

The Public Works Director shall place and maintain traffic control devices in accordance with the Ohio Department of Transportation manual and specifications for a uniform system of traffic control devices, adopted under R.C. § 4511.09 and referenced in R.C. § 4511.11, upon streets and highways under local jurisdiction as are necessary to indicate and carry out Chapters 76, 77 and 78 of this code, local traffic ordinances, or to regulate, warn, or guide traffic.

§ 76.20 IMPOUNDING OF BICYCLES

Any bicycle found parked or abandoned on a sidewalk may be impounded by law enforcement. This section shall not apply to any bicycle parked in a duly authorized and designated parking area for bicycles, including but not limited to a bicycle rack. It shall be an affirmative defense that the bicycle was parked in a bicycle rack even if the bicycle rack was placed improperly or without authority.

Any bicycle impounded under this section shall be disposed of in accordance with PMC §34.38(D), if not claimed. An impounded bicycle may only be claimed by its owner.

§ 76.99 PENALTY.

(A) (1) Whoever violates any provision of §§ 76.01, 76.04, 76.06, 76.08 or Schedules I, II, III, V, or VI of Chapter 78, or whoever aids, abets, or assists therein, shall be fined not less than $25 nor more than $100, except that payment of the following fines with the prescribed time limitations shall constitute full satisfaction of the penalties provided herein.

(a) Within seven days of the violation: $10.

(b) After seven days of the violation: $15.

(c) After 30 days of the violation: $25.

(2) Whoever violates §§ 76.10, 76.11, 76.16, 76.18 or Schedule VI of Chapter 78, or whoever aids, abets or assists therein, shall be fined not less than $50 nor more than $100, except that payment of $25 within seven days of the violation shall constitute full satisfaction of the penalty provided herein.

(3) Whoever violates any provisions of § 76.17 or whoever aids, abets or assists therein shall be fined $100.

(B) The fact that a vehicle which is parked in violation of any provisions of this chapter or Chapter 78 is registered in the name of a person, firm, or corporation, shall be considered prima facie proof that the person, firm, or corporation was in control of the vehicle at the time of the violation.

(C) In addition to any other penalty provided for in this chapter, any vehicles owned by a person, firm, or corporation who has accumulated unsatisfied violations in excess of $35, or has accumulated any amount of unpaid parking violations in excess of six months shall be subject to impoundment at the direction of the Police Department, and may be redeemed only upon full satisfaction of all outstanding and unpaid violations and impoundment costs.

(D) The provisions of Chapter 76 and Chapter 78 regulating the parking and standing of vehicles shall not apply to an authorized emergency vehicle or public safety vehicle while the operator thereof is operating such vehicle in an emergency and/or in the performance of official duties; provided, however, that the operator of such emergency vehicle or public safety vehicle shall not create any hazard by the parking of such vehicle. Such vehicles are not exempt from § 76.17 or any other related provision regarding handicapped parking.

SECTION 2. All other sections of Chapter 76 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. This Ordinance is declared an emergency for the immediate preservation of the public peace, health or safety in the City of Piqua and so that the City of Piqua may regulate the parking of bicycles on sidewalks.

_____
THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

RESOLUTION NO. R-97-09

A RESOLUTION AUTHORIZING A PURCHASE ORDER TO NELSON TREE SERVICE, INCORPORATED FOR ELECTRIC LINE CLEARANCE

WHEREAS, the present operations of the City require electric line clearance; and

WHEREAS, after said solicitation of bids, 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 purchase order is hereby authorized to Nelson Tree Service for electric line clearance for the City of Piqua pursuant to the bid specifications;

SEC. 2: The agreement with Nelson Tree Service also has an option for the years 2011 and 2012, which may be exercised pursuant to the bid conditions.

SEC. 3: The Finance Director is authorized to draw her warrant on the appropriate account of the city treasury in payment for aid services rendered.

SEC. 4: 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

DATE: September 15, 2009

TO: Fred Enderle, City Manager

CC: Ed Krieger, Power System Director
Piqua Energy Board Members
Piqua City Commissioners

FROM: Nick Berger, Electrical Engineer

SUBJECT: 2010 Power Line Right of Way Clearance and Tree Trimming Contract

Piqua Power System intends to contract one aerial tree-trimming crew in 2010. I have reviewed the two bids that were submitted in response to the 2010 specifications and contract documents for power line right of way clearance and tree trimming, and the results are as follows:

	Nelson Tree Svc.	Tree Care Inc.	Trees, Inc.	Total Inc.
Working Foreman	$30.22	$45.00	NO BID	NO BID
Journeyman Trimmer/Groundsman	$22.89	$40.00		
Apprentice Trimmer/Groundsman	$20.44	$35.00		
Daily Equipment - Bucket Truck	$17.50	$10.00		
Disc Chipper				
Aerial Crew Total	**$91.05**	**$130.00**		

The bid from Nelson Tree Service is recommended for award as the lowest responsive bid. Nelson has provided this service to the City of Piqua for the last seven years and their service has been exceptional.

The initial term is for January 1, 2010 through December 31, 2010 at the rates noted above. The bid provides for renewal of this agreement for 2011 and 2012 with the labor rate increases not to exceed three percent (3%) annually.

Nick Berger, Electrical Engineer

Exhibit "A"

CITY OF PIQUA, OHIO - PURCHASING DEPARTMENT BID TABULATION
For: POWER LINE RIGHT OF WAY CLEARANCE AND TREE TRIMMING
Dept./Div.: PIQUA MUNICIPAL POWER SYSTEM

OPENED: 2:00 PM 9-4-09

BIDDER NO. NAME: CITY: STATE & ZIP:		1 NELSON TREE SERVICE DAYTON OH, 45439		2 TREE CARE INC. TROY OH, 45373		3 TREES, INC. CINCINNATI OH, 45249	4 TOTAL INC. PIQUA OH, 45356
NAME OF ITEM		REGULAR RATES	OVERTIME RATES	REGULAR RATES	OVERTIME RATES	RATES	RATES
1. WORKING FOREMAN		$30.22	$45.33	$45.00	$67.50	NO BID	NO BID
2. JOURNEYMAN TREE TRIMMER		$22.89	$34.34	$40.00	$60.00		
3. APPRENTICE TRIMMER/GROUNDSMAN		$20.44	$30.66	$35.00	$52.50		
4. DAILY EQUIPMENT - AERIAL LIFT, CHIP COMBINATION, DISC CHIPPER, SAFETY EQUIPMENT, PPE		$17.50	$17.50	$10.00	$15.00		
SUBTOTAL ITEMS 1-4		$91.05	$127.83	$130.00	$195.00		
ADDITIONAL EQUIPMENT							
5. 55 FT TRIM LIFT (W/ ACCESSORIES)		$13.50	$13.50	$10.00	$15.00		
6. 70 FT TRIM LIFT (W/ ACCESSORIES)		$20.00	$20.00	$15.00	$22.50		
8. SPLIT DUMP		$6.90	$6.90	$10.00	$15.00		
9. DISC CHIPPER		$4.00	$4.00	$5.00	$7.50		
10. HYDRO-AX (RIGHT OF WAY MOWER)		$70.00	$70.00	N/A	N/A		
11. STUMP GRINDER		$22.00	$22.00	$25.00	$37.50		
12. POWER SAW		$1.00	$1.00	$2.50	$3.75		
13. OTHER GRAPPLE TRUCK		N/A	N/A	$100.00	$150.00		

RESOLUTION NO. R–98-09

A RESOLUTION AUTHORIZING A PURCHASE ORDER TO G2 DIGITAL SOLUTIONS FOR COMPUTER LAPTOPS

WHEREAS, the Piqua Police Department requires certain cruiser technology to effectively perform their duties;

WHEREAS, the City of Piqua provided for the purchase of cruiser laptops in the 2009 budget appropriations;

WHEREAS, on July 10, 2009, the City of Piqua was awarded grant funding from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation for cruiser technology enhancement in accordance with a grant application authorized by this Commission in Resolution Number R-35-09;

WHEREAS, the above described grant allocates funds for cruiser laptops for the Miami County Sheriff's Office, in cooperation with the Piqua Police Department;

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

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

SEC. 1: A purchase order is hereby authorized to G2 Digital Solutions for rugged notebook computers and cruiser mounting hardware pursuant to the bid specifications;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of $33,117;

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

PIQUA POLICE DEPARTMENT

Chief Bruce A. Jamison, CLEE

100 North Wayne Street • Piqua, Ohio 45356
Phone: (937) 778-2027 • Fax: (937) 778-2008
Emergency Police Dispatch: 9-1-1 • Non-emergency: (937) 440-9911
www.piquaohpd.org • E-Mail: bjamison@piquaoh.org

October 9, 2009

To: Fred Enderle, City Manager
Subject: **Purchase of Cruiser Laptops**
From: Bruce Jamison, Chief of Police

Sir,

Attached is a resolution for Commission consideration for the purchase of seven ruggedized computer laptops. Four will be installed in Piqua Police Department cruisers and three in Miami County Sheriff's Office cruisers.

This joint project is the result of an allocation of funds from the US Department of Justice awarding our department an individual allocation of $27,017 provided we reach agreement with Miami County, Ohio for a total joint allocation of $42,050. This department and the Miami County Sheriff's Office have needs related to cruiser technology. More specifically, we both need to update cruiser laptops or risk losing the ability to use existing laptops as they become outdated.

In the 2009 Capital Budget, we budgeted $20,000 for four cruiser laptop replacements. There is a "non-supplanting clause" in the grant we received, meaning we may not use the grant funds for any purchases already budgeted. However, we still saw a benefit to bidding laptops along with the Miami County Sheriff's Office in the hopes of receiving lower bids for a larger order. So, we bid out for a total of seven laptops. Four will be paid out of the budgeted city funds, and the federal government will reimburse us for three laptops and related equipment for sheriff's cruisers.

XTtek Partners, Inc of Columbus returned the *lowest* bid. However, they have since advised us of an error they made in their response. I have reviewed the bid specifications and responses with staff at the Miami County Sheriff's Office and we concur that the model they quoted best fits our needs. The *next best* bid on this model and supporting equipment is from G2 Digital Solutions in Xenia for $4,731 per unit. The table below explains the sources of income for the purchase in relation to the total project:

	City of Piqua	Federal Grant
Four laptops for Piqua cruisers @ $4,731	**$18,924**	**-0-**
Three laptops for MCSO cruisers @ $4,731	**-0-**	**$14,193**
Other cruiser technology for Piqua (not part of this purchase)	-0-	Up to $27,017

The total amount requested for the purchase order to G2 Digital Solutions is **$33,117**.

Respectfully Submitted,

Bruce A. Jamison, CLEE
Chief of Police

Exhibit "A"

IFB # 9028 for Police Laptops **Opened 9/11/09 at 2:00 p.m.**

	Qty	Xtek Partners, Inc.	J. Evans & Associates	Raco Industries	Waring Enterprises LLC
1. General Dynamics Go-Book	1	$ 4,435.00	$ 3,996.50	$ 3,933.60	$ 4,998.00
XR-1Rugged Notebook	7	$ 31,045.00	$ 27,975.50	$ 27,535.20	$ 34,986.00
* see specs on bid document		GD8000 Rugged Notebook	GD8000 Itronix Laptop Exceptions: No smart card reader No finger print scanner	GD8000 Fully Rugged PC	Evoc JNB-1404 Fully Rugged Notebook
2. Optical Storage for Item 1	1		$ 210.00	$ 200.00	
Combo multi DVD-RW/CD-RW drive w/ Roxio EX Creator and Power DVD Software	7	included	$ 1,470.00	$ 1,400.00	included
3. Extended Service on Item 1	1		$ 295.00	$ 302.00	$ 85.00
3 year no fault service warranty	7	included	$ 2,065.00	$ 2,114.00	$ 595.00
4. Vehicle Dock, RF, for Item 1	1		$ 697.00	$ 600.00	$ 2,124.00
XR-1 Cradle	7	included	$ 4,879.00 Alternate: Non-RF $595/ea or $4,165	$ 4,200.00 Non-RF	$ 14,868.00
Signed Addendum		No	Yes	Yes	No
Grand Total		$ 31,045.00	$ 36,389.50	$ 35,249.20 Offered a Rebate *Form included	$ 50,449.00

IFB # 9028 for Police Laptops

	Qty	Portable Computer Systems	MobileTek Consulting	EDC Systems	G2 Digital Solutions
1. General Dynamics Go-Book	1	$ 3,500.00	$ 4,167.00	$ 3,491.00	$ 3,500.00
XR-1Rugged Notebook	7	$ 24,500.00	$ 29,169.00	$ 24,437.00	$ 24,500.00
* see specs on bid document		GD8000 Fully Rugged Notebook	Dell XFR E6400 Laptop		GD8000 Rugged Notebook
2. Optical Storage for Item 1	1	$ 335.00	$ 340.00	$ 182.99	$ 334.00
Combo multi DVD-RW/CD-RW drive	7	$ 2,345.00	$ 2,380.00	$ 1,280.93	$ 2,338.00
w/ Roxio EX Creator and Power DVD Software					
3. Extended Service on Item 1	1	$ 280.00	$ 120.00	$ 283.03	$ 274.00
3 year no fault service warranty	7	$ 1,960.00	$ 840.00	$ 1,981.21	$ 1,918.00
4. Vehicle Dock, RF, for Item 1	1	$ 630.00	$ 1,043.00	$ 624.85	$ 623.00
XR-1 Cradle	7	$ 4,410.00	$ 7,301.00	$ 4,373.95	$ 4,361.00
Signed Addendum		No	No	No	Yes
Grand Total		$ 33,215.00	$ 39,690.00	$ 32,073.09	$ 33,117.00