

**A G E N D A**  
**PIQUA CITY COMMISSION**  
**MONDAY NOVEMBER 2, 2009**  
**7:30 P.M.**  
**201 WEST WATER STREET**  
**PIQUA, OHIO 45356**

**REVISED 10-30-2009**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE – PIQUA FIRE DEPARTMENT**

- City of Piqua Fire Chief – Fire Chief Michael G. Rindler

**PROCLAMATION – Family Month in The City of Piqua - November 2009**

**REGULAR CITY COMMISSION MEETING**

1.     **APPROVAL OF MINUTES**                     Approval of the minutes from the October 19, 2009 Regular City Commission Meeting
  
2.     **ORD. 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  
      **3<sup>rd</sup> Reading**
  
3.     **RES. NO. R-99-09**                     A Resolution authorizing a purchase order to Valley Asphalt Corp. for the 2009 Street and Alley Maintenance program
  
4.     **RES. NO. R-100-09**                     A Resolution requesting preliminary authorization for widening of County Road 25-A from Country Club Road to Looney Road within the City of Piqua
  
5.     **RES. NO. R-101-09**                     A Resolution supporting the creation of the Western Ohio TV Consortium (“WOTVC) and authorizing the City Manager to enter into a Memorandum of Understanding
  
6.     **RES. NO. R-102-09**                     A Resolution awarding a contract to Gametime for the purchase of Playground Equipment for Kiwanis Park

**OTHER:**

- **Monthly Reports – September 2009**

**EXECUTIVE SESSION**

To consider the purchase or sale of property for public purposes

**ADJOURNMENT**

**MINUTES  
PIQUA CITY COMMISSION  
OCTOBER 19, 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.

Mayor Hudson stated the City of Piqua received the 2009 National Preservation Award for the Piqua Plaza project and asked Ruth Koon, Library Legacy Chairperson to come forward and give a brief overview of the award. Mrs. Koon stated Lorna Swisher of MainStreet Piqua, City Manager Fred Enderle and herself attended the awards ceremony in Nashville, Tennessee. Mrs. Koon read the list of the twenty-three prestigious award winners of the 2009 National Preservation Award. This project was completed by teamwork from both the private and public sector, and without that teamwork this project would have never been possible, said Mrs. Koon. It was a great honor to be a part of such an amazing and wonderful project. Mayor Hudson stated the ribbon cutting for the Piqua Plaza was held a year ago today, and thanked everyone who worked to make it possible.

**EXECUTIVE SESSION**

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

Moved by Commissioner Terry, seconded by Commissioner Martin, to move into Executive Session at 7:40 P.M. for discussion and review of negotiations on compensation or other terms and conditions of employment for City personnel. Voice vote, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously.

Moved by Commissioner Fess, seconded by Commissioner Terry, to adjourn from Executive Session at 8:05 P.M. Voice vote, Aye: Martin, Vogt, Fess, Terry, and Hudson. Nay: None. Motion carried unanimously.

**REGULAR CITY COMMISSION MEETING**

**APPROVAL OF MINUTES**

Moved by Commissioner Terry, seconded by Commissioner Martin, that the minutes of the Regular City Commission Meeting of October 5, 2009 be approved. Voice vote, Aye: Hudson, Fess, Terry, Martin, and Vogt. Nay: None.

**ORD. NO. 16-09**  
**(3rdReading)**

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

There was discussion concerning the fee being assessed at this time with the new stormwater increase going into effect soon, and what the five-dollar fee would be used for. City Manager Enderle explained how the stormwater fee would affect the Street Department fund, and noted the money needs to be spent strictly on the streets. It was suggested that the five-dollar fee should be designated for paving of the streets only. Law Director Wall explained under the statute in the Ohio Revised Code, it states the five-dollar fee collected can only be used for planning, constructing, improving, maintaining, and repairing the public roads and highways.

Commissioner Fess stated she would like Ordinance No. 16-09 to state the fees collected can only be used for street paving.

Law Director Wall stated the amendment to Ordinance No. 16-09, should read under Section 1, last sentence, insert a comma after the Ohio Revised Code, and insert the language "specifically designated for the paving of roads and streets."

Moved by Commissioner Vogt, seconded by Commissioner Martin to amend Ordinance No. 16-09 as stated previously. Voice vote. Aye: Hudson, Martin, Vogt, Fess, and Terry. Nay: None. Motion carried unanimously.

#### **Public Comment**

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

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Ordinance No. 16-09 be adopted as amended. Voice vote, Aye: Fess, Terry, Martin, Vogt, and Hudson. Nay: None. Motion carried unanimously. Mayor Hudson declared Ordinance No. 16-09 adopted as amended.

#### **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

There was discussion of the various (Equivalent Residential Unit) ERA charges for apartment buildings and larger impervious areas. Devon Alexander, Stormwater Advisory Committee member stated an example of the breakdown of the ERA would be the Colonial Terrace Apartments on Covington Avenue, which has about forty-sixty units, and they would pay one-half of the \$4.70 ERA amount or \$2.35 per unit.

City Manager Enderle stated he would look into the ERA regulations further and develop calculations for various types of situations and provide alternative language and get back to the Commission.

#### **Public Comment**

Terry Wright, W. North Street, stated he has been doing some research on the commercial fees for Stormwater Management to the south of Piqua and the fee is \$5.00 and the residential rate is \$3.00 and asked why the City of Piqua is going to charge \$4.70. Mr. Wright also voiced his opinion on the amount of fees the schools would have to pay, and inquired as to what happens if we have a drought some year.

Brad Boehringer, Mound Street stated he feels this is a good utility to think about, and voiced his opinion on the use of the green movement and possibly having a conservation credit in the future.

Joe Francis, W. Parkway, stated he looked at his utility bill and his water, sewer, refuse and recycling adds up to more than his electric and is concerned about adding more at this time. Mr. Francis also voiced his concern about the cost of recycling and asked about the bidding process.

James Cruse, County Rd 25-A, inquired about the cost of rebuilding a street and asked if State & Federal dollars are used. Mr. Cruse also asked what type of equipment would be purchased through the Stormwater Utility? City Manager Enderle explained the type of equipment that would possibly be purchased and stating we have most of the equipment already that is needed. Finance Director Cindy Holtzapple read the list of equipment used, and the replacement timeframe for each. Mr. Cruse asked if there would be any new personal hired with this program. Mr. Enderle stated two additional employees would be hired, one being a Coordinator.

Commissioner Fess reminded citizens this is an unfounded mandate that is required by the Environmental Protection Agency and is not something the City is doing to raise money. All of our neighboring communities have this in place or are putting it together like we are at this time, said Commissioner Fess.

Commissioner Terry stated it was great to have a group of citizens working on this as a committee, and forwarding their recommendations to the city for consideration, this is a good thing for the city.

Andy Monnin, W. North Street, member of the Stormwater Advisory Committee came forward and explained how they arrived at the ERU figures, and what other communities are doing, and looking at how their programs are funded. Mr. Monnin further explained the reason they did not recommend offering credits at this time.

Commissioner Fess stated she appreciated Mr. Monnin's comments further stating this was a group of citizens and community members who gave their time for several months to sit down and put together this information for the city to consider.

Commissioner Vogt stated some of the other communities did not do the extensive research the City of Piqua has done and they may have to raise their rates soon. Piqua has done a good job by doing the extensive research before enacting any fees. Commissioner Fess stated some of the other communities have already had to raise their fees because they were set to low to begin with.

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

**ORD. NO. 19-09**  
**(1<sup>st</sup> Reading)**

An Emergency Ordinance amending Chapter 76 of the Piqua Municipal Code to exclude bicycles from being parked on sidewalks

There was considerable discussion on enforcement of the parking of bicycles on sidewalks. It was stated that signage could possibly be used in certain areas of the city to designate bicycle parking, but all commissioners were not comfortable with enforcing the "no bicycle parking on sidewalks" in the residential areas. Bicycle racks are scheduled for placement in specific areas in the downtown, and it was suggested bicycle racks be placed across the street from the Library in the public square for citizens to park their bicycles. Commissioner Terry stated she is unable to park her bicycle in the bike racks since her tires are too wide to go into the rack. Commissioner Terry voiced her concern about having to cross the busy street to get to the Library if the bicycle racks were to be placed in the public square area.

City Manager Enderle stated he has received complaints along with the Commissioners on the bicycles being left on the sidewalks in the downtown area and in front of the Library. There was discussion on the problems with young adults hanging around the downtown areas and what could be done. Commissioner Terry stated the immediate problem seems to be in front of the Library and in the downtown area, not throughout the whole city. City Manager Enderle stated this is something the city will have to look into and get back to the Commissioners.

**Public Comment**

No one came forward to speak for or against Ordinance No. 19-09.

Moved by Commissioner Fess, seconded by Commissioner Martin to table Ordinance No. 19-09 indefinitely. Voice vote, Aye: Martin, Fess, Hudson, Vogt, and Terry. Nay: None. Motion carried unanimously to table Ordinance No. 19-09 indefinitely.

**RES. NO. R-97-09**

A Resolution authorizing a purchase order to Nelson Tree Service, Incorporated for electric line clearance

Mayor Hudson inquired as to the number of bidders. Power Plant Director Ed Krieger explained the bidding process and how the bid was awarded. This is a specialized type of bid and only a few companies can bid on it.

**Public Comment**

No one came forward to speak for or against Resolution No. R-97-09.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-97-09 be adopted. Roll call, Aye: Terry, Hudson, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Hudson then declared Resolution No. R-97-09 adopted.

**RES. No. R-98-09**

A Resolution authorizing a purchase order to G2 Digital Solutions for computer laptops

Questions were asked concerning the compatibility of the new computers with the 911 Center, the need for replacements at this time, if the computers were purchased specifically for Police Departments, and the lifespan of this particular computer. Police Chief Jamison explained the need for the new computers and how they are a specialized item, and stated they usually are replaced every four to five years due to new technology coming out.

**Public Comment**

No one came forward to speak for or against Resolution No. R-98-09.

Moved by Commissioner Vogt, seconded by Commissioner Fess, that Resolution No. R-98-09 be adopted. Roll call, Aye: Martin, Terry, Hudson, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Hudson declared Resolution No. R-98-09 adopted.

**ECONOMIC DEVELOPMENT UPDATE**

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

Mr. Murphy gave a brief Economic Development Update power point presentation highlighting the most important aspects of development in the City of Piqua. These aspects include Four Areas of Focus: Attract; Retain; Grow; Advocate, Marketing: Partnerships and Key Message Points, and Redevelopment & Revitalization: Plan It Piqua Priorities and Potential Funding Sources. Mr. Murphy concluded by stating this is really a team effort and each player is important in the growth of our community.

**Public Comment**

Terry Wright, W. North Street, voiced his opinion on Ordinance No. 19-09 stating he has done some research on other communities and their language on the placement of bicycles on the sidewalks. Mr. Wright feels the language in Code Section 76.04 is not specific enough at this time.

Kevin Pryfogle, N. Downing Street, thanked the Commission for not levying the maximum fee on the Municipal Tax on Motor Vehicles at this time. Mr. Pryfogle asked if the City has hired a new Fire Chief yet and if not where are we on the process of hiring one. City Manager Enderle explained the assessment meeting is set for October 20, 2009 and an announcement should be forthcoming soon.

Brad Boehringer, Mound Street voiced his opinion on the Stormwater Credits, and stated he would like to find a way to lessen the burden on citizens who choose to use conservation methods.

Andy Monnin, Stormwater Advisory Committee member explained the costs and stated the credit program would drive up the cost for everyone including the citizens practicing the conservation methods. Credits are something that could be looked at again at the end of the five-year plan, said Mr. Monnin.

Mayor Hudson stated he encourages citizens to seek out the Stormwater Advisory Committee members to answer any questions they might have on the Stormwater Utility.

Jim Hemmert, Boone Street thanked the Commission for tabling Ordinance No. 19-09 at this time, and for taking the time to put more consideration in to what can be done with the parking of bicycles in the downtown and residential areas both.

Alan Miller, Park Avenue, stated the Northparks Neighborhood Association will be assembling new playground equipment at Das Park on Saturday, October 24, 2009 and invited citizens to participate. The Northparks Neighborhood Association have installed new roofs on the two shelters at Kiwanis Park this year, said Mr. Miller.

Joe Wilson, W. Greene Street, stated he was glad to see the Commission table Ordinance No. 19-09 at this time and to take the time to look into other solutions for the problems.

Mike Perando, Third Street, invited citizens to attend the Shawnee Neighborhood Associations Christmas Party to be held on November 19, at 7:00 P.M. at Staunton School.

Commissioner Vogt stated he was very impressed with the Regional Business Showcase and the attendance of the businesses held on October 15, 2009. Commissioner Vogt stated he also attend the National Guard Open House, and was very impressed with the commitment these men and women have made for our country.

Commissioner Martin stated he also attend the Regional Business Showcase on Thursday and was very impressed with the interest shown in the 110 vendors that were in attendance.

Commissioner Fess stated with the tabling of the bicycle ordinance, she asked citizens to contact the Commissioners with their suggestions and recommendations on what they would like to see done, or if they would like to be part of a committee to study the problems.

Commissioner Fess also attended the Regional Business Showcase and commended Piqua Chamber President Lisa Whitaker and her staff on putting together a wonderful expo, citing it was very well attended with people coming from all over the area.

Commissioner Fess thanked Mr. Murphy for the Economic Development Update stating in was very informative and his enthusiasm and energy for economic development is giving us all great hope. It is a difficult job and is a teamwork effort with the, commission and the community working together to make this happen and be successful, said Commissioner Fess.

Commissioner Fess stated the United Way is holding a fundraiser at the Piqua Bob Evans from 6:00 A.M. – 8:00 P.M. on Tuesday October 20, 2009.

Commissioner Terry stated she attended the Regional Business Showcase and spoke to a representative of Classic Products, a local business who donated the roofing materials for the two shelters at Kiwanis Park. Commissioner Terry also invited citizens to help with the setup of the new playground equipment at Das Park on Saturday October 24, 2009.

Mayor Hudson also attended the Regional Business Showcase and was very impressed with the setup and presentation of the vendors, and stated it was very successful event.

Mayor Hudson stated on Saturday October 24, 2009 the Piqua Education Foundation will be hosting Piqua's own Two Star Rear Admiral Phil Wisecup who will be the guest speaker at the Country Club, and stated tickets are still available at the Board of Education.

Mayor Hudson stated he received a telephone call concerning someone dumping trash off at a local residents house for the city to pickup. Mayor Hudson stated if you see anyone dropping trash off to get the license number of the vehicle, or take a picture and notify the proper authorities to stop this type of action.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission at 9:40 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. 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

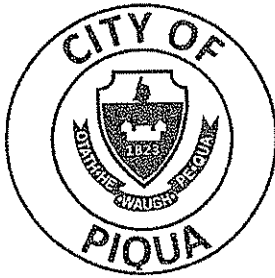
1<sup>st</sup> Reading 10-05-2009

2<sup>nd</sup> Reading 10-19-2009

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CLERK OF COMMISSION



## ENGINEERING DEPARTMENT

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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.

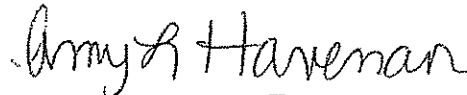
Therefore, being faced with the unfunded federal mandate by the EPA to comply with the new permit requirements, the City of Piqua hired Stantec Consulting to assist the City in establishing a Storm Water Utility. The first step was to create a Storm Water Advisory Committee (SWAC) which consisted of 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, 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  
STORM WATER ASSOCIATED WITH **SMALL MS4 NOI**

**OHQ000002**

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 Surface Mining Permittees 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](mailto:michael.joseph@epa.state.oh.us)  
MS4 / Marina / Alt.Const : Jason Fyffe at (614) 728-1793 [jason.fyffe@epa.state.oh.us](mailto:jason.fyffe@epa.state.oh.us)  
MS4 / Industrial : Anthony Robinson at (614) 728-3392 [anthony.robinson@epa.state.oh.us](mailto:anthony.robinson@epa.state.oh.us)  
Industrial / Coal: John Morrison at (614) 644-2259 [john.morrison@epa.state.oh.us](mailto:john.morrison@epa.state.oh.us)

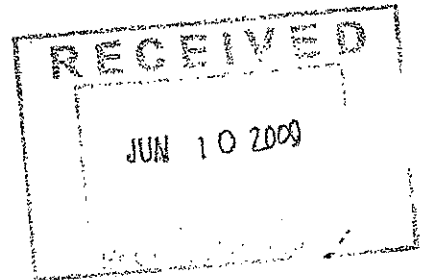
You may obtain current information and forms from our web site at:

<http://www.epa.state.oh.us/dsw/storm> Thank you for your cooperation in this matter.

Sincerely,

Chris Korleski  
Director

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



August 27, 2009

Piqua City Commission  
201 West Water Street  
Piqua, Ohio 45356

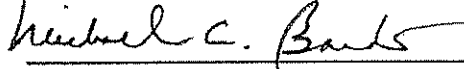
The Piqua Stormwater Advisory Committee has met monthly since March 2009. At these meetings the City staff and representatives from Stantec Consulting have presented information on the cities NPDES Phase II permit requirements, the operation, maintenance and capital improvement needs of the City related 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.

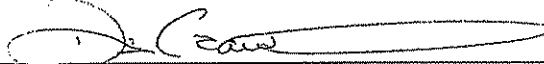
The Stormwater Advisory Committee was selected from a broad cross section of the community and includes representatives from local business, industry, schools, churches and property owners in the City. We appreciate the opportunity that the City has provided us in presenting this material to our group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


Signed: City of Piqua Stormwater Advisory Committee

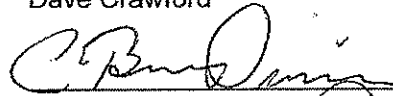
  
\_\_\_\_\_  
Jim Vetter

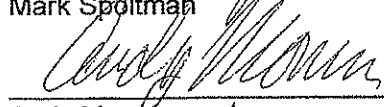
  
\_\_\_\_\_  
Michael Bardo


  
\_\_\_\_\_  
Peggy Henthorn


  
\_\_\_\_\_  
Dave Crawford

  
\_\_\_\_\_  
Mark Spoltman

  
\_\_\_\_\_  
Bruce Driver

  
\_\_\_\_\_  
Andy Monnin

  
\_\_\_\_\_  
Jason Petty

  
\_\_\_\_\_  
Roger Ely

**RESOLUTION NO. R-99-09**

**A RESOLUTION AUTHORIZING A PURCHASE ORDER TO  
VALLEY ASPHALT CORP. FOR THE  
2009 STREET AND ALLEY MAINTENANCE PROGRAM**

WHEREAS, on July 6, 2009, the Street Department presented to the City Commission the 2009 Street and Alley Maintenance Program; and

WHEREAS, after reviewing the need to patch and repair streets of high priority, it was decided to recommend Valley Asphalt as the vendor of choice for the 2009 Street and Alley Maintenance Program; and

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 Valley Asphalt Corp. for Hot and Cold Mix pursuant to the bid specifications;

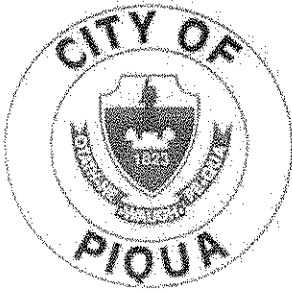
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$44,000;

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

\_\_\_\_\_  
THOMAS D. HUDSON, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



## ENGINEERING DEPARTMENT

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201 West Water Street Piqua, Ohio 45356  
(937) 778-2044 FAX (937) 778-5165  
www.piquaoh.org

October 28, 2009

### MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO ISSUE A PURCHASE  
ORDER TO VALLEY ASPHALT CORP.  
TOTAL COST NOT TO EXCEED \$44,000**

We request authorization to purchase asphalt from Valley Asphalt Corporation, as shown above for the 2009 Street and Alley Maintenance Program.

Attached is the asphalt bid tabulation for the 2009 Hot & Cold Mix – Aggregate Stone. Barrett Paving was identified as the low bidder, therefore, a purchase order was issued to cover the routine patching and repair work to be completed by the Street Department.

On July 6, 2009 a defined Street and Alley Maintenance Program was presented to the City Commission. After prioritizing the streets in need of repair, the decision was made to have the Street Department take a more aggressive approach to repair high priority areas.

Barrett Paving was providing mix from the Sidney, Ohio plant. However, there were numerous occasions in which their plant was not producing the mix the City needed on a given day, in addition to their plant shutting down early therefore prohibiting us from obtaining the necessary material to continue with our paving operations. Valley Asphalt, who was the second lowest bidder, has the ability to produce multiple mixes at one time and has hours that are consistent with those of our work force thereby ensuring the amount and type of asphalt needed to keep our street maintenance program on schedule.

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

Respectfully submitted,

Amy L. Havenar, P.E.

Attachment

c: Cynthia A. Holtzapple, Finance Director  
Doug Harter, Streets and Parks Superintendent

Bid Tabulation for IFB 9004  
 Opened 1-30-09 at 2:00 p.m.

Hot & Cold Mix - Aggregate Stone

	Valley Asphalt Corp. Enon, Ohio	Piqua Materials Piqua, Ohio	Barrett Paving Materials, Inc. Dayton, Ohio	Barrett Paving Materials, Inc. Miami River Quarry Dayton, Ohio
<u>All prices are per ton</u>				
402 Asphalt	\$ 59.00	No bid	\$ 57.50	No bid
404 Asphalt	\$ 60.00	No bid	\$ 58.00	No bid
Cold Patch	\$ 106.00	\$ 105.00	\$ 100.00	No bid
304 Stone	No bid	\$ 7.95	No bid	\$ 7.50
411 Stone	No bid	\$ 8.20	No bid	\$ 7.50
# 9 Stone	No bid	\$ 9.20	No bid	\$ 7.00
Terms	Net 30	Net 30	Net 30	Net 30

**RESOLUTION NO. R-100-09**

**A RESOLUTION REQUESTING PRELIMINARY  
AUTHORIZATION FOR WIDENING OF COUNTY  
ROAD 25-A FROM COUNTRY CLUB ROAD TO  
LOONEY ROAD WITHIN THE CITY OF PIQUA**

WHEREAS, the Ohio Department of Transportation requests preliminary legislation to approve the widening of County Road 25-A from Country Club Road to Looney Road within the City of Piqua.

**SEC. 1: Project Description**

WHEREAS, the State has identified the need for the described project:

This project consists of widening the roadway from two to four lanes, creating an urban cross section with curbs and gutters with sidewalks on both sides from 18.310 (straight line mileage) to 19.790 (straight line mileage), plus or minus, on County Road 25-A from Country Club Road to Looney Road. Said project is further identified as **MIA-CR25-18.31**.

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

**SEC.2: Consent Statement**

Being in the public interest, the LPA (City of Piqua) gives consent to the Director of Transportation to complete the above described project.

**SEC. 3: Cooperation Statement**

The LPA (City of Piqua) shall cooperate with the Director of Transportation in the above-described project as follows:

The City agrees to assume and bear One-Hundred Percent (100%) of the entire cost of the improvement, less the amount of Federal-aid and State funds set aside by the Department of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the City also agrees to assume and bear One-Hundred Percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the City.

The City shall adjust any existing castings, as required, with City forces.

SEC. 4: Utilities and Right-Of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

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

SEC. 5: Maintenance

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

SEC. 6: Authority to Sign

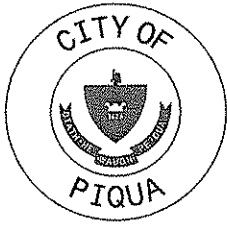
The City Manager of the City of Piqua is hereby empowered on behalf of the City of Piqua to enter into contracts with the Director of Transportation necessary to complete the above-described project.

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

\_\_\_\_\_  
THOMAS D. HUDSON, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



# City of Piqua, Ohio

## Engineering Department

Phone 937-778-2044 ♦ Fax 937-778-5165

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October 23, 2009

### MEMORANDUM

TO: Frederick E. Enderle

RE: **Request for Preliminary Legislation  
CR 25-A Phase II Reconstruction from Country Club Road to Looney Road.**

Enclosed please find a letter from Bradley Lightle, Transportation Planning and Programs Administrator for ODOT District 7, making request for the above referenced consent legislation. The legislation will allow for ODOT to complete the programming on the Country Road 25-A Phase II Reconstruction Project.

The project construction limits are County Road 25-A from Country Club Road to Looney Road with the project scope being consistent with the improvements made on the County Road 25-A Phase I Reconstruction Project which was completed in 2008. The roadway will be widened to 4 lanes and will be modified from a rural cross-section to an urban cross-section with the utilities being updated as necessary. New curb and gutter and sidewalk will be installed the full length of the project.

The City of Piqua submitted for federal funding through the Miami Valley Regional Planning Commission in 2008 and was awarded funds in the amount of \$2,046,000. The project is scheduled for construction in the fall of 2013.

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

Respectfully submitted,

Amy L. Havenar, P.E.

ALH/jc

Enclosure



## OHIO DEPARTMENT OF TRANSPORTATION

1001 St. Marys Ave., Sidney, OH 45365 -- (937) 492-1141 -- Fax (937) 497-9734

Governor Ted Strickland

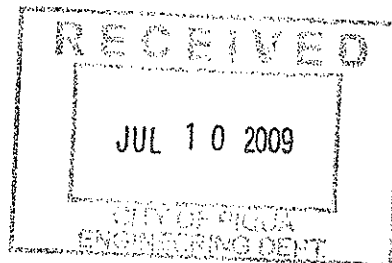
Director Jolene M. Molitoris

District Deputy Director Rex Dickey, P. E., P. S.

<http://www.dot.state.oh.us/dist7>

July 6, 2009

Amy L. Havenar, P.E.  
City Engineer  
201 West Water Street  
Piqua, Ohio 45356



RE: **MIA-CR25-18.31, PID #86659**  
**Preliminary Legislation - Participatory**

Dear Ms. Havenar:

Enclosed are three copies of preliminary legislation which is a requirement for us to complete the programming on a project proposing to widen the roadway from two to four lanes, creating an urban cross section with curbs, gutters, and sidewalks on County Road 25-A from Country Club Road to Looney Road within the City of Piqua, Miami County, Ohio. This project is currently scheduled for Bid Letting in State Fiscal Year 2013.

In completing these forms, please be sure to indicate the Ordinance/Resolution No. in the upper right-hand corner of Page 1. You will note in Section VI, the Contractual Officer's signature must appear on Page 3 in the space provided for Contractual Officer, as well as in the space for Officer of the City. Both should be attested to by a Councilman or the Clerk. If the City has no President of Council, please write the word "SAME" in quotes in that space provided. Also on Page 3 in the "Certificate of Copy", please be sure to fill in the Ordinance Record Number and Page Number. If the Clerk has a seal, it should be affixed to the "Certificate of Copy". **If there is no seal**, a letter stating that the City does not have a seal must accompany the executed legislation.

When the legislation has been properly executed and all **inked original** signatures affixed, please return all three (3) originals to the District Seven address shown above, Attention: Iva Lenhart, **no later than January 7, 2010** to maintain the current project schedule. After the Director of the Ohio Department of Transportation has signed all copies, one original will be returned to the City.

Please feel free to contact this office if you have any questions. Your cooperation in this matter is greatly appreciated.

Respectfully,

Bradley A. Lightle, P.E.  
Transportation Planning and Programs Administrator

BAL:ill  
Enclosures (3)

c: file w/att.

## RESOLUTION NO. R-101-09

### A RESOLUTION SUPPORTING THE CREATION OF THE WESTERN OHIO TV CONSORTIUM ("WOTVC") AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING

WHEREAS, the City of Piqua receives franchise fees pursuant to a franchise agreement with Time Warner Cable; and

WHEREAS, the State of Ohio made changes to the laws governing franchises, which will terminate the City's franchise agreement prior to its expiration date of 2015; and

WHEREAS, in facing changes in the manner in which franchise fees are distributed, the City proactively sought out a partnership with the educational facilities to jointly operate and manage the local access channel; and

WHEREAS, the current equipment owned by the City is technologically outdated using an analog system rather than being digital; and

WHEREAS, the City does not have the financial ability to replace the equipment or hire additional personnel to increase the ability to produce and edit local programming; and

WHEREAS, Edison Community College is willing to contribute substantially with its in-kind services by providing the studio and all of the equipment, which is digital; and

WHEREAS, Piqua City School District and Upper Valley Joint Vocational School will be contributing in-kind services by providing personnel, students, training or other services; and

WHEREAS, the educational facilities will be able to offer excellent opportunities to their students with either programs, courses or club activities by having the ability to use a studio and learn about taping, producing and editing; and

WHEREAS, the City of Piqua would continue its contribution of 20-25% of its franchise fees to support the public access channel for a minimum of three years; and

WHEREAS, the creation of the Western Ohio TV Consortium would provide opportunities to the entire community that are currently not available such as the ability to produce training videos for businesses, educational opportunities, and the ability to sponsor programming as well as establish technical quality standards; and

WHEREAS, in the efforts to create the consortium of entities, members from the City of Piqua, Piqua City School District, Edison Community College and Upper Valley Joint Vocational School have been meeting for over a year to develop and discuss the concept of the consortium, the intent of the entity, the focus of the public access channel, the technical issues involved and the business aspects such as the legal and procedural documents needed, the creation of a governing board, and a proposed

budget, including the costs involved as well as a realistic approach to the revenues needed; and

WHEREAS, a Memorandum of Understanding ("MOU") has been submitted to all of the appropriate governing boards of the involved entities that seeks their respective support for the creation the Western Ohio TV Consortium ("WOTVC").

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

SEC. 1: The City Commission supports the creation of the Western Ohio TV Consortium ("WOTVC") and authorizes the City Manager to enter into a Memorandum of Understanding ("MOU") in substantial form as attached Exhibit "A" to formalize the City's commitment.

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

\_\_\_\_\_  
THOMAS D. HUDSON, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION

MEMORANDUM OF UNDERSTANDING  
AS TO CREATION AND OPERATION OF  
WESTERN OHIO TV CONSORTIUM

**ARTICLE I  
PARTIES**

The parties to this instrument are the City of Piqua, Ohio ("the City"), acting by and through the City Manager as authorized by the Piqua City Commission, the Upper Valley Joint Vocational School, Piqua, Ohio ("UVJVS"), Edison Community College, of Piqua, Ohio ("Edison"), and the Piqua City School District, of Piqua, Ohio ("PCSD"). As used in this instrument, the phrase "the Educational Partners" means UVJVS, Edison, and PCSD. This instrument is executed by the City under the authority of Resolution No. R-\_\_-09 as adopted by the City of Piqua Commission on \_\_\_\_\_, 2009, and by the Educational Partners pursuant to authority granted by their respective governing boards.

**ARTICLE II  
NATURE OF THIS INSTRUMENT**

This instrument is not, and shall not be construed as, a contract, an offer, nor a promise to make a contract. Rather, this instrument is intended to summarize the current state of discussions among the parties as to their affiliation in the development and operation of a not-for-profit public-access broadcast organization to be named the Western Ohio TV Consortium ("WOTVC"). Each party to this instrument hereby affirms its good-faith intention to continue discussions with the other parties for the purpose of concluding a contractual understanding on the subject matter of this instrument, which may be evidenced in the form of incorporation documents, bylaws, other corporate actions, written agreements, or otherwise.

**ARTICLE III  
PURPOSES OF THE ORGANIZATION**

The purposes of WOTVC would be to do the following, as permitted by law and its Articles of Incorporation and other corporate documents, and consistent with such policies and fee schedules as the WOTVC Board of Directors may from time to time adopt:

(a) Operate the public-access channel in the Piqua, Ohio, area, in compliance with all applicable legal requirements pertaining to such channels.

(b) Secure the services of and employ a full-time Executive Director to operate and manage the organization, as well as such other paid staff as the WOTVC Board may from time to time authorize.

(c) Supervise the scheduling and broadcasting of programming on such channel.

(d) Provide educational opportunities in electronic media to citizens of the community and to the students, faculty and staff of the Educational Partners.

(e) Effect, supervise or facilitate the production and/or dissemination of video or other electronic-media material, in accordance with all applicable laws and regulations, for any one or more of the following classes of potential users:

- (i) Residents of the Piqua, Ohio area.
- (ii) Students, faculty and staff of the Educational Partners.
- (iii) Local businesses or entrepreneurs, for commercial purposes, provided WOTVC is fairly compensated for the facilities, equipment, and services provided.

#### **ARTICLE IV CONTRIBUTIONS OF THE PARTIES**

Section 4.1. Nature and Extent of Contributions. The parties each intend to provide valuable contributions to WOTVC at its inception and thereafter. Such contributions may be in the form of funding for operations or capital needs or provision of facilities and/or equipment and/or personnel to the organization. The extent, nature and timing of each organization's contributions to WOTVC are to be determined in ensuing discussions.

Section 4.2. Contribution Discussions to Date. Discussions to date as to contributions are to the following effect:

(a) The City, pursuant to authorization granted from time to time by the Piqua City Commission, would be responsible for annually contributing to WOTVC 20% to 25% or more of the aggregate annual franchise fees received by the City from any telecommunications entity. In addition, the City would contribute the services of the Law Director as legal advisor to WOTVC and its Board.

(b) UVJVS, Edison and PCSD would contribute to the WOTVC through provision of facilities and/or equipment and/or personnel to the organization.

(c) Edison would contribute its space for WOTVC's studio and offices. These contributions would include incidentals such as utilities and security.

(d) UVJVS, PCSD, the City and Edison would each endeavor to respond affirmatively to all reasonable requests from WOTVC or the other WOTVC partners for contributions of personnel, facilities, equipment or other forms of in-kind assistance, to accomplish the purposes of WOTVC.

Section 4.3. Annual Budget. The Board of Directors of WOTVC would annually approve a budget for operating and maintenance, which would include any capital expenditures. The budget would be required to balance annually.

#### **ARTICLE V BOARD OF DIRECTORS**

Section 5.1. Eleven Directors. The Board of Directors of WOTVC would consist of 11 voting members ("Directors"), as provided in this Article.

Section 5.2. Nine Primary Directors. There would be nine primary directors: three from the City of Piqua, two from Edison, two from PCSD, and two from UVJVS. The primary directors would consist of, or be appointed, as follows:

(a) City Seats. The City's Seats would be filled as follows: one by the City Manager of the City of Piqua, one by the City's IT Director, and one by appointment by the City of Piqua Commission.

(b) Edison Seats. Edison's seats would be filled by the Edison Board. It is suggested, but would not be mandatory, that one of these be Edison's Information Technology ("IT") director.

(c) PCSD Seats. PCSD's seats would be filled by the Piqua Board of Education. It is suggested, but would not be mandatory, that one of these be the School District's IT director.

(d) UVJVS Seats. UVJVS's seats would be filled by the JVS Board. It is suggested, but would not be mandatory, that one of these be the UVJVS IT director.

Section 5.3. Two At-Large Directors. In addition, there would be two at-large directors, to be selected by the nine primary directors. It is suggested, but would not be mandatory, that one of the two at-large seats should be filled by the President of the Piqua Area Chamber of Commerce, to facilitate communication and coordination with the business community.

Section 5.4. Executive Director as Non-Voting Ex Officio Member. In addition to the 11 voting members of the Board, WOTVC's Executive Director would sit on the WOTVC Board, in ex officio capacity and without vote.

Section 5.5. Directors' Terms. Terms on the WOTVC Board would be for three years each, staggered so as to enhance stability of the Board while providing the potential for the periodic infusion of new ideas through new directors.

## **ARTICLE VI MEETINGS OF THE BOARD**

Section 6.1. Frequency. The Board of WOTVC would have regular quarterly meetings, to be held in such months as the Board may determine.

Section 6.2. Organizational Meeting Each January. The first quarterly directors' meeting of each year would be held in January and would be an organizational meeting at which the primary representatives to the Board would fill any expired at-large position, determine meeting dates for the remainder of the year's quarterly meetings, and conduct such other business as comes before the Board.

Section 6.3. Special Meetings. Special meetings of the Board of Directors may be called by the Chair. Upon written request to the Chair by any three or more Directors, the Chair would call a meeting at the time requested by the requesting Directors. In all cases, however, not less than seven nor more than thirty days' written notice of the special meeting must be given to all Directors. Calls for special meetings would specify the time, place and objects thereof and,

unless all Directors agree otherwise, no business other than that specified in the call therefor would be considered at such meeting.

Section 6.4. Place of Meetings. All meetings of the Board of Directors would be held at the Edison campus or at such other reasonably convenient location, either within or without the City of Piqua, Ohio, as the Board may designate from time to time and as may be specified in the notice thereof.

Section 6.5. Quorum. The presence of a majority of the number of Directors in office at the time of the meeting would be necessary to constitute a quorum at that meeting.

Section 6.6. Action Without Meeting. Any action which may be taken at any meeting of Directors may be taken without a meeting if authorized by a writing signed by all of the Directors who would be entitled to notice of a meeting held for such purpose.

Section 6.7. Compensation. Directors would not receive any compensation for their services as such.

## **ARTICLE VII OFFICERS**

Section 7.1. Titles. The officers of this corporation would be a Board Chair, a Vice Chair, a Secretary, a Treasurer, and such other officers as the Board of Directors may determine. The Chair and Vice Chair would be chosen from among the voting members of the Board of Directors.

Section 7.2. Term of Office. The officers would hold office for the term of one year and until their successors are elected and qualified; provided, however, that the officers elected at the first meeting of the first Board of Directors would hold office until the next annual election of officers, as provided by the Regulations.

Any officer may be removed with or without cause upon the vote of the Board of Directors, unless contrary to the terms of an employment contract. A vacancy in any office, however created, would be filled by the Board of Directors. Any two or more offices may be held by the same person.

Section 7.3. Duties of Officers.

(a) Chair. The Chair would preside at all meetings of the Board of Directors and would have such other powers and duties as may be prescribed by the Board of Directors. He or she would have authority to sign all instruments requiring the signature of an officer of the corporation as well as all the powers and duties prescribed by Ohio law and such others as the Board of Directors may from time to time assign.

(b) Vice Chair. The Vice Chair would perform such duties as are conferred upon him by these Regulations or as may from time to time be assigned by the Board of Directors. At the request of the Chair, or in his or her absence or disability, the Vice Chair would perform all the duties of the Chair and, when so acting, would have all the powers of the Chair.

(c) Secretary. The Secretary would give notice of meetings of Directors, keep the minutes of all proceedings of the Board of Directors, and make a proper record of same.

The Secretary would further have all the powers and duties prescribed by Ohio law and such others as the Board of Directors may from time to time assign.

(d) Treasurer. The Treasurer would have the custody of the funds and securities of the corporation which may come into his or her hands and would do with the same as may be ordered by the Board of Directors. When necessary or proper, the Treasurer may endorse for collection on behalf of the corporation checks, notes, and other similar obligations. All corporate funds disbursed would be by check and must be signed by the Chair or Treasurer of the corporation. The Treasurer would deposit the funds of the corporation to its credit in such banks and depositories as the Board of Directors may from time to time designate. The Treasurer would present at each regular quarterly meeting of the Directors a statement of the financial condition of the corporation. The Treasurer would keep full and accurate records of all monies received and paid by him or her for the account of the corporation and would perform such other duties as may from time to time be assigned by the Board of Directors.

(e) Assistant and Subordinate Officers. The Board of Directors may appoint such assistant and subordinate officers as it may deem desirable. Each such officer would hold office during the pleasure of the Board of Directors and perform such duties as the Board of Directors may prescribe.

(f) Delegation of Duties. In the absence of any officer of the corporation, or for any other reason the Board of Directors may deem sufficient, the Board may delegate the powers or duties of such officer to any other officer, Director, or other qualified person the Board may select.

#### **ARTICLE VIII COMMITTEES**

The Board could establish committees from time to time as it determines necessary or appropriate to carry out the work of the corporation.

#### **ARTICLE IX LIABILITY INSURANCE**

WOTVC would maintain liability insurance for the entity and property insurance for the equipment if not provided by an in-kind contribution.

#### **ARTICLE X INDEMNIFICATION OF DIRECTORS, OFFICERS AND EMPLOYEES**

The corporation would indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, including all appeals by reason of the fact that he is or was a director, officer or employee of the corporation, or is or was serving at the request of the corporation as a director, trustee, officer or employee of another corporation, partnership, joint venture, trust or other enterprise, to the fullest extent permissible under Ohio law.

Executed by the parties on the dates indicated on the attached signature page.

CITY OF PIQUA, OHIO

EDISON COMMUNITY COLLEGE

By: \_\_\_\_\_  
Frederick E. Enderle, City Manager

By: \_\_\_\_\_  
Dr. Kenneth Yowell, President

Dated: \_\_\_\_\_, 2009

Dated: \_\_\_\_\_, 2009

UPPER VALLEY JOINT VOCATION SCHOOL

PIQUA CITY SCHOOL DISTRICT

By: \_\_\_\_\_  
Dr. Nancy Luce, Superintendent

By: \_\_\_\_\_  
Richard A. Hanes, Superintendent

Dated: \_\_\_\_\_, 2009

Dated: \_\_\_\_\_, 2009

Approved as to form by: Stacy M. Wall, City Law Director, and Daniel E. Ramer, Esq.

**RESOLUTION NO. R-102-09**

**A RESOLUTION AWARDED A CONTRACT TO  
GAMETIME FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR  
KIWANIS PARK**

WHEREAS, on January 5, 2009, this Commission passed Resolution No. R-2-09 authorizing the City Purchasing Agent to advertise for bids, according to law, for the playground equipment from Gametime, c/o David Williams & Associates, Inc.; and

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

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

SEC. 1: A contract is hereby approved with Gametime, c/o David Williams & Associates, Inc.; as the best, responsible bidder for the 2009 Kiwanis Park playground equipment and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

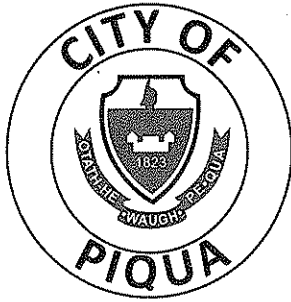
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$20,072.95.

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



**FINANCE DEPARTMENT**

Beverly M. Yount – Purchasing Analyst  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-4002 • FAX: (937) 778-1130  
E-mail: byount@piquaoh.org

MEMORANDUM

TO: Frederick E. Enderle, City Manager

FROM: Beverly M. Yount, Purchasing Analyst *BMY*  
Robert Stanford, Parks & Recreation Supervisor

RE: Purchase order for playground equipment

DATE: October 29, 2009

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This is to request commission authorization to purchase playground equipment from Gametime, c/o David Williams & Associates, Inc., Alliance, Ohio for Kiwanis Park. Authorization to take bids was granted by Resolution R-2-09. Bids were taken on October 21, 2009 with pricing on a play structure, swing, playcurb, and a certified installer to supervise the volunteers during installation. Gametime was the best responsive bidder for this equipment. We scored the proposals based on five criteria: aesthetics and design conformity, play value & number of elements, creativity of design, durability & warranty, and price.

Budgeted funds in the amount of \$27,207.27 are being used to pay for this purchase of \$20,072.95. The bid tabulation is attached for your review. We intend to have the equipment delivered to us before the end of the year, with installation occurring sometime during the Spring of 2010.

It is requested that this item be placed on the November 2, 2009 Piqua City Commission Meeting Agenda for approval.

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

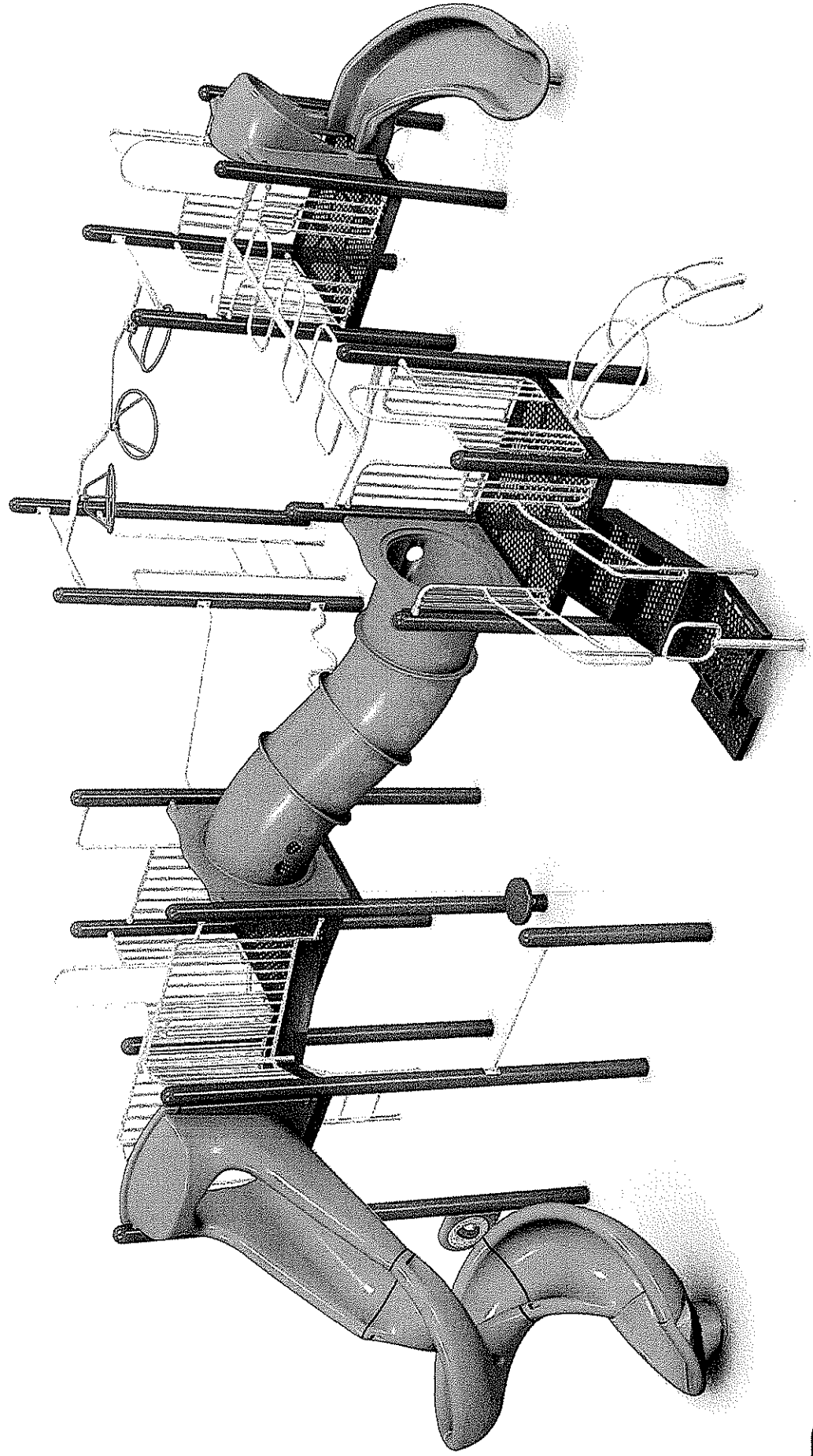
## Exhibit "A"

RFP # 9032 - Kiwanis Park - Playground Equipment  
Opened October 21, 2009 at 2:00 p.m.

	<u>Gametime</u>	<u>Playworld</u>	<u>Playsite</u>	<u>Play Creations</u>	<u>Playground World</u>	<u>Miracle #1</u>	<u>Miracle #2</u>
Price Submitted	\$22,300.00	\$22,500.00	\$22,262.00	\$22,462.49	\$ 21,670.00	\$22,147.00	\$19,888.00
Adjusted Price with 300' border	\$ 20,072.95	\$ 21,939.12	\$ 21,912.67	\$ 21,344.16	\$ 21,936.09	\$ 21,850.64	\$ 19,591.64
Scoring Total	93	83	71	85	86	85	84

Playstructure

Piqua, Ohio



**DAVID  
WILLIAMS  
& ASSOCIATES**  
1-800-762-7936  
williams@gametime.com

1-800-265-2440 WWW.GAMETIME.COM

