AGENDA

REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, APRIL 20, 2010
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Piqua Arts Council in the City of Piqua

Poppy Days in the City of Piqua

A. CONSENT AGENDA

a. APPROVAL OF MINUTES
Approval of the minutes from the April 1, 2010 Piqua City Commission Worksession and the April 6, 2010 Regular City Commission Meeting

B. OLD BUSINESS

a. ORD. NO. R 7-10 (2nd Reading)
An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000

b. ORD. NO. 8-10 (2nd Reading)
An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-2 (Two-Family Residential) to parcel N44-004010, also known as 316 North Downing Street

c. ORD. NO. 9-10 (2nd Reading)
An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-2 (Two-Family Residential) to parcel N44-004000, also known as 320 North Downing Street)

d. ORD. NO. 10-10 (2nd Reading)
An Ordinance amending Chapter 111 of the Piqua Municipal Code Peddlers and Solicitors

e. ORD. NO. 11-10 (2nd Reading)
An Ordinance amending Section 94.20 (Section D) of the Piqua Code relating to (Community Swimming Pool Fees) and Section 94.24 (Sections C & F) of the Piqua Code relating to (Regulations for Public Parks and Pools)

C. NEW BUSINESS

a. RES. NO. R-49-10
A Resolution authorizing payment to Miami County Commissioners under a contract for the construction of the Fletcher Sanitary Sewer Project

b. RES. NO. R-50-10
A Resolution awarding a contract to Pohlkat Incorporated in the amount not to exceed $100,000 for removal and disposal of lime residual from the Lime Lagoon at the Water Plant for 2010-2012

c. RES. NO. R-51-10
A Resolution appointing one member to the Energy Board

d. RES. NO. R-52-10
A Resolution retaining the services of Horan to provide Health Insurance Consulting Services for the City of Piqua

e. RES. NO. R-53-10
A Resolution requesting final legislation to issue a purchase order in the amount not to exceed $72,008.00 to the Ohio Department of Transportation (ODOT) for replacement of the bridge decks on U.S. Route 36 over I-75 including landscaping improvements

f. RES. NO. R-54-10
A Resolution awarding a contract to AZI Equipment for the purchase of an Asphalt Zipper for the Street Department

g. RES. NO. R-55-10
A Resolution to issue a purchase order to Camp Dresser & McKee, Inc. for professional Services for the Wellfield Development – Phase 2

h. RES. NO. R-56-10
A Resolution authorizing the City Manager to enter into a land use permit for the construction, use and maintenance of boat ramp on the Great Miami River

ADJOURNMENT

A. CONSENT AGENDA ITEMS
April 20, 2010

- **Minutes – April 1, 2010 Piqua City Commission Worksession**
- **Minutes – April 6, 2010 Regular City Commission Meeting**

MINUTES
PIQUA CITY COMMISSION WORK SESSION
APRIL 1, 2010
10:00 A.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

Piqua City Commission met in a Special Work Session in the Commission Chambers in the Municipal Government Complex, 201 W. Water Street Mayor Fess called the meeting to order at 10:00 A.M. Also present were Commissioners Wilson, Martin, and Vogt. Absent: Terry. Also in attendance: City Manager Fred Enderle, Finance Director Cynthia Holtzapple, Law Director Stacy Wall, Utility Director Dave Burtner, City Engineer Amy Havenar, Water Supervisor Don Freisthler, Wastewater Supervisor Dave Davis.

Purpose of the Special Meeting is to discuss the Water Exploration and Development Plan.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to excuse Commissioner Terry from the Piqua City Commission Work Session April 1, 2010. Voice vote, Aye: Martin, Vogt, Fess, and Wilson. Nay; None. Motion carried unanimously.

City Manager Enderle introduced Dasch Underwood, a volunteer interning in the City Managers Office.

City Manager Enderle stated he would like to bring the Commission up to date on the progress so far.

Wastewater Supervisor Don Freisthler introduced Utility Director Dave Burtner, Bob Yoxthimer a Consultant from Camp Dresser and Magee (CDM), and Brent Huntsman with Terrain and Associates.

Mr. Freisthler stated the purpose of the meeting is to seek direction as we enter the phases of the search for ground water.

The City hired Tritium Inc. in early 2009 to do a hydrogeologic investigation for a new well field, they were advised of several properties the City wanted them to evaluate. But by late July no report was generated so there services were terminated. The City then looked at engineering firms to help guide them through the source water study.

After reviewing three engineering firms, CDM, CH2M Hill and HDR. CDM was chosen to do the study.

The City was able to get an option on the Carnes Property that is adjacent to the Lime Lagoon property and hoped with its location to the hydrologic maps indication of were the underground water availability was that a production well could be located on the site, and if the location would work for locating a new Water Plant.

It was the City's intention to drill two wells on this site, one deep well 100 ft. deep or deeper, and one less than thirty feet. The theory is that there are actually two levels of water to draw from. A shallow level that most area wells are in and a lower aquifer that has very few users since most people are not looking for the quantity of water the City is looking for.

The City was only able to place one well on the Carnes property because they hit bedrock at twenty-five feet. (This well must be removed ASAP and abandoned properly.) Wanting to be able to monitor the water table in the area long term to see if it might be possible to put a production well on our own site, the City went ahead and bored three wells on the Lime Lagoon site. This gave no better results than on the Carnes property. The deepest well was only thirty-seven feet deep, one was so badly clay laden that it wasn't worth doing the development process on. This was virtually a bust for any help with meeting the City's source water needs.

The cost of these borings was just under five thousand dollars. In looking at the aquifer maps there was an area that shows a deeper more productive area. So in an effort to identify this area where the bedrock runs deeper, Dave Burtner studied the maps and contacted Bob Yoxthimer of CDM, and Brent Huntsman with Terrain Company to verify the sites.

Mr. Huntsman suggested the City consider using Seismic Refraction to evaluate the sites before deciding to drill. With this equipment they can evaluate ten locations within two days for a cost of around $10,000. This will give a much better idea of where to place observation and production wells.

There were a couple of very promising tracks of land that could be used for the location of the New Water Plant that they wanted to have evaluated by the seismic refraction equipment. There are two properties that are being appraised at this time.

Additional funds are now needed to continue the search for Groundwater. Staff is now seeking the Commission's input and guidance prior to making a proposal at a Commission meeting.

See enclosed copy of the five tasks required for Well Development- Phase 2, and Source Water Options to be considered.

There was discussion of the location for the wells, the placement of a New Water Plant, how deep the wells need to be and how close they can be located to each other. There was also discussion on the treatment of the water whether it be ground water or surface water, the type and cost of plant that would be needed be it a Membrane or Blended plant, and the type of chemicals that would be required to maintain the water, and how much water would be need per day to maintain the city's requirements. A question was raised on why the west side of town was not considered, it was stated there is too much bedrock in the west end of town.

Jeff Lange, St. Rt. 66, voiced his opinion and concern over the use of Johnson Farm with it being located in the Flood Plan.

The use of now-interest loans for the project was explained, and the various forms of loans that are available and how they would be applied.

City Manager Enderle stated the goal is to find six million gallons, to do a Study first, keeping the long-term views in mind because we are not sure what will be like in twenty years, then determine the next phase. Do we need to have a Blended Plant or a Membrane Plant that needs to be determined first, stated City manager Enderle. There was discussion on the cost of building a new plant versus going in with Troy. There was also discussion of the possibility of raising water utility fees in the future if necessary, but would not be until next year. It was mentioned if it would be possible to go in with Sidney, but City Manager Enderle stated Sidney has told us they have no interest in working with Piqua at this time. There are no easy answers to this situation stated City Manager Enderle.

Mayor Fess stated the community is aware of the fact the City needs to build a new water plant as soon as possible.

It was stated and agreed to by all Commissioners present to go forward with the next step on putting Phase 2 in place on putting on the April 20, 2010 Commission Agenda for approval.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Piqua City Commission Work Session at 11.30 P.M. Voice vote, Aye: Wilson, Martin, Hudson and Vogt.
Motion carried unanimously.

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

MINUTES
PIQUA CITY COMMISSION
Tuesday April 6, 2010
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 Fess called the meeting to order. Also present were Commissioners Martin, Vogt, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

OATH OF OFFICE
Police Lieutenant Marcos A. Rodriquez

Law Director Stacy Wall administered the Oath of Office as Police Lieutenant to Marcos A. Rodriquez.

PROCLAMATION
Piqua Show Choir – "The Company"

The Piqua Show Choir "The Company" came forward and performed several of the songs from their program. The "Company" received four Grand Champion awards this year and brought wonderful recognition to the City of Piqua, stated Mayor Fess.

Mayor Fess read the Proclamation and presented it to Director Tom Westfall, and thanked him and the Piqua Show Choir for coming to perform. They are truly amazing and a wonderful tribute to the City of Piqua, said Mayor Fess.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to move the Communication From City Manager (The response to Russ Fashner's questions from the March 16, 2010 meeting) to Old Business. Voice vote, Aye: Martin, Vogt, Fess, Terry, and Wilson. Nay. None. Motion carried unanimously to move the Communication From City Manager to Old Business at this time.

Consent Agenda

Approval of Minutes

Approval of the minutes from the March 16, 2010 Regular City Commission Meeting

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the Regular City Commission Meeting of March 16, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

New Business

ORD. NO. 7-10 (1st Reading)

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000

Public Comment

No one came forward to speak for or against Ordinance No. 7-10.

Ordinance No. 7-10 was given a first reading.

ORD. NO. 8-10 (1st Reading)

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-2 (Two-Family Residential) to parcel N44-004010, also known as 316 North Downing Street

Public Comment

Scott Thobe, Troy property owner, came forward and stated he would like to have the property rezoned from Business to Residential at this time.

Commissioner Martin asked if changing the zoning would limit the use of the property. City Manager Enderle stated yes, it would limit the use. Mr. Martin asked if Mr. Thobe was ok with this, and Mr. Thobe replied yes.

Ordinance No. 8-10 was given a first reading.

ORD. 9-10 (1st Reading)

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to assign a zoning designation of R-2 (Two-Family Residential) to parcel N44-004000, also known as 320 North Downing Street

Public Comment

No one came forward to speak for or against Ordinance NO. 9-10.

Ordinance No. 9-10 was given a first reading.

ORD. 10-10 (1st Reading)

An Ordinance amending Chapter 111 of the Piqua Municipal Code Peddlers and Solicitors

There was discussion concerning who would be subject to the soliciting regulations, such as the Girl Scouts/Boy Scouts, and children selling school and sports products, and etc. Also how would penalties be taken care of, and the reason to have this type of legislation in place. Commissioner Wilson inquired if it would be possible to add public service to the penalty section in lieu of payment under certain circumstances. Mayor Fess asked if the Law Director would define “Panhandling”, and how would someone know they would need a permit in Piqua. Ms. Wall read the section on Panhandling and gave a brief overview. Commissioner Terry asked what did the City of Englewood do that prompted the City of Piqua to put this in place. Ms. Wall explained the reason for the Ordinance at this time. Commissioner Martin inquired if there was a curfew listed on the legislation. Ms. Wall stated yes, the time frame would be from sunrise to sunset in the City of Piqua.

Public Comment

No one came forward to speak for or against Ordinance No. 10-10.

Ordinance No. 10-10 was given a first reading.

ORD. 11-10 (1st Reading)

An Ordinance amending Section 94.20 (Section D) of the Piqua Code relating to (Community Swimming Pool Fees) and Section 94-24 (Sections C & F) of the Piqua Code relating to (Regulations for Public Parks and Pools)

Commissioner Martin asked about the days and hours for rental of the pool. City Manager Enderle explained the days it would be available. Parks & Recreation Director Rob Stanford gave a brief overview of the hours of operation and the fees.

Public Comment

No one came forward to speak for or against Ordinance No.11-10.

Ordinance No. 11-10 was given a first reading.

RES. NO. R-42-10

A Resolution of Appreciation for the Public Service of John J. Speer as a City Employee

Mayor Fess read the Proclamation.

Public Comment

No one came forward to speak for or against Resolution No. R-42-10.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-42-10 be adopted. Voice vote, Aye: Fess, Terry, Wilson, Vogt, and Martin, Nay. None. Motion carried unanimously. Mayor Fess declared Resolution No. R-42-10 adopted.

RES. NO. R-43-10

A Resolution awarding a contract for the purchase of a 45' Bucket Truck and a Digger Derrick for the Power System

Public Comment

No one came forward to speak for or against Resolution No. R-43-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-43-10 be adopted. Voice vote, Aye: Terry, Wilson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-43-10 adopted.

RES. NO. R-44-10

A Resolution authorizing the City of Piqua to file an application to the State of Ohio to Participate in the Clean Ohio Assistance Fund

Public Comment

No one came forward to speak for or against Resolution No. R-44-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-44-10 be adopted. Voice vote, Aye: Martin, Terry, Vogt, Fess, and Wilson. Nay; None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-44-10 adopted.

RES. NO. R-45-10

A Resolution authorizing the City Manager to enter into a lease agreement between the City of Piqua and the Piqua City School District for the lease of Hardman Field

There was discussion of the use of the Baseball Field by the Piqua City Schools, the Legion, and Acme baseball teams. The lease by the Piqua City Schools would cover the use of the baseball field from March 1 to May 31st. The City would control the use of the baseball fields after the lease is

completed on May 31st. It was stated that it would be possible to lease the field to other associations such as the Legion or Acme after May 31st. Mayor Fess stated the lease fee is only $1 per year.

Public Comment

Brad Boehringer, Mound Street, came forward and asked what happens at the end of the three-month period after the Piqua City Schools are done with the field. Mayor Fess stated the City will look into leasing the field to other associations.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-45-10 be adopted. Voice vote, Aye: Martin, Fess, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-45-10 adopted.

RES. NO. R-46-10

A Resolution awarding a contract for the Broadway-Phase II Reconstruction Project to Finfrock Construction Co., Inc.

Mayor Fess inquired as to the time frame of the project. City Engineer Amy Havenar stated the project should begin in late April or the first of May and be completed by December 31, 2010. City Manager Enderle stated the street would be closed all summer, but during the Heritage Festival Weekend the plan is to have a temporary coat of pavement down from Washington Avenue to the Johnson Farm.

Public Comment

Ben Fugate, Broadway, stated he received a letter with the assessments listed for the curbs, gutters and sidewalks, and asked if there is a possibility of exceeding those amounts. Mr. Fugate also inquired if it would be possible to have the new type of corner curbing that is handicap assessable installed. City Manager Enderle asked Mr. Fugate to speak to City Engineer Amy Havenar concerning the assessments. Mr. Enderle stated the curbs heights are set by Federal Standards and we have to build the streets to Federal Highway Standards since we are utilizing federal funds.

City Engineer Amy Havenar stated all new intersections will have the handicap assessable ramps installed with the red tiles. Ms. Havenar also stated the numbers that were sent out in the assessment letters were pre-estimate for the sidewalk, curb and gutters. The bids came in lower for the sidewalk, curbs and gutters, but went up slightly for the driveway approaches, but overall the assessments should go down for everyone, said Ms. Havenar.

Luke Bolin, Ann Street, inquired as to how payments can be made on the assessments, and the interest rate for assessments.

Finance Director Cynthia Holtzapple explained the choices available for payment of the assessments, and interest rate to be charged for the assessments.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-46-10 be adopted. Roll call, Aye: Terry, Fess, Wilson, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-46-10 adopted.

RES. NO. R-47-10

A Resolution expressing the intent of the City of Piqua to establish a Stormwater Utility Board

City Manager Enderle stated anyone interested in sitting on the Stormwater Utility Board should contact the City Managers Office or send an email with their information. This is going to be an all citizens' board and we will be looking for five citizens to set on the board, and they will elect their own chairperson. It will be the responsibility of the Board to advise the city administration on operations of the utility, and the commission on setting policies, and will also be an Appeals Board, said City Manager Enderle.

Commissioner Martin asked if any City Commissioners would sit on the Board. City Manager Enderle sated no City Commissioners would sit on the board, only citizens.

Commissioner Wilson suggested there be three homeowners, and two Business/Church/School members on the board. This would balance out the board for the appeals process.

City Manager Enderle stated they would like to have various individuals, and will be looking at appointing citizens who will have the best interest of the City in mind, not just a particular area or group.

Public Comment

James Cruse, County Road 25-A asked several questions concerning the Stormwater Utility Boards meetings. Mayor Fess stated the Stormwater Utility Board will set their own meeting dates and time.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-47-10 be adopted. Voice vote, Aye: Martin, Fess, Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-47-10 adopted.

RES. NO. R-48-10

A Resolution authorizing a purchase order to Barrett Paving Materials, Inc. as the primary supplier, and Valley Asphalt Corporation as the secondary supplies of hot mix for the 2010 Street and Alley maintenance program

Public Comment

No one came forward to speak for or against Resolution No. 48-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-48-10 be adopted. Voice vote. Aye: Terry, Fess, Martin, Vogt, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-48-10 adopted.

Old Business

Communication From City Manager

Response to questions raised by Mr. Russ Fashner at the March 16, 2010 Regular City Commission Meeting.

City Manager Enderle read the response letter to Mr. Fashner's questions raised at the March 16, 2010 Regular City Commission Meeting.

(See the enclosed response letter from the City Manager)

Other Business

Monthly Reports – February 2010

Monthly Reports for the Month of February were accepted.

Public Comments

Frank Barhorst, Wayne Street, came forward and announced the Miami County YMCA is presenting the First Annual Spring Swing Dance, featuring "One More Time Swing Band "on Friday, May 7 at the Historic Fort Piqua Plaza, staring at 8:00 P.M. Proceeds from the dance will benefit the YMCA Piqua

Senior Center Program and is open to the public. Tickets may be purchased at the YMCA or the YMCA Senior Center for $20 per person.

Randy Kirchner, Anderson Street, came forward and stated he had a problem with the explanation City Manager Enderle read in response to Russ Fashner's questions from the March 16, 2010 Regular City Commission Meeting. Mr. Kirchner voiced his concerns over several items he felt were not correct. There was discussion of Mr. Kirchner's items in question. Mayor Fess stated she felt the City conducted a thorough investigation, and that it was an extremely unfortunate incident.

Brad Boehringer, Mound Street, voiced his opinion on Russ Fashner's comments, and the response from the City Manager.

Paul Stiefel, Boone Street, came forward asked if it would be possible to put together a group of citizens to conduct a private investigation, and have them report back to the City Commission in two weeks in the public meeting. Mayor Fess asked what that is going to solve. Mr. Stiefel stated if he could not trust a Police Report then don't ever take me to court on a Police Report.

Law Director Wall explained it is within the City Manager's authority to manage the city employment and the employees. He asked for an investigation at the request of the City Commission, and an investigation was done. If you do not agree with the result of the investigation that is one issue, but it would improper to conduct a private investigation on a city procedure or administrative matter.

Dave Comolli, N. College Street came forward to voice his concern and opinion on how the investigation was conducted. Mr. Comolli stated he feels nothing has been settled at this time.

City Manager Enderle stated this is an administrative matter and he would go back and look into it further. It is my responsibility to investigate it and provide a report to the Commission, which I did, the case is closed, said City Manager Enderle.

Mr. Comolli would like to have something posted on city vehicles that no riders are permitted in the vehicles, and that it is an ordinance or an administrative policy. Law Director Wall explained there are certain provisions in the law that would require legal notification, but administrative policy would not.

Russ Fashner, Forest Avenue, thanked the public for their support, and also thanked the city employees for their support. Mr. Fashner stated he felt he was being blasted and further stated he was never in a city vehicle on March 3, 2010 as reported. Mayor Fess stated they would look into it.

Steve Stiefel, Brentwood Avenue, came forward and inquired to the status of the city owned property on E. Ash Street. City Engineer Havenar explained what the time frame on the demolition of the property.

Commission Comments

Commissioner Wilson thanked the Piqua Show Choir " The Company" for their performance.

Commissioner Wilson stated he received a telephone call from a downtown business owner in regards to street sweeping and urged downtown business owners to sweep their sidewalks and curbs. The downtown street sweeping is being done on Thursday and encouraged businesses to clean their sidewalk and curb area the night before the sweeper comes through.

Commissioner Terry state the North Parks Neighborhood Association will conduct a mulch sale at Wilder School on Nicklin Avenue on Saturday, April 10th, 2010, 8:00 A.M. – 12:00 P.M. The next North Parks Neighborhood Association Meeting is to be held on Thursday, April 8, at 7:00 P.M. at Wilder School. Commissioner Terry also reminded citizens that Dickens in Ohio is scheduled at the Ft. Piqua Plaza on April 8, 2010 at 7:30 P.M. and is open to the public. Citizens can still vote to have Representative William M. McCulloch nominated to the Statuary Hall in Washington D.C.

Commissioner Terry congratulated the Piqua Show Choir "The Company" and congratulated Joe Speer on his retirement from the Piqua Police Department after thirty-one years. Commissioner Terry inquired if the recycling has been down these past few months. Health & Sanitation Director Amy Welker stated refuse tonnage has been down in January and February partly due to the weather and the economy, even through there was less tonnage the percentage was about the same, said Ms. Welker.

Commissioner Vogt congratulated Joe Speer on his thirty-one years of service to the citizens of Piqua, and to the Piqua Show Choir, stating Piqua is very fortunate to have such talented show choir director.

Commissioner Vogt announced the Parks and Recreation Department will be hosting their 6th Annul Car Show. This year the Car Show is going to be held on July 31, 2010 at Fountain Park. The Van Dells are going to perform in the Hance Pavilion at 7:00 P.M. There will be a cash prize of $500, and a cash drawing of $100 at the intermission of the Van Dells performance.

Commissioner Martin congratulated the Piqua Show Choir and the director on such a great year. Commissioner Martin also inquired if it would be possible to put a Community Bulletin Board on the Piqua website for community events to be announced such as the fund-raiser for the Senior Center. City Manager Enderle stated he would look into it. Also Commissioner Martin asked if there is a process for mowing the grass in the various city owned properties, such as when new equipment is installed or trees planted they leave enough room to get the big mowers around them. City Manager Enderle stated he would have to take a look at situations he is referring to.

Mayor Fess stated she appreciated the Piqua Show Choir and Tom Westfall for coming to perform, and congratulated them on an outstanding year. Mayor Fess also thanked the many parents and volunteers who work and support Mr. Westfall and the Show Choir all through the year. Mayor Fess sent best wishes to Joe Speer on his retirement.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 9:30 P.M. Voice vote, Aye: Martin, Terry, Fess, Vogt, and Wilson. Nay: None. Motion carried unanimously.

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

For the Regular Meeting of
April 6, 2010

TO: City Commission

FROM: Fred Enderle, City Manager

SUBJECT: Response to Mr. Russ Fashner March 16, 2010 Questions to City Commission

PURPOSE: To provide City Commission with City Administration's responses to Mr. Fashner's March 16, 2010 questions.

RECOMMENDATION: None. For informational purposes only.

BACKGROUND:

In response to the City Commissions' request for a formal response to the comments made by Mr. Russ Fashner at the March 16, 2010 City Commission meeting, I have reviewed the incidents that took place between March 3, 2010 and March 16, 2010 regarding the above referenced matter. My findings follow under the discussion section of this memorandum.

I must start off by indicating that we certainly appreciate everything Mr. Fashner has done to assist in neighborhood and other city projects, such as the roofing of the picnic shelters, installation of the playground equipment at Das Park, etc. We also appreciate that as a citizen of Piqua he has a right to register complaints or concerns over how and when work is done by City employees and/or contractors.

All the questions Mr. Fashner asks are legitimate questions and deserved to be answered.

DISCUSSION:

I have broken Mr. Fashner's concerns into two major categories: first, those dealing with the employee complaint and police investigation, and last all the other questions relating to the work issue.

Investigation
The facts of the situation are that there were indeed six Street/Parks Department employees working after 3:30 pm on March 3, 2010 repairing the fence along the bicycle path just north of Park Street. At times, Don Seeberger, Asst. Street Superintendent was also present. As Mr. Fashner suspected the hourly employees (Mr. Seeberger is salaried, thus not on overtime)

were in fact working overtime. Mr. Fashner took it upon himself to approach the group to ask them what they were doing and why they were working overtime. That in of itself is not a problem, it is reasonable for a citizen to ask an employee what they are doing or why. However, Mr. Fashner did not ask a simple question or two and leave the employee to their work. He in fact provided an onslaught of questions; most of which they as employees performing the job they were instructed to do were not capable of answering. Working Supervisor Brian Brookhart indicated he told Mr. Fashner what they were doing and why and indicated to Mr. Fashner that anything else would need to be directed to the Street Superintendent. Mr. Fashner ignored Mr. Brookhart's response and continued asking other employees questions. These questions all related to administrative policies or directives that were more appropriately made to the Department Head or City Manager. Mr. Fashner is familiar enough with City operations to know that. Although all the employees present would state that they were not threatened by Mr. Fashner's appearance, he was clearly interfering with them carrying out their assignment.

The City does have a policy prohibiting the transport of non-employees in City vehicles except for official City business. However, that has nothing to do with the fact that Mr. Fashner opened the passenger door on a city vehicle and entered it. The driver states he did not invite Mr. Fashner to get into the truck. The fact here is; no one has the right to enter a vehicle, whether a taxpayer is entering a city vehicle or a private citizen entering another person's vehicle, without being invited to do so. By doing so Mr. Fashner opened himself to the potential for a charge of criminal conduct.

Regarding Mr. Fashner's question of why the Police complaint was not filed until seven days later, Street Superintendent Doug Harter explains that it was not until March 10, 2010 when he, Don Seeberger, Israel Carnes and Brian Brookhart were meeting to discuss various issues that Brian informed the group that Mr. Fashner entered a City vehicle on March 3, 2010 while they were working on the bike path. Brian informed Doug that this incident "scared Doug Cantrell (the driver) to death." Doug Harter called Amy Havenar, his immediate supervisor, the next morning and informed her of the situation and asked what, if anything, should be done. Amy advised him to contact Stacy Wall to see if we should pursue this any further. Doug called Stacy and she informed him that a police report should be filed.

Mr. Fashner also questions the appropriateness in which the complaint was handled. Specifically; he questions if the "chain of command" was followed. This complaint was handled correctly in every aspect. The working supervisor reported to Doug Harter, Street Superintendent who reported to Amy Havenar, City Engineer (his department head), who told Doug to call the Law Director. It is not unusual for the Law Director, who is also the City Prosecutor, to receive calls regarding complaints of activity either from a citizen or in this case an employee. That complaint was directed in the right direction. Since this complaint was derived from a city employee where there were potential liability and safety issues, as well as what initially appeared as criminal conduct, seeking direction from the Law Director is proper. The Law Director spoke to the police department regarding an investigation. The information she received was that there were city employees on a job site where Mr. Fashner jumped into the city truck, without invitation or privilege to do so and frightened the city workers. These facts certainly warranted an investigation, as disorderly conduct certainly fit if those facts were true. The investigating police officer let the Law Director know after his investigation (which she had no part of other than requesting an officer look into the matter) that in his opinion there was no criminal offense. After hearing the evidence, the Law

Director concurred. That was the end of the discussion other than she explained to Doug Harter why no criminal charges would be filed. As Law Director (and Prosecutor) Ms. Wall can file charges or can recommend an investigation be done. In this case, she believed an investigation was warranted given the seriousness of the allegations. Again, within the realm of the Law Director/Prosecutor's duties, she reviewed the statements given and agreed no charges should be filed.

As far as Mr. Fashner's question: "What is the police department's standard procedure in these cases?" The Police Department responds to any complaint that alleges potential violation of the criminal law. There is no reporting party more credible to them than the City Law Director and Prosecutor. It is not unusual for her to ask them to investigate an allegation of criminal behavior. When they receive such a request, they hear the allegation and determine who should be interviewed as a witness. The Police Department, due to City liability and safety issues, as well as because of their experience in conducting investigations, also responds to other city incidents. The most common example is private property damage and/or accident reports. In instances where the Law Director/Prosecutor wants an issue/incident investigated, she will contact the Police Chief or a Deputy Chief in his absence. In this case she provided the general allegations and the names of those involved, and the case was assigned by Deputy Chief Grove to an officer based on the police protocols related to an officer's geographical assignment, current workload, and other factors. When the department gets a case like this it really isn't too important to them as to exactly what the Law Director understood to be the facts; she had talked to someone and determined an investigation was in order. That is sufficient for the police department to investigate. The Law Director goes through police management because it is their job to decide ***who*** should conduct the investigation and performance-related issues as to ***how*** it is conducted. Deputy Chief Grove sent an officer out to do an investigation per standard procedures.

When the officer felt that he had gathered all the victim information and it lacked probable cause for any criminal charge, he contacted the Law Director. When she was presented with all the facts, she and the officer agreed no crime had been committed and the department closed their investigation after a few efforts to contact the alleged offender.
Chief Jamison has explained to Mr. Fashner some of the details about the title of our report. The officer has some discretion in this area. The other alternative would have been carrying this as an unfounded crime. When the allegations were already third-hand when they came to them, the department tends to avoid this. If the officer decided to carry it as, say, Disorderly Conduct – it would have been closed as "unfounded" and Mr. Fashner would have been listed as a "suspect." The department does not like to see anyone listed in our records as a suspect without an interview. Closing it as a non-criminal "suspicious" case was an expedient way for them to dispose of this as a police matter. Chief Jamison indicates that from previous experience that closing it as "unfounded" might be the most technically correct means, but it tends to leave both sides offended. The person that reports tends to think that disposition means they never should have reported their concern. The person who was investigated is offended that they are listed as a suspect when they didn't commit a crime. When Mr. Fashner was asked if he would like to be contacted by the investigating officer so his statement could be added to our record; he said enough time had already been wasted on this and he did not need to do that.

Summarizing the above complaint I find the conduct of all city employees in this matter proper. In fact was I to admonish any employee it would be for not calling the police

immediately upon Mr. Fashner climbing into the truck. The employee should have exited the vehicle and contacted the police immediately. In addition, after Mr. Fashner's initial questions of what they were doing and who directed them to do it, the employees should have informed Mr. Fashner that they where doing as directed and that he would have to contact their supervisor with any further questions, returned to the work at hand and when Mr. Fashner persisted called their Supervisor. Regarding entering the vehicle, whether the driver knew Mr. Fashner or not, he has no idea why he is climbing to his truck or what his intentions were. Being a taxpayer, etc. does not entitle Mr. Fashner to any special consideration. He is and will continue to be treated with the same respect and consideration as any other citizen and all citizens will be held to the same standard of conduct. We will be happy to answer his questions and take his suggestions; however, they must be presented in the proper manner. We will not tolerate anyone interfering with employees doing their job; and we will investigate allegations, employee or citizen, of wrong doing.

Could this whole affair have been handled differently? It most certainly could have; however, I believe it started with the manner in which Mr. Fashner handle his concern for what the City was doing. I encourage Mr. Fashner to direct his concerns in the future to the Streets Superintendent, City Engineer, City Manager or City Commissioner and to not disturb the employees working. .

Other Questions:

Why was the fence taken down? The portion of the fence between Echo Lake & Park Ave. was taken down because the existing posts were rotted and we were going to replace them. Other fencing along the path has or will be taken down but not replaced. This portion was deemed important because of the pitch of the slope adjacent to the path.

Who ordered it taken down? The Street Dept. Superintendent issued this request due to the poor condition of the posts.

Was overtime paid? Yes.

How do I get that money back as a citizen if it was a poor choice? This was a judgment call made by the Streets Superintendent based on the complaints he received. In review I, as City Manager, can say I would have liked him to fill the holes immediately using less personnel and time, and scheduled the rest of the work on regular hours. However, I cannot say he was wrong. He as the person responsible, used his best judgment based on the information at hand and made a decision. I cannot fault him for that. I would rather a supervisor err on the side of doing something to address a concern, than to leave something go they should have addressed, and provide post-incident coaching on how the situation was handled and review other options available.

And if so what was so important? Two complaints were received that day, one from the Law Director and the other through the E-Gov Action Line. Once the complaint was received and the department was made aware of it, it was the Superintendent's feeling they had an obligation to try and alleviate the problem and to prevent any future accidents/incidents from occurring.

Why were the holes not filled when it was taken down? The Department was going to reuse the existing holes to install the new fence posts. However, this happened the same time we

received the large of amount of snowfall, therefore, crews were needed to plow the roadways and we did not immediately get back to the fence repairs.

Why was the section not closed if it was dangerous? The missing fence was not considered a dangerous situation in of itself. Also the holes were off the path and close to the edge of the slope; it was not likely someone would wonder that close to the edge. Finally, due to the weather conditions, the entire bike path could have been considered unusable and staff felt they had time to get back to it within a short period of time to get the fence back up.

Why not fix just what was bad? The majority of the posts were rotted and it was decided to install all new posts rather than leave a few and have to go back and replace them in the future. They were all installed at the same time when the path was originally constructed.

…would you want this in your front yard? Or pay me to do this for you? For the type of fe

ncing (split rail) the repairs are acceptable workmanship. The soil around the posts has been tamped down and the fence is as secure as split rail fencing can be. The intent was to get the fence up and securely in place. Once weather is more conducive to the type of work a crew will go back and will do final finishes.

Are we putting the entire fence back? No. The only portion of the fence that will be put back is this portion between Echo Lake Drive and Park Ave.

Was OUPS called before holes were drilled? No. The City reutilized the original hole locations. These would have been OUPS when the posts were originally installed. We just had to clean them out because they had collapsed with all of the snow that we received during that timeframe.

CONCLUSION:

While Mr. Fashner, or any citizen for that matter, has a right to register complaints or concerns over how and when work is done by City employees and/or contractors. There is a proper manner for registering those complaints or issues. Interfering with the work of employees, at any time, is not the proper way.

> We want all our employees to be customer friendly and responsive. Stopping to ask them a question or two about what they are doing is acceptable and we hope they will provide a courteous reply. However, the employees are assigned to complete certain tasks, and can tell

folks what they are doing and why, but beyond that it gets into an area of work or policy direction provided by their supervisors and they cannot answer those questions. These questions should be directed to the Streets Supervisor, City Engineer or City Manager as the parties responsible for the duties of the Streets Department employees. It is also proper for citizens to address their questions to City Commissioners for their information and/or inquiry to the department head or the City Manager.

The Street Superintendent, City Engineer or I would be happy to discuss any questions or concerns with anyone having an issue or concern with City services.

B. OLD BUSINESS

APRIL 20, 2010

- **Ord. No. 7-10 (2nd Reading)**
- **Ord. No. 8-10 (2nd Reading)**
- **Ord. No. 9-10 (2nd Reading)**
- **Ord. No. 10-10 (2nd Reading)**
- **Ord. No. 11-10 (2nd Reading)**

ORDINANCE NO. 7-10

AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO ASSIGN A ZONING DESIGNATION OF R-3 (MULTI-FAMILY RESIDENTIAL) TO PARCEL J27-032000

WHEREAS, a public hearing has been conducted to study the proposal and Section 154.141 of the Piqua Code of Ordinances has been complied with in all respects; and

WHEREAS, the City Commission by Resolution No. R-38-10 approved the petition to annex parcel J27-032000 into the City of Piqua corporation limits; and

WHEREAS, the City Commission by Resolution No. R-40-10 accepted the Planning Commission recommendation and declared their intent to assign a zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000 upon the annexation of the parcel into the City of Piqua corporation limits; 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: The zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000 is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to assign a zoning designation of R-3 (Multi-Family Residential) to parcel J27-032000 and the City Planner is hereby authorized to make said change on the original zoning map.

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

1st Reading 4-6-2010

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

For the Regular Meeting of March 16, 2010

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Zoning of parcel J27-032000, a +/-1.462 acre lot recently annexed into the city of Piqua corporation limits.

PURPOSE:

Approve an Ordinance to amend the zoning map to complete the process of designating the R-3 (Multi-Family Residential) zoning for a 1.462 acre tract recently annexed into the City.

RECOMMENDATION:

Approve the Ordinance to amend the zoning map and designate the R-3 (Multi-Family Residential) zoning of the subject parcel.

BACKGROUND:

The Upper Valley Community Church (UVCC), 1400 Seidel Parkway, recently purchased a 1.462 acre parcel located adjacent to and immediately north of the church property. UVCC has demolished the single-family dwelling unit that formerly occupied the site and has completed the process of annexing the parcel into the city of Piqua. The intent of the church is to combine the acreage with the church property located at 1400 Seidel Parkway to accommodate a planned expansion of the UVCC facilities.

Resolution R-40-10 adopted by the City Commission on March 16, 2010 accepted the Planning Commission recommendation to zone the property R-3 (Multi-Family Residential) upon the property being annexed into the City; and, declared the City Commissions' intent to proceed with assigning the R-3 (Multi-Family Residential) zoning designation upon the annexation process being completed.

ALTERNATIVES:

1) Approve Ordinance to authorize an amendment to the official zoning map to designate the zoning of the subject property R-3 (Multi-Family Residential).
2) Defeat the Ordinance to deny the R-3 (Multi-Family Residential) zoning of this parcel and refer the request back to the Planning Commission for further study.

DISCUSSION:

The Planning Commission previously studied this request and referred their recommendation to the City Commission. City Commission action on Resolution R-40-10 affirmed City Commission intent to support the Planning Commission recommendation and designate the zoning of the property as R-3 (Multi-Family Residential).

FINANCIAL IMPACT:

UVCC proceeded with the development construction documents and applied for permits based upon the City Commission stated intent to support the zoning request. Any change in the Commission's position concerning the zoning at this time may adversely affect the churches planned construction project.

COMMUNITY IMPACT:

The approval of the zoning designation will serve to reinforce the commercial/institutional development patterns already found along the CR25 corridor.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed zoning is consistent and compatible with all adopted City plans and policies, including the Conservation and Development Map and the Goal, Principles, and Objectives and Strategies outlined in the Land Use chapter of the Plan It Piqua Comprehensive Plan document.

ORDINANCE NO. 8-10

AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO ASSIGN A ZONING DESIGNATION OF R-2 (TWO-FAMILY RESIDENTIAL) TO PARCEL N44-004010, ALSO KNOWN AS 316 NORTH DOWNING STREET

WHEREAS, a public hearing has been conducted to study the proposal and Section 154.141 of the Piqua Code of Ordinances has been complied with in all respects; and

WHEREAS, the Planning Commission by Resolution No. PC 09-10 has recommended that the current B (General Business) zoning designation be repealed and a zoning designation of R-2 (Two-Family Residential) be assigned to parcel N44-004010; 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: The zoning designation of R-2 (Two-Family Residential) for parcel N44-004010 is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to assign a zoning designation of R-2 (Two-family Residential) to parcel N44-004010 and the City Planner is hereby authorized to make said change on the original zoning map.

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

1st Reading 4-6-2010

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

For the Regular Meeting of March 16, 2010

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Zoning of parcel N44-004010, also known as 316 N. Downing Street.

PURPOSE:
Approve an Ordinance to amend the zoning map to change the designating of 316 N. Downing Street from B (General Business) to R-2 (Two-Family Residential).

RECOMMENDATION:
Approve the Ordinance to repeal the existing zoning designation and amend the zoning map to assign the R-2 (Two-Family Residential) zoning designation to the subject parcel as recommended by the Planning Commission.

BACKGROUND:
The applicant is the owner of the subject property and initiated the request based upon his desire to have the zoning accurately reflect the current use of the premises, a two family-dwelling unit.

A review of the zoning map records indicated that the parcel was previously zoned R-2 at the time 1971 zoning map was adopted. A subsequent zoning code update in 1982 and the map amendments adopted at that time resulted in the property being included in a business zoning designation. Whether or not this change was intentional or in error is unknown. The same business zoning designation was continued when the zoning code and the accompanying map was last updated in 1996.

ALTERNATIVES:
1) Approve Ordinance to authorize an amendment to the official zoning map to designate the zoning of the subject property R-2 (Two-Family Residential).
2) Defeat the Ordinance to deny the R-2 (Two-Family Residential) zoning of this parcel.

DISCUSSION:

The proposed R-2 zoning of the subject parcel would be consistent and compatible with the surrounding land uses and zoning designations, and be appropriate for the use types found at the subject premises. The Planning Commission has conducted a public hearing concerning this request and received no comments in opposition to the proposed zoning. The Planning

Commission concluded that the proposed zoning designation is a more appropriate zoning for this parcel than the current zoning designation.

FINANCIAL IMPACT:

The change in the zoning of this property will result in a down-zoning of the parcel and place greater limits on how the property can be used in the future. That said, the proposed zoning accommodates the current two-family dwelling unit use of the property which is the use the structure was originally designed and constructed to facilitate.

COMMUNITY IMPACT:

The approval of the zoning designation will serve to reinforce the one and two family development patterns already found at this location and within the surrounding neighborhood.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed zoning is consistent and compatible with all adopted City plans and policies, including the Conservation and Development Map and the Goal, Principles, and Objectives and Strategies outlined in the Land Use chapter of the Plan It Piqua Comprehensive Plan document.

RESOLUTION No. PC 09-10

WHEREAS, Scott Thobe has submitted a request to change the zoning designation of parcel N44-004010 change from B General Business to R-2 Two-Family Residential, said parcel also known as 316 N. Downing Street; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering zoning designation change; and,

WHEREAS, the Planning Commission has studied the request, included herein, and conducted a public hearing on the matter;

NOW THEREFORE BE IT RESOLVED, board member Taylor hereby moves to approve the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member Franz, and the voting record on this motion is herby recorded as follows.

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

ZONING MAP

Zoning

- R3-Multi-Family Residential
- R2-Two-Family Residential
- R1AA-One-Family Residential
- R1A-One-Family Residential
- R1-One-Family Residential
- OS-Open Space
- I2-Heavy Industrial
- I1-Light Industrial
- F-Floodplain
- CBD-Central Business District
- B - Business
- Buffer layer

Parcels

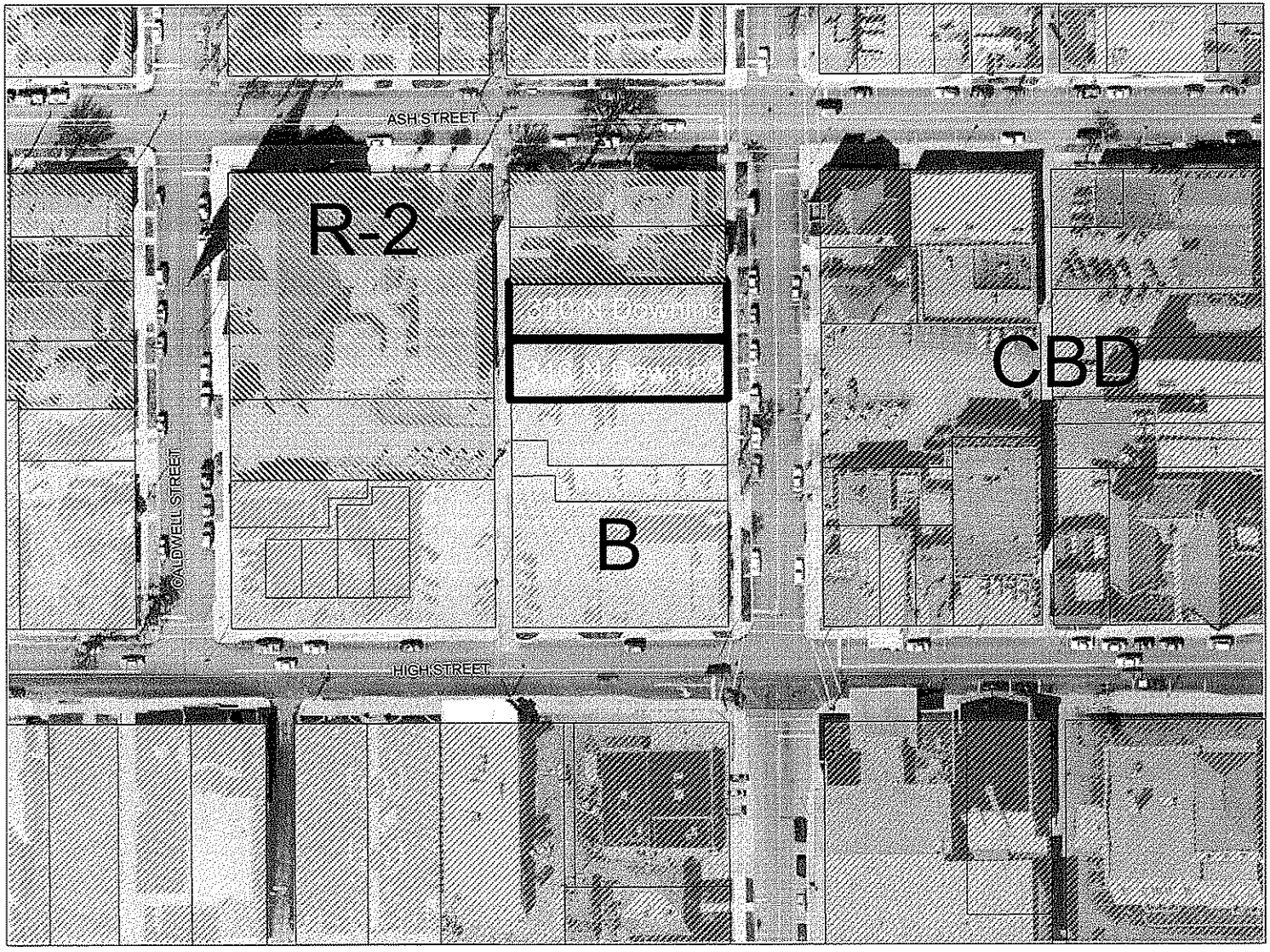
- Parcels (auto-on)

Transportation

- Abc StreetNames
- Railroad
- Street Centerlines
- Major Highways

Natural Features

- Water Bodies
- Redline



ORDINANCE NO. 9-10

AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO ASSIGN A ZONING DESIGNATION OF R-2 (TWO-FAMILY RESIDENTIAL) TO PARCEL N44-004000, ALSO KNOWN AS 320 NORTH DOWNING STREET

WHEREAS, a public hearing has been conducted to study the proposal and Section 154.141 of the Piqua Code of Ordinances has been complied with in all respects; and

WHEREAS, the Planning Commission by Resolution No. PC 10-10 has recommended that the current B (General Business) zoning designation be repealed and a zoning designation of R-2 (Two-Family Residential) be assigned to parcel N44-004000; 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: The zoning designation of R-2 (Two-Family Residential) for parcel N44-004000 is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to assign a zoning designation of R-2 (Two-family Residential) to parcel N44-004000 and the City Planner is hereby authorized to make said change on the original zoning map.

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

1st Reading 4-6-2010

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

For the Regular Meeting of April 6, 2010

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: Zoning of parcel N44-004000, also known as 320 N. Downing Street.

PURPOSE:

Approve an Ordinance to amend the zoning map to change the designating of 320 N. Downing Street from B (General Business) to R-2 (Two-Family Residential).

RECOMMENDATION:

Approve the Ordinance to repeal the existing zoning designation and amend the zoning map to assign the R-2 (Two-Family Residential) zoning designation to the subject parcel as recommended by the Planning Commission.

BACKGROUND:

The applicant for this request is the City of Piqua and the request was initiated as a result of research conducted for a rezoning request pertaining to the neighboring property. The research discovered that the current zoning of the property does not accurately reflect the current use of the premises, a one-family-dwelling unit.

A review of the zoning map records indicated that the parcel was previously zoned R-2 at the time 1971 zoning map was adopted. A subsequent zoning code update in 1982 and the map amendments adopted at that time resulted in the property being included in a business zoning designation. Whether or not this change was intentional or in error is unknown. The same business zoning designation was continued when the zoning code and the accompanying map was last updated in 1996.

The current owner of the property was contacted and advised of the discovery and has stated his support of the proposed zoning change.

ALTERNATIVES:

1) Approve Ordinance to authorize an amendment to the official zoning map to designate the zoning of the subject property R-2 (Two-Family Residential).
2) Defeat the Ordinance to deny the R-2 (Two-Family Residential) zoning of this parcel.

DISCUSSION:

The proposed R-2 zoning of the subject parcel would be consistent and compatible with the surrounding land uses and zoning designations, and be appropriate for the use types found at the subject premises. The Planning Commission has conducted a public hearing concerning this request and received no comments in opposition to the proposed zoning. The Planning Commission concluded that the proposed zoning designation is a more appropriate zoning for this parcel than the current zoning designation.

FINANCIAL IMPACT:

The change in the zoning of this property will result in a down-zoning of the parcel and place greater limits on how the property can be used in the future. That said, the proposed zoning accommodates the current one-family dwelling unit use of the property which is the use the structure was originally designed and constructed to facilitate.

COMMUNITY IMPACT:

The approval of the zoning designation will serve to reinforce the one and two family development patterns already found at this location and within the surrounding neighborhood.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed zoning is consistent and compatible with all adopted City plans and policies, including the Conservation and Development Map and the Goal, Principles, and Objectives and Strategies outlined in the Land Use chapter of the Plan It Piqua Comprehensive Plan document.

RESOLUTION No. PC 10-10

WHEREAS, the city of Piqua, with the consent of the owner of the subject property, has submitted a request to change the zoning designation of parcel N44-004000 change from B General Business to R-2 Two-Family Residential, said parcel also known as 320 N. Downing Street; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering zoning designation change; and,

WHEREAS, the Planning Commission has studied the request, included herein, and conducted a public hearing on the matter;

NOW THEREFORE BE IT RESOLVED, board member Franz hereby moves to Approve the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member Taylor, and the voting record on this motion is herby recorded as follows.

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

ZONING MAP

Zoning

- R3-Multi-Family Residential
- R2-Two-Family Residential
- R1AA-One-Family Residential
- R1A-One-Family Residential
- R1-One-Family Residential
- OS-Open Space
- I2-Heavy Industrial
- I1-Light Industrial
- F-Floodplain
- CBD-Central Business District
- B - Business
- Buffer layer

Parcels

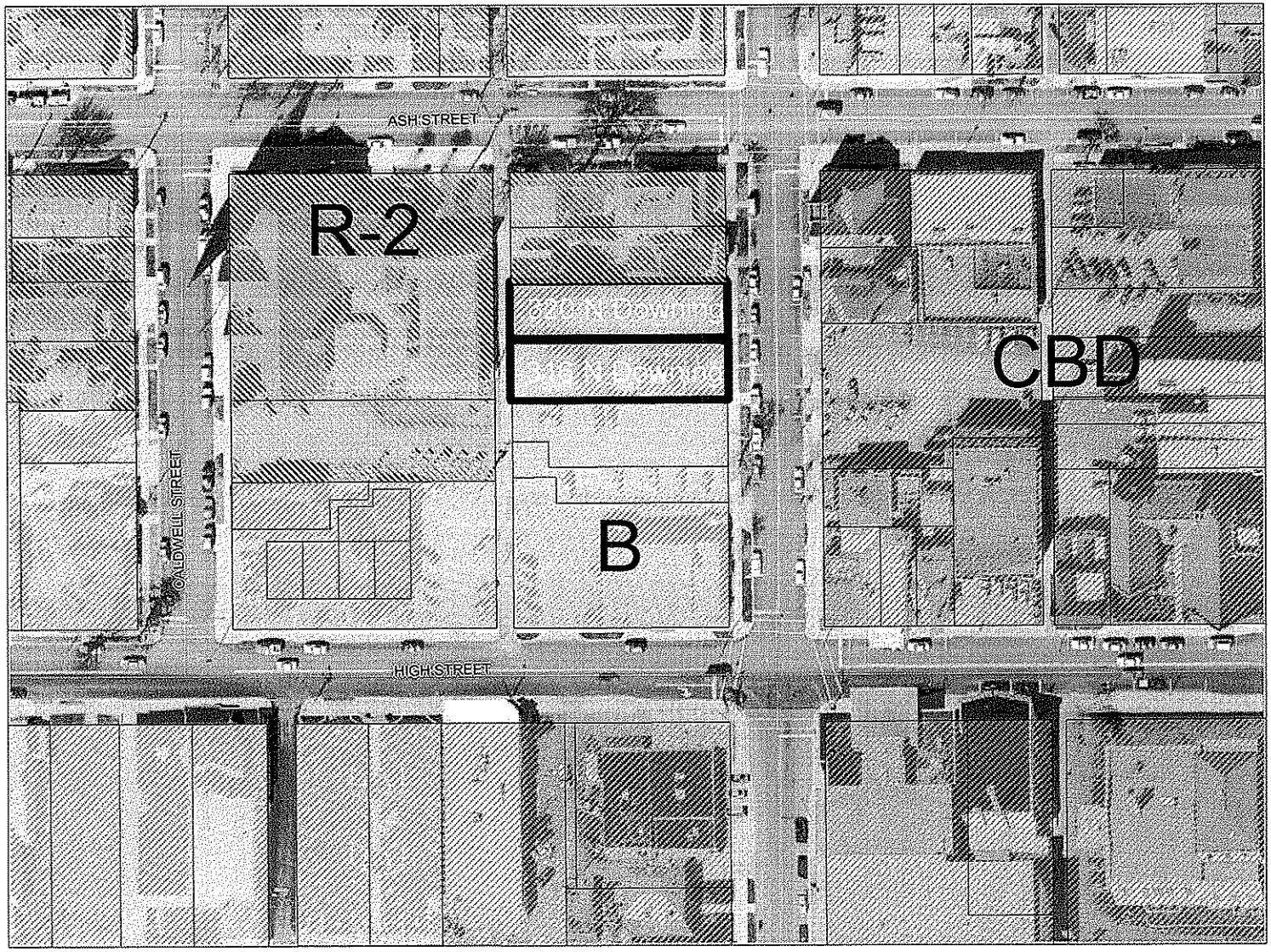
- Parcels (auto-on)

Transportation

- Abc StreetNames
- Railroad
- Street Centerlines
- Major Highways

Natural Features

- Water Bodies
- Redline



ORDINANCE NO. 10-10

AN ORDINANCE AMENDING CHAPTER 111 OF THE PIQUA MUNICIPAL CODE PEDDLERS AND SOLICITORS

WHEREAS, on February 16, 2010, a decision was issued in *Ohio Citizen Action v. City of Englewood*, S.D. Ohio Case No., 3:05cv263, opining on the constitutionality of requirements regarding soliciting; and

WHEREAS, the City desires to be in compliance with the decision issued by the Southern District of Ohio Federal Court; and

WHEREAS, for more than a year, the City of Piqua, through the representation of its Police Chief has been involved with issues regarding homelessness in Piqua and whether there is a need for a homeless shelter; and

WHEREAS, the community has expressed concern that in the event a homeless shelter is located in Piqua, there will be an increase in panhandling in the residential area; and

WHEREAS, Chapter 111 does not address panhandling, a legitimate association with homelessness.

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 amends Chapter 111 Peddlers and Solicitors as set forth below: (new language is underlined and deleted language is indicated by strikethrough):

§ 111.01 DEFINITIONS.

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

ITINERANT VENDOR or ***TRANSIENT DEALERS FOR PROFIT.*** The activity of any person who intends to engage in or conduct a temporary or transient business of selling goods, wares and merchandise for a period of not more than 120 days and hires, leases or occupies, either in whole or in part, a room, building or other structure for the purpose of conducting his or her business.

PANHANDLING. To beg, ask, or solicit personal financial assistance to obtain an immediate donation of money or other item having value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this chapter. Panhandling does not

include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

PEDDLING FOR PROFIT. The activity of any person who transports with him or her, for immediate sale and delivery, goods, wares or merchandise, or who offers the immediate performance of services.

REGISTERED SOLICITOR. Any person who has obtained a valid certificate of registration, which certificate is in the possession of the solicitor and prominently displayed on his or her person while engaging in soliciting.

RESIDENCE. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING FOR PROFIT. Any one or more of the following activities:

(1) Seeking to obtain orders from the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, to be delivered or performed in the future.

(2) Seeking to obtain subscriptions to books, magazines, periodicals and every other type or kind of publication except newspapers of general circulation.

SOLICITING NOT FOR PROFIT. Includes seeking to obtain, by order or otherwise, gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable political, medical, religious, civic or other nonprofit association, organization, corporation or project.

§ 111.02 APPLICABILITY.

This chapter shall not apply to the following.

(A) ~~Minors.~~

(B) Persons selling on behalf of or making or seeking delivery of goods, wares, merchandise, foodstuffs or services sold by an establishment having a permanent place of business ~~within the city~~ that is in good standing with the State of Ohio and the City of Piqua.

(C) Persons soliciting and peddling at non-residences.

(D) Wholesalers.

~~(E) A person making sales of the following items for household consumption.~~

~~(1) Baked goods.~~

~~(2) Fruits, vegetables, eggs and similar agriculture products.~~

~~(3) Dairy products except dealers of frozen desserts from vehicles.~~

§ 111.03 APPLICATION FOR SOLICITOR'S CERTIFICATE.

(A) No person, firm or corporation shall engage in the business or activity of soliciting for profit, soliciting not for profit or peddling for profit or being an itinerant vendor or transient dealer for profit within the city without first applying for, receiving and prominently displaying a solicitor's certificate, as provided in this chapter. The certificate shall be carried by the solicitor at all times. Solicitations not for profit by city residents or local organizations located in the city shall not require a solicitor's certificate.

(B) Persons engaged in soliciting for profit or peddling for profit, including itinerant vendors or transient dealers for profit, shall apply to the Police Department for a certificate of registration upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

(1) Name and address of present place of residence and length of residence at that address, also business address if other than present address.

(2) Address and place of residence during the past three years if other than present address.

(3) Age of applicant.

(4) Physical description of the applicant.

(5) Name and address of the person, firm or corporation or association whom the applicant is employed or represents and the length of time of employment or representation.

(6) Name and address of employer during the past three years if other than the present employer.

(7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(8) Period of time for which the certificate is applied.

(9) The date, or approximate date, of the latest previous application for certificate under this chapter, if any.

(10) Has a certificate of registration issued to the applicant under this chapter ever been revoked.

(11) Has the applicant ever been convicted of any violation of a felony under the laws of the state or any other state or federal law of the United States.

(12) Names of the three most recent communities where the applicant has solicited house-to-house.

(13) Proposed method of operation.

(14) Signature of applicant.

(15) Social security number of applicant.

(C) All statements made by the applicant on the application or in connection therewith shall be under oath.

(D) The applicant shall submit to fingerprinting and photographing if requested by the Police Department of the municipality in connection with the application for the certificate.

(E) The Chief of Police shall cause to be kept in his or her department an accurate record of every application received and acted on, together with all other information and data pertaining thereto, and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application on which it was issued.

(F) No certificate of registration shall be issued to any person who has been convicted of a felony theft offense, fraud offense, sex offense, drug offense, or offense of violence under the laws of the state or any other state or federal law of the United States within five years of the date of the application, nor any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked.

(G) Applications for solicitor's certificates shall be filed with the Police Department and all certificates shall be issued therefrom.

(H) Persons engaged in soliciting not for profit that are not residents of the city, or whose organization is not located within the city, shall complete an application for a nonprofit solicitor's certificate upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

(1) Applicant's name and address.

(2) Name, address and purpose of nonprofit cause or organization.

(3) Name and address of applicant's supervisor or group leader, if any.

(4) Period of time for which the certificate is applied.

(5) Proposed method of operation.

(6) Signature of applicant.

(I) Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately on such revocation, written notice shall be given by the Chief of Police to the holder of the certificate in person or by certified United States mail addressed to his or her residence address as set forth in the application. Immediately on the giving of the notice, the certificate of registration shall become null and void.

(J) The certificate of registration shall state the expiration date thereof.

(K) The Chief of Police should be notified of solicitations not for profit by residents of the city or whose organization is located within the city.

§ 111. PANHANDLING REGISTRATION.

(A) No person shall panhandle without a registration issued by the Chief of Police. The registration shall include the name and photograph of the person to whom it is issued. Any person who has been registered shall display the registration in plain view on the front of that person at all times while panhandling. No person whose registration has been revoked shall panhandle for a period of two years following the revocation.

(B) The Chief of Police shall issue the registration, without fee, to any eligible person who presents himself or herself at the City of Piqua Police Department, states his or her true name, presents a photo identification or signs a declaration under penalty of perjury that he or she has no such identification, and permits himself or herself to be photographed and fingerprinted.

(C) A person is ineligible to register if, and only if, within the past five years he or she:

(1) Has pleaded guilty to or been convicted of two or more violations of § 111. (Registration);

(2) Has had a registration revoked pursuant to subsection (F) below; or

(3) Has pleaded guilty to or been convicted of two or more offenses under the laws of any jurisdiction which involve aggressive or intimidating behavior while panhandling or false or misleading representations while panhandling.

(D) Upon receipt of an application for registration in accordance with subsection (B) above, the Chief of Police shall issue a temporary registration valid for ten days and shall determine eligibility for a regular registration before the temporary registration expires. An eligible applicant shall receive a regular registration upon determination of the applicant's eligibility. The regular registration shall expire one year from the date of issuance. Along with the registration, the Chief of Police shall give the applicant a copy of this section.

(E) No person shall make a false or misleading representation while applying for registration under this section.

(F) Upon arrest for any violation of §§ 111.__, 111.__, 111.__, 111.__, 111.__, or 111.__, a panhandler shall release to the arresting officer any registration issued under this section to the arrestee. The arrestee may apply to the Chief of Police for consecutive 30-day temporary registrations pending adjudication of the arrest case. The Chief of Police shall revoke any registration issued under this section to a person who has pleaded guilty to or been convicted of a violation of §§ 111.__, 111.__, 111.__, 111.__, or 111.__, or to a person convicted of two violations of § 111.__.

The City Manager shall direct the Chief of Police to issue the registration if the applicant has met the criteria set forth in this section for issuance of a registration. The applicant may appeal the decision of the City Manager to a court of competent jurisdiction.

§ 111.04 FEES.

For certificates to be issued to solicitors ~~for profit~~ under the provisions of this chapter, each applicant shall pay to the city the sum of $15. All certificates shall expire on the date specified in the certificate, which shall not exceed 12 months. ~~Certificates for soliciting not for profit shall be issued without charge.~~

~~§ 111.05 APPEALS.~~ (moved toward end of chapter)

~~Any applicant who has applied for a certificate in accordance with this chapter and to whom the Chief of Police has, after an investigation, denied a certificate or revoked a certificate, may appeal to the City Manager. Notice of an appeal shall be filed with the City Manager within five days after the denial or revocation by the Chief of Police. The City Manager on appeal may affirm or reverse the action of the Chief of Police.~~

§ 111.06 DISPLAY OF CERTIFICATE.

The certificate issued under the provisions of this chapter shall be exhibited in the place of business by itinerant vendor or transient dealer and shall be prominently displayed by the peddler or solicitor at all times when peddling or soliciting, and shall be exhibited to any person being solicited or any police officer on request.

§ 111.07 RESTRICTIONS.

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations.

(A) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(B) No peddler or solicitor shall enter or attempt to enter the house, apartment or dwelling of any resident in the city without an express invitation from the occupant of the house, apartment or dwelling.

(C) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the municipality.

(D) No person subject to this chapter shall make any solicitation where solicitors are notified by sign that peddling or soliciting is prohibited.

(E) No peddler, solicitor, itinerant vendor or transient dealer shall engage in or transact any type of business or solicitation other than that specified on the registration application.

§ 111.08 PROHIBITED ACTS.

(A) No person, while engaged in any profit or non-profit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the city upon which is displayed at the entrance a notice which reads “No Peddlers or Solicitors Allowed,” or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless the peddler or solicitor is or has been invited on the premises by the owner, lessee or occupant thereof.

(B) No peddler, solicitor, itinerant vendor or transient dealer, or any person on his or her behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places of the city or any private premises in the city, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other

public places, for the purpose of attracting attention to any goods, wares or merchandise which is being proposed to be sold.

(C) No person shall knowingly make a false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to, the following:

(1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;

(2) Stating that the donation is needed to meet a need which does not exist;

(3) Stating that the solicitor is from out of town and stranded, when that is not true;

(4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;

(5) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;

(6) Using any makeup or device to simulate any deformity;

(7) Stating that the solicitor is homeless, when he is not.

§ 111.09 TRANSFERABILITY.

No certificate or registration shall be assigned or transferred. No registrant shall authorize any person, firm or corporation other than the one named to do business. No registrant shall conduct any other business than is listed in his or her application to be transacted. A separate certificate shall be required for each individual peddler or solicitor, whether or not employed by one person, firm or corporation.

§ 111.10 REVOCATION.

Any certificate or registration issued under the provisions of this chapter may be revoked at any time, should the person to whom it is issued be guilty of any fraud, misrepresentation, or unlawful act in connection with his or her business, or is found to be a person not fit to be engaged in such business, or violate any of the provisions of this chapter.

§ 111.__ TIME OF SOLICITING OR PANHANDLING.

No person shall solicit, panhandle or conduct any other activity subject to this Chapter after sunset or before sunrise. The times of sunset and of sunrise shall be as published by the United States Naval Observatory.

§ 111.__ PLACE OF PANHANDLING.

No person shall panhandle when either the panhandler or the person being solicited is located at any of the following locations:
(A) At any bus stop;
(B) In any public transportation vehicle or facility;
(C) In any vehicle within the public right-of-way;
(D) Within 20 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 20 feet of any automated teller machine during the time it is available for customers' use;
(E) On private property, unless the panhandler has permission from the owner or occupant; or
(G) From any person exiting or entering a motor vehicle.

§ 111. MANNER OF PANHANDLING.

No person shall panhandle in any of the following manners:
(A) By coming within three feet of the person solicited after that person has indicated that he does not wish to make a donation;
(B) By blocking the path of a person who attempts to walk or drive away from the panhandler;
(C) By following a person who walks away from the panhandler;
(D) By making unreasonable noise or offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language, either during the solicitation or following a refusal;
(E) By panhandling in a group of two or more persons;
(F) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat, harassment or intimidation; or
(G). By touching the solicited person without a statement, gesture or other communication that the person being solicited consents to the touching.l

§ 111. CAUSING A MINOR TO PANHANDLE.

No parent, guardian, or adult person having legal care, control, or custody of a minor shall cause, allow, or procure such minor to panhandle in or upon any public or private property.

§ 111.~~05~~ APPEALS.

Any applicant who has applied for a certificate or a panhandling registration in accordance with this chapter and to whom the Chief of Police has, after an investigation, denied a certificate or registration or revoked a certificate or registration, may appeal to the City Manager. Notice of an appeal shall be filed with the City Manager within five days after the denial or revocation by the Chief

of Police. The City Manager on appeal may affirm or reverse the action of the Chief of Police. The City Manager shall direct the Chief of Police to issue the certificate or registration if the applicant has met the criteria set forth in section 111.03 or 111. for issuance of a certificate or registration.

§ 111.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than $100. Each day's violation shall constitute a separate offense. Whoever violated any provision of this chapter after a previous conviction thereof shall be deemed guilty of a misdemeanor of the fourth degree and shall be fined not more than $250.

SECTION 2. All other sections of Chapter 111 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 comply with the opinion in *Ohio Citizen Action v. City of Englewood*.

1st Reading 4-6-2010

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

For Regular Meeting of City Commission
April 6, 2010

To: Fred Enderle, City Manager

From: Stacy M. Wall, Law Director

Date: March 30, 2010

Re: Amendment of Chapter 111, Peddlers and Solicitors

PURPOSE:

To amend Chapter 111 Peddlers and Solicitors to follow the recent decision of *Ohio Citizen Action v. City of Englewood* and to adopt provisions regarding panhandling.

RECOMMENDATION:

To adopt the Ordinance amending Chapter 111 to enable the regulations regarding soliciting to satisfy the constitutional standards established by the Southern District of Ohio and to adopt regulations for panhandling.

BACKGROUND:

The City of Englewood's ordinance regarding soliciting was constitutionally challenged by the Ohio Citizen Action group in federal court. Specifically, the provisions of the ordinance that were subject to a constitutional challenge were those regulations regarding (1) a curfew; (2) the "do-not-solicit" list; and (3) who was subject to the soliciting regulations. The challenge was filed in 2005 and Judge Rice rendered a decision on February 16, 2010.

Judge Rice found that the City's curfew for soliciting activity, which ended at 6:00 p.m., was constitutional for a variety or reasons, primarily focusing on safety. The second challenge regarding the list maintained by Englewood is not applicable to the Piqua. Lastly, Englewood's ordinance was not applicable to minors. The court found this exclusion to be unconstitutional as there was no legitimate purpose to exclude minors from those conducting the same activity.

On a constitutional challenge, the ordinance must be able to withstand the intermediate test in order to be found to be content-neutral in regulating time and

place: (1) does the ordinance contain adequate standards to guide the official's decision; (2) is it based on the content of the message; (3) is the ordinance narrowly tailored to serve a significant government interest; and (4) does the ordinance leave ample alternatives for communication. *Ohio Citizen Action v. City of Englewood*, 3:05cv263 (S.D., Dec. Feb. 16, 2010). Free speech or the content cannot be regulated.

The amendment of the ordinance addresses the concerns or issues raised in the *Englewood* decision.

Additionally, the ordinance amends the chapter to include provisions regarding panhandling. There has been a lot of community involvement in the past year regarding the establishment of a homeless shelter in the City of Piqua. The neighborhood has been very vocal about its thoughts regarding increased homelessness in Piqua as the result of a shelter. There is a fear of safety and increased crime. Along, the same lines as those soliciting, panhandlers would be required to register with the Chief of Police. The Chief may deny a registration or could revoke the registration pending certain elements such as fraudulently requesting money from an individual or another violation of the chapter. Police Chief Bruce Jamison has met extensively with those involved including citizens, county agencies and the Bethany Center. Chief Jamison is also in concurrence with the need for the panhandling regulations.

The primary focus of the Chapter is to protect the citizens of Piqua. The registration requirements include background checks and other requirements that allow for the police department to know who is in the neighborhoods and allows citizens the protection of knowing that the person must display the proper certificate or registration to solicit.

ALTERNATIVES:

1. Adopt the ordinance to stay current with case law and to protect the citizens regarding panhandling activity;
2. Do not adopt the amended ordinance;
3. Amend the ordinance in some other fashion.

DISCUSSION:

It is recommended that the ordinance be adopted in order to remain in compliance with the federal court's decision. The amendments to the solicitation sections are based on the federal decision where a similar ordinance was challenged. Furthermore, given that panhandling can be seen as similar conduct and the need to protect the citizens remains, it is recommended that the panhandling regulations also be adopted. Not adopting the amendment would leave the City's ordinance out of compliance with federal court's decision and

subject to potential challenge. Amending the ordinance in some other fashion will require further discussion and direction from Commission.

FINANCIAL IMPACT:

None

CONFORMITY TO CITY PLANS & POLICIES:

The proposed changes are consistent with focusing on protecting Piqua citizens.

ORDINANCE NO. 11-10

AN ORDINANCE AMENDING SECTION 94.20 (SECTION D) OF THE PIQUA CODE RELATING TO (COMMUNITY SWIMMING POOL FEES) AND SECTION 94.24 (SECTIONS C & F) OF THE PIQUA CODE RELATING TO (REGULATIONS FOR PUBLIC PARKS AND POOLS)

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: Section 94.20 (Section D) of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined):

CITY PARKS
§ 94.20 COMMUNITY SWIMMING POOL FEES.

The Park Department shall charge the following fees for the use of the community swimming pool:

(D) *Group pool rental.* ~~Sessions run from 7:30 to 9:30 p.m. on Monday, Tuesday, Wednesday and Thursday only~~. **Rentals are for a 2 hour block of time. Availability will be set prior to May 1st by the City Manager.** The cost to rent the pool with city lifeguards is:

1 - 100 persons	$200
more than 100 persons	$300

SEC. 2: Section 94.24 (Sections C & F) of the Piqua Code are hereby amended to read as follows (with deletions lined out and additions underlined):

§ 94.24 REGULATIONS FOR PUBLIC PARKS AND POOLS.

The following rules and regulations shall govern the use of the public parks, pools and tennis courts and shall be enforceable by the City Manager or his or her designated representatives:

~~(C) *Fountain Park Wading Pool.*~~
~~(1) Hours: 1:00 p.m. to 5:00 p.m. daily.~~
~~(2) There will be a rest period of ten minutes every hour.~~
~~(3) Only persons wearing swimming suits will be allowed in the pool.~~
~~(4) No running will be allowed inside the fenced area of the pool.~~
~~(5) There will be no diving.~~
~~(6) There will be no food or refreshments inside the fenced area.~~
~~(7) Flotation devices in pool must be approved by the lifeguard.~~
~~(8) There will be no disorderly conduct or abusive language permitted.~~
~~(9) No animals shall be permitted inside the fenced area.~~
~~(10) All children under six years of age shall be accompanied by a person at least 17 years of age.~~
~~(11) Only children under eight years of age may use the wading pool, unless participating in programs sponsored by the Parks and Recreation Department.~~
~~(12) Violations of these rules and regulations may result in forfeiture of the violator's use of the wading pool for up to one month following the violations.~~

(F) *Community swimming pool.*

(1) *Pool.*

(a) *Hours.*

1. The pool will be opened for Memorial Day Weekend and from the first day of summer recess for Piqua City Schools until the day before school resumes classes. ~~from 11:30 a.m. to 7:30 p.m.~~ **Hours of operation will be set prior to May 1st by the City Manager.** The pool manager may change hours due to inclement weather**, when attendance falls below the designated minimum** or when the temperature is less than 70°F. The city reserves the right to set special hours as deemed necessary by the City Manager.

2. Monday through Friday from 9:00 a.m. to 12:00 noon will be designated as the time for all swimming instructions, **however hours may change upon notification by the City.**

3. There will be a rest period of ten minutes every hour. Only adults will be permitted in the pool during the rest period.

4. Children under the age of eight must be accompanied by a paying adult, or a member at least 18 years old.

5. Each member, upon entering the pool, will surrender his or her season pass, to be picked up upon exit. Upon failure to present the pass, admission will be denied or each person will be required to pay the appropriate daily fee

SEC. 3: Section 94.20-Section D (Community Swimming Pool Fees) and Section 94.24-Sections C & F (Regulations for Public Parks and Pools) of the Piqua Code as previously enacted, are hereby amended;

SEC. 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 4-6-2010

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

For the Regular Meeting of April 6, 2010

TO: □red □nderle, □ity □anager

FROM: Rob □tanford, □e□reation □oordinator

SUBJECT: 2010 □ool □□eration

PURPOSE:

□do□t an □rdinan□e amending se□tions 94.20 and 94.24 of the □i□ua □ode of □rdinan□es governing □ity □ar□s and □ools.

RECOMMENDATION:

□□rove the □rdinan□e to amend se□tions 94.20 and 94.24 of the □i□ua □ode of □rdinan□es governing □ity □ar□s and □ools.

BACKGROUND:

□urrently hours of o□eration, ıvaila□ility of rentals and minimum attendan□e re□uirements for the □uni□i□al □ool are set in the □i□ua □ode of □rdinan□es. □his re□uires □hanges to □e □rought □efore □ity □ommission in order to □e a□□roved. □he □ro□osed amendments allo□ this to □e done □y the □ity □anager u□on revie□ing the □ar□s □oard re□ommendations. □he □ro□osed amendments □ill also remove □e□tion 94.24 (c) as the □ountain □ar□□ ading □ool is no longer in o□eration.

□he □ar□ □oard and □ity □dministration have dis□ussed several □hanges to □ool o□eration aimed at redu□ing □osts and in□reasing revenues □y attra□ting ne□ □atrons. □n □ar□h 24, 2010 the si□ □ar□ □oard mem□ers □resent voted unanimously to re□ommend that the □ity redu□e o□eration □y 2.5 hours on □riday and □aturday as □ell as 1.5 hours on □unday, □hile remaining o□en 1.5 hours later on □hursday. □hese □hanges □ould redu□e □osts and allo□ for rentals on □riday and □aturday. □he □ro□osed amendments □ill allo□ the □ity □anager to im□lement these re□ommendations and future re□ommendations in a timely manner.

ALTERNATIVES:

1. □do□t the □rdinan□e allo□ing □dministration to set hours of o□eration as re□ommended □y the □ar□□oard.

□□□o not ado□t the □rdinan□e there□y leaving these se□tions of □ode un□hanged□

DISCUSSION:

□hese □ro□osed amendments fa□ilitate a timely □ro□ess □y □hi□h □hanges to hours of o□eration □an □e im□lemented □y □dministration there□y streamlining the □ro□ess for more effi□ient o□eration□□u□h □hanges may result in in□reased revenue and□or lo□er □osts□

FINANCIAL IMPACT:

□he □ro□osed amendments have no dire□t finan□ial im□a□t □ho□ever it allo□s □dministration to ena□t □hanges in □oli□y that may □otentially result in □ost redu□tions and the □otential to generate additional revenue and □ool attendan□e□

COMMUNITY IMPACT:

□he □ro□osed amendments □ill have very limited im□a□t on servi□e to the □ommunity□

CONFORMITY TO CITY PLANS & POLICIES:

□he □ro□osed amendments offer a more effi□ient □ay for the □ity to manage □ool o□eration□

Please Note: The attached Municipal Pool Information Sheet is provided for reference only.

CITY PARKS

§ 94.20 COMMUNITY SWIMMING POOL FEES.

The Parks and Recreation Department shall charge the following fees for the use of the Community Swimming Pool:

(A) *Group pool rental.* ~~Sessions run from 1:00 to 4:00 pm on Monday, Tuesday, Wednesday and Thursday only.~~ **Rentals are for a 2 hour block of time. Availability will be set prior to May 1st by the City Manager.** The cost to rent the pool with City lifeguards is:

1 to 50 persons	$100
more than 50 persons	$200

§ 94.24 REGULATIONS FOR PUBLIC PARKS AND POOLS.

The following rules and regulations shall govern the use of the Public Parks, Swimming Pools and tennis courts and shall be enforceable by the City Manager or his or her designated representatives:

~~(A) *Fountain Park Wading Pool.*~~

~~(1) Hours: 10:00 am to 8:00 pm daily.~~
~~(2) There will be a rest period of ten minutes every hour.~~
~~(3) Only persons wearing swimming suits will be allowed in the pool.~~
~~(4) No running will be allowed inside the fenced area of the pool.~~
~~(5) There will be no diving.~~
~~(6) There will be no food or refreshments inside the fenced area.~~
~~(7) Flotation devices in pool must be approved by the lifeguard.~~
~~(8) There will be no disorderly conduct or abusive language permitted.~~
~~(9) No animals shall be permitted inside the fenced area.~~
~~(10) All children under six years of age shall be accompanied by a person at least 16 years of age.~~
~~(11) Only children under eight years of age may use the wading pool unless participating in programs sponsored by the Parks and Recreation Department.~~
~~(12) Violations of these rules and regulations may result in forfeiture of the violator's use of the wading pool for up to one month following the violations.~~

(B) *Community swimming pool.*

(1) *Pool.*
(a) *Hours.*

1. The pool will be opened for Memorial Day weekend and from the first day of summer recess for Pipestone City Schools until the day before school resumes classes ~~from 1:00~~

~~a□m□to □□□□ □m□~~ **Hours of operation will be set prior to May 1st by the City Manager.** □he □ool manager may □hange hours due to in□lement □eather**, when attendance falls below the designated minimum** or □hen the tem□erature is less than □□□□□he □ity reserves the right to set s□e□ial hours as deemed ne□essary □y the □ity □ anager□

□□ □ onday through □riday from □□□a□m□to □□□□noon □ill □e designated as the time for all s□imming instru□tions□**however hours may change upon notification by the City.**

□□ □here □ill □e a rest □eriod of ten minutes every hour□□nly adults □ill □e □ermitted in the □ool during the rest □eriod□

□□ □hildren under the age of eight must □e a□□om□anied □y a □aying adult□or a mem□er at least □□years old□

□□ □a□h mem□er□u□on entering the □ool□□ill surrender his or her season □ass□to □e □i□□ed u□u□on e□it□□□on failure to □resent the □ass□admission □ill □e denied or ea□h □erson □ill □e re□uired to □ay the a□□ro□riate daily fee□

CITY OF PIQUA
MUNICIPAL SWIMMING POOL

GENERAL INFORMATION AND RULES
2010 SWIMMING SEASON

DAYS OPEN Memorial Day Weekend (MAY 29, 30, 31)
Daily June 5 through August 22

HOURS OF OPERATION

MONDAY THROUGH WEDNESDAY	11:30AM	7:30PM
THURSDAY	11:30AM	9:00PM
FRIDAY THROUGH SUNDAY	11:30AM	5:00PM
SUNDAY FAMILY SWIMS	5:00PM	7:30 PM

DAILY ADMISSIONS FEES

$4.00	ADULT	(18 years and older)	($2.50 after 5:00pm)
$3.50	STUDENT	(1ST through 12TH grade)	($2.50 after 5:00pm)
$1.50	PRESCHOOLERS	(3-5 years old)	

YEARLY MEMBERSHIP FEES

$100.00 FAMILY OF TWO
$20.00 EACH ADDITIONAL FAMILY MEMBER
All family members must be indicated at time of purchase of family membership.
All members must live in same household to qualify.
$65.00 SINGLE ADULT
$65.00 SENIOR CITIZEN FAMILY OF TWO (both must be 62 or older)
$40.00 SENIOR CITIZEN (62 or older)
$40.00 STUDENT MEMBERSHIP (1ST through 12TH grade)
$20.00 PRESCHOOLERS (3-5 years old
$ 5.00 REPLACEMENT CARDS

- All ages and grades calculated as of Memorial Day 2009.

RED CROSS SWIMMING LESSONS **THREE SESSIONS OFFERED:**

SESSION 1 JUNE 14TH through JUNE 25TH
SESSION 2 JULY 12TH through JULY 23RD

Classes are MONDAYS through FRIDAYS,
PRICE IS $40.00 PER SESSION.

Beginners	9:45-10:30 or 10:30-11:15
Adv. Beginners	9:45-10:30
Interm – Adv.	9:00-9:45

GROUP RENTALS

Private rentals are available MONDAY, TUESDAY and WEDNESDAY from **7:45-9:45pm AND** FRIDAY, SATURDAY from **5:15-7:15pm**. A minimum notice of two (2) weeks before the rental is required. Rental prices based on expected attendance at the time of booking:

1-100	PERSONS	$200.00	101 +	PERSONS	$300.00

FAMILY NIGHTS
SUNDAY EVENINGS. THE POOL IS OPEN 5PM–7:30PM. PARENTS OR LEGAL GUARDIANS MUST ACCOMPANY CHILDREN UNDER 18 YEARS OLD.

POOL ADMISSION AND MEMBERSHIP PASS POLICY

Pool Memberships are non-transferable. **A PASS MAY ONLY BE USED BY THE PERSON TO WHOM IT WAS ISSUED.** Violation of this rule will result in revocation of the membership. Violators may swim only by paying the daily admission fee or by purchasing another membership at full price.

Admission to the pool may be refused to anyone with colds, coughs, inflamed eyes, infections, athletes foot, recent vaccination or anyone wearing bandages.

Use of the Kiddie Pool is limited to preschool age children. These children MUST be accompanied and supervised by a parent or responsible adult age 18 years of age or older.

CLOSURE POLICY

Hours of operation are weather dependant. The City reserves the right to close the pool if the outdoor temperature is less than 70 degrees or if inclement weather makes operation unsafe.

□f at any time the attendan□e at the □ool falls □elo□ □□ □eo□le□the □ity reserves the right to □lose□

□o refunds □ill □e given in the event of a □losure due to □eather□ □f it a□□ears as those attendan□e may □e □elo□ the re□uired □□□staff □ill advise you □rior to ta□ing your □ayment□

REST PERIOD

There will be a rest period of 15 minutes every 90 minutes. Only adults will be permitted in the pool during the rest period.

LOCKERS

Lockers are available for your convenience. Those wishing to use lockers must provide their own locks. All locks are to be removed from lockers before the end of day. The city of Piqua will not be responsible for loss or damage of personal property.

RULES

1. NO SMOKING PERMITTED IN THE DESIGNATED POOL AREA.
2. **CHILDREN UNDER AGE EIGHT MUST BE ACCOMPANIED BY A RESPONSIBLE PERSON 18 YEARS OF AGE OR OLDER.**
3. NO ABUSIVE OR VULGAR LANGUAGE.
4. NO BEER OR OTHER INTOXICATING BEVERAGES PERMITTED.
5. NO GLASS CONTAINERS WITHIN FENCED AREA.
6. NO CUT-OFF JEANS.
7. NO PETS.
8. NO RUNNING, PUSHING, WRESTLING, OR PLAYING BALL IN THE BATHHOUSE OR ON THE CONCRETE DECK.
9. ALL SWIMMERS MUST SHOWER BEFORE ENTERING THE POOL.
10. ONE DIVER AT A TIME PER BOARD.
11. NO HARD BALLS OR SHARP EDGES ON SWIMMING ACCESSORIES.
12. NO DOUBLE SPRING DIVES. DIVE STRAIGHT OFF END OF BOARD.
13. NO HORSEPLAY.
14. SLIDE USERS MUST OBSERVE POSTED RULES.

FAILURE TO COMPLY WITH ANY OF THE RULES MAY RESULT IN THE SUPENSION OF PRIVELEGES WITHOUT REFUND OF FEES. IF THE INFRACTION IS DEEMED SERIOUS ENOUGH, SWIMMING RIGHTS MAY BE TERMINATED FOR THE REMAINDER OF THE YEAR.

C. NEW BUSINESS

APRIL 20, 2010

- **Res. No. R-49-10**
- **Res. No. R-50-10**
- **Res. No. R-51-10**
- **Res. No. R-52-10**
- **Res. No. R-53-10**
- **Res. No. R-54-10**
- **Res. No. R-55-10**
- **Res. No. R-56-10**

RESOLUTION NO. R-49-10

A RESOLUTION AUTHORIZING PAYMENT TO MIAMI COUNTY COMMISSIONERS UNDER A CONTRACT FOR THE CONSTRUCTION OF THE FLETCHER SANITARY SEWER PROJECT

WHEREAS, on November 17, 2008, Piqua City Commission approved an agreement with the Miami County Board of Commissioners to provide sanitary sewer service north to the Village of Fletcher and the immediate surrounding areas in Brown Township; and

WHEREAS, on June 1, 2009, this Commission passed Resolution No. R-48-09 authorizing the City to enter into an agreement to build that sewer and provide service to the effected areas; and

WHEREAS, that agreement provides for the City to reimburse the Miami County Board of Commissioners for that part of the cost of the oversizing of that sewer construction.

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 Miami County Board of Commissioners be reimbursed in an amount not to exceed $ 557,413.47 plus a 10 percent contingency;

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

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

CITY COMMISSION MEETING REPORT

For the Regular Meeting of April 20, 2010

TO: Fred Enderle, City Manager

FROM: Dave Davis, City Engineer

SUBJECT: Purchase Order for payment of upsizing and extension of gravity sewer to Miami County.

PURPOSE:

The City of Piqua Commission approved a contract with Miami County for the extension and upsizing of the Sanitary Sewer that will connect with the forced main coming from the Village of Fletcher.

RECOMMENDATION:

Approval of this Resolution to pay for the work approved in previous resolution R-48-09

BACKGROUND:

On November 17, 2008 the City of Piqua approved an agreement with the Miami County Board of Commissioners to provide sanitary sewer service east to the Village of Fletcher and the immediate surrounding areas in Brown Township.

The City of Piqua expressed the desire to upsize a section of the sewer force main to a gravity sewer. This allows flow to travel to the WWTP by gravity flow and not pumped.

On June 25th 2009 the City of Piqua entered into agreement to pay for the upsizing of this section of sanitary sewer and this legislation will approve the Purchase Order to pay for this agreement.

The Upper Valley JVS and the Piqua City School have already set in motion to annex to the city in order to receive the sanitary sewer services that will be extended.

ALTERNATIVES:

1. *Adopt Resolution approving agreement.*
2. *Do not adopt Resolution approving agreement and provide direction.*

DISCUSSION:

This would extend our current gravity sanitary sewer at the same time that the county was to bring in the force main from Fletcher. It would cost the City of Piqua more money later than what we are paying the county for this to happen now due to future construction costs to increase the size of pipe at a later date.

This particular resolution is due to the agreement approved by the commission on June 25th 2009 by resolution R-48-09.

FINANCIAL IMPACT:

This project was budgeted for by the Wastewater Department under its capital projects for 2010 and the County has offered a payment structure for 2010 & 2011per the attachment dated December 23, 2009 to Mr. Enderle.

COMMUNITY IMPACT:

This will extend the gravity sanitary sewer from the intersection of Kienle Drive and Garbry road to a point beyond Springcreek School and for the tap in of the JVS property and Springcreek School along with future development to the East of the City of Piqua.

CONFORMITY TO CITY PLANS & POLICIES:

The particular area in which this gravity sewer will service is part of the strategic plan as an area for future economic development.

OFFICE OF
COMMISSIONERS OF MIAMI COUNTY

Sanitary Engineering Department
2200 N County Rd 25-A • Troy, Ohio 45373
(937) 440-5653 • Fax (937) 335-4208

RECEIVED
DEC 28 2009
PIQUA
SANITARY DEPT

December 23, 2009

Frederick E. Enderle
201 W. Water Street
Piqua OH 45356

Re: Piqua to Fletcher Gravity Sewer Over sizing

Dear Fred:

We've now received bids and awarded all four contracts for the Fletcher Sewer project. As a part of that project, the City of Piqua requested that the necessary six inch forcemain from the City's current corporation boundary to a point on U.S. 36 (station 57+94 on the engineering plans) be upsized to a twelve inch gravity sewer. The agreement between the City and the County signed on June 25, 2009 (see attached) stated that the City would reimburse the County as construction occurred.

Once bids were received for Contract "C" – Piqua gravity sewer, it became apparent that construction costs have escalated since the agreement was signed by the City, from approximately $500,000 to a bid price of $701,737. The City's share to conduct the over sizing at this point will be $557,413.47 (see attached Cost Comparison dated November 2009). That amount could increase or decrease during construction should the need for any change orders become necessary. I will discuss the need for any contract change, and the City's share of any increase (or decrease) in the contract value, should a change become necessary.

As discussed a couple of weeks ago with City Staff Amy Havenar and Dave Burtner, the County has previously spread out repayment of shared contract amounts to a period of up to two years. To allow the City to budget for the increase in contract amount into 2011, we propose four equal, semi-annual payments, paid by the City to my office in the amount of $139,353.36. Under this scheme, the first payment would be due in May 2010 and the final payment in December of 2011. At the completion of construction, we will confirm the completed project amount and the bi-annual payment amount.

Sincerely,

Patrick Turnbull
Miami County Sanitary Engineer

CC: Miami County Commissioners
M. Gearhardt – Miami County Auditor
A. Havenar – City of Piqua
D. Burtner – City of Piqua

File: Fletcher Sewers Outgoing Correspondence

RESOLUTION NO. R-50-10

A RESOLUTION AWARDING A CONTRACT TO POHLKAT INCORPORATED IN THE AMOUNT NOT TO EXCEED $100,000 FOR REMOVAL AND DISPOSAL OF LIME RESIDUAL FROM THE LIME LAGOON AT THE WATER PLANT FOR 2010-2012.

WHEREAS, on January 4, 2010 this Commission passed Resolution No. R-5-10 authorizing the City Purchasing Agent to advertise for bids, according to law, for removal and disposal of lime residual from the lime lagoon at the Water Plant; and

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

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

SEC. 1: A contract for said removal and disposal of lime residual is hereby awarded to Pohlkat Inc. as the lowest, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications for 2010-2012.

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 $100,000 for each budget year.

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

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

For the Regular Meeting of April 20, 2010

TO: Fred Enderle, City Manager

FROM: Beverly M. Yount, Purchasing Analyst
Don Freisthler, Water Plant Superintendent

SUBJECT: Removal and Disposal of Lime Residual from the Lime Lagoon at the Water Plant - Resolution No. R-50-10

PURPOSE:

Approve the resolution authorizing the award of our contract with Pohlkat Inc. for the removal and disposal of lime residual from the Lime Lagoon at the Water Plant for three years from 2010-2012.

RECOMMENDATION:

Our recommendation is for the Commission to Approve of Resolution R-50-10 authorizing the award of our contract with Pohlkat Inc. for the removal and disposal of lime residual from the Lime Lagoon at the Water Plant at a cost not to exceed $100,000 in each budget year from 2010-2012.

BACKGROUND:

Pohlkat Inc. has successfully provided this type of service for at least the last 3 years. They drag the lime to the side of the lagoon, load it in semi tankers, weigh it and haul to farmers fields. This service is necessary to keep the lagoon from getting too full and overflowing.

ALTERNATIVES:

1) Approve Resolution R-50-10 awarding the contract to Pohlkat Inc. for the removal and disposal of lime residual from the Lime Lagoon at the Water Plant at a cost not to exceed $100,000 in each budget year from 2010-2012.

2) Do not approve the Resolution and abandon the clean up efforts.

DISCUSSION:

1) *The first alternative of awarding our contract to Pohlkat Inc. for $100,000 allows for adequate space for the disposal of lime sludge from the treatment process for 2010-2012. Pohlkat has done very satisfactory work and we have received approval from the EPA and our land neighbors on the clean up of our lagoon. We opened bid # 1010 on 4/2/10 and Pohlkat was the lowest bidder and has agreed to hold our price through 2012.*

2) *The alternative of not approving the proposed Resolution and abandoning our clean up efforts, would not allow adequate storage for the Lime Sludge being wasted resulting in the lagoon overflowing, causing violations and possible fines and penalties.*

FINANCIAL IMPACT:

This is a Water Dept. budget item for 2010 of $100,000. We have budgeted for this service for the past several years and plan to continue to do so. However, we will have a termination clause in the contract should the City feel the need to exercise that option in the future years due to financial constraints or budgetary changes.

COMMUNITY IMPACT:

This work greatly improves the appearance of this property to surrounding neighbors and citizens. The EPA has also been pleased with our progress at this site over the last few years.

CONFORMITY TO CITY PLANS & POLICIES:

While the Water Dept. is researching future possibilities for upgraded facilities per our comprehensive plan, we still need to be cognizant of the need to keep our current Water Plant facility and grounds in the best condition that we possibly can.

IFB #1010 Lime Residuals Hauling & Disposal Services **"Exhibit A"**
Bid Opening 4/2/10 at 2:00 p.m.
Bid Tabulation

	Price per ton for 2010	Price per ton for 2011	Price per ton for 2012
1. Pohlkat Inc. Sidney, OH 45365	$ 26.95	$ 26.95	$ 26.95
2. Southside Environmental Group, LLC Struthers, OH 44471	$ 31.25	$ 31.25	$ 31.25
3. Synagro Central, LLC Baltimore, MD 21224	$ 27.00	$ 27.41	$ 27.82

Bidder's Not Responding:

Joseph Lime Company

Miller Land

Vantilburg Farms

Burch Hydro, Inc.

Journey Trucking Co.

Dedicated Transport

Mid Ohio Sludge

Brunk Excavating

Janie Construction

RESOLUTION NO. R-51-10

A RESOLUTION APPOINTING ONE MEMBER TO THE ENERGY BOARD

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: Brian S. Kellogg is hereby appointed as a member of the Energy Board for a five-year term to expire on February 28, 2015 or until his successor is confirmed and qualified;

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

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-52-10

A RESOLUTION RETAINING THE SERVICES OF HORAN TO PROVIDE HEALTH INSURANCE CONSULTING SERVICES FOR THE CITY OF PIQUA

WHEREAS, proposals were requested according to City Ordinance Section 34.17 for professional services for the City's health insurance consulting services; and

WHEREAS, after proper solicitation, seven proposals were received and reviewed by the City of Piqua's Health Insurance Committee resulting in the recommendation that the City retain Horan as the City's health insurance consultants.

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: Horan is hereby retained by the City of Piqua for health insurance consulting services.

SEC. 2: For such services, Horan's consulting fees are $28,000 for year 1 and $30,000 for year 2

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

SEC. 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

_____
LUCINDA A. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION REPORT

For the Regular Meeting of April 20, 2010

TO: Frederick E. Enderle, City Manager

FROM: Elaine G. Barton, Human Resources Director

Re: Health Insurance Consulting Services

***PURPOSE*:** To retain the services of Horan as the health insurance consultant for the City of Piqua for the remainder of the 2010 benefit plan year as well as the 2011 benefit plan year.

***RECOMMENDATION*:** To adopt the resolution retaining Horan as the health insurance consultant for the City of Piqua.

***BACKGROUND*:** The City of Piqua released a request for proposal for health insurance consulting services on February 8, 2010. Seven companies responded to the proposal by the deadline of March 8, 2010 (a spreadsheet with the quotes is attached). Of the seven companies that responded, four were invited to interview with the health insurance committee. The four were Brower Insurance, Horan, McGohan Brabender, and USI. Interviews were held on March 22, 2010 and during the week of April 5, 2010. The health insurance committee met on Tuesday, April 13, 2010 and overwhelmingly selected Horan to provide this service. Horan offers the City over 60 years of experience and knowledge. Their client retention rate for 2009 was 96%. They provide consulting services for three county governments as well as fifteen municipalities including Blue Ash, Mason, and Montgomery. The committee was very impressed with the financial analysis and reporting offered by Horan. The reporting includes plan utilization to identify where benefit dollars are spent, administrative and claim costs on a month-by-month basis, large claimant information and shock loss probability, discount analysis, impact of potential contribution and funding changes, and renewal formulas to ensure that we will pay a fair and equitable rate.

In 2007, the City of Piqua went from a self-insured health plan to a fully-insured health plan. McGohan Brabender was hired as the city's health insurance consultant in 2006 to ensure that the transition from being self-insured to fully-insured was seamless. They were very successful in accomplishing this goal. However, the health insurance committee has determined that a change is needed at this time to move forward with our health insurance plan, and again, were very impressed with the level of financial reporting offered by Horan.

***ALTERNATIVES*:**

1. Retain Horan as the health insurance consultant for 2010-11
2. Continue the relationship with McGohan Brabender, or
3. Suggest an alternate solution and provide further direction.

***DISCUSSION*:** In light of the newly passed health care legislation, the City of Piqua is going to need the services of a health insurance consultant to ensure compliance with all of the new regulations. In addition, the City will need a consultant to negotiate the renewal rates for the 2011 benefit plan year. The City initially received a 71% renewal increase from Medical Mutual for the 2010 benefit plan year. It was with the expertise from McGohan Brabender that we were able to negotiate a rate increase of 45%. The City was able to save over $400,000 by utilizing the leverage with the health insurance carriers that only a health insurance consultant can provide. While completely satisfied with the previous service of McGohan Brabender, the Health Insurance Committee believes the expertise of Horan in financial analysis and reporting will be most beneficial to the Committee and the City during the upcoming contract period.

***FINANCIAL IMPACT*:** Horan's fee for service is $28,000 for year 1 and $30,000 for year 2. The City has been paying $30,000 per year for consulting services from McGohan Brabender. This amount is included in 2010 budget.

***COMMUNITY IMPACT*:** N/A

***CONFORMITY TO CITY PLANS & POLICIES*:** N/A

Name of Firm	Location	Team members	Public Employer Clients	Fee
Aon Consulting	Columbus, OH	Steven Keller, Judy Croxton, Bryan Leddy	Yes	$42,150/year $45,000/year (includes marketing of health plan)
Brower Insurance Agency	Dayton, Ohio	Ed Gallagher/Bob Bair and 8 others	Yes	$2,250/month $1,000/year - New Employee Orientation $2,400/year - Data Warehouse Upload
Horan	Cincinnati. OH Beavercreek, OH	Erik Freudenberg & 5 others	Yes	$28,000/year - Year 1 $30,000/year - Year 2 $32,000/year - Year 3
McGohan Brabender	Dayton, OH	Mike Suttman & 8 others	Yes	$2,500/month
Phelan Insurance Agency	Versailles, OH	Chris Gigandet/Pat Custenborder & 4 others	Yes (limited)	$2,000/month
Quintessential Advisors, Ltd.	Dayton, OH	Bob Cornett/Matt Bellert/Elaine Johnson	Yes (limited)	$20,000/year - basic consulting fee $30,000/year - consulting fee +
USI Insurance	Cincinnati, OH	David Rinderle/Fran Patterson & 6 others	Yes	$12.85 per FTE/month $2,532/month

RESOLUTION NO. R-53-10

A RESOLUTION REQUESTING FINAL LEGISLATION TO ISSUE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED $72,008.00 TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR REPLACEMENT OF THE BRIDGE DECKS ON U.S. ROUTE 36 OVER I-75 INCLUDING LANDSCAPING IMPROVEMENTS

WHEREAS, on the 19th day of March, 2007, the City of Piqua acting in the capacity of `Local Public Agency or "LPA" enacted legislation proposing cooperation with the Director of Transportation for the described project:

Replace deficient bridge decks on U.S. Route 36 over Interstate Route 75 of Structure No. 5500125 and 550184. Construct new bridge approach slabs and full depth pavement approaches and overlay existing pavement to tie into existing vertical alignments. Provide landscaping on all four ramp infield areas, lying within the City of Piqua; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

> The City agrees to assume and bear one hundred percent (100%) of the entire cost of the landscaping improvements, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Seventy Two Thousand Eight and - - - 00/100 Dollars, ($72,008.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

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: That the estimated sum of Seventy Two Thousand Eight and - *00/100* Dollars, ($72,008.00), is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from

Federal funds.

SEC. 2: That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SEC. 3: That the LPA enter into a contract with the State, and that the City Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

SEC. 4: That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 19th day of March, 2007, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

SEC. 5: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

For the Regular Meeting of April 20, 2010

TO: Fred Enderle, City Manager

FROM: Amy Havenar, City Engineer

SUBJECT: Final Legislation with the Ohio Department of Transportation (ODOT) for the U.S. Route. 36 Bridge Deck Replacement project over IR-75, including the landscaping of the four ramp infield areas.

PURPOSE:

Approve the resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation (ODOT) for construction of the new bridge decks on the U.S. Route 36 Bridge over IR 75. Project will also include the landscaping improvements to all four quadrants of the IR-75/U.S. Route 36 Interchange.

RECOMMENDATION:

Approval of the Resolution to allow for ODOT to construct this project.

BACKGROUND:

On March 19, 2007, City Commission passed a resolution authorizing the City Manger to enter into an agreement with ODOT for the bridge deck replacements to the U.S. Route 36 bridges over IR-75. During that same timeframe, the City of Piqua, in conjunction with ODOT, was able to secure a Transportation Enhancement Grant in the amount of $250,000 for landscaping the infields of the IR-75/U.S. Route 36 interchange to coincide with the bridge deck replacement project.

On September 30, 2008, City Commission passed a resolution authorizing the City Manager to enter into an agreement with ODOT for the landscape design services to the IR-75/U.S. Route 36 interchange. This agreement allowed for the consultant on the project, LJB, Inc. to acquire the services of a Landscape Architectural firm, Envision-Works, Inc. for the landscape design portion of the project.

ALTERNATIVES:

1) *Approve Resolution to allow the City Manager to enter into an agreement with ODOT.*
2) *Do not approve the Resolution and have ODOT abandon this project.*

DISCUSSION:

The bid opening for the bridge deck replacement project is scheduled for May 6, 2010. Construction is scheduled to begin mid summer, with final completion mid summer of 2011. The completion will coincide with the start of construction on the E. Ash Street project. During construction, one lane of traffic will be maintained utilizing the crossover concept to allow for construction on each structure to be completed independently, ultimately allowing for a quicker and more cost effective project.

As part of the bridge deck replacement project, new black PVC coated vandal protection fence will be installed on top of the concrete bridge railing.

While the City of Piqua currently is responsible for the maintenance of the infields, the maintenance responsibilities will increase with the addition of landscaping features such as flower beds, additional trees, etc. The City of Piqua will be contacting local landscaping companies to see if they have any interest in taking over a portion of the maintenance needs for this area, whether it is taking over responsibility for the mowing, mulching, trimming/pruning, etc. This has been done in other communities with great success. The recognition of the volunteers can be accomplished via a sign located adjacent to the interchange outside of ODOT's limited access right-of-way.

FINANCIAL IMPACT:

In 2005, The City of Piqua received a $250,000 Transportation Enhancement Grant for landscape improvements to the interchange to be constructed in conjunction with the bridge deck replacement project. As part of the enhancement grant, the City is responsible for providing a 20% match of the enhancement costs, or $50,000. Since that time, the scope of the landscaping improvements has broadened to include the installation of two (2) PIQUA signs as a part of the project. Based upon the added features, the amount of Federal Funds allocated for this project increased to $360,000, therefore, the City of Piqua's 20% local match share has been increased to $72,008.00.

The increase to $360,000 is based upon a final cost estimate from ODOT, which, based upon recent bids received, ODOT's cost estimates have typically been higher than the actual bid prices. Should that not be the case and the bids come in at the $360,000 range, the City does have the option to non-perform some of the landscaping work to bring the local share back to the $50,000 range. The 2010 Budget included $50,000 for these improvements.

It is worth noting that the increase in the amount of Federal Funds allocated to this project is rare in that typically, if a project estimate exceeds the original application amount, the local agency must pay for overages at 100%. In that regards, the City is fortunate in that we will be able to construct more improvements for only 20% of the total cost.

As mentioned in the discussion section, while the City currently maintains the infields by mowing them, the City will now have additional maintenance responsibilities due to the additional landscape features. This will be reflected in both increased man hours as well as increased supplies/materials needed to maintain this area.

COMMUNITY IMPACT:

These enhancements will greatly improve the aesthetics of one of the main gateways into the City of Piqua. These improvements will not only enhance the aesthetics for those traveling along U.S. Route 36, but also to all motorists utilizing the IR-75 corridor. These improvements will compliment the proposed enhancements incorporated into the E. Ash St. Reconstruction project schedule for construction in the fall of 2011.

CONFORMITY TO CITY PLANS & POLICIES:

This area was identified as on the main gateways to the City of Piqua in the Plan It Piqua 2007 Comprehensive Plan Update. The common theme in the Comprehensive Plan Update was to improve the gateways to the City. This project will allow for just that. This project will be a great segway into the E. Ash Street reconstruction project which will incorporate streetscaping amenities consistent with the downtown.

Three separate landscaping layouts were presented to the City of Piqua Planning Commission for their review at their September 1, 2009 meeting. The final landscaping layout was selected based upon the Planning Commission's recommendation.

RESOLUTION NO. R-54-10

A RESOLUTION AWARDING A CONTRACT TO AZI EQUIPMENT FOR THE PURCHASE OF AN ASPHALT ZIPPER FOR THE STREET DEPARTMENT

WHEREAS, the City of Piqua desires to purchase an Asphalt Zipper for the Street Department; and

WHEREAS, after solicitation by The Ohio Department of Administrative Services, bids were received through the State Cooperative Purchasing Program, resulting in the lowest, responsible bid from AZI Equipment;

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

SEC. 1: A contract for the purchase of an Asphalt Zipper is hereby approved with AZI Equipment; as the best, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of $70,200.

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

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

***For the Regular Meeting of* April 20, 2010**

TO: Fred Enderle, City Manager

FROM: Doug Harter, Street & Parks Superintendent

SUBJECT: Approval of Resolution to purchase Asphalt Milling Machine

PURPOSE:

Approve a resolution authorizing the City Manager to enter into a contract with AZI Equipment to purchase an Asphalt Zipper milling machine through the State Bid at a price not to exceed $70,200.

RECOMMENDATION:

Approve a resolution authorizing the City Manager to enter into a contract with AZI Equipment to purchase the Asphalt Zipper milling machine through the State Bid at a price not to exceed $70,200.

BACKGROUND:

We had AZI come in and demo their machine (Asphalt Zipper), and we also had Southeastern Equipment bring in their machine for a demo. Although both machines were comparable in make up and construction, the machine from Southeastern did not give us the finished product that we desired. Their machine left large pieces of asphalt which could not be regraded as base material, most of it had to be removed, which took several hours and thwarted progress. The Asphalt Zipper on the other hand, left a very fine product which could be graded in place as a new base material. Therefore, the Asphalt Zipper, although more costly at the beginning, is the desired machine and will save us money in the long run.

ALTERNATIVES:

1. *Approve the Resolution purchasing the Asphalt Zipper from AZI Equipment.*

2. *Do not approve the resolution, which in turn would mean no in-house paving.*

3. *Purchase the machine from Southeastern Equipment, but will see an increase in man hours and the amount of time it takes to complete a project.*

4. *Contract out all the patching and resurfacing, which would result in less being done for the $80,000.*

DISCUSSION:

In 2009 Commission directed the City Manager to have the Street department become more involved in patching and paving local streets. The program was successful, and positives were noticed by the City and its residences.

Purchasing the Asphalt Zipper gives us a machine that makes our patches look neat and square, plus provides us with aggregate that we can use as base material. This also will save money on stone that we will not have to purchase. We can also stockpile the millings that are not needed on projects, to use on future projects.

By purchasing the machine from Southeastern Equipment, we will be able to accomplish the same finished product; however, it will be at the expense of more man hours to complete. As mentioned above in the background section, the machine from Southeastern Equipment left a product that could not be reused, therefore, we would be doubling our efforts by having to come back through and remove all of the large pieces of asphalt and haul them away. With the reduction in personnel, it is the goal of the Street Department to complete tasks in the most efficient way possible. To not approve this would be taking steps backwards, and thwarting the progress that has been accomplished in the past year.

One of the alternatives was to hire the patching/repair work out. While this is a valid option, the City would need to pay prevailing wage to contractor, in addition to their mark-up, thereby effectively reducing the amount of work that can be completed within the budgeted amount of money.

FINANCIAL IMPACT:

The money has already been budgeted and approved. The financial impact is only positive, as it is cheaper for the City to handle smaller local streets and patches in house as compared to hiring a contractor. All street resurfacing projects are funded out of the 101 and 103 Funds, with the ability to supplement with state Issue 2 Funds and other external resource as they become available.

COMMUNITY IMPACT:

This will improve the streets throughout the city, and will continue to shed positive light as to the cities aggressive approach to rectifying problems. Citizens like to see their tax dollars being used in their neighborhoods, and the positive feedback we gain by doing this rolls over and helps us gain their support on other projects.

CONFORMITY TO CITY PLANS & POLICIES:

The patching/repair program is consistent with the Transportation Goal as stated in the Plan It Piqua Comprehensive Plan Update, which was to "Develop and maintain a convenient, safe and efficient transportation system that effectively accommodates pedestrians, bicyclists, automobiles and public transportation". Plan Objectives & strategies were also identified in the Comprehensive Plan Update to "Improve the physical appearance of roads and streets to compliment the built environment".

These improvements will allow for the City to be consistent with the City Commission's High Priority Commission Goal of Strategic Capital Investments in Infrastructure. We will be working towards this goal by making infrastructure improvements in older neighborhoods where the infrastructure is in dire need of repair.

RESOLUTION NO. R-55-10

A RESOLUTION TO ISSUE A PURCHASE ORDER TO CAMP DRESSER & MCKEE, INC. FOR PROFESSIONAL SERVICES FOR THE WELLFIELD DEVELOPMENT- PHASE 2

WHEREAS, in 2009 Camp Dresser & McKee Inc, and the City of Piqua entered into an agreement for engineering services for the Wellfield Development Phase 1 study; and

WHEREAS, Camp Dresser & McKee Inc, will continue with Phase 2 of the Study and Report Phase of the wellfield investigation as defined in the service agreement 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 Camp Dresser & McKee, Inc. for professional services for Engineering proposes to perform the task for New Wellfield Exploration & Development and the City Manager is hereby authorized to execute a contract with said engineering professional pursuant to agreement 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 $535,563.

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

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

For the Regular Meeting of April 20, 2009

TO: Fred Enderle, City Manager

FROM: Don Friesthler, Water Superintendent

SUBJECT: New Well Field Exploration & Development Project

Purpose:

Approve the resolution contracting for professional services with Camp Dresser & McKee, Inc. (CDM) for Phase 2 of the source water research. Total cost not to exceed $535,563.

Recommendation:

Staff's recommendation is to approve the resolution authorizing the contract for professional services with CDM to complete Phase 2 of the source water study.

Background:

Do to changing EPA regulation and the aging of our Water Treatment Plant it is necessary to build a new treatment facility. In order to have minimal regulatory requirements and have the best source water for the City of Piqua. The Commission directed staff to look into finding ground water. Phase 2 will give the information of how much ground water and the quality of the ground water available in the immediate area. The projected cost for completing Phase 2 was anticipated to be $486,875. The total cost "not to exceed" $ 535,563 includes approximately 10% contingency for items of work which may be required but were not included in the original request for proposal.

Alternatives:

1) Approve recommendation for source water Phase 2.
2) Look at using a blended source water using available ground water and supplementing it with surface water.
3) Use all surface water and go forward with building a new treatment facility.
4) Go back to the City of Troy and see if a service contract can be negotiated.

Discussion:

1) The first alternative was discussed with Commission at a work session on April 1, 2010. This will determine if ground water is available in the quantity and quality that the City of Piqua needs to supply it citizens now and to support future growth for the community.

2) This option would limit the exploration for groundwater at what we now have indentified and use available ground water to blend with existing surface water sources. The amount of ground water available appears to be limited, so if we use a blended source it allows for the use of this water and also adds a know factor to the source water. Ground water would have less bacteria, organics, and other various contaminates. This alternative would mean moving

forward with a new treatment facility designed to treat a blend of ground and surface water. This means we would be under the same rules and regulations for water treatment as we currently are. It could also mean we would be dependent on our existing surface water sources for up to 70% of our water supply. This would allow for additional ground water sources to be added in the future. This alternative will also impact our ability to improve the aesthetic quality of our lakes as presently desired by interested citizens.

3) There is enough surface water available to meet the city's needs now and in the future. This alternative would mean moving forward with a new treatment facility designed to treat surface water. Therefore the City would be under the same rules and regulations for water treatment as we currently are. It could also mean we would be dependent on our existing surface water sources for up to 100% of our water supply. As in Alternative 2 this alternative would also impact our ability to improve the aesthetic quality of our lakes.

4) This alternative would allow us to move from our existing surface water source and onto the City of Troy's ground water sources. We could save the cost of building a new treatment facility, but that would be at least partially offset be the cost of systems improvements need to interconnect with the City of Troy. It could mean deciding to purchase water from Troy versus holding and ownership interest in the Piqua water supply.

Financial:

Under the advisement of Finance Director, Cynthia Hotzapple, funding for this project will be from either the Ohio Water Development Authority or through open bonding. To date we have spent approximately $25,000 on exploration and well field develop. At project inception we estimated a $700,000 expenditure in 09 -10. Therefore, this scope of work and contract is well below estimate.

Community Impact:

A good water treatment facility is at the heart of every community's existence. The current treatment plant was built in 1925 and has served the city quite well over the past 85 years. The decision to go forward with Phase 2 of the source water study is a great start in assuring that Piqua will know what water is going to be available for the community to use in the future. The decision to build a new water treatment facility and under what circumstances (ground water, surface water or blend of surface and ground); versus purchase water from another community will have a long-term impact on the City of Piqua's future both from a cost and availability standpoint.

Conformity To City Plans & Policies:

Plan IT Piqua Comprehensive Plan identifies economic development and community services and facilities goals, objectives and strategies that address the need to adequately provide and protect commercial, industrial, and citizen's investments with adequate fire protection, drinking water, and reserves. These include: ED 3.5 Undertake infrastructure improvements that support economic development efforts that are fiducially positive for the community; U1.3 continue programmed operations, maintenance and replacement of existing infrastructure; and U2.2 develop a plan for the improvement of the water treatment plant.

EXHIBIT A
TO AGREEMENT BETWEEN
OWNER AND ENGINEER
(STUDY AND REPORT)
WELLFIELD DEVELOPMENT - PHASE 2

This is an exhibit attached to and made a part of the Agreement dated April ___, 2010, between the City of Piqua Ohio, 201 West Water St., Piqua, OH 45356 (OWNER) and Camp Dresser & McKee Inc., 8805 Governor's Hill Dr., Suite 260, Cincinnati, OH 45249 (ENGINEER) for professional services.

1.0 ENGINEER'S SERVICES

1.1 Study and Report Phase

Upon this Agreement becoming effective, ENGINEER shall::

1.1.1 Consult with OWNER to clarify and define OWNER's requirements for the Project and review available data.

1.1.2 Advise OWNER as to the necessity of OWNER's providing or obtaining from others data or services which are not part of ENGINEER's Services, and assist OWNER in obtaining such data and services.

1.1.3 Identify and analyze requirements of governmental authorities having jurisdiction to approve the portions of the Project specified by ENGINEER with whom consultation is to be undertaken in connection with the Project.

1.1.4 Evaluate various alternate solutions available to OWNER as described herein, and, after consultation with OWNER, recommend to OWNER those solutions which in ENGINEER's judgment best meet OWNER's requirements for the Project.

1.1.5 Prepare a report (the "Report") which will contain the statement of OWNER's requirements for the Project and, as appropriate, will contain schematic layouts, sketches and conceptual design criteria with appropriate exhibits to indicate the considerations involved and those alternate solutions available to OWNER which ENGINEER recommends. This Report will be accompanied by ENGINEER's opinion of Total Project Costs for each solution which is so recommended for the Project, including the following: opinion of probable Construction Cost, allowances for contingencies including costs of design professional and related services based on information furnished by OWNER for allowances and other items and services included within the definition of Total Project Costs.

1.1.6 Furnish the Report to and review it with OWNER.

1.1.7 Revise the Report in response to OWNER's comments, as appropriate, and furnish final copies of the Report in the number set forth herein.

1.1.8 Submit the Report within the stipulated period indicated herein.

1.1.9 ENGINEER's Services under the Study and Report Phase will be considered complete at the earlier of (1) the date when the Report has been accepted by OWNER or (2) thirty days after the date when such Report is delivered to OWNER for final acceptance, plus in each case such additional time as may be considered reasonable for obtaining approval of governmental authorities having jurisdiction to review the portions of the Project specified by ENGINEER, if such approval is to be obtained during the Study and Report Phase.

The duties and responsibilities of ENGINEER during the Study and Report Phase as set forth in this paragraph 1.1 are amended and supplemented as follows:

Phase 1, an initial data review and field investigation, is nearly complete and the OWNER and ENGINEER have identified this next phase to further the understanding of meeting the total groundwater supply needs for a new 6-mgd Water Treatment Plant (WTP). This next phase, Phase 2, will allow the OWNER to continue to evaluate existing data, collect new data, and set a course of action for subsequent phases. The goal of the phased approach is to allow the OWNER to determine the groundwater availability, sources, and embark on a plan to develop production well(s) and determine overall infrastructure needs for its water supply and treatment.

Based on the preliminary results of Phase 1, it was decided to perform a geophysical investigation to better locate the deep buried valley aquifer running northwest to southeast, generally east of the City. This testing, coupled with previous drilling data, will be used to quantify the bedrock elevations in this area, and help to identify potential water-bearing aquifer(s). After the geophysical investigation is complete, further investigation will be made to assess the Johnston Farm property, owned by the State of Ohio, for a wellfield. In addition, another potential wellfield site will be investigated as identified from the data produced from the geophysical testing.

To assist the OWNER with this Phase 2 wellfield investigation, ENGINEER proposes to perform the following tasks that are further described below:

Task 1 – Geophysical Investigation

Task 2 – Raw Water Investigation

Task 3 – Wellfield Development

Task 4 – Water Supply Plan

Task 5 – Water Treatment Plant Siting

Task 1 – Geophysical Investigation

The geophysical investigation will involve a field program of seismic refraction work, review of existing available well logs, and preparation of a brief technical report. The purpose of the geophysical investigation is to estimate the depth to bedrock at approximately nine sites as identified by the OWNER. The field investigation program consists of a three-man crew employing a portable seismograph, up to 1,000 feet of cable, and 48 geophones. The field program is estimated to be accomplished in two days.

To assist in estimating the bedrock profile in the area, existing available well logs will reviewed pertaining to bedrock data and compiled along with the results of the seismic testing.

The deliverable for this task will be a brief technical report that describes the field program, identify the sites on a map, show the results of the seismic refraction work along with existing well log data, and a plot of the top of bedrock in the immediate vicinity.

Task 2 – Raw Water Investigation

Under this task, ENGINEER will assess the viability of the Johnston Farm property and another property identified as part of this task based on the results of Task 1 for use as a groundwater source. ENGINEER will contract with a subconsultant, Terran Corporation, to install a piezometer on both properties. The purpose of the piezometer installation is to characterize the subsurface soils, monitor groundwater levels, quantify the hydraulic inter-relationship between each piezometer and other nearby wells, and the Great Miami River. A preliminary indication of water quality will also be obtained from the piezometers.

ENGINEER will characterize the potential for developing one or more production wells on each subject property. To accomplish this, an exploratory program is proposed that entails the drilling and continuous soil sampling of one test soil boring on each subject property, which will extend to bedrock that is estimated to be approximately 150 feet below grade in this area. Well logs on file with the Ohio Department of Natural Resources (ODNR) indicate that depth to bedrock is at least 126 feet in the area at the northern portion of the Johnston Farm. The listed well logs in this area indicate a deep sand and gravel deposit, but none of them penetrated the full thickness of the aquifer. Depth to bedrock is unknown in this area and the total thickness of the lower aquifer is important to determine how thick the sand and gravel aquifer is for screening large water wells used for municipal production purposes.

To obtain a continuous sample of the soils and sediments at the proposed production well sites, a rotosonic drilling technique will be used. Rotosonic drilling will allow for characterization of subsurface conditions beneath each site, particularly for coarse-grained gravel deposits which are the best aquifers for wellfield development. Rotosonic drilling was used to drill the piezometers for the OWNER's Phase 1 wellfield exploration project and performed very well in a situation where traditional hollow stem augers failed.

If favorable conditions are encountered, the test borings will be completed as 2-inch PVC monitoring wells for further testing. The test wells are proposed to be constructed in the lower aquifer, approximately 150-feet below ground to determine preliminary hydrogeologic properties and to acquire water samples. The monitoring wells will be constructed of schedule 40 PVC pipe with a 10-foot length of screen with 20-slot openings set across the best deposits in the lower 150-feet of the soil profile. A PVC riser will be installed to ground surface, natural pack sand filter around the screen, bentonite seals, bentonite grout fill and outer steel casing.

A locking steel stand pipe cover will be placed over the wells to protect them from damage or tampering and secured with a lock. A concrete base will be constructed around the outer steel protective cover. A sealable, water-tight cap will be placed on the riser to help keep water out. After installation, the piezometers will be developed to remove fines from the screen interval. The wells will be developed using a combination of surging and pumping to remove loose fines.

Once developed, a pressure transducer and data logger will be placed in each piezometer to collect

water level readings over the course of two weeks. Data will also be collected from existing data loggers, previously placed under Phase 1, in the Great Miami River and the monitoring well no. 1 located on the gravel quarry property. If the OWNER can obtain permission from property owners, data loggers will also be placed in one of the wells identified in the Klaer report or the known irrigation well located north of the Great Miami River. Data loggers will also be installed and monitored in wells that are in the deep buried aquifer that may include wells on the Johnston Farm property. The data loggers will be downloaded and the information compiled into a graph to show the hydraulic activity occurring in the aquifer due to water level fluctuations on the Great Miami River and/or nearby pumping activities.

The test well PQMW-2 installed on the Carnes property during Phase 1 of the wellfield investigation will also be removed and properly sealed and abandoned. The test boring encountered sand and gravel outwash and interbedded clay deposits overlying shallow limestone bedrock. This property does not contain an appreciable aquifer that can serve the OWNER as a viable wellfield. Removal of the monitoring well will entail, mobilizing, pulling the outer steel casing and PVC riser, and sealing the annular space with bentonite cement. A well abandonment log will also be prepared to document the well abandonment and submitted to ODNR.

A groundwater sample is proposed to be collected from both piezometers to be analyzed for the Ohio EPA's "New Well" parameters: volatile organic compounds (VOCs), synthetic organic compounds (SOCs), total metals (Sb, As, Ba, Be, Cd, Ca, Cr, Cu, Fe, Pb, Mg, Mn, Hg, Ni, Se, Sr, Ag, Na, Tl and Zn), fluoride, chloride, total filterable residue, alkalinity, sulfate, nitrate, nitrate, cyanide and pH. The radiological and Total Coliform bacterial parameters are not proposed for collection as part of this initial evaluation. The purpose of the groundwater sample is to initially determine if the groundwater from the aquifer of interest may be suitable for drinking water purposes.

Before sampling, the piezometers will be purged of a minimum of three well volumes and measured field parameters stabilized. The field parameters include pH, specific conductance, temperature, reduction-oxidation potential, and dissolved oxygen. The groundwater samples will be submitted to a certified laboratory for laboratory analysis on a standard turn-around schedule (i.e. 10 days).

A groundwater potentiometric surface map will be prepared as part of the scope of services. A registered surveyor will be subcontracted with to locate the piezometers and then to survey the top of casing and ground surface elevations for each of the piezometers shortly after installation. The River and the gravel pit lake(s) level gauges will also be surveyed. This will enable the creation of a groundwater model to be prepared under Task 3. An allowance of $2,100 is included to complete the survey services as described.

It is recommended that the test wells remain in-place until a decision is made with proceeding with or abandoning construction of additional production well(s) on the subject parcels. The test wells will be needed to further evaluate production wells at both sites if the initial characterization is favorable for further development. If the further investigation or installation of production wells is abandoned, the test wells will need to be removed and the site restored following Ohio EPA guidelines and regulations. The services and costs for well abandonment are not included in this scope of services. The OWNER shall obtain permission from the property owners for leaving the test

wells in place until it is decided to proceed with production well installation or abandonment of the test wells.

ENGINEER will also identify sanitary isolation needs that may impact potential new well siting in accordance with Ohio EPA "Well Site Application for New Public Water System Well".

In conjunction with this task, the OWNER will coordinate with the property owners of the subject properties to investigate the possibility of developing the site for further testing and a potential wellfield for the OWNER.

Deliverables for this task will include a letter report documenting the investigation results, a groundwater potentiometric surface map, and piezometer construction details.

Task 3 – Wellfield Development

The performance of this task depends on whether the data obtained in Task 2 indicates that subsurface conditions are suitable for a portion of a groundwater water supply for the OWNER.

This scope of services consists of drilling and installing two test/production wells, one on the Johnston Farm property and one on the property identified in Task 2. The well casing will be of sufficient size to be converted to a production well if pump testing indicates that the well would have sufficient capacity. The scope of services also includes the development of a 3-dimensional groundwater model.

Task 3.1 Well Installation and Pump Testing

After the performing the services as described in Task 2 and the results appear favorable for further site development, the OWNER shall obtain purchase options on the properties while petitioning the Southwest District Office of the Ohio EPA for a preliminary site approval for both properties. Once approved and it is determined that the lower aquifer is sufficiently thick, transmissive, and extensive, a large (12-inch ID) test/production well will be designed and installed for use in obtaining and evaluating the aquifer production potential, sustained yield and wellfield modeling, and design parameters. To obtain this data, the test wells will be pumped at a rate approaching 1,000 gpm for 72-hours while water levels are monitored in the pumping and nearby observation wells. Also included in this testing program, for both wells, is a step test to determine the efficiency and operating characteristics of the pumping well and a water quality sampling for all of the parameters required by the Ohio EPA for permitting a new potable production well.

Ideally, the test well will be pumped at 150% of its intended production capacity which would allow the Ohio EPA to establish allowable single-well discharge rates. If all of this is successful, the OWNER will have permitted the initial well(s) of a wellfield designed to maximize the production potential of the lower buried valley aquifer north of the City and south of the Miami-Shelby County line. Additionally, the needed hydrogeologic data to construct a groundwater model of the proposed wellfield will then be available from the exploratory drilling and aquifer testing programs.

Task 3.2 Three-Dimensional Groundwater Modeling

The deep buried valley aquifer considered for use north of the City is classified as a confined aquifer. This means the total water production from the aquifer must be balanced with natural

recharge into the aquifer through underflow or infiltration from less permeable units above, around and below the saturated zone. The only practical method of calculating this balance (often called sustained yield) is to use computer models. The Ohio EPA has been requesting calibrated groundwater models of well fields before changes in production of municipal supplies are approved. Using the appropriate data developed in this investigation along with available published and archival information, ENGINEER's subconsultant will design, construct, calibrate and present a 3-D groundwater flow model of the Piqua area using the nationally accepted USGS computer code MODFLOW. This model could be easily modified to include other potential wellfield areas to the east and south of the City.

Deliverables for this task will include a letter report documenting the well construction details, pump test results, water quality parameters, and 3-dimensional groundwater modeling results.

Task 4 – Water Supply Plan

Under this task, ENGINEER will prepare a conceptual plan of the wellfields identified in Task 3 and the necessary infrastructure to connect the wellfields together and route raw groundwater to a proposed new water treatment plant (WTP).

4.1 Wellfield Preliminary Design

The ENGINEER will use the data collected in previous tasks to prepare a conceptual layout of the wellfields. The conceptual layout will include a preliminary GIS-based site plan, well design, interconnecting piping, electric utility requirements, roadway access, and security needs. Also, consideration will be given to the impacts of the 100-year flood elevations for wellfield development, including electric gear placement and vent locations. Preliminary planning-level cost opinions will prepared to represent the infrastructure required to develop the wellfields.

4.2 Raw Water Main Corridor Study

In conjunction with the conceptual design of the wellfields under Task 4.1 and the WTP siting under Task 5, the ENGINEER will prepare a conceptual plan of possible raw water main routing. The raw water main routing will show the options for interconnecting the two wellfields identified in Task 4.1 and the new WTP site. The raw water main routing will be shown on GIS-based mapping to quantify lengths of the necessary piping. ENGINEER will prepare preliminary planning-level cost opinions for the possible routes and configurations to connect the wellfield(s) to the new WTP.

Task 5 – Water Treatment Plant Siting

Based on the findings of previous tasks, ENGINEER will continue to review Miami County Auditor GIS-based maps and identify properties that could be used for the development of a new WTP. Viable WTP sites will consider the conveyance of raw water to the site, and pumping treated water to the OWNER's water distribution system. Consideration will also be give to other sources of groundwater may be needed for supplementing the estimated capacities of wellfields identified in Task 3. Properties will be considered for the new plant based on required acres identified from Phase 1, proximity to the City, location relative to the 100-year flood plain, and potential availability. Together with the OWNER, ENGINEER will rank each property in order of the most desirable to least desirable for meeting the OWNER's needs.

Information derived from this task will be used to support the services in Task 4 in developing conceptual plans for a proposed wellfield and the proximity of the new WTP.

Deliverables for this task will include a technical memorandum with GIS maps identifying potential properties for a new WTP and table of their prioritization, and general arrangement of plant unit processes and operations to be accommodated by the property.

2.0 OWNER'S RESPONSIBILITIES

2.1 Furnish to ENGINEER, as requested by ENGINEER for performance of Services as required by the Contract Documents, the following:

2.1.1 Data prepared by or services of others, including without limitation explorations and tests of subsurface conditions at or contiguous to the site, drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site, or hydrographic surveys;

2.1.2 The services of an independent testing laboratory to perform all inspections, tests and approvals of samples, materials and equipment;

2.1.3 Appropriate professional interpretation of all of the foregoing;

2.1.4 Environmental assessments, audits, investigations and impact statements, and other relevant environmental or cultural studies as to the Project, the site and adjacent areas;

2.1.5 Field surveys for design purposes and property, boundary, easement, right-of-way, topographic and utility surveys or data, including relevant reference points;

2.1.6 Property descriptions;

2.1.7 Zoning, deed and other land use restrictions; and

2.1.8 Other special data or consultations not covered in Article 1.0.

OWNER shall be responsible for, and ENGINEER may rely upon, the accuracy and completeness of all reports, data, and other information furnished pursuant to this paragraph. ENGINEER may use such reports, data, and information in performing or furnishing services under this Agreement.

2.2 Provide access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform services under this Agreement.

2.3 Provide labor and safety equipment to open and protect manholes and/or to operate valves and hydrants as required by the ENGINEER.

2.4 Provide, as may be required for the Project:

2.4.1 Accounting, bond and financial advisory, independent cost estimating and insurance counseling services;

2.4.2 Such legal services as OWNER may require or ENGINEER may reasonably request with regard to legal issues pertaining to the Project, including any that may be raised by Contractor; and

2.4.3 Such auditing services as OWNER may require to ascertain how or for what purpose

Contractor has used the moneys paid on account of the Contract Price.

2.5 Bear all costs incident to compliance with the requirements of the OWNER's Responsibilities.

The OWNER's responsibilities as set forth in this paragraph 2.0 are amended and supplemented as follows:

2.5.1 Furnish existing relevant reports in possession by the OWNER.

2.5.2 Contact property owners and obtain permission regarding access for field visits and equipment access.

2.5.3 Property acquisition negotiations for easements, purchase, or lease.

2.5.4 Review data and reports prepared by ENGINEER and provide review comments in a timely manner.

3.0 TIME PERIOD FOR PERFORMANCE

The time periods for the performance of ENGINEER's Services as set forth in Article 2 of said Agreement are as follows:

ENGINEER proposes to complete the described scope of services within the times shown in the schedule below. The field work identified in Tasks 1 and 2 depends on weather conditions and drilling subcontractor schedule at the time of authorization.

Task	Time Duration (weeks after Notice to Proceed)
Task 1 Geophysical Investigation	2
Task 2 Raw Water Investigation	10
Task 3 Wellfield Develeopment	
Task 3.1 Ohio EPA Preliminary Aproval of Well Site	14
Well Installation and Pump Testing	20
Task 3.2 Three-Dimensional Modeling	22
Task 4 Water Supply Plan	28
Task 5 Water Treatment Plant Siting	28

The above schedule includes an assumed time for Ohio EPA review and approval. ENGINEER cannot control regulatory agency's review time. The time for Ohio EPA approval will effect susequent task completion times.

4.0 METHOD OF PAYMENT

The method of payment for Services rendered by ENGINEER shall be as set forth below:

The table below shows total estimated fee for each task, including a total "not-to-exceed" amount. ENGINEER will invoice the services performed based on Exhibit C.

Task Description	Fee
Task 1 – Geophysical Investigation	$19,440
Task 2 – Raw Water Investigation	$78,977
Task 3 – Wellfield Development	$336,580
Task 4 – Water Supply Plan	$34,523
Task 5 – Water Treatment Plant Siting	$17,355
Total Estimated Fee	**$486,875**

5.0 SPECIAL PROVISIONS

The following special provisions and/or other considerations or requirements are applicable to their Agreement:

ENGINEER has made the following assumptions in the scope of services:

- One mobilization and demobilization to the sites to drill and install piezometers.
- OWNER to provide or arrange for unrestricted access to all drilling locations.
- Four days field work for drilling and installation of two deep piezometer up to 150 feet each.
- One quarter day of field work for abandoning PQMW-2.
- One half day of field work for the development of each piezometer using a surge block and submersible pump.
- One half day of field work for groundwater sampling of each piezometer for Ohio EPA "New Well" drinking water parameters of VOCs (EPA 524.2), Synthetic organic compounds (SOCs – EPA 525.2), alkalinity (SM 2320B), total dissolved solids (SM 2540C), dissolved metals (EPA 200.7; EPA 245.2; SM3113B); fluoride (SM 4500 F-C); Nitrate and Nitrite (SM 4500 NO3-F); Sulfate (SM 4500 SO4-D); Chloride (SM 4500-CLB), and total cyanide (EPA 335.4).
- Geotechnical analysis of one soil sample for each piezometer for D 422 particle-size analysis through the #200 sieve for granular soils (sieve only).
- No site restoration will be needed and all piezometers will remain for future use.
- Conduct of all field activities in Level D personnel protective equipment.

RESOLUTION NO. R-56-10

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND USE PERMIT FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A BOAT RAMP ON THE GREAT MIAMI RIVER

WHEREAS, the City of Piqua has received a grant from the Ohio Department of Natural Resources through the Cooperative Facilities Boating Grant Program; and

WHEREAS, the City of Piqua has found that it must enter into an agreement with the Miami Conservancy District in order to fulfill the requirements of the Cooperative Facilities Boating Grant programs.

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

SEC. 1: The City Manager is authorized to enter into Land Use Permit No. 16-2962-1 with the Miami Conservancy District for the right to construct, use, maintain and remove a boat ramp to be located along the right bank of the Great Miami River between Hemm Road and Statler Avenue.

SEC. 32 This Resolution shall take effect and be in force from and after the earliest period allowed by law.

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

CITY COMMISSION MEETING REPORT

For the Regular Meeting of April 20, 2010

For the Special Meeting of

For the Study Session of

TO: Fred Enderle, City Manager

FROM: William Lutz, Development Program Manager

SUBJECT: Resolution Authorizing City Manager to Enter into Land Use Permit No. 16-2962-1 with the Miami Conservancy District for the construction, use and maintenance of a Boat Ramp on the Great Miami River between Hemm Road and Statler Avenue

PURPOSE:

Adopt a resolution authorizing the City Manager to enter into Land Use Permit No. 16-2962-1 with the Miami Conservancy District for the construction, use and maintenance of a Boat Ramp on the Great Miami River between Hemm Road and Statler Avenue at Goodrich Giles Park.

RECOMMENDATION:

City Staff recommends that the City Commission adopts the resolution authorizing the City Manager to enter into Land Use Permit No. 16-2962-1 with the Miami Conservancy District

BACKGROUND:

In 2009, the City of Piqua was one of a handful of communities in the State of Ohio to receive a Cooperative Boating Facilities Grant in the amount of $100,000 from the Ohio Department of Natural Resources. The grant will pay for all improvements required for the installation of the boat ramp, with no matching funds required from the City of Piqua. The purpose of the grant, on a statewide basis, is to provide for additional opportunities for individuals in the state to partake in recreational boating in different locations throughout the state. Each year, the state grants approximately $1,000,000 to local communities, park districts and other eligible applicants to develop new facilities to accommodate the boating public.

Through the application process, the City of Piqua proposed to the Ohio Department of Natural Resources the development of a new boat launch to be located at Goodrich Giles Park. The boat ramp will only accommodate smaller, non-motorized boats, such as canoes and kayaks.

ALTERNATIVES:

The City Commission may take the following actions:

1. Approve the resolution and authorize the City Manager to enter into Land Use Permit No. 16-2962-1 with the Miami Conservancy District.

2. Reject the resolution and provide further direction

DISCUSSION:

This particular resolution was necessitated by the fact that the City of Piqua does not have ownership of the necessary property required to install the boating ramp being funded through the Cooperative Boating Facilities Grant. After research was conducted, it was determined that the City's master lease with the Miami Conservancy District ends at the Power Plant, making it necessary to secure this section of land with an additional lease from the Miami Conservancy District. After coordinating with the Ohio Department of Natural Resources and the Miami Conservancy District, it was determined that the City of Piqua needed to enter into a twenty year land use permit agreement with the Miami Conservancy District. This particular resolution meets the needs of both the City of Piqua, Ohio Department of Natural Resources and the Miami Conservancy District in regards to this particular issue.

FINANCIAL IMPACT:

In terms of cost of the resolution, there is an administrative fee of $130.00 that is required to execute the agreement that is to be paid to the Miami Conservancy District. Additionally, as previously discussed, the resolution is necessary in order for the City of Piqua to successfully administer the $100,000 grant received from the Ohio Department of Natural Resources Cooperative Boating Facilities Grant.

COMMUNITY IMPACT:

The impact of this resolution is potentially far reaching. Through the adoption of the resolution and the completion of the Cooperative Boating Facilities Grant, the City of Piqua will have another recreational amenity to provide to not only the residents of the community, but also to other individuals in throughout the region who have an interest in the Great Miami River.

The development of this particular boating facility will be enhanced in concert by other boating facilities that are either completed or planned for other locales along the Great Miami River including the Miami County Park District's efforts at Twin Arch Reserve and the City of Troy's efforts at Treasure Island.

CONFORMITY TO CITY PLANS & POLICIES:

The City's recent comprehensive plan, Plan-It-Piqua has stated through Natural Environment Objective #2 to enhance the public's access to the Great Miami River. Through the adoption of this resolution and the community's participation in the Cooperative Boating Facility Grant, the city is well positioned to make progress on this strategic objective.