

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, JUNE 21, 2011
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

REGULAR CITY COMMISSION MEETING

A. CONSENT AGENDA

a. APPROVAL OF MINUTES

Approval of the minutes from the June 7, 2011 Regular Piqua City Commission Meeting and the minutes from the Piqua City Commission Worksession of June 10, 2011

B. OLD BUSINESS

a. ORD. NO 3-11 (3rd Reading)

An Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Piqua

b. ORD. NO. 4-11 (3rd Reading)

An Ordinance amending Section 154.019 Floodplain District of the Code of Ordinances and enacting and adopting Chapter 155: Floodplain Regulations of the Code of Ordinance for the City of Piqua

C. NEW BUSINESS

a. ORD. NO. 5-11 (1st Reading)

An Ordinance amending Sections 52.01, 52.21, 53.06 and 51.81 of the Piqua Code relating to Municipal Utilities General Service Regulations

b. RES. NO. R-74-11 (Public Hearing)

A Resolution accepting for statutory purposes a budget for the calendar year 2012

c. RES. NO. R-75-11

A Resolution approving the Community Development Block Grant Formula Allocation Program Application for Fiscal-Year 2011

d. RES. NO. R-76-11

A Resolution in Support of an Application to the Clean Ohio Council

e. RES. NO. R-77-11

A Resolution declaring Future Development at the site of the Piqua Municipal Power Plant will incorporate sustainable design principles

f. RES. NO. R-78-11

A Resolution acknowledging and adopting the status of the Piqua Municipal Power Plant as one of the highest priority redevelopment areas as defined in the redevelopment opportunities Redevelopment Analysis Report

g. RES. NO R-79-11

A Resolution providing funds to the Piqua Improvement Corporation as required by the Clean Ohio Council for participation in the Clean Ohio Revitalization Fund Program and certifying that funds are available for such purpose

D. OTHER

E. ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday June 7, 2011
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 Vogt, Martin, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of Minutes

Approval of the minutes from the May 11, 2011 Piqua City Commission Special Meeting, and the minutes from the Regular Piqua City Commission Meeting of May 17, 2011.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the Piqua City Commission Special Meeting of May 11, 2011, and the Regular Piqua City Commission Meeting of May 17, 2011 be approved. Voice vote, Aye: Wilson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

NEW BUSINESS

ORD. NO. 3-11 (2nd Reading)

An Ordinance enacting and adopting a supplement to the Code of Ordinances for the city of Piqua

City Manager Enderle stated Ordinance No. 3-11 would adopt the 2010 supplement to the Code of Ordinances.

Public Comment

No one came forward to speak for or against Ordinance No. 3-11.

Ordinance No. 3-11 was given a second reading.

ORD. NO. 4-11 (2nd Reading)

An Ordinance amending Chapter 154.019 Floodplain District of the Code of Ordinances and enacting and adopting Chapter 155: Floodplain Regulations of the Code of Ordinance for the City of Piqua

City Manager Enderle stated this is the second reading for Ordinance No. 4-11 and would amend Chapter 154.019 Floodplain District and adopt Chapter 155: Floodplain Regulations and will replace the previous 70's-80's maps.

Public Comment

No one came forward to speak for or against Ordinance No. 4-11.

After a brief discussion on the Floodplain concerning insurance rates and notifications Ordinance No. 4-11 was given a second reading.

RES. NO. R-69-11

A Resolution fixing the time and place for a Public Hearing on the proposed City Tax Budget for Miami County for the calendar year 2012 and draft Appropriation Ordinance

City Manager Enderle stated Resolution No. R-60-11 is a Resolution setting the time and place for a Public Hearing on the Proposed City Tax Budget for Miami County for the calendar year 2012 and Draft Appropriation Ordinance. We are required to file the approved Resolution and County Tax Budget with the Miami County Budget Commission on or before July 20, 2011 and need to pass Resolution No. R-69-11 allowing us to advertise and conduct the necessary public hearing, stated City Manager Enderle.

Public Comment

No one came forward to speak for or against Resolution No. R-69-11 at this time.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-69-11 be adopted. Voice vote, Aye: Fess, Wilson, Terry, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-69-11 adopted.

RES. NO. R-70-11

A Resolution authorizing the sale of City owned real estate

City Manager Enderle stated this resolution would approve the sale of a portion of city owned property located on the north side of W. Water Street between Wayne and Downing Streets. The public parking facility will continue to operate as it currently exists with only the portion of the western parking stalls shifting 15 feet to the east, with the elimination of 3-2 hour public parking spaces. By approving the sale of this portion of the city owned property the city will reduce maintenance obligations and realize a one-time financial benefit from land that is not needed to maintain the public parking lot. Approval of Resolution No. 70-11 will provide the adjacent property owner with the opportunity to expand the scope of the improvements planned for this location and result in a significant investment that will enhance the delivery of the essential services offered to the community by this business, stated city Manager Enderle.

Public Comment

No one came forward to speak for or against Resolution No. R-70-11

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-70-11 be adopted. Roll call, Aye: Wilson, Terry, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-70-11 adopted.

RES. NO. R-71-11

A Resolution to approve the form and authorize the execution of a Power Sales Contract with American Municipal Power, Inc. and taking other actions in connection therewith regarding participation in the AMP Fremont Energy Center

Ed Krieger Power Systems Director came forward and gave a brief overview on the reason the City of Piqua would be joining with and purchasing power through the AMP Fremont Energy Center.

There was a brief discussion on the market value pricing of the purchase of power and the effect on the customers. Mr. Krieger also explained why it was cheaper to purchase power versus the City of Piqua producing power.

Public Comment

No one came forward to speak for or against Resolution No. R-71-11

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-71-11 be adopted. Roll call, Aye: Martin, Fess, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-71-11 adopted.

RES. NO. R-72-11

A Resolution awarding a contract to L.J. DeWeese, Co. Inc. for the Water Street Streetscape Improvement Project

City Manager Enderle stated this project would consist of the removal and replacement of sidewalk, curbing, street signs, and light poles along with the installation of brick pavers, benches, trash receptacles and other streetscape amenities on Water Street between Main and Wayne Streets for a total cost not to exceed \$259,000. The project will also include installation of bio-retention areas to address the storm water quality and quantity issues. Once this project is completed ODOT will proceed with their repaving project, which includes this block of W. Water Street. The City of Piqua will mill the street before ODOT comes in to pave.

This project received \$94,400 for the FY 2010 Community Development Block Grant Formula Allocation Program, and the Engineers estimate for this project was \$240,000.

Public Comment

No one came forward to speak for or against Resolution No. R-72-11

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-72-11 be adopted. Roll call, Aye: Terry, Martin, Fess, Wilson, and Vogt. Nay: None. Motion carried on a unanimously. Mayor Fess declared Resolution No. R-72-11 adopted.

RES. NO. R-73-11

A Resolution authorizing a purchase order to Miami Valley Risk Management Association for purchase of insurance

City Manager Enderle stated this resolution would authorize the City to continue participation in the risk management pool in the calendar year 2011 for the property and liability insurance through the Miami Valley Risk Management Association. Resolution No. R-73-11 would authorize a purchase order for a not to exceed amount of \$276,214 to the Miami Valley Risk Management Association.

Public Comment

No one came forward to speak for or against Resolution No. R-73-11

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-73-11 be adopted. Roll call, Aye: Vogt, Terry, Martin, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-73-11 adopted.

OTHER

Monthly Reports – April 2011

Monthly Reports for April 2011 were accepted.

PUBLIC COMMENT

Brad Boehringer, Mound Street, came forward and stated he wanted to let citizens know there are several organizations putting together cleanup buckets with cleaning supplies to send to the

recent hurricane victims, and challenged the community to get together to help send these necessary items to them.

Debbie Ruemmele, Caldwell Street, came forward and gave a brief overview the new Caldwell Bed and Breakfast located at 621 Caldwell Street, and invited citizens to stop in for a tour. Ms. Ruemmele explained the Caldwell Bed & Breakfast can be used for various functions. Mayor Fess thanked Ms. Ruemmele and welcomed her to Piqua.

Commissioner Wilson stated the Taste of the Arts was a great event as usual, and at the last minute they decided to make and sell homemade cupcakes and made \$500.

Commissioner Wilson stated on June 16th at 7:00 P.M the YWCA is hosting a program entitled Running for Office. The program will offer information on both the Piqua City Commission and the Piqua School Board, and will cover the process of running for a seat on either the City Commission or the School Board. City Manager Enderle, Mayor Fess, Commissioner Wilson, and Rick Hanes will be in attendance to answer questions.

Commissioner Wilson thanked all the volunteers who helped with the Saint Mary's Festival the past weekend, and also thanked the seventy-six community sponsors for donating the raffle items this year.

Commissioner Terry stated recycling is up again this month and she is happy to see that residents are recycling more and encouraged them to keep up the good work, and also reminded residents to set their trash out the evening before pickup only.

Commissioner Terry stated the North Parks Neighborhood Association will meet on June 9th at 7:00 P.M. in Kiwanis Park and encouraged residents to attend. Commissioner Terry thanked the North Parks Neighborhood Association for mulching the trees along Nicklin Avenue, and asked if residents along Nicklin Avenue would help water the trees this summer.

Commissioner Terry thanked Wal Mart for their generous donation of a \$5000 Grant to help all of the Neighborhood Associations with projects this year.

Commissioner Terry reminded citizens the Piqua Arts Council is sponsoring Music in the Park on June 9th at the Hance Pavilion with the Air Force Band of Flight performing. The Arts Council will be sponsoring several more concerts in the park during June and July.

The Piqua Council of Churches will be sponsoring a "Day of Honor" Community Service on September 11th in the Hance Pavilion in honor the 10th Anniversary of the September 11th attacks and are encouraging citizens to attend, stated Commissioner Terry.

Commissioner Vogt congratulated Lorna Swisher and the Taste of the Arts Committee on a wonderful event this year, as it is the official kick off to the summer. Commissioner Vogt stated the band this year at the Taste of the Arts was really good and he enjoyed the whole evening.

Mayor Fess announced the Annual PROD Banquet would be held on Thursday, June 9th at the Learning Place.

Mayor Fess stated the Committee for the September 11th "A Day of Honor" Community Service is working very hard and they have some spectacular plans. They are looking for volunteers and if anyone is interested they can contact Mike Yannucci or Rev. Kazy Hinds.

Adjournment To Executive Session

To consider the purchase or sale of property for public purposes

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn into Executive Session for consideration of the purchase or sale of property for public purposes. Roll call, Aye: Fess, Martin, Vogt, Wilson, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Executive Session meeting at 9:12 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

Adjournment

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Regular Piqua Commission meeting at 9:12 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

MINUTES
PIQUA CITY COMMISSION WORK SESSION
June 10, 2011
10:30 A.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

Piqua City Commission met in a Work Session at 10:00 A.M. in the Municipal Government Complex Administrative Conference Room, 201 W. Water Street. Mayor Fess called the meeting to order at 10:00 A.M. Also present were Commissioners Wilson, Martin, Terry and Vogt. Absent: None. Also present Utility Directors and Managers Todd Brandenburg, Nick Berger, Dave Davis, Dave Burtner, Devon Alexander, Cynthia Holtzapple, Robin Hungerford, and City Manager Fred Enderle. Citizens in attendance included: Joe Drapp, Chuck Starrett.

Purpose of the Work Session is review the Utility Rules & Regulations

Finance Director Cynthia Holtzapple stated several of the Utility Managers were present and would interject information from time to time during the presentation as needed.

Ms. Holtzapple went over the background information stating these changes will not affect the majority of the general customers, and they would not be discussing any rate changes at this time. Ms. Holtzapple explained why it is necessary to make the changes at this time. The addition of Stormwater as a utility to be governed by these rules, the review and update of information for current and future practices taking into account the need for a new billing system and industry practices, and finally considering how to provide more efficient and cost saving customer service to all of the citizens.

Utility Supervisor Robin Hungerford provided an explanation on each of the sections that are to be changed.

Section 6: Bills and Service

Remove words “certain” and “all” which relates to the outdated electric rate for commercial and industrial customers. “Regardless of delivery method” update of wording related to handling of utility payments received by mail to reflect current industry standards and fairness to all customers.

Section 19: Metering Inaccuracies

Clarify the wording to distinguish between “in-house” and “3rd party” meter testing. Set meter testing rates for both Electric and Water that reflects industry standards. Meters will be replaced if they are found to be incorrect after testing.

Section 11: Discontinuation of Service

Add “electric meter seals” for clarity of Electric and Water equipment that has been damaged by the customer.

Section 14: Meter Locations

Add “any improvements or repairs to customer electric equipment will require the customer to move the meter socket outside to an acceptable location.” Add working to require customers to update their Electric service if repairs or improvements are done. Currently the Water ordinance already contains this requirement.

Several questions were raised concerning the movement of the water and electric meters by the customers as a choice or required when having repairs made, and were explained.

Addendum I – Utility Deposits

Electric and Water Accounts:

- Set minimum deposits and letter of credit requirements for commercial & industrial accounts.
- Electric Industrial and Commercial require a \$250 min. deposit.
- Water Industrial and Commercial require a \$50 min. deposit.
- Change regulations to retain a utility deposit until account is closed, the deposit would then be applied to the final billing.
- Change requirements for utility guarantor accounts.
- Simplify the definition of “Acceptable Payment History” to be “12 consecutive full payments of all utilities and/or related charges made on or before each months due date.”

Several questions were raised and answered concerning the deposit fees, why the deposit will not be returned, how the deposit is handled when a customer moves from one residence to another within the City of Piqua, and when they move outside the City.

Addendum II – Utility Fees

- Clarify wording to reflect current Electric reconnect/disconnect procedure.
- For non-routine service calls “outside of the normal duty hours” for Electric, Water and Wastewater the City will bill the customer the full cost.
- Set requirement and fees for “meter testing” for Electric.
- Set fees for “missing or damaged metering equipment” for Electric and Water.
- For Water only setting Annual Backflow Recertification fee will be \$20 per device.

Questions were raised and answered on how it is determined that the service call is “outside the normal duty hours” and when it is an emergency call for a water shut off or power outage, when the resident is charged the fee, and when the City is responsible for the problem.

Addendum III

- Elimination of “New or Upgraded Electric Service” as part of the General Service Regulations.
- Policy will be placed within the Power System Department.

Time Frame

Ms. Holtzapple stated they hope to have this information ready for Commission approval at the June 21st City Commission Meeting if possible.

Several questions were raised and answered concerning the reason for keeping the deposit, there were concerns over due dates, and who is responsible for Stormwater bills, and demand charges. It was stated with the new computer system going in place these changes are needed to make the bills easier for customers to understand charges.

Ms. Holtzapple stated just to recap the change that was discussed and agreed on by the Commissioners in addition to the changes previously discussed is:

- In Addendum II – to include the wording for non-routine service calls “outside the normal duty hours” for Electric, Water and Wastewater **if not the responsibility of the City**, the City will bill the customer the full cost.

Ms. Holtzapple stated she would make the noted change and get back to the Commission in the near future.

Mayor Fess reminded Commissioners that the City can’t pay their bills late and we need citizens to pay their bills on time, and there are specific guidelines that need to be followed. Mayor Fess further stated she appreciates the Utilities Department working with the elderly residents, and is anxious to get the new computer billing system in place.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Work Session at 11:30 A.M. Voice vote, Aye: Martin, Wilson, and Fess. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 3-11

**AN ORDINANCE ENACTING AND ADOPTING A
SUPPLEMENT TO THE CODE OF ORDINANCES
FOR THE CITY OF PIQUA**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2010 supplement to the Code of Ordinances of the City of Piqua, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this City of Piqua; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the Ohio Code; and

WHEREAS, it is the intent of the Piqua City Commission to accept these updated sections in accordance with the changes of the law of the State of Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the City of Piqua and for the immediate preservation of the public peace, health, safety and general welfare of the City of Piqua that this ordinance take effect at an early date.

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: That the 2010 supplement to the Code of Ordinances of the City of Piqua as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, is hereby adopted by reference as is set out in its entirety.

SEC. 2: Such supplement shall be deemed published as of the day of its adoption and approval by the Piqua City Commission and the Clerk of Commission is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk of Commission.

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

1st Reading 5-17-2011
2nd Reading 6-7-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 04-11

**AN ORDINANCE AMENDING § 154.019 FLOODPLAIN DISTRICT
OF THE CODE OF ORDINANCES AND ENACTING AND ADOPTING
CHAPTER 155: FLOODPLAIN REGULATIONS OF THE CODE OF ORDINANCES FOR THE
CITY OF PIQUA**

WHEREAS, the City of Piqua, Ohio participates in the National Flood Insurance Program (NFIP) to ensure property owners and residents within the community have access to flood insurance; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has completed a map modernization project resulting in the updating of the Flood Insurance Rate Map (FIRM) applicable to the City of Piqua and Miami County, Ohio; and

WHEREAS, Ohio communities participating in the NFIP are required to adopt and maintain floodplain regulations in accordance with the minimum standards set forth by the Ohio Department of Natural Resources (ODNR); and

WHEREAS, the ODNR has provided the City of Piqua with an updated set of model floodplain regulations to be adopted by the August 2, 2011 effective date of the updated FIRM; and

WHEREAS, the City of Piqua Planning Commission advertised the date, time and location of a public hearing to consider a request to amend the existing § 154.019 FLOODPLAIN DISTRICT, as shown in Exhibit A included herewith, and to consider the adoption of CHAPTER 155: FLOODPLAIN REGULATIONS, as shown in Exhibit B included herewith, and

WHEREAS, the City of Piqua Planning Commission conducted a public hearing and recommended the adoption of Exhibit A and Exhibit B included herewith; and

WHEREAS, the Piqua City Commission has studied this item and deemed the proposed amendment and adoption necessary and appropriate to preserve and promote the public health, safety and general welfare of the City of Piqua.

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: That the proposed amendment to § 154.019 FLOODPLAIN DISTRICT of the Code of Ordinances, as shown in Exhibit A included herewith, is hereby adopted, and all remaining sections of Chapter 154 not amended through this ordinance shall remain in effect as is.

SEC 2: That Chapter 155: FLOODPLAIN REGULATIONS of the Piqua Code of Ordinances, as shown in Exhibit B included herewith, is hereby enacted and adopted.

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

1st Reading 5-17-2011

2nd Reading 6-7-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of May 17, 2011

TO: Fred Enderle, City Manager
FROM: Chris Schmiesing, City Planner

SUBJECT: Adoption of Floodplain Regulations per requirements of National Flood Insurance Program update of Flood Insurance Rate Map (FIRM)

PURPOSE:

Approve an ordinance to amend Zoning chapter section 154.019 Floodplain District and adopt chapter 155 Floodplain Regulations.

RECOMMENDATION:

Approve the Ordinance to amend the existing Floodplain District code language in the Zoning Code to reference the proposed floodplain regulations, and adopt the proposed Floodplain Regulations as Chapter 155 of the Land Use section of the City of Piqua Code of Ordinances.

BACKGROUND:

FEMA has undertaken a flood map modernization project to create new FIRM (Flood Insurance Rate Maps) using digital mapping technology and modern analysis techniques to more accurately define the limits of *Special Flood Hazard Areas* (100-year floodplain) and identify *Other Flood Prone Areas*. The mapping produced as a result of this effort will replace 1970's and 80's mapping that lacks the detail necessary to relate the designated flood areas to parcel lines or physical features located on the ground.

Over the past 16 months FEMA consultants, in cooperation with ODNR officials, have completed map updates affecting the state of Ohio, and in particular Miami County. Following the Miami County preliminary map update release in March of 2010 FEMA conducted a workshop at the Miami County Safety Building to explain the project purpose and process to local officials and the general public. Following the workshop a 90-day appeal period was advertised and the public was invited to submit formal appeals or general comments concerning the preliminary mapping designating flood plain areas throughout the county. With reference to the mapping of the Piqua area, there were very minor changes to the existing floodplain boundaries. There were no appeals or comments submitted concerning the Piqua area, less the comments offered by this office concerning incorrect city limit boundaries and other minor labeling errors shown on the preliminary mapping.

ALTERNATIVES:

- 1) Approve Ordinance to authorize amending the affected code section and adoption of the new Floodplain Regulations chapter.
- 2) Defeat the Ordinance to reject the proposed code amendment and adoption of Floodplain Regulations, and discontinue Piqua's participation in the National Flood Insurance Program.

DISCUSSION:

On February 2, 2011 FEMA provided the city of Piqua with notification of the *final flood elevations* as determined by the FIRM update project. With this notice, known as the Letter of Final Determination (LFD), comes an obligation on the part of local communities participating in the National Flood Insurance Program (NFIP) – Piqua has participated in the NFIP since its inception in the early 70's – to adopt the most current model floodplain management regulations developed by the State in which the community is located. In Ohio, the ODNR is the agency responsible for the development of the model floodplain management regulations. To ensure the local

communities participating in the program properly adopt the model regulations ODNR held a workshop to explain the adoption process requirements. As outlined by ODNR, the process requires that communities adopt the regulations within 6 months from the date of the LFD to avoid being suspended from the NFIP. Suspension from the program – even if only for brief period – will have an adverse impact on the premium rates paid, and the availability of flood insurance secured, by local property owners participating in the program. Because ODNR and FEMA are also required to review and approve regulations adopted by each community prior to the 6 month deadline date, the actual deadline for returning the executed ordinance and supporting paperwork to ODNR is really only 5 months, which is the end of June 2011.

In accordance with proper procedures for introducing and adopting an amendment to the land use codes, the floodplain regulations were first provided to the Planning Commission at their April 12, 2011 meeting. Recognizing the significance of the proposed code amendments the Planning Commission concurred with staff's recommendation to delay action on the item until the following meeting to allow for a public comment period and provide the Planning Commission members ample time to study the proposed regulations. A press release announcing the proposed code amendments and inviting public review and comment was sent to the local media, and the press release and a link to the proposed code revisions were also made available on the City of Piqua website. At the May 10, 2011 Planning Commission meeting, the Planning Commission held a public hearing to discuss the proposed floodplain regulations and receive public comment. Hearing no comments at the public hearing, and having received no public comments prior to the meeting, the Planning Commission chose to move forward with acting on this item. In doing so the Planning Commission acknowledged the following:

- To remain in compliance with the NFIP requirements, the model floodplain regulations provided by ODNR need to be adopted as is, and that any modification or change to the model language provided by ODNR may cause ODNR and FEMA to reject the adopted standards and jeopardize the community's standing in the NFIP; and,
- Because Piqua's zoning floodplain standards previously restricted new building construction and improvements to existing structures within the floodplain, the new model floodplain regulations present virtually no change in how the standards will impact the affected land owners within our community.

As a result of their findings the Planning Commission unanimously recommended approval of the proposed code amendments and the adoption of the floodplain regulations as presented.

FINANCIAL IMPACT:

By adopting, maintaining, and enforcing responsible floodplain regulations, the community is promoting and protecting the public's health, safety, and welfare, and lessening the likelihood of there being personal property damage or public health issues during high water events that may necessitate a response from public works or safety service operations funded by the City.

COMMUNITY IMPACT:

Approval of the floodplain regulations will preserve floodways and designated floodplain areas and ensure the continuation of flood protection best practices within the community.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed code amendments are consistent and compatible with all adopted City plans and policies, including the Goal, Principles, and Objectives and Strategies outlined in the Land Use and Natural Environment chapters of the Plan It Piqua Comprehensive Plan document.

Ordinance 4-11

Exhibit A

§ 154.019 F FLOODPLAIN DISTRICT.

(A) *Intent.* ~~This To define an overlay district that~~ is comprised of those lands within the city that are subject to ~~inundation by the a 1% annual chance flood or greater chance of flooding in any given year,~~ as designated by the Federal ~~Emergency Management Agency, Flood Insurance Rate Maps for Miami County, Ohio, Administration, U.S. Department of Housing and Urban Development,~~ under the National Flood Insurance Program (NFIP). The official Flood Insurance Rate Map (FIRM) ~~effective August 2, 2011 dated November 9, 1979,~~ and any revisions thereto are adopted by reference and declared to be a part of this chapter.

(B) *Boundaries.* The boundaries of this district shall consist of those areas of special flood hazard ~~areas (SHFAs), designated as zone A on the FIRM map, dated November 9, 1979, other applicable Miami County FIRM maps and special flood hazard areas as indicated on U.S. Department of Agriculture, Soil Conservation Service (SCS) studies,~~ and shall be indicated on the Official Zoning Map of the city. ~~The requirements of the overlay district shall be applicable to all lots or portions of lots within the overlay district boundaries regardless of any underlying zoning designation that may also apply to the lot or portions of lots affected.~~

(C) *Use and Development Standards.* ~~All use or development of lands located within the overlay district shall be subject to all provisions included in Chapter 155 – Floodplain Regulations.~~

~~*Permitted principal uses.* The following uses are permitted in the F Floodplain District.~~

~~— (1) — Agriculture and gardening.~~

~~— (2) — Swimming pools.~~

~~— (3) — Public or private recreation facilities including parks, playgrounds, golf courses, boat docks and driving ranges.~~

~~— (D) — *Prohibited uses.* Structures for human habitation.~~

~~— (E) — *Parking requirements.* Parking within the F Floodplain District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.~~

~~— (F) — *Sign regulations.* Signs within the F Floodplain District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.~~

~~— (G) — *Height and area regulations.* The maximum and minimum lot requirements within the F Floodplain District shall be as set forth below.~~

~~— (1) — *General requirements.*~~

Minimum lot area	None
Minimum lot frontage	60 feet
Minimum front yard setback	30 feet
Minimum side yard setback	30 feet

Ordinance 4-11

Exhibit A

Minimum rear yard setback	30 feet
Maximum height	35 feet

~~—— (2) — *Improvement.* Structures existing prior to the effective date of this chapter may not be improved or repaired to 50% or more of the structure's existing market value, unless the structure is brought to compliance with NFIP standards, such as elevation or floodproofing.~~

(Ord. 16-99, passed 7-6-99) [Penalty, see § 154.999](#)

Ordinance 4-11

Exhibit B

CHAPTER 155: FLOODPLAIN REGULATIONS

SECTION 1.0: GENERAL PROVISIONS

1.1 Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Piqua, State of Ohio, does ordain as follows:

1.2 Findings of Fact

The City of Piqua has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

1.3 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and

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- L. Meet community participation requirements of the National Flood Insurance Program.

1.4 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

1.5 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Piqua as identified in Section 1.6, including any additional areas of special flood hazard annexed by City of Piqua.

1.6 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and / or maps are adopted:

- A. *Flood Insurance Study Miami County, Ohio and Incorporated Areas and Flood Insurance Rate Map Miami County, Ohio and Incorporated Areas* both effective August 2, 2011.
- B. Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Piqua as required by Section 4.3 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Municipal Government Complex at 201 West Water Street Piqua, Ohio.

1.7 Abrogation and Greater Restrictions

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These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

1.8 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.
Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

1.9 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Piqua, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1.10 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

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SECTION 2.0: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor

See "Lowest Floor."

Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

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Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM)

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS)

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The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation

The Flood Protection Elevation, or FPE, is the base flood elevation plus one [1] foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

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Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Manufactured home park

As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the

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purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction

Structures for which the "start of construction" commenced on or after the initial effective date of the City of Piqua Flood Insurance Rate Map, November 9, 1979, and includes any subsequent improvements to such structures.

Person

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect

A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

Registered Professional Engineer

A person registered as a professional engineer under Chapter 4733 of the Revised Code.

Registered Professional Surveyor

A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

Special Flood Hazard Area

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance

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Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure that is considered "new construction,"
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance

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A grant of relief from the standards of these regulations consistent with the variance conditions herein.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

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SECTION 3.0: ADMINISTRATION

3.1 Designation of the Floodplain Administrator

The City Planner is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

3.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

3.3 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

3.4 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special

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flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - 1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 - 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
 - 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 4.9(C).
 - 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
 - 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
 - 6. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 4.3.
- F. A floodplain development permit application fee set by the schedule of fees adopted by the City of Piqua.

3.5 Review and Approval of a Floodplain Development Permit Application

A. Review

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1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

3.6 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

3.7 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- B. For all development activities subject to the standards of Section 3.10(A), a Letter of Map Revision.

3.8 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted

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thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 5 of these regulations.

3.9 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

3.10 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Piqua flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.

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2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.10(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.10(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of the City of Piqua, and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Piqua have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Piqua Flood Insurance Rate Map accurately represent the City of Piqua boundaries, include within such notification a copy of a map of the City of Piqua suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Piqua has assumed or relinquished floodplain management regulatory authority.

3.11 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

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- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 - 1. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, *etc.*) shall prevail.

3.12 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist

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with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

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SECTION 4.0: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6 or 3.11(A):

4.1 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Piqua are allowed provided they meet the provisions of these regulations.

B. Prohibited Uses

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
2. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
3. Both residential and nonresidential structures are prohibited within the special flood hazard areas as established in Section 1.6 or 3.11(A).

4.2 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

4.3 Subdivisions and Large Developments

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

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- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

4.4 Residential Structures

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.
- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - 2. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a

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historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.

- H. In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

4.5 Nonresidential Structures

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (A) – (C) and (E) – (H).
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).
- C. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

4.6 Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4(E)(3);

4.7 Recreational Vehicles

Recreational vehicles must meet at least one of the following standards:

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- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must meet all standards of Section 4.4.

4.8 Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

4.9 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 3.10(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the Mayor of City of Piqua and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

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2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 4.9(A)(2), items (a) and (c)-(e).

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Piqua specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.10(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

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SECTION 5.0: APPEALS AND VARIANCES

5.1 Appeals Board Established

- A. The City of Piqua Board of Zoning Appeals is hereby appointed to serve as the Appeals Board as established by City Code.
- B. Records of the Appeals Board shall be kept and filed in Municipal Government Complex at 201 West Water Street Piqua, Ohio.

5.2 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

5.3 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 20 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

5.4 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

- 1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- 2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use;

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location of the floodplain; description of the variance sought; and reason for the variance request.

3. All applications for a variance shall be accompanied by a variance application fee set by the schedule of fees adopted by the City of Piqua .

B. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

C. Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(B)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.5 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

5.6 Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Miami County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

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SECTION 6.0: ENFORCEMENT

6.1 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

6.2 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

6.3 Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Piqua. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Piqua from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Piqua shall prosecute any violation of these regulations in accordance with the penalties stated herein.

ORDINANCE NO. 5-11

**AN ORDINANCE AMENDING SECTIONS 52.01, 52.21,
53.06 AND 51.81 OF THE PIQUA CODE RELATING TO
MUNICIPAL UTILITIES GENERAL SERVICE
REGULATIONS**

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 52.01 of the Piqua Code as previously enacted is hereby amended;

SEC. 2: Section 52.01 of the Piqua Code is hereby enacted to read as follows (with deletions lined out and additions underline):

Section 52.01 MUNICIPAL UTILITIES GENERAL SERVICE REGULATIONS

A) The general service regulations for all municipal utilities are contained in the document entitled "City of Piqua Municipal Utilities General Service Regulations" dated ~~3-13-06~~ 6 10 11, which is hereby adopted and incorporated by reference herein and appended to Ordinance No. ~~45-06~~ 5 11.

B) Any references to repealed provisions contained in Chapter 52 of the Piqua Code, which are found elsewhere in the Piqua Code, shall be deemed to refer to the corresponding provision of the General Service Regulations enacted by Ordinance No. ~~45-06~~ 5 11.

C) Copies of the City of Piqua Municipal Utilities General Service Regulations shall be kept on file in the City Managers Office.

SEC. 3: Section 52.21 of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined) and adopting new Sections D and E:

Section 52.21 ELECTRIC SERVICE FEES

(A) No reconnection of electric service for previously-delinquent accounts shall be made until the following fee is paid (in addition to full payment of any balance due on previous accounts):

Residential (reconnect/ disconnect -at meter).....	\$20.00
Commercial and Industrial (reconnect/ disconnect at meter).....	\$40.00
Reconnect/ disconnect at Pole.....	\$50.00

(B) Service Call – For all service calls outside the normal duty hours, a charge of \$60.00 may be made. For all service calls within normal duty hours, a charge of \$25.00 may be made. For non-routine service calls outside the

normal duty hours, the City will bill the customer the full cost if not the responsibility of the city.

(C) Meter Test Fee – a. If a meter registers less than within the accuracy limits, a \$50 fee will be charged. b. A customer is allowed to request an independent meter test. If a meter registers within the accuracy limits, the customer will be charged the full amount of the independent test.

(D) Missing or Broken Meter Seal – For a location where there is a missing or broken meter seal, the customer will be charged a \$100.00 tampering fee.

(E) Missing or Broken Electric Meter – For a location where there is a missing or broken electric meter, the customer will be charged the total cost of the replacement meter.

SEC. 4: Section 53.06 of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined) and adopting new Sections D, E & F:

SECTION 53.06 – WATER SERVICE AND METER INSPECTION FEES

(A) No reconnection of water service for new accounts, seasonal accounts, previously delinquent accounts or for accounts with new meters shall be made until the following fees are paid (in addition to full payment of any balance due on previous accounts):

1) Service Fees (including seasonal accounts):

Water – Residential \$20.00
Water – Commercial and Industrial..... \$40.00

2) Meter Inspection Fees:

Residential.....\$25.00
Commercial and Industrial\$50.00

(B) Service Call – For all service calls outside the normal duty hours, a charge of \$60.00 may be made. For all service calls within normal duty hours, a charge of \$25.00 may be made. For non-routine service calls outside the normal duty hours, the City will bill the customer the full cost if not the responsibility of the city.

(C) Meter Test Fee – If a meter registers less than within the accuracy limits, a \$50 fee will be charged.

(D) Missing or Broken Meter Seal – For a location where there is a missing or broken meter seal, the customer will be charged a \$100.00 tampering fee.

(E) Missing or Broken -Water Meter – For a location where there is a missing or broken water meter, the customer will be charged the total cost of the replacement meter.

(F) Annual Backflow Recertification fee will be \$20.00 per device.

SEC. 5: Section 51.81 of the Piqua Code is hereby amended to read as follows (with deletions lined out and additions underlined) and adopting new Section I:

SECTION 51.81 – WASTEWATER SERVICE FEES

(F) Service Call – For all service calls outside the normal duty hours, a charge of \$60.00 may be made. For all service calls within normal duty hours, a charge of \$25.00 may be made. For non-routine service calls outside the normal duty hours, the City will bill the customer the full cost if not the responsibility of the city.

(I) Meter Test Fee – If a meter registers ~~less than~~ within the accuracy limits, a \$50 fee will be charged.

SEC. 6: This Ordinance 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 June 21, 2011

TO: Fred Enderle, City Manager

FROM: Cynthia A. Holtzapple, Assistant City Manager & Finance Director

SUBJECT: Utility General Service Regulations

PURPOSE:

Approve the Ordinance No. 05-11 accepting the proposed changes to our Utility General Service Regulations.

RECOMMENDATION:

We are requesting approval of Ordinance No. 05-11 accepting the proposed changes to our Utility General Service Regulations.

BACKGROUND:

All City Utility Departments have reviewed the current Utility General Service Regulations for clarification, consistency and industry standards. This is typically done every five years and was last updated in 2006. During that review, it was determined that some changes needed to be made in order to improve our services to our citizens, to better match the costs paid with those receiving the benefits, and to align policy with the needs of the new information billing system.

ALTERNATIVES:

- 1) Approve Ordinance No. 05-11 accepting the proposed changes to our Utility General Service Regulations.
- 2) Approve Ordinance No. 05-11 with noted changes from Commissioners.
- 3) Do not approve the Ordinance and leave our Utility General Service Regulations unchanged.

DISCUSSION:

- 1) This alternative will allow for us to include Stormwater as a utility that is governed by these rules. Stormwater was added last year as a mandate from the EPA. If passed, we would be able to update rule information for current and future practices taking into account the needs of our new billing system and industry practices. Lastly, these changes will help us to provide the most cost effective customer service to all our residents.
- 2) This alternative will also allow for us to make these enhancements, but with changes in the proposal as seen fit by the Commissioners.

3) This alternative is not recommended based on our review of industry standards and the needs of our new information billing system.

FINANCIAL IMPACT:

1) It is important to note that these changes do not create an overall fee increase for all customers. Rather, it will allow us to bill users of certain services our incurred costs to provide those requested services. This method is fair and will help us to keep our utility costs down for the majority of our patrons.

2) Depending on what changes Commission may decide to make, this could be detrimental to our goal of keeping our costs down for all our residents.

3) The City might have to consider covering these types of costs through rates charged to all customers. We don't feel like this is the most advantageous way of recouping these costs.

COMMUNITY IMPACT:

This is not to change the overall utility rate structures; therefore, most customers will not be affected by these changes. The purpose is to align the fees with those customers that use those particular services. A public notice was printed in our newspaper advising citizens of their right to attend this meeting in order to discuss this issue with the Commission and we also posted the draft ordinance on our web site to view at any time.

CONFORMITY TO CITY PLANS & POLICIES:

We strive to keep our Utility General Service Regulations up to date with any needed revisions. The proposed ordinance addresses our concerns in this area and will help us to provide the best service possible to our citizens.

Draft

CITY OF PIQUA, OHIO
MUNICIPAL UTILITIES
Electric, Water, Wastewater, ~~and~~ Refuse and Stormwater
GENERAL SERVICE REGULATIONS

SCOPE:

The attached General Service Regulations are published to inform and guide users of the Municipal Utilities and are a part of the service agreement between the City of Piqua and the users and owners of the premises served.

SERVICE AREA:

Service is available within the corporate area of Piqua, Ohio, and outside the corporate area in those sections presently being served by the City. In other sections or unincorporated areas, the City reserves the absolute discretion to determine whether initiating that service is in the best interest of the City.

UTILITY BUSINESS OFFICE:

All City Services - Electric, Water, Wastewater, ~~and~~ Refuse Collection and Stormwater.
The office is located at 201 W. Water Street, Piqua, Ohio, 45356.
Telephone: (937) 778-2000; Fax: (937) 778-2079
Office hours are 8 a.m. to 5 p.m., Monday through Friday.

SECTION 1: DEFINITIONS

“City” means all city departments.

“Service agreement” - See Application for Service (Section 2, below).

“Utility” means the following services as provided by the City of Piqua: electric, water, wastewater, ~~and~~ refuse collection and stormwater.

The singular includes the plural and the plural includes the singular.

The masculine, feminine and neuter each include each of the other genders.

SECTION 2. APPLICATION FOR SERVICE and SERVICE AGREEMENT

All applications for utility service shall be accepted in writing or by telephone as determined by the City and shall be a binding service agreement irrespective of any changes of the customer’s location within the City’s service area. By such application, the customer agrees to comply with all the terms, rules and regulations of the City covering such service and further agrees to pay for the same, conformable with the rates of the City, applicable to the service desired. The City will not serve, and may refuse to continue to serve, any consumer who refuses to make a proper application to the City, or who refuses to accept service or to continue conformably with the schedule of the City, which schedule includes not only the rates of the City, but the rules and regulations governing its service.

SECTION 3. UTILITY DEPOSITS

The City shall have the right at any time to require of the consumer a reasonable deposit or a reasonably safe guaranty to secure payment of its bills for service. See Addendum I.

Current schedules of advances for the various services are on file in the Utilities Business Office and are available on request.

SECTION 4. SERVICE MAY BE DENIED PERSONS IN DEBT TO THE CITY

The City reserves the right to refuse service, and to refuse to continue to serve, persons who are in debt to the City.

SECTION 5. MEASUREMENTS OF CONSUMPTION

All water and electric supplied to the consumer shall be measured by meters or metering equipment suitable for the purpose, as determined by the City, and supplied, installed and maintained by the City. The one exception is as stated in Section 53.44 of the City Code, "Taps and Service Lines." No person shall make use of, or consume water or electric supplied by the City for any purpose whatsoever, except as hereinafter provided, unless such water or electric has been metered.

Meter readings shall be prima facie evidence of the amount of the utility service supplied to the consumer.

Sewer charges will be directly based on water or wastewater meter readings.

SECTION 6. BILLS FOR SERVICE

(A) Under normal conditions, meters and metering equipment will be read monthly, in units of 1,000 gallons (in the case of water and wastewater) and in units of kilowatt hours (in the case of electricity); and bills based on such readings will be rendered to the consumer. The meters of ~~certain~~ commercial and ~~all~~ industrial consumers will be read in units of maximum demand (kilowatts) and consumption (kilowatt hours).

All bills for service are payable at the Utilities Business Office and such other places as the City from time to time may designate. Bills will indicate the consumption and/or applicable billing determinants; the amount of the bill; and the last day on which the bill is payable "net". If the total amount billed, regardless of delivery method of payment, is not paid within the "net" payable date for said service a five-percent (5%) delayed payment charge will be added. ~~Any remittance by mail at the Utilities Business Office, bearing a United States Post Office stamp dated not later than the day indicated on the bill as the last date on which said bill is payable "net" (as defined above), will be accepted as within the net payment period.~~

(B) The City may require that meters or metering equipment be read and bills for service be

paid on a weekly, biweekly or other periodic basis when in its judgment, such a procedure is necessary or desirable. In those cases, and during those periods of time when the City exercises its right to read its meters and metering equipment and render its bills for service on other than a monthly basis, all bills for such service will be computed upon a monthly basis in accordance with the applicable rates for such service, due allowance and adjustments being made on meter readings obtained and adjusted to a monthly basis.

(C) Customers checks returned for insufficient funds or any other reason shall be held by the utility office pending full restitution by the person tendering said check. A returned check fee will be assessed in the amount of \$25.00 or as deemed appropriate by the Finance Director.

(D) Where the total amount due or refund is less than one dollar (\$1.00), such amount shall not be collected or refunded.

(E) The City may bill miscellaneous invoices concurrently with utility usage billings, and reserves the right to apply payments in the order of ageing of the amounts owed.

SECTION 7. NON-PAYMENT OF UTILITY BILLS AND MEDICAL EXCEPTIONS

(A) If any person supplied by the City with utility service neglects or refuses to pay the amount due on or prior to the date indicated on the City's bill as the latest date on which such bill is payable, the City may disconnect any or all said services to the premises supplied. Such disconnection shall be initiated by the issuance of a utilities shut off notice when a customer owes a current past due balance greater than the late charges.

"Utilities Shut Off Notice" shall mean a statement of the past due balance containing (but not limited to) the customer's name, billing address, service address, date on which disconnection will occur and the account number. Said notice shall be sent by ordinary mail to the billing address.

The City will charge, and collect in advance, a fee for reconnecting a consumer's service, after service has been disconnected for any reason. These charges will include seasonal disconnects and reconnects, such as for sprinkling meters, swimming pools, etc. Current schedules of fees for the various services are on file in the Utilities Business Office and are available upon request. See Addendum II.

(B) Any customer or occupant who contests any notice provided in subsection "A" above, must contact the Utilities Business Office within seven calendar days after the day of issuance of said notice. The customer or occupant must express specific reasons in writing for disputing the bill or the disconnection decision. Each appeal shall be reviewed and determined by the Utilities Business Manager or designated representative prior to disconnection. Guaranty of payment by a religious organization, social agency or law firm handling the affairs of the customer shall satisfy the payment requirements.

"Notification to Occupant" shall mean a notice delivered to the service address, that disconnection of utility services is pending and that certain options to avoid disconnection are available. Said notice shall also contain instructions to appeal the disconnection decision and for continuation of service.

(C) “Landlord/Tenant” - At the time disconnection notices are issued, the City also will attempt to notify the tenant if the landlord receives a disconnection notice. Any individual whose utility service is included in his rent may retain service by paying the bill if there is a threat of disconnection or if the service has been disconnected because the past due utility bill was not paid by the landlord. The customer will be expected to complete the normal application for service process, including payment of the appropriate deposits.

(D) Such disconnections shall occur throughout the year for all households, with the following exceptions:

(1) “Life/Medical Support Program” - a program consisting of those customers who are either Life Support Recipients or Medical Support Recipients who are eligible and qualify for the program. To qualify for the program, an annual life or medical support form must be provided to the city’s Utility Business Office by the customer’s physician. Program eligibility shall continue for one year and may be extended annually by submission of another life or medical support form by the customer’s physician. The way in which equipment is used shall determine the appropriate customer classification as listed in sections D (2) and (3).

(2) “Life Support Recipients” - those customers needing to operate life sustaining equipment continuously for twenty-four hours a day. Proof of eligibility is by the city’s receipt of a life support form annually from the customer’s physician. The life support form is available from the Utility Business Office. An eligible customers’ utility as required by the life support form will not be disconnected, even if the account is delinquent. If the account is in arrears, alternative payment arrangements may be negotiated to avoid legal action to obtain a judgment on such arrearages.

(3) “Medical Support Recipients” - those customers who have a medical condition requiring assistance of medical support equipment, but not continuous for a twenty-four hour basis. A medical support form must be provided annually by the customer’s physician. The rules for payment of these accounts are consistent with the regulations prescribed for all other utility billings with the exception of payment extensions listed below:

(a) Medical Support (Payment Extensions) - if a Medical Support Recipient account becomes subject to a non-payment disconnection, these customers may qualify for payment extensions. A current issued (within the past 30 days) medical support form may be provided by the customer’s physician to the Utility Business Office three times (each being for thirty days, not to be in consecutive months) during a rolling twelve-month period. The approved form will provide the customer an extension (a maximum of three thirty-day periods, per rolling twelve months) to pay the total amount of the delinquency. Should payment not be received at the end of the extension period, the utility service will be disconnected.

(4) For purposes of this section, “customer’s physician” shall also include a physician’s assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse mid-wife as defined by the Ohio Revised Code.

(E) Disconnections shall occur throughout the year for all households, except for Life Support Recipients and Medical Support Recipients who comply with the Life/Medical Support Program.

(F) Except to the extent that this section of the Piqua Code expressly restricts the City from exercising its power to disconnect utility services in certain circumstances, this section does not constitute a promise or assurance by the City that utility services to any person will be uninterrupted, nor does this section create any obligation of the City to prevent any interruption of any such service.

SECTION 8. PERSONS RESPONSIBLE FOR UTILITY CHARGES

No new Municipal utility services shall be provided to any residence unless all adults therein residing, accept joint and several responsibility for payment of said services. Each adult residing in a residence at the time of connection shall be deemed to have accepted such financial responsibility.

No new Municipal utility services shall be provided to any residence if any adult at that residence owes a delinquent utility bill to the City of Piqua. All delinquent utility bills must be paid in full before any initial service will be provided at the residence.

If after this service is provided by the City of Piqua to a residence, it is found that a prior occupant who owes a delinquent utility bill for that residence still resides at the residence, current services may be disconnected without liability to the City, until payment of prior bill is made in full.

No utility account holder is responsible for the delinquent utility bill of another adult who moves into their residence after initial service is started provided that the adult does not owe a utility bill for that residence.

Reconnection due to a non-payment will not occur without proper application completion of all occupants.

SECTION 9. ESTIMATED BILLS

In the event the City’s meter or metering equipment fails to properly register the electricity, water, wastewater or stormwater service supplied during any month or other period of time, the City will estimate the consumption, having due regard to the use which the consumer made of such services supplied to him during such a period, or to other applicable sources of information.

The consumer may present any information or data within his knowledge on the subject, but if no objection is made prior to the due date of such estimated bill, it shall become an account stated and be due and payable within the time provided and as stated on such bill.

SECTION 10. METERING INACCURACIES

Whenever a meter or metering equipment is found to be inaccurate, it shall be restored to accuracy or replaced by the City with an accurate meter or metering equipment without expense to the consumer.

The City may from time to time remove any meter for testing. Upon consumer request, the City will test its electric or water meters on an approved in-house test bench. If the meter is found to register ~~more than the accuracy limits of 102% for electric and 101.5% for water,~~ there will be no fee to the consumer. If a meter registers less than the accuracy limits, a fee will be charged, outside the accuracy limits of +- 2% for electric and +-1.5% for water, there will be no fee to the consumer. If a meter registers within the accuracy limits of +- 2% for electric and +- 1.5% for water, A fee will be charged, as detailed in Addendum II.

Rebates on bills rendered will be made only for errors in billing, or if the meter(s) is (are) found during testing to register in excess of the above stated limits. No adjustments in bills will be made for water lost on the consumer's property, regardless of the location of the meter.

SECTION 11. DISCONTINUANCE OF SERVICE

(a) Due to Consumer Vacating Premises - Any consumer desiring discontinuance of any service shall give the Utility Billing Office at least 72 hours' advance notice of such desire and will be liable for all services supplied to the premises until vacated (a maximum of 72 hours after such notice is received by the City).

(b) Due to Fraud or Damage - In the event the consumer resorts to any fraudulent practice in the use of services supplied or is the beneficiary of any fraudulent practices, or the City's meter, metering equipment or property has been damaged or stolen, or valve seals/electric meter seals have been broken or tampered with, the City will discontinue its services without notice.

Service will not be restored until the consumer has given satisfactory assurance that such fraudulent use, tampering, damage or negligence has been discontinued, and shall have paid to the City an amount estimated by the City to be reasonable compensation for any utility service fraudulently used and not paid for, and for any damage or loss to property of the City, plus the reconnection charges as listed elsewhere in the rules.

The person signing for services and all adults residing at the service address shall be held financially responsible for such acts. The City reserves the right to prosecute for theft. Payment of the reconnection charge and restoration of service does not relieve the consumer from applicable penalties of the Revised Code of Ohio and/or the City of Piqua Code.

(c) Due to Danger - The authorized agents of the City, at all reasonable times, shall have

free access to the premises in which utility services are used to determine whether they are being used in a safe manner and in accordance with these rules and regulations.

The City reserves the right to discontinue without advance notice service to any consumer where a dangerous condition is discovered to exist on the consumer's premises or where, because of conditions beyond the consumer's premises, such discontinuance of the service is reasonably necessary. Service will not be restored until such dangerous condition or conditions have been corrected.

(d) City Not Liable, Except For Neglect - When any utility service is turned on or shut off at the request of the owner or tenant, or for reasons as defined elsewhere in these Regulations, the City shall not be liable for any damage to structure, fixtures, contents or appurtenances except as occasioned by neglect of the City or its agents.

SECTION 12. RIGHT TO DISCONTINUE SERVICE

The City reserves the right to discontinue its services and disconnect its lines and/or remove its property for any of the following reasons:

- (A) For repairs,
- (B) For non-payment of bills when due (see Section 7, Page 3),
- (C) For any fraudulent representation or concealment in relation to consumption or use of utility services,
- (D) For violation of, or refusal to comply with any of the General Service Regulations applying at any time to the consumer's service,
- (E) In the event the consumer uses utility services in a manner detrimental to the service in general or in his/her immediate locality,
- (F) When made incompatible, unreasonable or unlawful by any ordinances of this municipality, laws of the State of Ohio or the Federal Government, or any of their agencies,
- (G) To prevent any unlawful discrimination in rates or service,
- (H) When the consumer vacates the premises,
- (I) For tampering with the City's meters, meter connections or meter seals, or failure to safeguard the City's property from damage or further damage,
- (J) For reasons of safety,
- (K) For any violation of the service agreement, or the reasons hereinabove set forth shall be in addition to the specific reasons contained elsewhere in the City's regulations.

SECTION 13. CONTINUITY OF SERVICE

(A) The City will endeavor to supply utility services continuously and without interruption under all reasonable normal conditions. The City shall not be responsible for damage or loss resulting from a failure to supply utility services, when such failure is due to any cause beyond the City's control, including Acts of God, accidents, fires, strikes, riots and war. A failure to supply utility services could include total interruption of supply and/or a variation in supply characteristics.

(B) The City shall not be held liable for any damage or loss resulting from an interruption or variation in utility services, when such failure is found to originate from the customer's premises. Upon identification of such a problem, the City will take appropriate actions (including potential disconnection of service) to minimize future impacts on other City customers.

(C) The City shall not be held liable for any damage or loss from an interruption or variation in utility services, when such failure is a result of orders or regulations issued by any governmental authority having jurisdiction over the City of Piqua.

(D) Temporary interruptions of service may result during emergency repair or scheduled improvements. Whenever possible, and as conditions permit, affected consumers will be notified in advance. The City will endeavor to minimize the impact of such service interruptions by completing repairs or improvements as rapidly as possible.

SECTION 14. METER LOCATION

Each consumer shall provide without charge to the City a location for the meters and metering equipment. The City shall have the right to determine where the meters or metering equipment shall be located on the premises of the consumer. The meters or metering equipment must be so located as to be easily accessible to the City's employees or agents, and must be located in a safe place and free from the possibility of danger. Meters will not be set nor allowed in a place where there is a likelihood that they will be damaged, hidden or covered by any obstruction. The City reserves the right to require a relocation of its meters and metering equipment from time to time to accommodate the purposes of this provision of its schedule, and the consumer shall provide for such relocation on request and at the expense of the consumer. Any improvements or repairs to customer electric equipment will require the customer to move the meter socket outside to an acceptable location.

SECTION 15. CONSUMER TO PROTECT CITY PROPERTY ON PREMISES

All equipment furnished by the City shall remain its property. Any equipment supplied by the City and damaged through negligence on the part of the consumer shall be repaired or replaced at the consumer's expense. This includes, but is not limited to water meters damaged by freezing or hot water.

Wiring and plumbing systems on the premises of the consumer to which the City's service

is to be connected shall be so installed that the City may carry out its service obligations and shall be kept in proper condition by the consumer. The consumer shall provide inspections as required by City code.

SECTION 16. ACCESS TO PREMISES

The duly authorized agents of the City shall have the right and privilege to enter the consumer's premises at all reasonable hours for the purpose of reading meters, inspecting the consumer's wiring and/or plumbing systems and for the purpose of installing, inspecting, keeping in repair and for removal of any or all of the City's equipment used in connection with the supply of utility services.

The City may, upon its own initiative, inspect consumer's wiring or plumbing in order to insure itself that safe methods of construction have been followed. Such inspections being for its own benefits and information, the City does not thereby assume any responsibility for the performance of such consumer installations. Nor do such inspections substitute for any requirements of the City code.

SECTION 17. CHANGES IN CITY FACILITIES

Whenever the City is requested to make changes in, or extensions to, its utility systems to permit work to be done by contractors or others or for the convenience of the consumer, that portion of the cost of the changes shall be paid by the party requiring same, which the City, in its sole discretion, shall determine.

SECTION 18. SUSPENDED UTILITY ACCOUNTS; COLLECTION

(A) The Finance Director shall review the unpaid final utility accounts in the active files of the utilities collection office once a month and cause the transfer of any and all such unpaid final accounts to a list of suspended accounts that may be turned over to a collection agency. The City may cease billing for those accounts.

(B) The Finance Director, upon approval of the City Manager, shall place with a properly designated collection agency or the law director for collection, any unpaid final utility account which the Finance Director determines appropriate for collection that has been placed on the list of suspended accounts and reported monthly to the City Commission.

(C) The Finance Director, upon approval of the City Manager, may delete and write off any unpaid final accounts of the utility collection office suspended accounts list, which may be subject to a statute of limitations, discharge in bankruptcy or similar bar to collection efforts.

(D) Customers' checks returned for insufficient funds or any other reason shall be held by the utility office pending full restitution by the person tendering said check. The customer will be assessed a \$25.00 Fee or as deemed appropriate by the Finance Director.

SECTION 19. APPLICATION TO ESTABLISH OR CHANGE PUBLIC SERVICE RATE

Any public utility furnishing service within the City desiring to establish any rate, joint rate, toll, classification, charge, rental or apparatus, or to modify, amend, change, increase or reduce any existing rate, joint rate, toll, classification, charge, rental or apparatus, or any

regulation or practice effecting the same, shall, at least five days prior to the filing of such application with the Public Utilities Commission of Ohio, file a copy of such application with the City Commission. Such application shall be verified by the president or vice-president and the secretary or treasurer of the applicant and shall contain a schedule of the existing rates, joint rate, toll, classification, charge or rental or regulation or practice effecting the same, if any, together with a schedule of the modification, amendment, change, increase or reduction sought to be established, and also a statement of the facts and grounds upon which such application is based.

SECTION 20. RIGHT, PRIVILEGE, GRANT OR FRANCHISE NOT GRANTED

The terms of Sections 19 through 21 are not to be construed as granting any right, privilege, grant or franchise to any public utility.

SECTION 21. OHIO PUBLIC UTILITIES COMMISSION

The Clerk of the City Commission is authorized and directed to file a certified copy of Sections 19 through 21 with the Public Utilities Commission.

SECTION 22. RULES AND REGULATIONS MAY BE AMENDED

The City reserves to itself the right to modify, alter or amend these regulations; or to promulgate such other and further regulations as experience and conditions may suggest, or as it deems necessary in the conduct of its business.

UTILITY DEPOSITS

Except as otherwise provided, all utility accounts require payment by the account applicant of a deposit (other than security light deposits) in the following amounts:

1. Electric Accounts –

A) Residential:

Electric.....\$150

B) Industrial & Commercial:

1. Electric ~~Commercial “A”~~.....~~\$250~~

~~2. Electric~~

~~Commercial “B” & Industrial “C”~~.....One (1) month’s
estimated billing in cash or irrevocable letter of credit
*\$250.00 minimum deposit for Commercial & Industrial

2. Water Accounts –

A) Residential.....\$40

B) Commercial & Industrial ~~Minimum~~ Deposit.....One (1)
month’s billing in cash or irrevocable letter of credit

*\$50.00 minimum deposit for Commercial & Industrial

No interest will be accrued to utility deposits during the period the monies are held by the City. Monies held as utility deposits will be held until the account is closed. ~~refunded to the customer account after one year of residential, commercial or industrial service if an acceptable payment history is maintained.~~ When a customer moves, and has a deposit on file, that deposit will be applied to the customer’s final bill for all utility services. If the

deposit amount is larger than the customer's final bill, the difference will be refunded directly to the customer. The City reserves the right to require an additional deposit from those customers who have been disconnected for nonpayment twice (2 times) in any consecutive 12-month period. Likewise, owners of real estate by deed disconnected for nonpayment twice (2 times) in any 12-month period may be required to supply a deposit. Notwithstanding anything to the contrary, no partial refunds of deposits shall be permitted.

In lieu of a deposit, ~~the~~ a residential customer must meet one of the following qualifications:

1. The customer must be an owner of real estate by deed at the address of the service.
2. The customer must provide an acceptable payment history from the prior electric utility.
3. The customer must provide a guarantor. The guarantor must meet all of the following requirements at the time of application and throughout the guaranty period of an acceptable payment history:

A) The guarantor must be an owner of residential real estate by deed in Miami County, Ohio, which is served by the Piqua Municipal Power System, and/or Water/Wastewater Systems:

B) The guarantor must be a utility customer of the City; and;

C) The guarantor must have an acceptable history within the City utilities during the immediately preceding 12 months.

An acceptable payment history is defined as ~~the~~ 12 consecutive full payments of all utilities and/or related charges of each utility bill prior to the issuance of the next month's utility bill for eleven (11) of the previous twelve (12) consecutive months and provided not more than one late charge has accumulated. made on or before each months due date.

UTILITY FEES:

ELECTRIC SERVICE –

SECTION 52.21 – ELECTRIC SERVICE FEES

(A) No reconnection of electric service for previously-delinquent accounts shall be made until the following fee is paid (in addition to full payment of any balance due on previous accounts):

Residential (reconnect/ disconnect -at meter).....	\$20.00
Commercial and Industrial (reconnect/ disconnect at meter)...	\$40.00
Reconnect/ disconnect at Pole.....	\$50.00

(B) Service Call – For all service calls outside the normal duty hours, a charge of \$60.00 may be made. For all service calls within normal duty hours, a charge of \$25.00 may be made. For non-routine service calls outside the normal duty hours, the City will bill the customer the full cost if not the responsibility of the city.

(C) Meter Test Fee – a. If a meter registers less than within the accuracy limits, a \$50 fee will be charged. b. A customer is allowed to request an independent meter test. If a meter registers within the accuracy limits, the customer will be charged the full amount of the independent test.

(D) Missing or Broken Meter Seal – For a location where there is a missing or broken meter seal, the customer will be charged a \$100.00 tampering fee.

(E) Missing or Broken Electric Meter – For a location where there is a missing or broken electric meter, the customer will be charged the total cost of the replacement meter.

WATER SERVICE –

SECTION 53.06 – WATER SERVICE AND METER INSPECTION FEES

(A) No reconnection of water service for new accounts, seasonal accounts, previously delinquent accounts or for accounts with new meters shall be made until the following fees are paid (in addition to full payment of any balance due on previous accounts):

1) Service Fees (including seasonal accounts):

Water – Residential	\$20.00
Water – Commercial and Industrial.....	\$40.00

2) Meter Inspection Fees:

Residential.....	\$25.00
Commercial and Industrial	\$50.00

(B) Service Call – For all service calls outside the normal duty hours, a charge of \$60.00 may be made. For all service calls within normal duty hours, a charge of \$25.00 may be made. For non-routine service calls outside the normal duty hours, the City will bill the customer the full cost if not the responsibility of the city.

(C) Meter Test Fee – If a meter registers ~~less than~~ within the accuracy limits, a \$50 fee will be charged.

(D) Missing or Broken Meter Seal – For a location where there is a missing or broken meter seal, the customer will be charged a \$100.00 tampering fee.

(E) Missing or Broken -Water Meter – For a location where there is a missing or broken water meter, the customer will be charged the total cost of the replacement meter.

(F) Annual Backflow Recertification fee will be \$20.00 per device

WASTEWATER SERVICE-
SECTION 51.81 – WASTEWATER SERVICE FEES

(F) Service Call – For all service calls outside the normal duty hours, a charge of \$60.00 may be made. For all service calls within normal duty hours, a charge of \$25.00 may be made. For non-routine service calls outside the normal duty hours, the City will bill the customer the full cost if not the responsibility of the city.

(I) Meter Test Fee – If a meter registers ~~less than~~ within the accuracy limits, a \$50 fee will be charged.

~~—Addendum III—~~ ~~—Piqua Municipal Power System~~ ~~—Service Policies—~~

~~This Service Policy identifies the responsibility of the City and Customer in providing materials and labor for electrical service to new or upgraded facilities. The customer has the responsibility to notify the Municipal Power System for review and approval of all plans for construction, concerning electrical service, prior to commencing construction. The option for overhead or underground service will be determined by the City. All customer electrical installations must be inspected and approved by the City's designated electrical inspector prior to the City energizing the service.~~

~~1. —Underground Industrial and Commercial Installations~~

~~The customer is required to provide a concrete pad for the transformer and a meter box and current transformer cabinet (if required) all in accordance with specifications provided by the City and all to be installed at a location agreeable to the customer and the City. The customer is required to provide, in accordance with specification provided by the City, a trench, provide and install conduit and backfill the trench from a point designated by the City to the transformer and/or from the transformer to the customer service entrance (if required). The conduit will be 4 inch PVC schedule 40 or 4 inch PVC schedule 80 under roads and driveways laced with pulling strings. The number of conduits required and the beginning and ending points will be specified by the City. The City will provide the cable and labor to install the primary cable. The customer is required to provide materials and labor for secondary cable installation from the transformer to the customer facilities. The City will make all connections to the transformer. The transformer is provided by and installed by the City, except for Primary Services where the customer provides and installs the transformer(s).~~

~~—Overhead Industrial and Commercial Installations~~

~~The City will provide overhead secondary service (material and labor) from the nearest pole to a mast provided by the customer. The mast shall be of sufficient mechanical strength to support the service drop. The mast location shall be approved by the City. In no case shall the mast be less than 2.5" diameter rigid steel pipe. The customer shall provide and install a meter socket and a current transformer cabinet (if required) in accordance with specifications provided by the City. The meter location shall be approved by the City. The City will make the connections at the customer's weatherhead.~~

~~3. —Underground Residential~~

~~When secondary service is already available the customer is required to provide a trench and backfill in accordance with City specifications from the designated secondary location to the meter point. The City will install the cable in the trench and connect the source end of the cable. The customer will connect the load end of the cable to the meter socket. The customer shall provide and install a meter socket in accordance with specifications provided by the City. The meter location shall be approved by the City.~~

~~When secondary service is not available and extension of underground primary is required to serve the location, the customer or the developer shall also provide the following to facilitate extension of the primary distribution system. The customer will provide location(s) specified by the City for placement of City provided transformer(s). The customer will also provide in accordance with specifications provided by the City, trench(es), provide and install conduit(s) and backfill the trench(es) from a point identified by the City where primary service currently is in place to the new transformer location(s). The conduit will be 4 inch PVC schedule 40 or 4 inch PVC schedule 80 under roads and driveways laced with pulling strings. The City will provide the cable and labor to install the primary cable. The number of conduits required will be specified by the City.~~

~~**Overhead Residential**~~

~~The City will provide overhead secondary service (material and labor) from the nearest pole to a mast provided by the customer. The mast shall be of sufficient mechanical strength to support the service drop. In no case shall the mast be less than 2.5" diameter rigid steel pipe. The mast location shall be approved by the City. The customer is required to provide and install the meter socket and make connections at the meter. The meter location shall be approved by the City. The City will make connections at the customer's weatherhead.~~

~~**5. Voltages Available**~~

~~The City will furnish only the following standard voltages and connections:~~

~~Residential, Commercial and Light Industry (100 kw maximum demand)~~

~~Single phase 120/240 volts or 120/208 volts (if available)~~

~~Commercial and Industrial (above 100 kw demand)~~

~~Three phase 4 wire grounded wye connected, 120/208 or 277/480 volts.~~

~~Primary voltage services are available for large customers at 13.2 and 69 kV.~~

**PUBLIC HEARING
RESOLUTION NO. R-74-11**

**A RESOLUTION ACCEPTING FOR STATUTORY
PURPOSES A BUDGET FOR THE CALENDAR YEAR
2012**

WHEREAS, Section 5705.28 of the Revised Code requires that this Commission adopt a tax budget for the next succeeding fiscal year; and

WHEREAS, said tax budget, identified as the "2012 County Tax Budget" and incorporated by reference herein, has been presented to this Commission;

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 2012 County Tax Budget for the City of Piqua, Ohio is hereby accepted as current for all statutory purposes;

SEC. 2: Pursuant to Charter Section 49, receipt of the 2012 draft appropriation ordinance is hereby acknowledged;

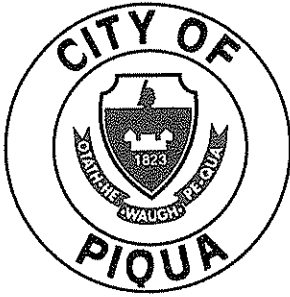
SEC. 3: The Clerk of this Commission is hereby authorized and directed to certify a true copy of this Resolution and of the 2012 County Tax Budget to the Miami County Budget Commission;

SEC. 4: 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



FINANCE DEPARTMENT

Cynthia A. Holtzapple – Director of Finance
201 West Water Street • Piqua, Ohio 45356
(937) 778-2065 • FAX (937) 778-1130
E-Mail: choitzapple@piquaoh.org

June 15, 2011

Mr. Fred Enderle
City Manager

RE: Year 2012 County Tax Budget and Draft Appropriation Ordinance

The 2012 County Tax Budget was prepared based upon information obtained from the individual city departments and City administration.

The total 2012 tax budget is projected to be \$91.5 million, an increase of \$15.6 million, or 20.6% more than the latest 2011 estimates based several major projects in the Special Revenue, Construction and Enterprise funds. The major reasons for the net \$15.6 million increase are as follows:

<u>GENERAL FUND</u>	<u>AMOUNTS OF CHANGE YEAR 2012 VERSUS 2011</u>
General – Operations	\$0.1 million increase
Safety – Operations	\$0.3 million increase
<u>General Fund Total</u>	<u>\$0.4 million increase</u>
 <u>SPECIAL REVENUE FUNDS</u>	
Brownfield EPA Grant	\$0.4 million increase
Job Ready Site	\$1.5 million increase
Clean Ohio – Hospital	(\$1.0) million decrease
<u>Special Revenue Funds Total</u>	<u>\$0.9 million increase</u>
 <u>INTERNAL SERVICES FUNDS</u>	
Health Care	\$0.5 million increase
<u>Internal Service Funds Total</u>	<u>\$0.5 million increase</u>

DEBT SERVICE FUNDS

Electric G.O. Bonds	(\$0.4) million decrease
<u>Debt Service Funds Total</u>	<u>(\$0.4) million decrease</u>

CONSTRUCTION FUNDS

Water Plant construction	\$15.0 million increase
<u>Construction Funds Total</u>	<u>\$15.0 million increase</u>

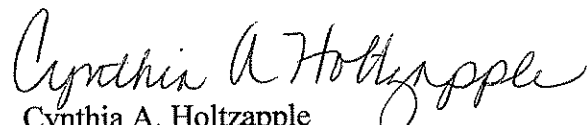
ENTERPRISE FUNDS

Power System – general operation, demo & capital	\$0.2 million increase
Water System – general operation, capital & debt service	(\$1.0) million decrease
Wastewater System – operations	\$0.1 million increase
Golf Course – capital	(\$0.1) million decrease
<u>Enterprise Funds Total</u>	<u>(\$0.8) million decrease</u>

GRAND TOTAL **\$15.6 million increase**

If you have any questions, please let me know.

Sincerely,


Cynthia A. Holtzapple
Director of Finance

CITY OF PIQUA, OHIO
2012 COUNTY TAX BUDGET

		ACTUAL 2009	ACTUAL 2010	ESTIMATED 2011	PROPOSED 2012
<u>OPERATING FUNDS</u>					
<u>TOTAL GENERAL FUND</u>	Total Sources Available	\$ 31,463,450	\$ 29,475,999	\$ 27,253,341	\$ 26,091,489
	Total Expenses	<u>24,614,234</u>	<u>23,524,521</u>	<u>21,963,833</u>	<u>22,462,736</u>
	Balance as of 12/31	\$ 6,849,216	\$ 5,951,478	\$ 5,289,508	\$ 3,628,753
<u>TOTAL ENTERPRISE FUNDS</u>	Total Sources Available	\$ 46,432,783	\$ 51,378,410	\$ 53,341,204	\$ 51,103,938
	Total Expenses	<u>30,811,599</u>	<u>34,061,485</u>	<u>38,161,038</u>	<u>37,363,834</u>
	Balance as of 12/31	\$ 15,621,184	\$ 17,316,925	\$ 15,180,166	\$ 13,740,104
<u>TOTAL OPERATING FUNDS (GENERAL PLUS ENTERPRISE)</u>	Total Sources Available	\$ 77,896,233	\$ 80,854,409	\$ 80,594,545	\$ 77,195,427
	Total Expenses	<u>55,425,833</u>	<u>57,586,006</u>	<u>60,124,871</u>	<u>59,826,569</u>
	Balance as of 12/31	\$ 22,470,400	\$ 23,268,403	\$ 20,469,675	\$ 17,368,857
+++++					
<u>TOTAL SPECIAL REVENUE FUNDS</u>	Total Sources Available	\$ 7,405,031	\$ 7,387,876	\$ 13,405,411	\$ 14,378,414
	Total Expenses	<u>4,184,333</u>	<u>3,515,951</u>	<u>9,262,570</u>	<u>10,170,201</u>
	Balance as of 12/31	\$ 3,220,698	\$ 3,871,925	\$ 4,142,841	\$ 4,208,213
<u>TOTAL INTERNAL SERVICE FUNDS</u>	Total Sources Available	\$ 7,251,269	\$ 7,476,839	\$ 8,095,219	\$ 8,255,101
	Total Expenses	<u>3,245,389</u>	<u>3,826,536</u>	<u>3,938,034</u>	<u>4,469,301</u>
	Balance as of 12/31	\$ 4,005,880	\$ 3,650,303	\$ 4,157,185	\$ 3,785,800
<u>TOTAL FIDUCIARY FUNDS</u>	Total Sources Available	\$ 158,103	\$ 158,605	\$ 208,616	\$ 223,632
	Total Expenses	<u>149,903</u>	<u>149,988</u>	<u>185,000</u>	<u>200,500</u>
	Balance as of 12/31	\$ 8,200	\$ 8,617	\$ 23,616	\$ 23,132
<u>TOTAL CONSTRUCTION FUNDS</u>	Total Sources Available	\$ 30	\$ 5	\$ 25	\$ 15,000,005
	Total Expenses	<u>28</u>	<u>5</u>	<u>25</u>	<u>15,000,005</u>
	Balance as of 12/31	\$ 2	\$ -	\$ -	\$ -
<u>SPECIAL ASSESSMENTS PROJECTS (700'S)</u>	Total Sources Available	\$ 16,954	\$ 115,279	\$ 130,109	\$ 45,000
	Total Expenses	<u>16,744</u>	<u>115,279</u>	<u>130,109</u>	<u>45,000</u>
	Balance as of 12/31	\$ 210	\$ -	\$ -	\$ -
<u>TOTAL DEBT SERVICE FUNDS</u>	Total Sources Available	\$ 2,993,155	\$ 3,127,494	\$ 2,605,179	\$ 2,213,192
	Total Expenses	<u>2,309,710</u>	<u>2,565,435</u>	<u>2,220,134</u>	<u>1,819,902</u>
	Balance as of 12/31	\$ 683,445	\$ 562,059	\$ 385,045	\$ 393,290

<u>GRAND TOTAL ALL FUNDS</u>	Total Sources Available	\$ 95,720,775	\$ 99,120,507	\$ 105,039,104	\$ 117,310,771
	Total Expenses	<u>65,331,940</u>	<u>67,759,200</u>	<u>75,860,743</u>	<u>91,531,479</u>
	Balance as of 12/31	<u>\$ 30,388,835</u>	<u>\$ 31,361,307</u>	<u>\$ 29,178,361</u>	<u>\$ 25,779,292</u>

CITY OF PIQUA, OHIO
2012 COUNTY TAX BUDGET

		ACTUAL 2009	ACTUAL 2010	ESTIMATED 2011	PROPOSED 2012
<u>GENERAL FUND</u>					
GENERAL (001)	Total Sources Available	\$ 11,449,947	\$ 11,394,725	\$ 10,585,418	\$ 9,423,007
	Total Expenses	6,983,757	6,557,915	6,411,019	6,635,405
	Balance as of 12/31	\$ 4,466,190	\$ 4,836,810	\$ 4,174,399	\$ 2,787,602
NEIGHBORHOOD IMPROV. TEAM (104)	Total Sources Available	\$ 42,834	\$ 9,566	\$ 23,993	\$ 23,993
	Total Expenses	42,527	9,561	23,988	23,988
	Balance as of 12/31	\$ 307	\$ 5	\$ 5	\$ 5
PARK DEPT. (105)	Total Sources Available	\$ 493,576	\$ 574,234	\$ 654,758	\$ 653,137
	Total Expenses	413,972	508,211	590,356	611,018
	Balance as of 12/31	\$ 79,604	\$ 66,023	\$ 64,402	\$ 42,119
SAFETY (106)	Total Sources Available	\$ 9,199,127	\$ 9,508,916	\$ 8,359,469	\$ 8,380,111
	Total Expenses	7,282,321	8,833,449	7,663,360	7,931,578
	Balance as of 12/31	\$ 1,916,806	\$ 675,467	\$ 696,109	\$ 448,533
TREE DONATION FUND (107)	Total Sources Available	\$ 14,165	\$ 17,904	\$ 14,565	\$ 6,005
	Total Expenses	2,267	9,339	14,560	6,000
	Balance as of 12/31	\$ 11,898	\$ 8,565	\$ 5	\$ 5
DUI EDUCATIONAL FUND (109)	Total Sources Available	\$ 8,767	\$ 10,073	\$ 11,063	\$ 3,053
	Total Expenses	-	-	9,000	3,000
	Balance as of 12/31	\$ 8,767	\$ 10,073	\$ 2,063	\$ 53
MAUSOLEUM FUND (110)	Total Sources Available	\$ 12,478	\$ 21,031	\$ 3,920	\$ 4,038
	Total Expenses	12,478	21,031	3,920	4,038
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
PRO-PIQUA (128)	Total Sources Available	\$ 44,850	\$ 43,069	\$ 45,488	\$ 45,488
	Total Expenses	43,281	42,581	45,000	45,000
	Balance as of 12/31	\$ 1,569	\$ 488	\$ 488	\$ 488
POLICE AUXILIARY (120)	Total Sources Available	\$ 6,887	\$ 6,246	\$ 5,892	\$ 3,267
	Total Expenses	647	354	2,625	2,704
	Balance as of 12/31	\$ 6,240	\$ 5,892	\$ 3,267	\$ 563
HOTEL CONSTRUCTION (301)	Total Sources Available	\$ 434,895	\$ -	\$ -	\$ -
	Total Expenses	434,895	-	-	-
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
GREAT MIAMI REC. TRAIL (303)	Total Sources Available	\$ 188,833	\$ -	\$ -	\$ -
	Total Expenses	188,833	-	-	-
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
INCOME TAX (407)	Total Sources Available	\$ 9,209,256	\$ 7,531,132	\$ 7,200,005	\$ 7,200,005
	Total Expenses	9,209,256	7,531,132	7,200,005	7,200,005
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
SAFETY EQUIP. RESERVE (809)	Total Sources Available	\$ 357,835	\$ 359,103	\$ 348,770	\$ 349,385
	Total Expenses	-	10,948	-	-
	Balance as of 12/31	\$ 357,835	\$ 348,155	\$ 348,770	\$ 349,385
TOTAL GENERAL FUND	Total Sources Available	\$ 31,463,450	\$ 29,475,999	\$ 27,253,341	\$ 26,091,489
	Total Expenses	24,614,234	23,524,521	21,963,833	22,462,736
	Balance as of 12/31	\$ 6,849,216	\$ 5,951,478	\$ 5,289,508	\$ 3,628,753
<u>SPECIAL REVENUE FUNDS</u>					
STREET DEPT. (101)	Total Sources Available	\$ 3,764,541	\$ 4,093,603	\$ 4,541,980	\$ 4,751,740
	Total Expenses	1,987,904	1,857,271	2,095,888	2,169,244
	Balance as of 12/31	\$ 1,776,637	\$ 2,236,332	\$ 2,446,092	\$ 2,582,496
STREET INCOME TAX (1/4%) (103)	Total Sources Available	\$ 2,510,700	\$ 2,914,872	\$ 4,437,493	\$ 4,507,672
	Total Expenses	1,213,753	1,398,490	2,850,932	2,936,460
	Balance as of 12/31	\$ 1,296,947	\$ 1,516,382	\$ 1,586,561	\$ 1,571,212
N. CO. RD. 25-A CONSTRUCTION (302)	Total Sources Available	\$ 727,882	\$ 17,824	\$ -	\$ -
	Total Expenses	727,882	17,824	-	-
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -

CITY OF PIQUA, OHIO
2012 COUNTY TAX BUDGET

		ACTUAL 2009	ACTUAL 2010	ESTIMATED 2011	PROPOSED 2012
RENEW PIQUA (114)	Total Sources Available	\$ 11,418	\$ 15,843	\$ 12,814	\$ 6,817
	Total Expenses	5,000	3,032	6,000	6,180
	Balance as of 12/31	\$ 6,418	\$ 12,811	\$ 6,814	\$ 637
MANDATORY DRUG FINE (111)	Total Sources Available	\$ 2,650	\$ 2,722	\$ 2,725	\$ 128
	Total Expenses	1	-	2,600	128
	Balance as of 12/31	\$ 2,649	\$ 2,722	\$ 125	\$ -
CHIP 2006 (117)	Total Sources Available	\$ 8,324	\$ -	\$ -	\$ -
	Total Expenses	8,324	-	-	-
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
NEIGHBORHOOD STABILIZATION PROGRAM (118)	Total Sources Available	\$ 19,068	\$ 57,162	\$ -	\$ -
	Total Expenses	15,731	57,162	-	-
	Balance as of 12/31	\$ 3,337	\$ -	\$ -	\$ -
CHIP PROGRAM INCOME (119)	Total Sources Available	\$ 21,869	\$ 31,803	\$ 15,327	\$ 14,693
	Total Expenses	(574)	25,906	10,064	10,000
	Balance as of 12/31	\$ 22,443	\$ 5,897	\$ 5,263	\$ 4,693
DEMOLITION DEFENSE FUND (126)	Total Sources Available	\$ 10,687	\$ 10,687	\$ 35,822	\$ 35,822
	Total Expenses	-	9,865	35,000	35,000
	Balance as of 12/31	\$ 10,687	\$ 822	\$ 822	\$ 822
CDBG BLOCK GRANT (122)	Total Sources Available	\$ 98,422	\$ 88,311	\$ 123,970	\$ 115,070
	Total Expenses	93,254	88,241	123,900	115,000
	Balance as of 12/31	\$ 5,168	\$ 70	\$ 70	\$ 70
BROWNFIELD EPA GRANT (131)	Total Sources Available	\$ -	\$ -	\$ -	\$ 400,000
	Total Expenses	-	-	-	400,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
REVOLVING LOAN (130)	Total Sources Available	\$ 33,671	\$ 40,323	\$ 44,380	\$ 30,197
	Total Expenses	335	2,010	20,250	20,959
	Balance as of 12/31	\$ 33,336	\$ 38,313	\$ 24,130	\$ 9,238
CHIP 2010 (112)	Total Sources Available	\$ -	\$ -	\$ 350,000	\$ 144,700
	Total Expenses	-	-	350,000	144,700
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
ECONOMIC DEVELOPMENT DEPARTMENT (135)	Total Sources Available	\$ 2,783	\$ 9,257	\$ 305,494	\$ 316,479
	Total Expenses	(6,474)	4,299	300,536	316,479
	Balance as of 12/31	\$ 9,257	\$ 4,958	\$ 4,958	\$ -
DOWNTOWN REVITALIZATION (137)	Total Sources Available	\$ -	\$ -	\$ 200,000	\$ 196,000
	Total Expenses	-	-	200,000	196,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
FEMA FUND (139)	Total Sources Available	\$ 93,046	\$ 5,725	\$ 20,000	\$ 20,000
	Total Expenses	93,046	5,725	20,000	20,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
ECONOMIC DEVELOPMENT REVOLVING LOAN (141)	Total Sources Available	\$ -	\$ -	\$ 200,000	\$ 200,000
	Total Expenses	-	-	200,000	200,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
AGRICULTURAL REVOLVING LOAN (142)	Total Sources Available	\$ -	\$ -	\$ 15,474	\$ 25,000
	Total Expenses	-	-	250	25,000
	Balance as of 12/31	\$ -	\$ -	\$ 15,224	\$ -
JOB READY SITE (143)	Total Sources Available	\$ -	\$ -	\$ -	\$ 1,515,000
	Total Expenses	-	-	-	1,515,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
CLEAN OHIO (HOSPITAL) (144)	Total Sources Available	\$ -	\$ -	\$ 3,000,000	\$ 2,000,000
	Total Expenses	-	-	3,000,000	2,000,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
ENTERPRISE ZONE APPLICATIONS (127)	Total Sources Available	\$ 600	\$ 300	\$ 450	\$ 450
	Total Expenses	450	300	450	450
	Balance as of 12/31	\$ 150	\$ -	\$ -	\$ -

CITY OF PIQUA, OHIO
2012 COUNTY TAX BUDGET

		ACTUAL 2009	ACTUAL 2010	ESTIMATED 2011	PROPOSED 2012
LAW ENFORCEMENT TRUST (609)	Total Sources Available	\$ 11,663	\$ 11,678	\$ 11,678	\$ 11,678
	Total Expenses	-	-	-	11,500
	Balance as of 12/31	\$ 11,663	\$ 11,678	\$ 11,678	\$ 178
CONSERVANCY (611)	Total Sources Available	\$ 87,707	\$ 87,766	\$ 87,804	\$ 86,968
	Total Expenses	45,701	45,826	46,700	48,101
	Balance as of 12/31	\$ 42,006	\$ 41,940	\$ 41,104	\$ 38,867
TOTAL SPECIAL REVENUE FUNDS	Total Sources Available	\$ 7,405,031	\$ 7,387,876	\$ 13,405,411	\$ 14,378,414
	Total Expenses	4,184,333	3,515,951	9,262,570	10,170,201
	Balance as of 12/31	\$ 3,220,698	\$ 3,871,925	\$ 4,142,841	\$ 4,208,213
<u>FIDUCIARY FUNDS</u>					
UNCLAIMED TRUST (606)	Total Sources Available	\$ 662	\$ 1,162	\$ 1,077	\$ 1,077
	Total Expenses	-	85	-	500
	Balance as of 12/31	\$ 662	\$ 1,077	\$ 1,077	\$ 577
EMPLOYEE FLEXIBLE SPENDING (615)	Total Sources Available	\$ 156,976	\$ 156,976	\$ 207,073	\$ 222,073
	Total Expenses	149,903	149,903	185,000	200,000
	Balance as of 12/31	\$ 7,073	\$ 7,073	\$ 22,073	\$ 22,073
PRIVATE-PURPOSE CENTENNIAL TRUST (612)	Total Sources Available	\$ 465	\$ 467	\$ 466	\$ 482
	Total Expenses	-	-	-	-
	Balance as of 12/31	\$ 465	\$ 465	\$ 466	\$ 482
TOTAL FIDUCIARY FUNDS	Total Sources Available	\$ 158,103	\$ 158,605	\$ 208,616	\$ 223,632
	Total Expenses	149,903	149,988	185,000	200,500
	Balance as of 12/31	\$ 8,200	\$ 8,617	\$ 23,616	\$ 23,132
<u>INTERNAL SERVICE FUNDS</u>					
INFORMATION TECHNOLOGY (408)	Total Sources Available	\$ 782,295	\$ 896,995	\$ 1,345,736	\$ 1,536,895
	Total Expenses	377,483	652,002	909,584	936,872
	Balance as of 12/31	\$ 404,812	\$ 244,993	\$ 436,152	\$ 600,023
LIABILITY INSURANCE RESERVE (125)	Total Sources Available	\$ 1,057,488	\$ 964,043	\$ 853,533	\$ 743,583
	Total Expenses	264,383	316,510	315,950	325,429
	Balance as of 12/31	\$ 793,105	\$ 647,533	\$ 537,583	\$ 418,154
WORKMAN'S COMP. RESERVE (124)	Total Sources Available	\$ 2,046,116	\$ 1,855,738	\$ 1,650,070	\$ 1,435,070
	Total Expenses	248,573	280,668	290,000	300,000
	Balance as of 12/31	\$ 1,797,543	\$ 1,575,070	\$ 1,360,070	\$ 1,135,070
HEALTH CARE PLAN (614)	Total Sources Available	\$ 3,365,370	\$ 3,760,063	\$ 4,245,880	\$ 4,539,553
	Total Expenses	2,354,950	2,577,356	2,422,500	2,907,000
	Balance as of 12/31	\$ 1,010,420	\$ 1,182,707	\$ 1,823,380	\$ 1,632,553
TOTAL INTERNAL SERVICE FUNDS	Total Sources Available	\$ 7,251,269	\$ 7,476,839	\$ 8,095,219	\$ 8,255,101
	Total Expenses	3,245,389	3,826,536	3,938,034	4,469,301
	Balance as of 12/31	\$ 4,005,880	\$ 3,650,303	\$ 4,157,185	\$ 3,785,800
<u>DEBT SERVICE FUNDS</u>					
SPECIAL ASSESSMENT (202)	Total Sources Available	\$ 345,961	\$ 350,590	\$ 364,975	\$ 318,260
	Total Expenses	46,732	37,867	98,967	45,000
	Balance as of 12/31	\$ 299,229	\$ 312,723	\$ 266,008	\$ 273,260
OWDA LOAN 1995 (210)	Total Sources Available	\$ 508,077	\$ 506,808	\$ 506,802	\$ 507,795
	Total Expenses	506,537	506,536	506,537	506,537
	Balance as of 12/31	\$ 1,540	\$ 272	\$ 265	\$ 1,258
JOHN DEERE CREDIT (260)	Total Sources Available	\$ 17,992	\$ -	\$ -	\$ -
	Total Expenses	17,992	-	-	-
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
TYMCO INTERNATIONAL (261)	Total Sources Available	\$ 11,766	\$ -	\$ -	\$ -
	Total Expenses	11,766	-	-	-
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
ELECT. G.O. BONDS (238)	Total Sources Available	\$ 475,075	\$ 473,586	\$ 408,430	\$ -
	Total Expenses	406,690	405,590	408,430	-
	Balance as of 12/31	\$ 68,385	\$ 67,996	\$ -	\$ -
SWIMMING POOL G.O. BONDS D.S. (221)	Total Sources Available	\$ 9,559	\$ 10,345	\$ 9,788	\$ 9,809
	Total Expenses	8,578	8,638	8,435	8,456
	Balance as of 12/31	\$ 981	\$ 1,707	\$ 1,353	\$ 1,353

CITY OF PIQUA, OHIO
2012 COUNTY TAX BUDGET

		ACTUAL 2009	ACTUAL 2010	ESTIMATED 2011	PROPOSED 2012
ADMIN. BLDG. CONST. G.O. BONDS (248)	Total Sources Available	\$ 592,586	\$ 545,745	\$ -	\$ -
	Total Expenses	544,218	545,745	-	-
	Balance as of 12/31	\$ 48,368	\$ -	\$ -	\$ -
FIRE & POLICE PENSION G.O. BONDS (249)	Total Sources Available	\$ 44,834	\$ 43,045	\$ 41,636	\$ 45,386
	Total Expenses	40,938	39,667	38,438	42,188
	Balance as of 12/31	\$ 3,896	\$ 3,358	\$ 3,198	\$ 3,198
GOLF COURSE 9 HOLE EXPANSION G.O. BONDS (243)	Total Sources Available	\$ 185,957	\$ 202,550	\$ 194,665	\$ 195,094
	Total Expenses	170,117	171,307	167,285	167,714
	Balance as of 12/31	\$ 15,840	\$ 31,243	\$ 27,380	\$ 27,380
WATER TOWER DEBT SERVICE 2005 (250)	Total Sources Available	\$ 133,233	\$ 132,893	\$ 132,892	\$ 132,892
	Total Expenses	132,822	132,822	132,822	132,822
	Balance as of 12/31	\$ 411	\$ 71	\$ 70	\$ 70
WATER TOWER DEBT SERVICE 2006 (251)	Total Sources Available	\$ 14,422	\$ 14,358	\$ 14,357	\$ 14,357
	Total Expenses	14,350	14,350	14,350	14,350
	Balance as of 12/31	\$ 72	\$ 8	\$ 7	\$ 7
HOTEL I DEBT SERVICE (252)	Total Sources Available	\$ 388,712	\$ 384,591	\$ 377,411	\$ 376,747
	Total Expenses	355,404	354,823	348,160	347,496
	Balance as of 12/31	\$ 33,308	\$ 29,768	\$ 29,251	\$ 29,251
INFO TECH GO BONDS DEBT SERVICE (253)	Total Sources Available	\$ 58	\$ 31	\$ 21,261	\$ 81,027
	Total Expenses	58	31	-	59,766
	Balance as of 12/31	\$ 31,360	\$ 21,261	\$ 21,261	\$ 21,261
OWDA 08 EQUALIZATION BASIN DEBT SERVICE (254)	Total Sources Available	\$ 211,415	\$ 414,205	\$ 311,557	\$ 311,557
	Total Expenses	-	303,392	275,305	275,305
	Balance as of 12/31	\$ 211,415	\$ 110,813	\$ 36,252	\$ 36,252
FIRE EQUIPMENT '08 G.O. BOND FUND (255)	Total Sources Available	\$ 53,508	\$ 48,747	\$ 47,650	\$ 46,513
	Total Expenses	53,508	44,647	47,650	46,513
	Balance as of 12/31	\$ -	\$ 4,100	\$ -	\$ -
SIB LOAN (216)	Total Sources Available	\$ -	\$ -	\$ 173,755	\$ 173,755
	Total Expenses	-	-	173,755	173,755
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
TOTAL DEBT SERVICE FUNDS	Total Sources Available	\$ 2,993,155	\$ 3,127,494	\$ 2,605,179	\$ 2,213,192
	Total Expenses	2,309,710	2,565,435	2,220,134	1,819,902
	Balance as of 12/31	\$ 683,445	\$ 562,059	\$ 385,045	\$ 393,290
<u>CONSTRUCTION PROJECTS</u>					
WATER PLANT CONSTRUCTION (307)	Total Sources Available	\$ -	\$ -	\$ -	\$ 15,000,000
	Total Expenses	-	-	-	15,000,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
SWIMMING POOL CONSTRUCTION (323)	Total Sources Available	\$ 30	\$ 5	\$ 25	\$ 5
	Total Expenses	28	5	25	5
	Balance as of 12/31	\$ 2	\$ -	\$ -	\$ -
TOTAL CONSTRUCTION FUNDS	Total Sources Available	\$ 30	\$ 5	\$ 25	\$ 15,000,005
	Total Expenses	28	5	25	15,000,005
	Balance as of 12/31	\$ 2	\$ -	\$ -	\$ -
<u>SPECIAL ASSESSMENT PROJECTS</u>					
SPECIAL ASSESS. PROJECTS (700'S)	Total Sources Available	\$ 16,954	\$ 115,279	\$ 130,109	\$ 45,000
	Total Expenses	16,744	115,279	130,109	45,000
	Balance as of 12/31	\$ 210	\$ -	\$ -	\$ -
TOTAL SPECIAL ASSESSMENTS	Total Sources Available	\$ 16,954	\$ 115,279	\$ 130,109	\$ 45,000
	Total Expenses	16,744	115,279	130,109	45,000
	Balance as of 12/31	\$ 210	\$ -	\$ -	\$ -

CITY OF PIQUA, OHIO
2012 COUNTY TAX BUDGET

		ACTUAL 2009	ACTUAL 2010	ESTIMATED 2011	PROPOSED 2012
<u>ENTERPRISE FUNDS</u>					
ELECTRIC SYSTEM (401)	Total Sources Available	\$ 34,149,225	\$ 36,709,436	\$ 36,775,337	\$ 35,715,153
	Total Expenses	22,908,905	25,045,591	26,171,676	26,302,534
	Balance as of 12/31	\$ 11,240,320	\$ 11,663,845	\$ 10,603,661	\$ 9,412,619
WATER SYSTEM (403)	Total Sources Available	\$ 4,484,313	\$ 5,036,247	\$ 5,196,932	\$ 4,027,127
	Total Expenses	2,756,401	3,039,765	4,370,255	3,370,255
	Balance as of 12/31	\$ 1,727,912	\$ 1,996,482	\$ 826,677	\$ 656,872
WASTEWATER SYS. (404)	Total Sources Available	\$ 4,231,667	\$ 5,136,497	\$ 5,689,454	\$ 5,688,413
	Total Expenses	2,548,879	2,876,119	3,430,117	3,550,171
	Balance as of 12/31	\$ 1,682,788	\$ 2,260,378	\$ 2,259,337	\$ 2,138,242
REFUSE (405)	Total Sources Available	\$ 2,168,531	\$ 2,361,010	\$ 2,546,893	\$ 2,542,654
	Total Expenses	1,587,396	1,565,042	1,755,164	1,816,595
	Balance as of 12/31	\$ 601,135	\$ 795,968	\$ 791,729	\$ 726,059
GOLF COURSE (409)	Total Sources Available	\$ 718,377	\$ 722,286	\$ 917,516	\$ 798,749
	Total Expenses	662,738	670,185	884,182	762,182
	Balance as of 12/31	\$ 55,639	\$ 52,101	\$ 33,334	\$ 36,567
FORT PIQUA PLAZA (410)	Total Sources Available	\$ 185,207	\$ 241,886	\$ 256,416	\$ 273,416
	Total Expenses	185,207	241,886	239,416	246,598
	Balance as of 12/31	\$ -	\$ -	\$ 17,000	\$ 26,818
STORM WATER UTILITY (411)	Total Sources Available	\$ -	\$ 651,694	\$ 1,136,877	\$ 1,235,655
	Total Expenses	-	429,789	816,174	816,174
	Balance as of 12/31	\$ -	\$ 221,925	\$ 320,703	\$ 419,481
SWIMMING POOL (415)	Total Sources Available	\$ 166,743	\$ 152,864	\$ 184,843	\$ 184,226
	Total Expenses	158,421	146,702	179,298	183,677
	Balance as of 12/31	\$ 8,322	\$ 6,162	\$ 5,545	\$ 549
BUSINESS OFFICE (412-413)	Total Sources Available	\$ 37,301	\$ 52,046	\$ 53,607	\$ 55,216
	Total Expenses	12,000	28,889	29,756	30,648
	Balance as of 12/31	\$ 25,301	\$ 23,157	\$ 23,852	\$ 24,568
ELECTRIC DEPOSITS (603)	Total Sources Available	\$ 242,830	\$ 263,178	\$ 455,641	\$ 455,641
	Total Expenses	11,652	17,537	210,000	210,000
	Balance as of 12/31	\$ 231,178	\$ 245,641	\$ 245,641	\$ 245,641
WATER DEPOSITS (604)	Total Sources Available	\$ 48,589	\$ 51,266	\$ 127,688	\$ 127,688
	Total Expenses	-	-	75,000	75,000
	Balance as of 12/31	\$ 50,394	\$ 52,688	\$ 52,688	\$ 52,688
TOTAL ENTERPRISE FUNDS	Total Sources Available	\$ 46,432,783	\$ 51,378,410	\$ 53,341,204	\$ 51,103,938
	Total Expenses	30,811,599	34,061,485	38,161,038	37,363,834
	Balance as of 12/31	\$ 15,621,184	\$ 17,316,925	\$ 15,180,166	\$ 13,740,104
<u>GRAND TOTAL ALL FUNDS</u>	Total Sources Available	\$ 95,720,775	\$ 99,120,507	\$ 105,039,104	\$ 117,310,771
	Total Expenses	65,331,940	67,759,200	75,860,743	91,531,479
	Balance as of 12/31	\$ 30,388,835	\$ 31,361,307	\$ 29,178,361	\$ 25,779,292

**A DRAFT ORDINANCE TO MAKE APPROPRIATIONS FOR
THE CITY OF PIQUA FOR THE CALENDAR YEAR 2012**

WHEREAS, Section 49 of the Piqua Charter requires the submission of a draft appropriation ordinance at this time;

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

SEC. 1: There be appropriated from the City funds as follows:

	<u>PROPOSED 2012</u>
GENERAL FUND (001)	\$6,635,405
NEIGHBORHOOD IMPROVEMENT TEAM (104)	23,988
PARKS DEPARTMENT (105)	611,018
SAFETY (106)	7,931,578
TREE DONATION FUND (107)	6,000
DUI EDUCATIONAL FUND (109)	3,000
MAUSOLEUM FUND (110)	4,038
PRO-PIQUA (128)	45,000
POLICE AUXILIARY (120)	2,704
INCOME TAX (407)	7,200,005
STREET DEPARTMENT (101)	2,169,244
STREET 1/4% INCOME TAX (103)	2,936,460
RENEW PIQUA (114)	6,180
MANDATORY DRUG FINE (111)	128
CHIP PROGRAM INCOME (119)	10,000
DEMOLITION DEFENSE FUND (126)	35,000
COMMUNITY DEVELOPMENT (FORMULA FUNDS) (122)	115,000
BROWNFIELD EPA GRANT (131)	400,000
REVOLVING LOAN (130)	20,959
CHIP 2010 (112)	144,700
ECONOMIC DEVELOPMENT DEPARTMENT (135)	316,479
DOWNTOWN REVITALIZATION (137)	196,000
FEMA FUND (139)	20,000
ECONOMIC DEVELOPMENT REVOLVING LOAN (141)	200,000
AGRICULTURE REVOLVING LOAN (142)	25,000
JOB READY SITE (143)	1,515,000
CLEAN OHIO (HOSPITAL) (144)	2,000,000
ENTERPRISE ZONE APPLICATIONS (127)	450
LAW ENFORCEMENT TRUST (609)	11,500
CONSERVANCY (611)	48,101
UNCLAIMED TRUST (606)	500
EMPLOYEE FLEXIBLE SPENDING (615)	200,000
INFORMATION TECHNOLOGY (408)	936,872
LIABILITY INSURANCE RESERVE (125)	325,429
WORKMAN'S COMP. RESERVE (124)	300,000
HEALTH CARE PLAN (614)	2,907,000
SPECIAL ASSESSMENT (202)	45,000
OWDA LOAN '95 (210)	506,537

PROPOSED 2012

SWIMMING POOL BONDS D.S. (221)	8,456
FIRE & POLICE PENSION BONDS (249)	42,188
GOLF COURSE 9 HOLE EXPANSION BONDS (243)	167,714
WATER TOWER DEBT SERVICE '05 (250)	132,822
WATER TOWER DEBT SERVICE '06 (251)	14,350
HOTEL DEBT SERVICE (252)	347,496
INFO TECH BONDS DEBT SERVICE (253)	59,766
OWDA '08 EQUALIZATION BASIN DEBT SERVICE (254)	275,305
FIRE EQUIPMENT '08 G.O. BOND (255)	46,513
SIB LOAN (216)	173,755
WATER PLANT CONSTRUCTION (307)	15,000,000
SWIMMING POOL CONSTRUCTION (323)	5
SPECIAL ASSESS. PROJECT (700'S)	45,000
ELECTIC SYSTEM (401)	26,302,534
WATER SYSTEM (403)	3,370,255
WASTEWATER SYSTEM (404)	3,550,171
REFUSE (405)	1,816,595
GOLF COURSE (409)	762,182
FORT PIQUA PLAZA (410)	246,598
STORM WATER UTILITY (411)	816,174
SWIMMING POOL UTILITY (415)	183,677
BUSINESS OFFICE (412-413)	30,648
ELECTRIC DEPOSITS (603)	210,000
WATER DEPOSITS (604)	75,000

SEC. 2: That sums expended from the appropriations and which are proper charges against any other department, or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered re-appropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriation shall not exceed the amount of the item.

SEC. 3: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2012 when passed and legally contracted for in conformity by law.

SEC. 4: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

SEC. 5: That this ordinance shall take effect and be in force from and after passage.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-75-11

A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT FORMULA ALLOCATION PROGRAM APPLICATION FOR FISCAL YEAR 2011

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

WHEREAS, the City of Piqua has housing and community development needs that can be improved and alleviated with this assistance; 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: This FY 2011 CDBG Formula Allocation Program application is hereby approved and the City Manager is hereby authorized and directed to submit the City's program application to the Ohio Department of Development, including all understandings and assurances therein.

SEC. 2: The City Manager is authorized to be the designated agent of the program in connection with the application and is authorized to execute all agreements in conjunction with the FY 2011 Program.

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 TO BE HELD:
JUNE 21, 2011

TO: Fred Enderle, City Manager

FROM: William Lutz, Development Program Manager

SUBJECT: FY 2011 – Community Development Block Grant Formula Allocation Program Application

PURPOSE:

The purpose of this resolution is to authorize the filing of the City of Piqua's Fiscal-Year 2011 Community Development Block Grant Formula Allocation Program Application. For the Fiscal-Year 2011 application, the City of Piqua is proposing to submit a number of different projects to the Ohio Department of Development for funding.

This was necessitated by the fact that the City of Piqua is not certain on the amount of funding that will be provided from the Ohio Department of Development. Earlier this Spring, the United States Congress finally determined the level of funding for the Community Development Block Grant program; however, final figures have not been provided to small communities and counties that receive dollars directly from the Ohio Department of Development.

In response, the Ohio Department of Development has recommended that communities develop a list of projects and the Ohio Department of Development would fund the most costly projects first (if the project can be fully funded) and additional funds would be available for other projects, as they become available. Under the guidance, the City of Piqua has adopted the following list of activities:

1. Main Street Parking Lot (Additional development/extension of parking lot on Northwest Corner of Water Street and Main Street)
2. Roadside Park Boat Launch (Development of a non-motorized boat launch at Roadside Park)
3. Wood Street Clearance Activity (Purchase and Demolition of structure at Wood Street and Covington Avenue)
4. Downtown Street Improvements (Installation of Rain Gardens and other Stormwater Management Structures on Market Street and adjacent portions of High Street)
5. Playground Improvements (Installation of park equipment at Mote Park)

RECOMMENDATION:

City Staff recommends that the City Commission approve the filing of the application with the Ohio Department of Development.

BACKGROUND:

Each year, the City of Piqua receives an annual allocation of funding from the Ohio Department of Development for the administration of the Community Development Block Grant Formula Allocation Program. The Community Development Block Grant Formula Allocation Program, is a federal program in which municipalities and counties must use funds to either provide improvements to low to moderate income areas or to address areas of slum and blight. Due to the delay of the decision of funding levels for the Community Development Block Grant program on the federal level, the City of Piqua is not sure on the amount of funding available through the program. Under the guidance of the Ohio Department of Development, the City of Piqua is requesting projects to be funded with no knowledge of the funding available. Traditionally, the City of Piqua receives around \$100,000 each year for the administration of the program. In 2010, the City of Piqua received \$118,000.

Funds are not only provided for projects, but grant funding also is provided to undertake fair housing initiatives and for administrative costs due to running the program. For 2010, 15% of the will be provided for the administrative costs of the program and 5% will be provided for fair housing initiatives, as allowed by the Community Development Block Grant rules and regulations.

ALTERNATIVES:

City Commission may decide not to adopt the resolution, in which case, the City would not have the necessary time to prepare a new application by the required deadline of July 29. This would cause the City of Piqua to lose their annual allocation through the Community Development Block Grant Program.

DISCUSSION:

After holding discussions with City Staff, a list of projects was established, all of which will improve the quality of life in the community.

FINANCIAL IMPACT:

The Community Development Block Grant Formula Allocation Program has a positive financial impact on the community, through the grant, dollars are provided to the city to not only undertake a project that has a benefit to low to moderate income residents, it also provides financial resources to help pay for the administration of the program and to undertake necessary fair housing initiatives.

COMMUNITY IMPACT:

The impact of the Community Development Block Grant Formula Allocation Program is expected to be positive within the community, no matter which project, or projects are funded by the Community Development Block Grant Program.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed activities outlined in the Community Development Block Grant Program application were developed in accordance in City Plans and Policies.

RESOLUTION NO. R-76-11

A RESOLUTION IN SUPPORT OF AN APPLICATION TO THE CLEAN OHIO COUNCIL

WHEREAS, The City of Piqua is interested in supporting The Piqua Improvement Corporation's application to the Clean Ohio Council for the Clean Ohio Revitalization Fund – Piqua Power Plant Waterfront Redevelopment Project, and

WHEREAS, The State of Ohio, through the Clean Ohio Council, provides financial assistance to local governments for the purpose of addressing local needs, and

WHEREAS, The Piqua Improvement Corporation is submitting a Clean Ohio Revitalization Fund Application to complete eligible activities, including but not limited to the performance of remedial activities at the Piqua Power Plant Waterfront Redevelopment Project; and

WHEREAS, The Piqua Power Plant Project is an approximately one acre property located principally at 919 South Main Street identified as Permanent Parcel Numbers N44-025110 and N44-025120 and located within the boundaries of the City of Piqua; and

WHEREAS, The Piqua Improvement Corporation intends to remediate the property, which formerly operated as the Piqua Municipal Power Plant for redevelopment into recreational riverfront use; and

WHEREAS, The City of Piqua is committed to working with The Piqua Improvement Corporation to prepare and submit the Application for the Clean Ohio Revitalization Fund to pursue the remediation and redevelopment of the property; and

WHEREAS, The Clean Ohio Revitalization Fund grant is vital to making the completion of the Piqua Power Plant Waterfront Redevelopment Project economically feasible.

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

SEC. 1: The City of Piqua approves and authorizes the Piqua Improvement Corporation to submit a Clean Ohio Revitalization Fund application for work at the Piqua Power Plant Waterfront Redevelopment Project and that the District XI Integrating Committee and the Clean Ohio Council are encouraged to fund this innovative and worthwhile project.

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



CITY COMMISSION MEETING REPORT

**FOR THE REGULAR MEETING TO BE HELD:
JUNE 21, 2011**

To: Fred Enderle, City Manager

CC: William Murphy, Assistant City Manager/Development Director

From: William Lutz, Development Program Manager

Subj.: Approval of a Set of Four Resolutions for the Purposes of Applying for Funds from the Clean Ohio Revitalization Fund for the demolition/remediation and redevelopment of the Eastern Edge of the Piqua Municipal Power Plant

Purpose of the Legislation

There is a set of four resolutions that the City Commission is being asked to consider to adopt which will accomplish different aspects of the filing procedures dealing with the Clean Ohio Revitalization Fund Program Application for the Piqua Power Plant Waterfront Redevelopment Project.

The first resolution supports an application being filed by the Piqua Improvement Corporation to the Clean Ohio Council. This is a required piece of legislation that states that the community is in support of the filing of the application. It should be noted that the city can not apply for the funds since it is the responsible party for the environmental conditions at the power plant. However, through the Clean Ohio Council application procedures, the Piqua Improvement Corporation can apply for the funding.

The second resolution acknowledges and adopts that that Piqua Municipal Power Plant Site as one of the highest priority redevelopment areas as defined in the Redevelopment Opportunities Redevelopment Analysis Report. This resolution, if adopted, will yield additional points for the Piqua Improvement Corporation's Clean Ohio Revitalization Fund application.

The third resolution declares that the future development and remediation efforts to take place on the site will incorporate sustainable design principles; it is a resolution that, if adopted, will yield additional points in the Piqua Improvement Corporation's Clean Ohio Revitalization Fund application.

The fourth resolution provides funds from the City's Power System to the Piqua Improvement Corporation for the match funding that is required through the Clean Ohio Revitalization Fund application. The match will only be provided to the Piqua Improvement Corporation and will only be expended if the application is funded from the Clean Ohio Council and the assistance provided will be 25% of the total project costs, with a maximum amount of \$500,000.

Recommendation

Adopt the set of four resolutions which will authorize the filing of the Clean Ohio Revitalization Fund application, provide for the necessary match funding, and will maximize all opportunities for the Piqua Improvement Corporation to be rewarded with as many ranking points as possible, increasing the Piqua Improvement Corporation's chances to be funded.

Background

For many years, the Piqua Municipal Power Plant has been an inactive site for the generation of electricity for the community. In addition, the usefulness of the site has been steadily decreasing for the Piqua Municipal Power System. The Piqua Municipal Power System has seen the demolition of the site, as well as the environmental remediation of the site as a long-range goal.

In 2010, with the cooperation of the Miami County Park District, a \$219,955 grant was secured from the Clean Ohio Assistance Fund to perform a Tier II Environmental Assessment of the site. The services of Brownfield Restoration Group, LLC were retained to perform the Tier II Environmental Assessment. The research indicated that there are large deposits of arsenic outside of the building and large amounts of friable asbestos inside the building.

In Spring 2011, City staff met with representatives of Brownfield Restoration Group, the Ohio Department of Development and the Ohio Environmental Protection Agency to discuss the next steps of the remediation of the site and what opportunities exist for state funding. Through this discussion, it was decided that the best course of action was to phase the project using different portions of the Clean Ohio Revitalization Fund; simply trying to complete the project with one grant would be more difficult than phasing the project.

A strategy was developed that would allow the city to apply for two separate grants from the Clean Ohio Revitalization Fund at separate times. The first phase is for a \$1.5 million maximum award that would remediate the arsenic behind the power plant along with removing the contaminated soil behind the power plant and develop the land to a passive recreational use in which future development would be severely restricted. The grant has a requirement for a 25% cost share, in which funds from the City's Power Fund will be transferred to the Piqua Improvement Corporation for the project.

Alternatives

The City Commission may take the following actions:

1. Adopt all four resolutions supporting the filing of the application, maximizing all points available through the grant scoring process and certifying the local match dollars are available.
2. Adopt the resolution supporting the application and deny the remaining resolutions which would allow for the support of the application, but, not garner the highest score available, nor would the local match be available, putting the application at risk.

3. Adopt the resolutions supporting the application and certifying the local match dollars, and rejecting the remaining resolutions which would allow the application to be filed, however, it would not allow for the highest score available.
4. Reject all resolutions and deny the filing of the application.

Discussion

As previously stated there is a set of four resolutions in which adoption is being requested. The first resolution is a required piece of legislation, which states that the City of Piqua supports the application to the Clean Ohio Revitalization Fund that is being prepared by the Piqua Improvement Corporation.

The second resolution states that Piqua Municipal Power Plant site is one of the highest priority areas for redevelopment in the community. In April 2010, the City of Piqua finished the community's Redevelopment Opportunities Redevelopment Analysis Report. This analysis report identified areas in the community that were objectively seen as in need of redevelopment while providing short and medium range goals to allow for their redevelopment and identifying financial options to allow for the redevelopment to take place. The Piqua Municipal Power Plant Site was identified as an area in need of redevelopment and the Clean Ohio Revitalization Fund was identified as a source of funds. By adopting the resolution, the City of Piqua is simply stating that it acknowledges and adopts the facts of the plan dealing with the Piqua Municipal Power Plant. Adoption of this resolution demonstrates to the Clean Ohio Council that the city views redevelopment opportunities in a systematic and comprehensive manner and will yield additional points for the community's application.

It is important to state that one of the major objectives of the Clean Ohio Revitalization Fund is not just to provide funding to simply remediate environmental issues that may exist at specific sites throughout the state, but also to lay the foundation that future development on supported sites are completed in a manner that supports the principles of sustainable development. The third resolution commits the project site to be redeveloped in a manner that is deemed to be sustainable through adherence to the Leadership in Energy and Environmental Design (LEED) Standards.

There are four different sets of LEED standards; certified, silver, gold and platinum. During an audit of a building, a new structure receives points and the higher the point total, the higher the standard. According to research, buildings that are LEED certified, tend to be 25% to 30% more energy efficient than non-LEED certified buildings. These savings are usually attributed to better temperature control, improved lighting controls, and reduced indoor air pollution. LEED certified buildings tend to command higher rents once completed, however, the additional cost of construction of a new LEED certified building has been estimated to be 3% for a basic certified building and 6% for a silver certified building.

Financial Impact

The fourth resolution addresses the financial impact of the project. Under the provision of the grant, the Piqua Improvement Corporation must match at 25% any funds provided by the Clean Ohio Revitalization Fund. The Piqua Improvement Corporation is requesting \$1.5 million dollars from the fund and the City of Piqua's Power Fund is committing up to \$500,000 for the project to be forwarded to the Piqua Improvement Corporation.

Additionally, if the Piqua Improvement Corporation application is approved, ownership of the property will be transferred from the City of Piqua to the Piqua Improvement Corporation, as required by the grant.

Community Impact

The impact of this resolution on the community is potentially far reaching. This specific funding from the Clean Ohio Revitalization Fund will have the ability to provide substantial capital improvements to the riverfront area, increasing the area's recreational value while cleaning up environmental hazards on the property.

Conformity to City Plans and Policies

This opportunity for funding through the Clean Ohio Revitalization Fund capitalizes on leveraging other city funds to further goals outlined in the Redevelopment Opportunities report that has been adopted by the City Commission.

RESOLUTION NO. R-77-11

A RESOLUTION DECLARING FUTURE DEVELOPMENT AT THE SITE OF THE PIQUA MUNICIPAL POWER PLANT WILL INCORPORATE SUSTAINABLE DESIGN PRINCIPLES

WHEREAS, This Commission believes that high-performance buildings are desirable for the City of Piqua because they protect, conserve and enhance environmental resources, yield cost savings to the City of Piqua's taxpayers through reduced operating costs, and the provision of healthy work and living environments; and

WHEREAS, The City of Piqua desires to merge sound, environmentally sound practices into one discipline that looks at the environmental, economic and social effects of a building or built project as a whole.

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

SEC. 1: The City of Piqua will require the use of building materials and methods that promote environmental quality, economic vitality and social benefit through the design, construction and renovation of the Clean Ohio Revitalization Project – Piqua Power Plant Waterfront Redevelopment Project located at 919 South Main Street.

SEC. 2: The City of Piqua will require the establishment of performance goals for both renovation and new construction projects located 919 South Main Street and require the utilization of Leadership in Energy and Environmental Design (LEED) standards developed by the United States Green Building Council.

SEC. 3: This Resolution shall take effect only if the City of Piqua is successful in receiving grant funds for the Piqua Power Plant Waterfront Redevelopment Project through the Clean Ohio Revitalization Fund.

SEC. 4: This Resolution shall be in effect for ten years from the date of the completion of any construction on the property at 919 South Main Street.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-78-11

A RESOLUTION ACKNOWLEDGING AND ADOPTING THE STATUS OF THE PIQUA MUNICIPAL POWER PLANT AS ONE OF THE HIGHEST PRIORITY REDEVELOPMENT AREAS AS DEFINED IN THE REDEVELOPMENT OPPORTUNITIES REDEVELOPMENT ANALYSIS REPORT

WHEREAS, In April 2010, the Redevelopment Opportunities plan was completed outlining and prioritizing specific sites in the community for redevelopment; and

WHEREAS, The Piqua Municipal Power Plant site was identified as one of the highest priority redevelopment areas in the Redevelopment Opportunities Redevelopment Analysis Report; and

WHEREAS, It is in the best interest of the City of Piqua to formally acknowledge the fact that the Piqua Municipal Power Plant site was identified as one of the highest priority sites in said plan in order to maximize opportunities through the Clean Ohio Revitalization Fund Program.

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

SEC. 1: The City of Piqua acknowledges and adopts the fact that Piqua Municipal Power Plant at 919 South Main Street is one of the highest priority sites for redevelopment within the City of Piqua.

SEC. 2: The City Manager is directed to submit a copy of this resolution with the Piqua Improvement Corporation's Clean Ohio Revitalization Fund application for consideration by the Clean Ohio Council and the District XI Integrating Committee.

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

RESOLUTION NO. R-79-11

A RESOLUTION PROVIDING FUNDS TO THE PIQUA IMPROVEMENT CORPORATION AS REQUIRED BY THE CLEAN OHIO COUNCIL FOR PARTICIPATION IN THE CLEAN OHIO REVITALIZATION FUND PROGRAM AND CERTIFYING THAT FUNDS ARE AVAILABLE FOR SUCH PURPOSE

WHEREAS, The City of Piqua is interested in supporting The Piqua Improvement Corporation's application to the Clean Ohio Council for the Clean Ohio Revitalization Fund – Piqua Power Plant Waterfront Redevelopment Project, and

WHEREAS, The State of Ohio, through the Clean Ohio Council, provides financial assistance to local governments for the purpose of addressing local needs, and

WHEREAS, The Piqua Improvement Corporation is submitting a Clean Ohio Revitalization Fund Application to complete eligible activities, including but not limited to the performance of remedial activities at the Piqua Power Plant Waterfront Redevelopment Project; and

WHEREAS, The Clean Ohio Council requires applicants to provide matching funds of not less than 25% for every project funded through the Clean Ohio Revitalization Fund; and

WHEREAS, The City of Piqua is committed to assist the Piqua Improvement Corporation through providing 25% of the total project, at a cost not to exceed \$500,000 for the required local match through the Clean Ohio Revitalization Fund; 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: The City of Piqua approves and authorizes the expenditure of funds from the Piqua Municipal Power System to the Piqua Improvement Corporation in an amount of 25% of the total project cost outlined in the Clean Ohio Revitalization Fund application, not to exceed \$500,000 to be used exclusively for the match requirements and reimbursements to be incurred by the Piqua Improvement Corporation in the administration of the Piqua Power Plant Waterfront Redevelopment Project.

SEC. 2: The Finance Director hereby certifies that the funds are available to be drawn on the accounts of the Piqua Municipal Power System to meet such obligations.

SEC. 3: The provision of funds from the Piqua Municipal Power System to the Piqua Improvement Corporation is contingent on the successful award and execution of a grant agreement received by the Piqua Improvement Corporation from the Clean Ohio Council.

SEC. 4: 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