

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, JULY 19, 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 July 5, 2011 Regular Piqua City Commission Meeting

B. OLD BUSINESS

a. ORD. NO. 5-11 (3rd 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. ORD. NO. 6-11 (2nd Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 120, 122, 125 and 127 The Recall

C. NEW BUSINESS

a. ORD. NO. 8-11

An Ordinance amending Chapter 34 of the Piqua Municipal Code to permit the disposal of personal property no longer needed for City purposes

b. RES. NO. R-85-11

A Resolution requesting Authorization to purchase real property at St Rt 66 on the Water Treatment Plant Construction

c. RES. NO. 86-11

A Resolution authorizing a Professional Services Agreement with Frederick E. Enderle

d. RES. NO. 87-11

A Resolution authorizing the City Commission to enter into a Memorandum of Understanding to appoint William P Murphy as Interim City Manager

e. RES. NO. 88-11

A Resolution requesting the City Commission to authorize an agreement with Eggeman Engineering & Consulting for the engineering design of the College Street Corridor Traffic Signal Project Total cost not to exceed \$41,500

D. ADJOURNMENT

**MINUTES
PIQUA CITY COMMISSION
Tuesday July 5, 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

RESIDENCE PRIDE AWARDS

924 Young Street	John and Linda Brinkman
903 Washington Avenue	Vic and Pam Brockman
635 Boone Street	Mr. & Mrs. Fernie Curtis
720 W. Ash Street	LeAnn & Mark Niblick
932 W. North Street	Nicholas & Bonnie Gigandet

Consent Agenda

Approval of Minutes

Approval of the minutes from the June 21, 2011 Regular Piqua City Commission Meeting, and the minutes from the Piqua City Commission Worksession of June 2, 2011.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the minutes of the Regular Piqua City Commission Meeting of June 21, 2011, and the Piqua City Commission Worksession of June 2, 2011 be approved. Voice vote, Aye: Wilson, Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

OLD BUSINESS

ORD. NO. 5-11 (2nd 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

Utility Supervisor Robin Hungerford explained the various changes and stated all of the 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. This will also allow the City to include Stormwater as a utility that is governed by these rules. Stormwater was added as a utility last year as a mandate from the EPA.

The City will only bill users of these services who have requested the services. This method of billing is fair and will help keep the utility costs down for the majority of the customers, this will not change the overall utility rate structures and most customers will not be affected by these changes. The purpose is to align the fees with those customers who use these particular services, stated Ms. Hungerford.

Public Comment

No one came forward to speak for or against Ordinance No. 5-11.

Ordinance No. 5-11 was given a second reading.

RES. NO. R-75-11 (Tabled 6/21/2011)

Moved by Commissioner Wilson, seconded by Commissioner Martin, to take Resolution No. R-75-11 off the table. Voice vote, Aye: Martin, Wilson, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously.

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

Economic Development Director/Assistant City Manager Bill Murphy thanked the Southview Neighborhood Association representatives for meeting with them to help them get a better understanding of their priorities for Mote Park in the future.

Mr. Murphy went over some of the Mote Park issues and how the city proposes to address them. They include a new park shelter, addressing the electrical needs, adding lighting along the paths which is scheduled to be done in 2012 & 2013, getting the existing water fountains back in working order, placing additional picnic tables in the park, and resetting the existing benches in cement. It was also noted that approximately \$90,000 of Community Development Block Grant Funds were used to update the HVAC and the windows at the Community Building at Mote Park previously.

Mr. Murphy also explained the need for the Downtown Street Improvements on the intersections at North Wayne Street and High Street and North Wayne Street and West High Street. These improvements will increase the pedestrian safety in this area by clearly outlining pedestrian cross walks across High Street, North Wayne and Market Streets and incorporate traffic calming devices which will decrease speed of traveling motorists. This intersection plan was one of the requests that came out of the Plan It Piqua document after meetings were held in August of 2008 and January 2009, stated Mr. Murphy.

There was a lengthy discussion on the need for the crosswalks and the bump-outs at this time, if any parking spaces would be eliminated, and if there have been any traffic accidents or any pedestrian accidents at this site.

Police Chief Bruce Jamison stated he appreciated being included in the Plan It Piqua Meetings, and supports any improvement that makes an area safer, and the proposed improvements to the intersections will make that area a lot safer.

City Manager Enderle stated we need to take a look at all of various parks needs and prepare a list for the 2012 Grant Application.

Mayor Fess stated as long as we can satisfy the needs for the playground equipment at Mote Park she would like to see the intersection improvements also completed with the grant money received at this time.

Public Comment

Jim Vetter, Southview Neighborhood Association President came forward and presented a list of the various things the Neighborhood Association would like to see done at Mote Park. Discussion of the different types of playground equipment that is available and the costs were presented. City Manager Enderle stated there should be several different types of parks in communities and they include: Community Parks, Sports Parks, and Neighborhood Parks. Mayor Fess asked Mr. Vetter if he thought \$29,000 would be a good figure to work with for the playground equipment at this time. Mr. Vetter replied that \$29,000 would be a great start. City Manager Enderle stated we could allocate \$29,000 for the Mote Park playground equipment and \$57,000 for the Streetscape if that is what the Commissioners would like to do, but the resolution needs to pass with an allotted dollar amount.

Brad Boehringer, Mound Street came forward and voiced his opinion on the need for the crosswalks and at the proposed intersection.

Russ Fashner, Forest Avenue came forward and asked several questions concerning the crosswalks including if the bump-outs would cause any traffic problems with trucks and trailers turning or problems with snow removal this winter, would parking be restricted in the area, and does the amount of money need to be specified for the streetscaping improvements at this time.

Deron Yingst, N. Wayne Street stated he felt more thought was put into the streetscaping project than in the Mote Park playground equipment, and asked if the crosswalks could just be painted at this time and all of the money put in to the parks. Mr. Yingst also inquired about putting money toward rehabbing homes in the blighted and slum areas.

Moved by Commissioner Terry to adopt Resolution No. R-75-11 with the changes to allocate \$29,000 to the Mote Park playground equipment, and the other \$57,000 be allocated to the Streetscaping Project, seconded by Commissioner Vogt. Roll call, Aye: Vogt, Terry, and Fess. Nay: Martin and Wilson. Vote carried on a 3-2 vote. Mayor Fess declared Resolution No. R-75-12 adopted on a 3-2 vote.

NEW BUSINESS

ORD. NO. 6-11 (1st Reading)

An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 120, 122, 125 and 127 The Recall

Law Director Stacy Wall gave a brief over view of each of the proposed amendments to the Piqua Charter. Ms. Wall stated a Worksession was held June 2, 2011 and the proposed amendments were discussed and changes were made.

Commissioner Wilson stated several changes were suggested at the June 2 meeting that were not able to be changed due to legal issues.

Public Comment

Brad Boehringer, Mound Street came forward and voiced his opinion on several of the proposed Charter Amendments.

Chuck Starrett, Demming Road came forward and stated the Charter is the backbone of the City and protect citizen's rights. Mr. Starrett also voiced his concern on the number of signatures required being changed from 1000 to 2000, and the fact he would like to have more than 30 days to get the required signatures. We all learned something from the Recall and stated he feels the voters will make intelligent decisions at the polls. A lot of good things have come out of the Recall including the Positively Promoting Piqua (PPP) organization.

Mayor Fess stated the Recall is over and behind us now, we have to look forward to working together as a community.

Ordinance No. 6-11 was given a first reading.

RES. NO. R-80-11

A Resolution accepting the resignation of Karen Schultz as a member of the Community Diversity Committee

City Manager Enderle stated Resolution No. R-74-11 is a resolution accepting the resignation of Karen Schultz as a member of the Community Diversity Committee

Public Comment

No one came forward to speak for or against Resolution No. R-80-11 at this time.

It was stated there are two openings now on the Community Diversity Committee if anyone is interested to contact the City Managers Office.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-80-11 be adopted. Voice vote, Aye: Wilson, Fess, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-80-11 adopted.

RES. NO. R-81-11

A Resolution awarding a contract to Sulzer Turbo Services for Emergency Repairs to #8 Gas Turbine

Power Systems Director Ed Krieger stated the Power System owns and operates two combustion gas turbines, which are over forty years old, and significant dollars have not been invested to ensure their continued reliable operations. Mr. Krieger further explained the reason for the emergency repairs to the #8 Gas Turbine at this time and stated it is a maintenance issue. Extensive testing of the #8 and #9 turbines was completed in the fall of 2010 and both units have obsolete parts and will be harder to repair each year.

There was discussion on the need for the repairs, if any maintenance has been done previously, and what would happen if the turbine were to break down. Mr. Krieger explained.

Public Comment

No one came forward to speak for or against Resolution No. R-81-11

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-81-11 be adopted. Roll call, Aye: Martin, Wilson, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-81-11 adopted.

RES. NO. R-82-11

A Resolution awarding contracts to Emerson Process Management and ProEnergy Services for gas turbine planned maintenance

Power Systems Director Ed Krieger explained the turbines can be black-started and are able to serve over half of the City's electric load if needed, so it is very important to maintain them. The 2011 Budget has included \$650,000 to cover the cost of the planned maintenance to both the #8 and #9 turbines, and was included in the Power System's ten-year capital plan, stated Mr. Krieger.

Commissioner Terry asked Mr. Krieger to explain what a black-start is. Mr. Krieger explained how the black-start works and the reason for it.

Public Comment

No one came forward to speak for or against Resolution No. R-82-11

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution No. R-82-11 be adopted. Roll call, Aye: Wilson, Vogt, Terry, Fess, and Martin. Nay: None. Motion carried on a unanimously. Mayor Fess declared Resolution No. R-82-11 adopted.

RES. NO. R-83-11

A Resolution awarding a contract to Star Ex., Inc. for the Power System Service Center early site work project

Power System's Director Ed Krieger explained Resolution No. R-83-11 would authorize the Power System to retain the services of Star Ex., Inc. to complete the early site work construction activities at a cost not to exceed \$443,855.

Approximately 5 acres of property along Hemm & Basset Avenue has been purchased for the construction of a consolidate Power System Service Center. A Phase I Environmental Site Assessment was completed and revealed no environmental concerns. Approval of this resolution will allow Power System staff to begin with plans to construct a consolidated Power System Service Center. The Energy Board at their June 28, 2001 meeting unanimously recommended the City Commission approve the awarding of the contract to Star Ex for completion of the early site work activities.

Public Comment

No one came forward to speak for or against Resolution No. R-83-11

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-83-11 be adopted. Roll call, Aye: Vogt, Terry, Fess, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-83-11 adopted.

RES. NO. R-84-11

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 and rescinding Resolution No. R-79-11

City Manager Enderle stated the City Commission adopted Resolution No. R-79-11 on July 21, 2001 committing \$500,000 in power funds to the project. It has been determined that the amount of funds needed for the project match will need to be \$1,000,000 which is \$500,000 more than what was originally committed. It was noted that the demolition and clean up of the entire Power Plant site could very easily be in excess of \$5 million. The City's (PIC) success in getting grant dollars reduces the City's liability for the total cost, and until the project is bid will not know the final cost, stated City Manager Enderle.

Public Comment

No one came forward to speak for or against Resolution No. R-84-11

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-84-11 be adopted. Roll call, Aye: Terry, Fess, Martin, Wilson, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-84-11 adopted.

PUBLIC COMMENT

Jean Franz, Parkridge Place, came forward and voiced her concern over the need for the playground equipment at Mote Park, further stating she felt it was more important to commit more of the money to the playground equipment than to the streetscaping with the curb bump-outs at this time.

Ron Cool, Park Avenue, came forward and thanked Mr. Murphy and his staff on receiving the Clean Ohio Revitalization Grant for the hospital project. Mr. Cool further stated the City held several public meetings concerning the use of grant funds but they were not very well attended, and he encouraged citizens to participate in the public meetings in the future.

Mayor Fess stated she was very pleased to receive the Clean Ohio Revitalization Grant and now the City can move forward with the Hospital Project.

Economic Development Director/Assistant City Manager Bill Murphy gave a brief overview of some of the things happening in Economic Development. Apex Aluminum is expanding in conjunction with Atlas Precision moving to Piqua, their plans are to add an additional 8-10 employees in the future.

Commissioner Wilson congratulated the City on receiving the Clean Ohio Revitalization Fund Grant and thanked all of the staff involved in making this happen. Commissioner Wilson also congratulated the five Resident Pride Award winners and reminded citizens to keep their properties picked up, their grass mowed, and to take pride in their properties.

Commissioner Terry stated she attended the 4th of July celebration at Fountain Park noting the large number of people in attendance as a good sign of a wonderful celebration. Commissioner Terry also reminded citizens the Civic Band would be playing on Thursday evening July 7th at the Hance Pavilion and invited citizens to come out and support them. Commissioner Terry stated she is very excited about the city receiving the Clean Ohio Revitalization Fund Grant money, as it will make a very important impact in the community and especially in the 4th Ward.

Commissioner Vogt reminded citizens to take pride in their neighborhoods and asked neighbors to help their neighbors with mowing grass, and picking up their properties. Commissioner Vogt reminded citizens to set their trash out in cans instead of bags if possible. Commissioner Vogt stated he felt Economic Development Director Bill Murphy and Community Development Director Bill Lutz went above and beyond in putting together the information required to receive the Clean Ohio Revitalization Fund Grant and thanked them for all of their hard work.

Mayor Fess asked Deron Yingst if he would give an update on the painting of the four houses he owns located at the corner of W. High and College Street. Mr. Yingst came forward and explained his plans for the painting of the four homes.

Mayor Fess congratulated the five Residence Pride Award winners, and asked citizens to look around their neighborhoods and submit homes for the Residence Pride Awards in the future.

Mayor Fess stated the Piqua Community Swimming Pool has been very busy this year and encouraged citizens to continue to support the Swimming Pool.

OTHER

Monthly Reports – May 2011

Monthly Reports were accepted for May 2011

ADJOURNMENT TO EXECUTIVE SESSION

- a. To consider the appointment, employment, dismissal, discipline or compensation of the City Manager.
- b. To consider the purchase or sale of property for public purposes.

Adjournment

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting into Executive Session at 9:45 P.M. Roll call, Aye: Fess, Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Executive Session meeting at 11:04 P.M. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting 11: 05 P.M. Voice vote, Aye: Fess, Martin, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

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.

1ST Reading 6-21-2011

2ND Reading 7-5-2011

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.

ADDENDUM II

Draft

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.~~

ORDINANCE NO. 6 -11

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 120, 121, 122, 125 and 127 THE RECALL

WHEREAS, the City Commission desires to place charter amendments on the November 2011 ballot regarding certain recall provisions; and

WHEREAS, the City Commission met in a public work session on June 2, 2011 to consider the matter; and

WHEREAS, the Piqua City Law Director presented a summary of the charters throughout the State of Ohio, consisting of a review of 154 charters and the recommended changes to the Charter are consistent with the governing provisions of the charters throughout Ohio.

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the November 2011 General Election the question whether the electorate is for or against amending Charter Sections 120, 121, 122, 125 and 127 as follows:

SECTION 120 RECALL PETITION PAPERS.

A member of the commission may be removed from office by the electors of the city. Any elector of the ward from which a member of the commission was elected may make and file with the city clerk an affidavit stating the name of the member whose removal is sought and grounds alleged for such removal that shall include an allegation of inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, and any elector of a ward from which a member of the commission is chosen may make and file with the city clerk an affidavit stating the name of the ward commissioner whose removal is sought and grounds alleged for such removal. The clerk shall thereupon deliver to the elector making the affidavit copies of petition papers for demanding such a removal, printed copies of which he shall keep on file for distribution as herein provided. In issuing any such petition paper the clerk shall enter in a record to be kept in his office the name of the elector to whom issued, the date of issuance, the number of papers issued, and shall certify upon each such paper the name of the elector to whom issued and the date of issuance. No petition paper shall be accepted as part of a petition unless it bears such certificate of the clerk and unless filed as hereinafter provided.

SECTION 121 FILING RECALL PETITION.

A petition demanding the removal of a member of the commission shall be known as a recall petition. A recall petition to be effective must be returned and filed with the city clerk within thirty days after the filing of the affidavit as provided in the next preceding

section, and to be sufficient must bear the signatures of ~~4,000~~ 2,000 registered voters of the City of Piqua. A recall petition if insufficient as originally filed, may be amended as provided in this charter.

SECTION 122 RECALL ELECTION ORDERED.

If a recall petition, or amended petition, shall be certified by the city clerk to be sufficient, which shall include the Board of Elections has certified all signatures, he shall at once submit it to the commission with his certificate to that effect and shall notify the member of whose removal is sought of such action. If the member of the commission whose removal is sought does not resign within five days after such notice the commission shall thereupon order and fix a day for holding a recall election in the city. If the commission is not scheduled to meet in the next calendar week after being notified by the clerk that a recall election date needs to be set, the commission shall call a special meeting within three business days to set the election date. Any such election shall be held not less than forty nor more than sixty days after the petition has been presented to the commission, and at the same time as any other general or special election is to be held within such period, the commission shall call a special recall election to be held within the time aforesaid.

SECTION 125 RESULT OF RECALL ELECTION.

If a majority of the votes cast on the question of recalling a member of the commission shall be against his recall he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the member indicated on the ballots he shall, regardless of any defect in the recall petition, be deemed removed from office. When a member of the commission is removed from office by recall the candidate to succeed such member, shall be declared elected after counting the votes in the manner provided by this charter for a regular election, shall succeed the member so removed for the unexpired term.

If there are no candidates on the ballot and a commissioner was recalled, the seat of the recalled commissioner shall be filled by a majority vote of the Planning Commission. Said person appointed shall satisfy the requirements of Charter Section 3 and shall reside in the same ward as the recalled commissioner. If there are more than two years remaining in the term of the recalled commissioner, the appointed person shall serve until the next general election where he shall be elected if he desires to remain as a commissioner. The elected person shall take office upon certification of the results by the Board of Elections and serve for the remainder of the unexpired term. If there are less than two years remaining in the term of the recalled commissioner, the appointed person shall serve for the remainder of the unexpired term.

SECTION 127 LIMITATIONS ON RECALL PETITIONS.

No recall petition shall be filed against a member of the commission until six months ~~within three months~~ after he takes office nor in case of a member subjected to a recall election and not removed thereby, until at least six months after that election.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on November 1, 2011, in the general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 120 Recall Petition Papers, and the question to be submitted shall be as follows:

Shall Charter Section 120 be amended to require a recall petition to specify as a reason on the petition for recall an allegation of inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 121 Filing Recall Petition, and the question to be submitted shall be as follows:

Shall Charter Section 121 be amended to require the recall petition to have 2,000 signatures of registered voters of the City of Piqua?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 5. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 122 Recall Election Ordered, and the question to be submitted shall be as follows:

Shall Charter Section 122 be amended to define when the Commission needs to set a recall election date upon being notified by the clerk?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 6. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 125 Result of Recall Elections, and the question to be submitted shall be as follows:

Shall Charter Section 125 be amended to allow for the Planning Commission to appoint a member to the commission when a commissioner has been recalled and there was no candidate on the ballot to be elected?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 7. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 127 Limitations on Recall Petitions, and the question to be submitted shall be as follows:

Shall Charter Section 127 be amended to restrict a recall petition being filed against a commissioner until six months after he takes office?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 8. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 9. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 10. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 7-5-2011

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

ORDINANCE NO. 8-11

AN ORDINANCE AMENDING CHAPTER 34 OF THE PIQUA MUNICIPAL CODE TO PERMIT DISPOSAL OF PERSONAL PROPERTY NO LONGER NEEDED FOR CITY PURPOSES

WHEREAS, the City of Piqua Charter Section 46 Division of Purchase and Supplies directs the Commission to establish by ordinance the procedures for advertising and competitive bidding; and

WHEREAS, the City of Piqua Municipal Code Chapter 34 regulates the purchase of supplies and disposal of property; and

WHEREAS, currently Section 34.35 does not permit the option of disposal of personal property in any manner other than by sale which is costly, time-consuming, and does not take advantage of other options of disposal; and

WHEREAS, being able to donate personal property no longer of value to the City allows for benefits to the City and the entity accepting the property by saving in costs of disposal and allowing continued use to another agency or entity.

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

SECTION 1. That the City of Piqua hereby amends Chapter 34 of the Piqua Municipal Code as set forth below: (proposed language is underlined and language to be deleted is struck)

§ 34.01 CONTRACTS FOR PUBLIC WORKS AND IMPROVEMENTS.

(A) Contracts for public works and improvements shall be awarded to the lowest responsible bidder within a reasonable time after advertisement for bids has been published at least once in a newspaper of general circulation in the city containing a reservation that the City Manager shall have the power to reject all bids and advertise again. The City Manager may reject all bids and advertise again, but shall not be required to do so, even when the lowest bid exceeds the engineer's estimate by 10% or more.

(B) The City Manager shall determine the appropriate specifications and bidding requirements not otherwise provided in the city code. Such determination shall be to the exclusion and preemption of R.C. Chapters 9 and 153, which are hereby rendered inapplicable to all public works and improvements in the city.

PURCHASE OF SUPPLIES

§ 34.15 PAYMENT FOR SUPPLIES AND EQUIPMENT.

Whenever articles, commodities, supplies, materials, or equipment are purchased and delivered to the storerooms or warehouses of the city in anticipation of requisitions from the

several departments, divisions, and it is impracticable at the time of delivery to apportion the cost thereof or any part of the cost to the several departments, divisions, and offices, payment shall be made from the city storeroom fund of the Department of Purchases and Supplies, to be repaid by the several departments, divisions, and offices as they receive the supplies upon a requisition.

§ 34.16 ESTIMATES AND SUMMARY; AVAILABLE EQUIPMENT.

At the beginning of each year, and at such other times as contracts for supplies are to be let, the director of each administrative office shall submit to the Director of Finance an estimate of all articles, commodities, supplies, equipment, and materials anticipated to be needed by that department or office for its regular operation during the year. This estimate shall specify the quantity and character of each item needed. All estimates shall be transmitted to the Purchasing Agent, who shall prepare a summary statement which shows the total quantity estimates required by all departments and offices of each item of such articles, commodities, supplies, equipment, and materials. The estimates and the summary shall also show the amount of all articles, commodities, supplies, equipment, and materials estimated to be on hand or in stock in the departments and offices or in the city storerooms or warehouses, and the net quantity which it will be necessary or advisable to purchase during the ensuing year. The estimates and the summary shall also show the quantity, character, and estimated value of all articles, commodities, supplies, equipment, and materials or other property on hand in the several departments or in the storerooms and warehouses of the city, which are no longer usable or needed and which may be ~~condemned and sold by the city~~ disposed of by the City as specified herein in Chapter 34 of the Municipal Code.

§ 34.17 PURCHASING CONTRACTS; BIDS.

At such times after the passage of the annual appropriation ordinance or after any preliminary appropriation ordinance has passed in accordance with sections 49 or 50 of the Charter, bids for purchase contracts covering all or any part of the requirements of such articles, commodities, supplies, materials, services, and equipment as the city may need during the year shall be received with or without advertising or otherwise as will permit which most benefit the city.

§ 34.18 APPLICATION OF REVISED CODE.

The provisions of R.C. § 5719.042 shall have no application to any contract governed by this chapter.

§ 34.19 PUBLICATION OF BIDS; EXCEPTIONS.

No purchase of goods, supplies, or services in excess of \$25,000 shall be made until and unless advertisement for bids has been published at least once, not less than 48 hours before the opening of bids, in a newspaper of general circulation in the city, all subject to section 46 of the Charter. However, advertisement shall not be required when:

- (A) Purchases are made by contract established pursuant to § 34.17;
- (B) In unforeseen emergencies, delay would result in the interruption of or detriment to the delivery of public services, as determined by the City Manager;

(C) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the city and the only source of supply is limited to a single supplier;

(D) The purchase is from the federal or state government or agency thereof, or from any political subdivision;

(E) In the sound judgment of the Purchasing Agent, subject to approval of the City Manager, advertisement for bids for any specific purchase would not be of any material benefit to the city.

(F) The purchase consists of professional services for which no possible specifications for bids can be drawn, subject to approval by the City Commission.

(G) The purchase is from a joint purchasing program where the equipment, material, supply or service being purchased was obtained through a competitive sealed bidding process or a competitive sealed proposal process.

§ 34.20 EQUIPMENT HAVING STANDARD SPECIFICATIONS.

In advertising for bids for the furnishing of articles, commodities, supplies, materials, or equipment for which standard specifications have been adopted, it shall be sufficient to refer thereto by the general trade name and by citing the appropriate standard specification or specifications, and by stating that standard specifications may be examined at the office of the Purchasing Agent. The Purchasing Agent may require bidders to submit samples with their bids in cases in which it is practicable to do so.

§ 34.21 REQUISITIONS; FURNISHING ITEMS.

(A) Requisitions for articles, commodities, supplies, materials, or equipment by any department or office shall be addressed to the Purchasing Agent, approved by the director of the department or the head of the office, and if the department or office has available a sufficient appropriation balance in excess of all unpaid obligations sufficient to pay for the supply the Purchasing Agent shall either furnish the items requisitioned from the storerooms or warehouses of the city, procure them by purchase under a purchase contract previously made, or procure them by purchases in the market.

(B) Whenever any office or division of the city requires supplies or equipment which another office or division of the city is able to furnish, suitable requisition may be made, and the supplies or equipment may be furnished. In such cases bids need not be obtained. Apportionate charges and credits shall be made to accounts affected by this transaction.

§ 34.22 LOCAL PREFERENCE PURCHASING PROGRAM.

(A) *Definitions.*

(1) **COMMODITIES.** Goods that can be purchased from a manufacturer or their representative and which are purchased by the city in amounts greater than the amounts required to be bid in the Charter.

(2) **NON-PROFESSIONAL SERVICES.** Janitorial and general maintenance service orders including those for fleet management, buildings, and mowing. In addition, city printing services would be included in this category. Any prevailing wage project would not be considered part of this definition.

(3) **CITY BIDDER/SUPPLIER.** A corporation, sole proprietorship, partnership, or joint venture who maintains a place of business within the corporate limits of the city as now established, or as hereafter established in the manner provided by law, and has filed or paid a payroll or earnings tax to the city in the most recent tax quarter. When proof of situs is required, the city bidder/supplier shall authorize the Department of Income Tax to release the necessary information.

(B) *Local preference.* In awarding purchase orders for commodities and non-professional services, the city may grant a local preference to city bidder/supplier within the city. In determining the lowest responsible bidder or supplier, a 5% local preference on all local bids exceeding the lowest, responsible, non-city bidder/supplier bids may be computed on the amount of the low bid meeting specifications by a non-city bidder/supplier. The preference may be applied up to a maximum of 5%, but not to exceed \$10,000.

(C) *Ties.*

(1) Ties between city bidder/supplier and one or more non-city bidder/supplier(s) meeting specifications shall be broken in favor of the city bidder/supplier.

(2) Ties between two or more city bidder/suppliers(s) meeting specifications will be broken through a coin toss method until the winner remains.

(D) *City Manager authorization.* The City Manager or his or her designee may promulgate rules and regulations to implement this section provided they are not inconsistent with the expressed provisions of this section.

(E) *Savings.* This section may be subject to the application of the laws of the state or the United States of America which may preempt all or a portion of this section.

(F) *Local preference certification and waiver form.*

(1) This section provides for a local preference in the purchase of commodities and non- professional services by the city.

(2) The rules and regulations adopted by the city of the administration of this section require that bidders claiming local preference complete the following form for each bid. Failure to properly complete and return this form may result in not being qualified to receive preference under this section.

PREFERENCE CLAIMED – City Bidder/Supplier

BUSINESS NAME: _____

STREET ADDRESS: _____

COUNTY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE NO.: _____ FAX NO.: _____

FEDERAL I.D. NO.: _____

If incorporated. If a sole proprietorship, use Social Security Number of owner.

TESTIMONY AND AUTHORIZATION

The undersigned, on behalf of the aforementioned business concern, hereby authorizes the City of Piqua Department of Income Tax to provide proof of status pursuant to the Ordinance to the City of Piqua Department of Purchasing. In so doing, I authorize the Department of Income Tax to disclose such records as may be necessary to establish qualifications for local preference as required by the Ordinance or any subsequent rules and regulations adopted in the administration of the Ordinance. I, on behalf of the aforementioned business concern, hereby release the City of Piqua and its officers, employees, or agents from any and all liability for the disclosure of any information establishing these qualifications. I further attest to the fact that the business concern is physically located within the Corporate limits and boundaries of the City of Piqua, Ohio. By affixing my signature to this form, I also attest that I am a duly authorized agent of the aforementioned business concern.

Type or Print Agent Name Agent Signature

Date

§ 34.23 JOINT PURCHASING PROGRAM.

(A) The City Manager is hereby authorized to participate in any joint purchasing program operated by or through a national or state association of political subdivisions in which the city is eligible for membership.

(B) Acquisitions of equipment, material, supplies, or services, through participation in joint purchasing program under division (A) of this section, is exempt from any advertisement and competitive bidding requirements otherwise required by law, if the contract in question was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state.

(C) The City Manager is hereby authorized to agree in the name of the City of Piqua to directly pay the vendor, under each such joint purchasing program contract in which it participates, for items it receives pursuant to the contract, and that the City Manager does hereby agree to directly pay the vendor.

(D) If the expenditure of funds for the purchase of equipment, material, supplies, or services under the proposal available through participation in a joint purchasing program

exceeds the amount specified by ordinance for which such purchases or services may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance.

SALE OF PROPERTY

§ 34.31 SALE AND DISPOSAL OF PROPERTY.

Under the power of local self-government conferred upon cities by Article IV of the Ohio Constitution and as a charter municipality under Article XVII of that Constitution, the City of Piqua has established the procedures described in this chapter for disposal of real and/or personal property interests, including money, in its possession. The custodial care of any such property interest and its disposal under this chapter shall be deemed to constitute a governmental function.

§ 34.32 PERISHABLE FOOD, FLAMMABLES, EXPLOSIVES, AND OTHER HAZARDOUS MATERIALS.

(A) If personal property which has been lost, mislaid, abandoned or stolen comes into the possession of the city, and if it is solid food or is a beverage (collectively referred to as "food") of such a nature that it will spoil if not used almost immediately ("perishable food"), the procedures of this section shall be followed instead of any other procedures described elsewhere in this chapter.

(B) If the city does not know the name or address of the owner of the perishable food, the city may proceed at once to use that food itself or may dispose of it by gift or other transfer to any person or entity, including but not limited to any non-profit organization, or may dispose of it as worthless rubbish.

(C) If the name or address of the owner of the perishable food is known, the city shall make an attempt to give telephone notification to the owner that the perishable food has been left in the possession of the city. If the city is not successful in giving such notice after three attempts within 24 hours or if the property is not taken away by the owners within 24 hours after the notice attempt concluded (or whatever lesser number of hours may be reasonable for notice and/or removal, based on the perishable nature of the food), the city may use that food itself or may dispose of it by gift or other transfer to any person or entity, including but not limited to any non-profit organization, or may dispose of it as worthless rubbish.

(D) The procedures listed in § 34.32 (A), (B), and (C) shall apply to flammables, explosives and/or other hazardous materials coming into the possession of the city.

§ 34.33 OPTIONAL PROCEDURE UNDER STATE STATUTE.

Personal property which has been lost, mislaid, abandoned or stolen and which has come into the possession of this city may be disposed by the city on the basis of an application for disposal of property filed with the municipal court of this county under R.C. § 2933.41, as that statute may be revised and/or renumbered from time to time. In the alternative, this charter city may dispose of such property under other sections of this chapter, and/or such written internal control policy adopted relative to property approved by the Chief of Police without necessity of any court order or judicial proceeding.

§ 34.34 PROPERTY FOUND BY EMPLOYEES BELONGS TO THE CITY.

If personal property is found by an employee of this city during the course of his or her employment, that employee shall have a duty to deliver the property into the custody of this city; and any rights which might otherwise accrue to the finder of such property shall thereafter be deemed to belong exclusively to this city.

§ 34.35 SALE OR DISPOSAL OF SCRAP AND PERSONAL PROPERTY.

~~(A) Disposal of discarded personal property.~~

~~(1) For purposes of this division (A) the following words and phrases shall have the following meanings ascribed to them respectively.~~

~~**PERSONAL PROPERTY NOT NEEDED FOR PUBLIC PURPOSES.**~~

~~Personal property, other than scrap, which is not needed for any of the departments of the city.~~

~~**SCRAP.** Personal property that has become unsuitable for use or personal property that has been condemned as useless by the City Manager or his or her designee.~~

~~(2) Scrap shall be sold by the purchasing agent for the best price obtainable without advertising for bids.~~

~~(3) Personal property not needed for public purposes, whose cost is less than \$1,000, may be sold by the Purchasing Agent without advertising for bids.~~

~~(4) A personal property item not needed for public purposes with a cost in excess of \$1,000 shall be sold by the Purchasing Agent to the highest and best bidder after advertising for bids, or with the approval of the City Commission by resolution, or by public auction, which shall include internet auctions available to the general public.~~

~~(B) Sale of personal property. All personal property of the city which is not needed by the department or office which has charge of the property shall be turned over to the Purchasing Agent. If any such property is suitable to be used by any other department or office of the city, the Purchasing Agent shall either sell the property at its current value to the other department or office, or place it in the city's storerooms or warehouses until it is needed by some department or office of the city.~~

(A) **PERSONAL PROPERTY NOT NEEDED FOR PUBLIC PURPOSES.** Personal property, other than scrap, which is not needed for any of the departments of the city, may be disposed of as follows:

(1) By sale by sealed bid to the highest and best bidder, following notice on the city website and the public access station at least ten business days prior to the opening of bids.

(2) By live public auction.

(3) By internet auction. Notice of internet auction will be posted on the city website at least five calendar days prior to commencement of bidding.

(4) By sale, donation or agreement to another government jurisdiction without the requirement of competitive bidding.

(5) By trade-in for credit at the time of the purchase of replacement property, provided that trade-in value is established separately from the purchase price of the replacement property, and can be verified to represent fair market value for the traded property.

(6) By destruction upon the determination by the City Manager that the surplus property must be destroyed for public safety reasons.

(7) By donation to an appropriate charitable organization with the approval of the City Manager. No property shall be donated to the benefit of any private individual, private company or for-profit organization.

(B) **COMPUTER EQUIPMENT.** If the personal property is computer equipment which, in the judgment of the IT Director with approval of the City Manager, has no market value because of its age and/or obsolescence, the Purchasing Agent may dispose of such equipment as most beneficial to the City, including donation to a non-profit organization or by discarding such equipment.

(C) **SCRAP.** Personal property that has become unsuitable for use or personal property that has been condemned as useless by the City Manager or his or her designee shall be sold by the purchasing agent for the best price obtainable without advertising for bids.

(D) Any property donated shall be done so by written agreement that includes the proper release language as approved by the Law Director and the acceptance of the property in an "as is" condition.

§ 34.36 SALE OR LEASE OF CITY REAL ESTATE.

No real estate belonging to the city shall be sold or leased except in pursuance of a resolution passed by a majority vote of all members of the City Commission. This resolution shall contain the following.

(A) The reason for selling or leasing the real estate;

(B) Description of the real estate to be sold or leased;

(C) When real estate is to be leased or sold by the city to the United States Government; the State of Ohio (including any department or agency thereof) any political subdivision of the state; any nonprofit corporation, association, or organization; or any specific person or persons,

firm or corporation if, in the sound judgment of the City Manager, the sale or lease would be in the best interest of the city, no advertising for bids shall be required, if the resolution provided for in this section so states.

§ 34.37 ADVERTISEMENT; REPORTING OF BIDS.

(A) Except for sales or leases provided for in division (C) of this section, when real estate is to be leased or sold by the city, the resolution provided for in § 34.36 shall be advertised, together with all pertinent matters, as in the case of other purchases and sales.

(B) The City Manager shall report to the Commission all bids received in the matter of the lease or sale of real estate, and shall take such action thereon as may be directed and authorized by ordinances of the City Commission. The City Manager shall sign all conveyances for the sale or leasing of real estate of the city.

(C) When real estate is to be leased or sold by the city to the United States Government, the state (including any department or agency thereof), any political subdivision of the state or to any nonprofit corporation, association, or organization, no advertising for bids shall be required if the resolution provided for in § 34.36 so states.

§ 34.38 DISPOSITION OF UNCLAIMED PROPERTY.

(A) Property that is abandoned and unclaimed for 90 days after being taken into custody by the city may be sold by the Chief of Police at public auction after giving due notice thereof by advertisement published weekly for three consecutive weeks. The Chief of Police may have the proceeds from this auction, in full or part, deposited into the Law Enforcement Trust Fund.

(B) In the alternative, the city may keep the property, or the Chief of Police may contribute proceeds, in full or part, from the auction (see division (A)) to a recognized citizens reward program for use exclusively for the payment of rewards or the Chief of Police may contribute the property to one or more public or nonprofit agencies (provided no part of the net income inures to the benefit of any private agency's shareholder or individual and no substantial part of the agency's activities consist of promulgating propaganda or otherwise attempting to influence legislation or to one or more organizations satisfying IRC 501(c)(3) or (c)(19).

(C) This section shall not apply to property required for disposition pursuant to R.C. § 2933.44 2981.01 et seq. or other similar sections of the *Revised Code*, except as provided otherwise in this chapter.

(D) Bicycles that are abandoned and unclaimed for 60 days and have no value may be destroyed or otherwise disposed of by the Chief of Police without public sale.

(E) The Chief of Police or his/her designee shall determine any claimant's rights to possession of the abandoned or unclaimed property. If the claimant is dissatisfied with the decision of the Chief of Police or his or her designee, he or she may appeal the decision to the City Manager or his designee within 7 days of the decision. The City Manager and/or his or her designee shall hold a hearing within 14 days of receipt of the notice of appeal. The decision of the City Manager shall be final.

§ 34.39 DISPOSITION OF REAL AND PERSONAL PROPERTY WHICH HAS BEEN SEIZED BY AND/OR FORFEITED TO THE CITY.

(A) A person loses any right he or she may have to possession of property, which was the subject of an offense, was used in a conspiracy or attempt to commit an offense, or was used in the commission of an offense (other than a traffic violation) if the person was a conspirator, accomplice, or offender with regard to the particular offense. In addition, a person loses any right he or she may have had to possession of property when, on the basis of the nature of the property or the circumstances involved, it is unlawful for him or her to acquire or possess it. Any such property shall be deemed to have been forfeited to the city.

(B) Forfeited property in the custody of the city may be disposed of on the basis of an Application for Disposal of Property filed with the Municipal Court of this county under R.C. § 2933.41. In the alternative, this charter city may use any of the following procedures of disposal of such forfeited property, without necessity of any court order or judicial proceedings:

(1) Drugs of abuse, as defined in Ohio statutes, shall be destroyed, or placed in the custody of the Secretary of the Treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

(2) Alcoholic beverages, as defined in Ohio statutes, shall be destroyed, or placed in the custody of the Ohio Department of Liquor Control for disposal.

(3) Firearms and dangerous ordnance suitable for police work may be retained by the city as its property for law enforcement purposes. All other firearms shall be disposed of § 34.33 and § 34.38 above.

(4) Obscene materials shall be destroyed.

(5) Any other item of personal or real property forfeited under any law of the United States or the State of Ohio or ordinance of this city may be retained by the city for its own use. If not so retained and if the optional procedure of disposal under state statute is not used (see division (B) of this section) the property shall be disposed of under § 34.33 or § 34.38 above.

§ 34.40 REIMBURSEMENT OF CITY EXPENSES.

The right of any owner or finder to claim possession of property pursuant to this chapter shall be conditioned upon reimbursement to the city by that person of all direct expenses incurred by the city for advertising, mailing of notices and for any transportation and storage fees paid to third persons in connection with the property involved.

LAND REUTILIZATION PROGRAM

§ 34.50 LAND REUTILIZATION PROGRAM ESTABLISHED.

(A) The City of Piqua hereby adopts the procedures set forth in R.C. Chapter 5722.

(B) The proper city officials are hereby authorized to take all necessary and proper actions to adopt and implement the procedures set forth in R.C. Chapter 5722 and the City Manager is

directed to promulgate rules to set up a selection review committee, to delineate property selection and documentation criteria, to establish maintenance and reporting requirements, and to determine the length of time the city may own property for the program.

(C) The Clerk of Commission is hereby directed to transmit certified copies of this section to the County Auditor, the County Treasurer and the County Prosecutor, as provided in R.C. § 5722.02.

SECTION 2. All other sections of Chapter 34 of the Piqua Municipal Code not amended herein shall remain in effect as is.

SECTION 3. 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
CITY COMMISSION CLERK



LAW DEPARTMENT – Stacy M. Wall, Director

For Regular Meeting of City Commission July 19, 2011

To: Fred Enderle, City Manager

From: Stacy M. Wall, Law Director

Date: July 12, 2011

Re: Amendment of Chapter 34, City Policy

PURPOSE:

To amend Chapter 34, specifically Section 34.35, Disposal of Personal Property to allow for a variety of disposal methods.

RECOMMENDATION:

To adopt the Ordinance amending Chapter 34 to enable the Purchasing Agent to have flexibility in how to dispose of personal property that is no longer of value to the City and cannot be used by any City department.

BACKGROUND:

Recently, two departments have had a request to dispose of personal property in a certain manner but were restricted by Section 34.35 and could only sell the property by bid. In both cases, the departments wanted to donate the property as in one case, the property had no value. In the second case, the Fire Department wants to donate equipment to another governmental entity that needs the equipment and by donating it the City would be able to access that equipment as backup if needed.

ALTERNATIVES:

1. Adopt the ordinance to allow flexibility in how personal property is disposed of, including the ability to donate;
2. Do not adopt the amended ordinance;
3. Amend the ordinance in some other fashion.

DISCUSSION:

It is recommended that the ordinance be adopted in order to allow flexibility in how personal property is disposed when no longer needed for City use. The amendment allows for property to be donated but only to a non-profit entity or other governmental unit. The amendment also provides flexibility in allowing for computer equipment to be declared obsolete and disposed of by means other than by sale. The ordinance continues to distinguish between personal property and scrap continuing to require the scrap to be sold. The amendment would allow for the City to have agreements with other governmental entities in donating property while being able to maintain access for backup use if needed.

FINANCIAL IMPACT:

There could be a cost savings by adopting the ordinance. Currently the ordinance requires property to be sold by bid, which is a costly process due to the time involved and the cost of publication. If the code is amended to allow for different disposal methods, the same costs involved in the bidding process would not be expended.

CONFORMITY TO CITY PLANS & POLICIES:

The proposed changes are consistent with ensuring disposal is only after the property cannot be used by any other City department and it is of no value to the City. The amendment further states that no for profit entity or individual can benefit from donation of the property, protecting the City's interests in preventing conflicts of interest.

RESOLUTION NO. R-85-11

**A RESOLUTION REQUESTING AUTOHORIZATION TO
PURCHASE THE REAL PROPERTY LOCATED AT STATE
ROUTE 66, PARCEL ID NO. M40-047450, 20.39 ACRES ON
THE WATER TREATMENT PLANT CONSTRUCTION,
PAYABLE TO HAROLD & GERTRUDE LANGE, IN THE
AMOUNT NOT TO EXCEED \$143,000**

WHEREAS, the City of Piqua desires to build a new water treatment plant along State Route 66; and

WHEREAS, it will be necessary to acquire right-of-way for the reconstruction project; and

WHEREAS, the City of Piqua is responsible for purchase of the land, and

WHEREAS, the value of the property has been appraised as fair market value by OR Colan.

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

SEC. 1: The City Manager is hereby authorized to pay for the said real property located at State Route 66, Parcel ID No. M40-047450, 20.39 acres to Harold & Gertrude Lange, in the amount not to exceed \$143,000.

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 of July 19, 2011

TO: Fred Enderle, City Manager

FROM: Don Freisthler, Water Systems Superintendant

SUBJECT: Purchase the property located on State Route 66, Parcel ID M40-047450, 20.39 Acres.

PURPOSE:

Request for City Commission authorization to purchase the property on State Route 66, Parcel ID M40-047450, 20.39 Acres. from Harold & Gertrude J. Lange at a cost not to exceed \$143,000.

RECOMMENDATION:

Approval of the Resolution to allow for the purchase of property located at State Route 66, Parcel ID M40-047450, 20.39 Acres.

BACKGROUND:

The City of Piqua has been planning for years to replace the existing water treatment plant. The current water plant was built in 1925. The proposed location has been identified as a prime location by the consultants CDM and was appraised by OR Colan and Associates. OR Colan appraised the property value at \$143,000.00 and was listed at fair market value.

This is one of two properties that need to be acquired for the construction of the new water treatment plant.

ALTERNATIVES:

- 1) Approve the Resolution to allow for the purchase of State Route 66, Parcel Id No. M40-047450.*
- 2) Do not approve the Resolution to purchase property located at State Route 66, Parcel No. M40-04750. The current facility will not meet future regulations by the Ohio EPA.*

DISCUSSION:

The appraisal for this property was conducted by O.R. Colan & Associates and a fair market value was provided of \$143,000.

In 2006 we were advised by the Ohio EPA that our current facility will not be able to meet the new regulations coming into effect in 2013.

A study was conducted by Jones & Henry Engineers in 2007 stating that our current facility had out lived the expected life span. Our current plant is in a flood plain therefore it can not be reconstructed in this location.

FINANCIAL IMPACT:

The City has been anticipating this project for a number of years and therefore has been reserving funds for the acquisition for the land purchase for a new water treatment plant. The 2011 budget included \$143,000 for the purchase of the above mentioned property.

COMMUNITY IMPACT:

By constructing a new water treatment plant, it will insure the citizens of Piqua to be able to receive the high quality of water that they have come to expect. Having a new plant will be an asset to the city for years to come. The completion of the project in a timely manner will let the City of Piqua be able to meet current and future regulations from the Ohio and US EPA and prevent us from future violations.

Timely action must be taken to continue to provide our services to the citizens of Piqua

CONFORMITY TO CITY PLANS & POLICIES:

As stated in the Comprehensive Plan Update, the plant must be kept and maintained in good working condition. However, in 2007 the study by Jones & Henry stated that our current facility has outlived its current lifespan, which was also confirmed by CDM. In order to comply with the Comprehensive Plan we must take timely action.

RESOLUTION NO. R-86-11

**A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH
FREDERICK E. ENDERLE**

WHEREAS, City Manager Frederick E. Enderle announced his intent to retire and is to conclude his service as City Manager on July 31, 2011; and

WHEREAS, the City Commission has been searching for a new city manager and will not be able to have found a successor prior to City Manager Enderle's departure; and

WHEREAS, the City of Piqua has significant projects pending that affect the economic and development future of the City that City Manager Enderle has already devoted a significant amount of time to the planning stages of those projects; and

WHEREAS, the City of Piqua needs to maintain continuity and a solid working relationship with the partners in those projects; and

WHEREAS, the new city manager will need the benefit of City Manager Enderle's knowledge and background on those projects affecting the City and therefore it is desired that the City engage City Manager Enderle for his professional services on an as needed basis.

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

SEC. 1: The City Commission authorizes an agreement for professional services with Frederick E. Enderle in accordance with the terms substantially stated in the attached agreement marked as Exhibit A.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

AGREEMENT _____ - 2011

This Agreement is hereby entered into this ____ day of July, 2011 between the City of Piqua, a municipal corporation in the State of Ohio ("City") and Frederick E. Enderle ("Consultant") for the services as agreed to herein.

WHEREAS, Frederick E. Enderle served as the City Manager for the City of Piqua from 2005 through July 2011; and

WHEREAS, Frederick E. Enderle retired as the City Manager July 31, 2011, but desires to assist the City in a smooth transition of the job duties as the next city manager was not hired before City Manager Enderle's retirement; and

WHEREAS, the City of Piqua desires to retain the knowledge and experience of Frederick E. Enderle with his background on specialized issues impacting the future of the City of Piqua.

NOW, THEREFORE, in consideration of the promises, mutual covenants and agreements set forth, the City of Piqua and Frederick E. Enderle ("Consultant"), each binding itself, its successors and assigns, do mutually agree as follows:

I. PARTIES

1. City of Piqua: The City of Piqua is a municipal corporation in Miami County, State of Ohio. The City of Piqua shall be referred throughout the Agreement as "City."
2. Frederick E. Enderle: Frederick E. Enderle is to provide services as agreed to in this Agreement and shall be referred to throughout as "Consultant".

II. SCOPE OF SERVICES

1. Consultant shall perform the projects and tasks as decided upon by the City Manager and City Commission on an as needed basis, including but not limited to, advising and working on the development, creation, expansion and other related issues regarding the water plant, including any discussions with the Federal and State Environmental Protection Agencies (EPA) and any regional or cooperative discussions, the Fort Piqua Plaza, WOTVC and the 2012 Budget.
2. Consultant shall be an independent contractor establishing his own hours, subject to any deadline as informed of by the City Manager.
3. This Agreement shall be effective upon date of execution and shall terminate upon thirty (30) days written notice as given by the City Manager or no later than December 31, 2011. Should Consultant terminate this

Agreement prior to notice of termination by the City, Consultant shall provide thirty (30) days written notice to the City Manager.

III. COMPENSATION

1. Consultant shall be compensated at \$50.00 per hour. This Agreement shall not exceed \$8,000.00, without an amendment hereto. There shall be no benefits. Consultant shall submit a detailed invoice identifying the project(s) performed on a monthly basis for payment.
2. Consultant shall be reimbursed for any mileage necessitated by a project at the rate established by the federal government.

IV. LAW AND TERMS OF AGREEMENT

1. Subcontracting and Assignment:

None of the work or services covered by this Agreement shall be subcontracted or assigned.

2. Amendment:

This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

3. Entirety:

This Agreement contains the entire Agreement between the parties as to the matters contained herein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

4. Waiver:

A waiver of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other breach of such provision or any other provisions, nor shall any failure to enforce any provision hereof operate as a waiver of such provision or of any other provision.

5. Other:

Consultant is an independent contractor and is solely responsible for any worker's compensation payment, taxes or any other requirement of local, state or federal government.

V. **SIGNATURE**

The parties enter into this Agreement this ____ day of July 2011, as executed and witnessed in accordance with the below signatures.

CITY OF PIQUA
By:

BY FREDERICK E. ENDERLE

Lucinda L. Fess
City Commission, Mayor

Witness:

Witness:

Approved as to form:

Stacy M. Wall, Law Director

RESOLUTION NO. R-87-11

**A RESOLUTION AUTHORIZING THE CITY COMMISSION TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING TO APPOINT WILLIAM P. MURPHY AS
INTERIM CITY MANAGER**

WHEREAS, City Manager Frederick Enderle will cease his employment as the City Manager on July 31, 2011; and

WHEREAS, the City Commission is in the process of seeking to fill the position of city manager and is in the interview stage but will not be able to complete the process by July 31, 2011; and

WHEREAS, William P. Murphy has been the Assistant City Manager and the Economic Development Director for the City of Piqua; and

WHEREAS, the City Commission desires to appoint William P. Murphy as interim City Manager until the process has been completed.

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

SEC. 1: The City Commission appoints William P. Murphy as interim City Manager as of August 1, 2011, and until the city manager position is filled and in accordance with the terms and conditions as attached hereto in Exhibit A.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PIQUA
COMMISSION AND WILLIAM P. MURPHY REGARDING
TERMS AND CONDITIONS OF EMPLOYMENT:**

INTERIM CITY MANAGER

DUTIES AND RESPONSIBILITIES:

The Interim City Manager and City Commission shall each have all the rights, privileges, and responsibilities accorded to the City Manager and City Commission as provided by the City Charter.

TERM OF EMPLOYMENT:

The Interim assignment shall commence August 1, 2011 and end on the beginning tenure of a permanent City Manager, as established by agreement with City Commission.

COMPENSATION:

During his term as Interim City Manager, William P. Murphy shall be compensated at the annual rate of \$110,000 and continue to earn and accumulate retirement, medical, sick and annual leave at current rates of Assistant City Manager and continue to earn a vehicle allowance of \$300 per month . Except as provided herein under "Termination" William P. Murphy shall resume his prior position and status as Assistant City Manager/Development Director upon completion of the interim assignment.

TERMINATION:

This agreement and the position of interim city manager shall terminate upon the commencement of employment of a permanent City Manager as hired by the Commission. However, in the event of an involuntary termination from employment with the City of Piqua as (1) the interim City Manager by the City Commission and prior to the new City Manager commencing employment, except as a consequence of conviction for any felony, or (2) the Economic Development Director/Assistant City Manager by the incoming City Manager, a thirteen (13) week severance package will be provided at the weekly rate of pay as indicated in herein.

DATED THIS ____ DAY OF JULY, 2011:

William P. Murphy

Lucinda L Fess, Mayor

WITNESS:

RESOLUTION NO. R-88-11

**A RESOLUTION REQUESTING AUTHORIZATION
TO ISSUE A PURCHASE ORDER TO EGGEMAN
ENGINEERING & CONSULTING FOR THE
ENGINEERING DESIGN OF THE COLLEGE STREET
CORRIDOR TRAFFIC SIGNAL PROJECT**

WHEREAS, on January 4, 2011, this Commission passed Resolution No. R-2-11 authorizing the City Purchasing Analyst to advertise for bids, according to law, for Engineering Design Services for the College Street Corridor Traffic Signal Project;

WHEREAS, after solicitation of Request for Proposals, Eggeman Engineering & Consulting has been determined to be the most qualified provider of these services; and

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

SEC. 1: A purchase order is hereby authorized to Eggeman Engineering & Consulting for the Engineering Design services for the College Street Corridor Traffic Signal Project;

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$41,500;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CITY COMMISSION MEETING REPORT

For the Regular Meeting of July 19, 2011

TO: Fred Enderle, City Manager

FROM: Amy Havenar, City Engineer

SUBJECT: Award a contract to Eggeman Engineering & Consulting for the Engineering Design of the College Street Corridor Traffic Signal Project.

PURPOSE:

Request for City Commission authorization to enter into an agreement with Eggeman Engineering & Consulting for the engineering design of the College Street Corridor Traffic Signal Project. Total cost not to exceed \$41,500.

RECOMMENDATION:

Approval of the Resolution to allow for engineering design to begin on the College Street Corridor Traffic Signal Project.

BACKGROUND:

In June of 2009, the City submitted the College Street Corridor Traffic Signal Project to the Miami Valley Regional Planning Commission for funding under the Congestion Mitigation/Air Quality (CMAQ) program. This project was selected for funding and this resolution would allow us to begin the design process.

As with all projects utilizing federal money, the selected consultants must be on ODOT's prequalified consultants list. Utilizing that list, Request for Proposals were sent out to three consultants. From the proposals submitted, Eggeman Engineering & Consulting was selected as the most qualified consultant to perform the design services as identified in the RFP Scope of Services.

ALTERNATIVES:

- 1) Approve the Resolution to enter into an agreement with Eggeman Engineering & Consulting for the engineering design of the College Street Corridor Traffic Signal Project.*
- 2) Do not approve the Resolution and do not complete the College Street Corridor Traffic Signal Project.*

DISCUSSION:

The project will consist of upgrading the College Street Corridor (College & High, College & Water and College & Covington) traffic signal system to include signal coordination, the installation of emergency preemption, converting the signal operations from pre-timed to actuated, the installation of ADA compliant curb ramps, and the replacement of the existing traffic signals with mast arm poles. The project construction is scheduled for the summer of 2013.

FINANCIAL IMPACT:

The City has received \$469,381 in grant money for the construction from the Federal Highway Administration through the Miami Valley Regional Planning Commission. The total project cost is estimated to be approximately \$672,000.

The City has been anticipating this project and therefore has budgeted funds in the 2011 budget for the engineering design. This request includes 10% contingency for items which may be required as the plan preparation evolves.

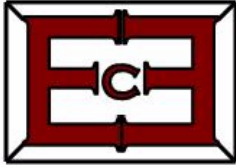
COMMUNITY IMPACT:

The installation of the emergency preemption added to the three traffic signals will provide a safety benefit to not only the emergency vehicles going through these intersections, but also to the motorist who are approaching these intersections. This project will allow for better traffic flow thorough these intersections which will be a major benefit to the motorists utilizing these roadways.

CONFORMITY TO CITY PLANS & POLICIES:

The Plan It Piqua 2007 Comprehensive Plan Update identified the need for enhanced public safety and efficiency with which vehicular and pedestrian traffic can be moved through the intersections. This project will allow for all of those things.

The project scope also follows the recommendations of the 2008 Intersection Improvements Study, which was completed to further analyze specific intersections identified in the Comprehensive Plan.



EGGEMAN
ENGINEERING
& CONSULTING

June 20, 2011

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

Re: Proposal for Sub-Consulting Services
MIA-36-10.00, College Street Corridor Traffic Signal Modification Project - Steps 3 through 9
PID 88229, Traffic Signal System Design

Dear Ms. Havenar:

Attached is one (1) original of Eggeman Engineering & Consulting, LLC's technical/cost proposal, in connection with the referenced project. The proposal provides a project narrative, technical write up and associated cost for traffic signal system design, as described in the Scope of Services, and covers Steps 3 through 9 of ODOT's Minor Project Development Process (PDP).

The proposed general tasks and associated costs are summarized below:

- EEC will provide contract plans for the installation of new traffic signal at the intersections of College Street at Covington Avenue, College Street at Water Street and College Street at High Street. The signals will be integrated into the City's existing closed loop signal system. The plans will include a Title Sheet with Project Map, General Notes (with specifications for hardware), General Summary Sheet, Signal Plan Sheet (with Pole Orientation Diagrams), and Signal Detail Sheet(s). The plan set will provide all information necessary for perspective signal contractors to accurately bid the project, and install the traffic signal with minimal risk for change orders.
 - Cost \$32,030
- EEC will utilize a subconsultant, G.J. Berding Surveying, Inc. (Berding), on this project to provide survey services and establish the existing Right-of-Way lines.
 - Cost \$5,710

The total proposed contract cost for the work described in the attached documents, including all subconsultants, is \$37,740.

We appreciate the opportunity to provide our services for this project. If you have any questions, please contact my office at (937) 631-1980.

Sincerely,
EGGEMAN ENGINEERING & CONSULTING, LLC

Kristin A. Eggeman, P.E.
President

Enclosure (1)
Cc: file