



**PIQUA CITY COMMISSION MEETING
TUESDAY, MAY 21, 2024
5 PM
COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

THE PLEDGE OF ALLEGIANCE

ROLL CALL

ADJOURN TO EXECUTIVE SESSION

ROLL CALL

EXECUTIVE SESSION

The Executive Session is to consider pending or imminent litigation and to prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel.

ADJOURN FROM EXECUTIVE SESSION

PROCLAMATION

Appreciation of Teachers

PRESENTATION

Piqua Pavement Program – Engineering Manager Kenton Kiser

REGULAR PIQUA CITY COMMISSION MEETING

CONSENT AGENDA

- 1. APPROVAL OF MINUTES**
Approval of the Minutes from the May 7, 2024, Regular City Commission Meeting

- 2. RESOLUTION NO. R-70-24**
A resolution of appreciation for the public service of Jason M. Preston as a city employee

- 3. RESOLUTION NO. R-71-24**
A resolution of appreciation for the public service of Larry A. Wiles as a city employee

- 4. RESOLUTION NO. R-72-24**
A resolution of appreciation for the public service of Tammy K. Wright as a city employee

OLD BUSINESS

5. ORDINANCE NO. O-3-24 (3rd Reading)

An ordinance to adopt Chapter 99: Piqua Historic Preservation Ordinance

6. ORDINANCE NO. O-4-24 (3rd Reading)

An ordinance to amend Chapter 32: Boards and Commissions

7. ORDINANCE NO. O-5-24 (3rd Reading)

An ordinance to amend Title XV: Land Usage, Piqua Development Code

8. ORDINANCE NO. O-6-24 (2nd Reading)

An ordinance to regulate burning activities

9. ORDINANCE NO. O-7-24 (2nd Reading)

An ordinance repealing and replacing Piqua Municipal Code Section 30.01

NEW BUSINESS

10. ORDINANCE NO. O-8-24 (1st Reading)

An amended ordinance to make appropriations for the City of Piqua, Ohio, for the year 2024

11. RESOLUTION NO. R-73-24

A resolution awarding a contract to Walls Bros. Asphalt Co. for the 2024 Pavement Preservation Program – Mill and Overlay Project

12. RESOLUTION NO. R-74-24

A resolution awarding a contract to Grissom Construction, LLC, for the 2024 ADA Curb Ramp Program

13. RESOLUTION NO. R-75-24

A resolution awarding a contract to Performance Site Development for the Robinson to Maple Alley Sanitary Sewer Replacement Project

14. RESOLUTION NO. R-76-24

A resolution authorizing a purchase order to the Board of Trustees, Clearcreek Township, Warren County, Ohio, for a used aerial ladder truck and upfitting costs

15. RESOLUTION NO. R-77-24

A resolution requesting authorization of an agreement with Stantec Consulting Services, Inc., for continued engineering support regarding Piqua's Hydraulic Canal and Dam System

CITY MANAGER'S REPORT

COMMISSIONERS COMMENT

PUBLIC COMMENT (This is an opportunity for citizens to address the City Commission on agenda items. Comments are requested to be limited to five (5) minutes.)

ADJOURNMENT

§ 30.15 RULES OF CONDUCT FOR MEETINGS.

(A) When adopting a resolution or ordinance, the following procedures shall be followed:

- (1) The heading of the proposed resolution or ordinance shall be read by the City Clerk;
- (2) The City Manager, or appropriate department head, shall briefly explain the proposed ordinance or resolution;
- (3) The Commissioners shall have an opportunity to ask the department heads and City Manager questions regarding the ordinance or resolution. No public comment will be permitted during the Commissions' inquiries;
- (4) The Mayor shall ask the public for comments or questions about the ordinance or resolution. Comments and questions regarding the ordinance or resolution shall be addressed to the Mayor and/or City Manager in a civil, respectful manner and shall be limited to a five minute period per person. The Mayor shall notify any person commenting on an ordinance or resolution as to when his five-minute period for comments is about to expire. The person commenting can request additional time and it shall be within the Mayor's discretion to permit the person to comment longer than five minutes. No person shall be permitted to comment twice on the same resolution or ordinance at the same meeting;
- (5) Finally, the Commission shall have its final debate and complete its deliberation on the ordinance or resolution. No comments from the public shall be permitted during said debate and/or deliberation.

(B) When conducting open forum at the end of the meeting, the following rules be followed:

- (1) Comments and questions by the public shall be addressed to the Commission, Mayor and/or City Manager in a civil, respectful manner and shall be limited to a five minute period per person. The Mayor shall notify any person commenting as to when his five-minute period for comments is about to expire. The person commenting can request additional time and it shall be within the Mayor's discretion to permit the person to comment longer. No person shall be permitted to comment twice in open forum at the same meeting;
- (2) Under no circumstances shall any member of the public address or ask questions, other than the City Manager, to city staff members. If appropriate, the City Manager may direct a city staff member to answer questions or respond to comments from the public.

(C) During the entire commission meeting, the following rules of conduct shall apply to any person attending the Commission meeting:

- (1) Persons shall conduct themselves in a civil, respectful manner;
- (2) No one shall express himself or herself in a manner that interrupts the orderly conduct of the meeting, for example, talking (other than when addressed by the Commission or City Manager), yelling, clapping, jeering or cheering;
- (3) Any person violating any of the rules of conduct shall be warned by the Mayor to cease his or her violation of the rule. If said person fails to comply with the Mayor's request to cease his or her conduct, the Mayor shall direct the person to leave the city premises. Failure to leave the premises when directed to do so may result in criminal prosecution;
- (4) If a person fails to cease commenting after his or her comment time has expired without extension, the public microphone shall be cut off, the television camera shall not focus upon the person, and the person will be asked by the Mayor to sit down. If the person fails to sit down, the Mayor shall direct the person to leave the city premises. Failure to leave the premises when directed to do so may result in criminal prosecution;
- (5) At any time during open forum, if any Commissioner believes that the public comment session no longer serves the public's interest, he or she may make a motion to adjourn the meeting. If said motion is seconded, all public comments shall cease and the Mayor shall direct the Clerk to call the roll to determine if the motion to adjourn shall pass. If the motion passes, the meeting shall be adjourned;
- (6) These Rules of Conduct shall be posted at the entrance of the City Commission Chambers.

(Ord. 24-06, passed 8-7-06; Am. Ord. 22-12, passed 10-16-12)

P R O C L A M A T I O N

WHEREAS, through their dedicated efforts to ensure our children learn the knowledge and skills needed to be successful in higher education, careers, and life, teachers are vital in helping build the future; and

WHEREAS, our country's future depends on providing quality education to all students; and

WHEREAS, teachers spend countless hours preparing lessons, evaluating progress, counseling and coaching students, and performing community service; and

WHEREAS, teachers play a crucial role in shaping our children into the people they will become, supporting them through their youth, and teaching lessons that will have an impact on students they will carry through life; and

WHEREAS, our community recognizes and supports teachers in educating the children of this community.

NOW, THEREFORE, I, Kris Lee, Mayor of the City of Piqua, Ohio, on behalf of the City of Piqua, extend my appreciation to all the teachers in our city. The City of Piqua presents its gratitude to these selfless, committed educators who serve the children of Piqua every day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Piqua, Ohio, this 21st day of May 2024.

KRIS LEE, MAYOR



Piqua Pavement Program

May 21, 2024

PIQUA
Ohio



Piqua Pavement Program Update Overview

- Past Methods
- Pavement Preservation Introduction
- Present Methods
- 2024 Work
- Future Public Facing Information

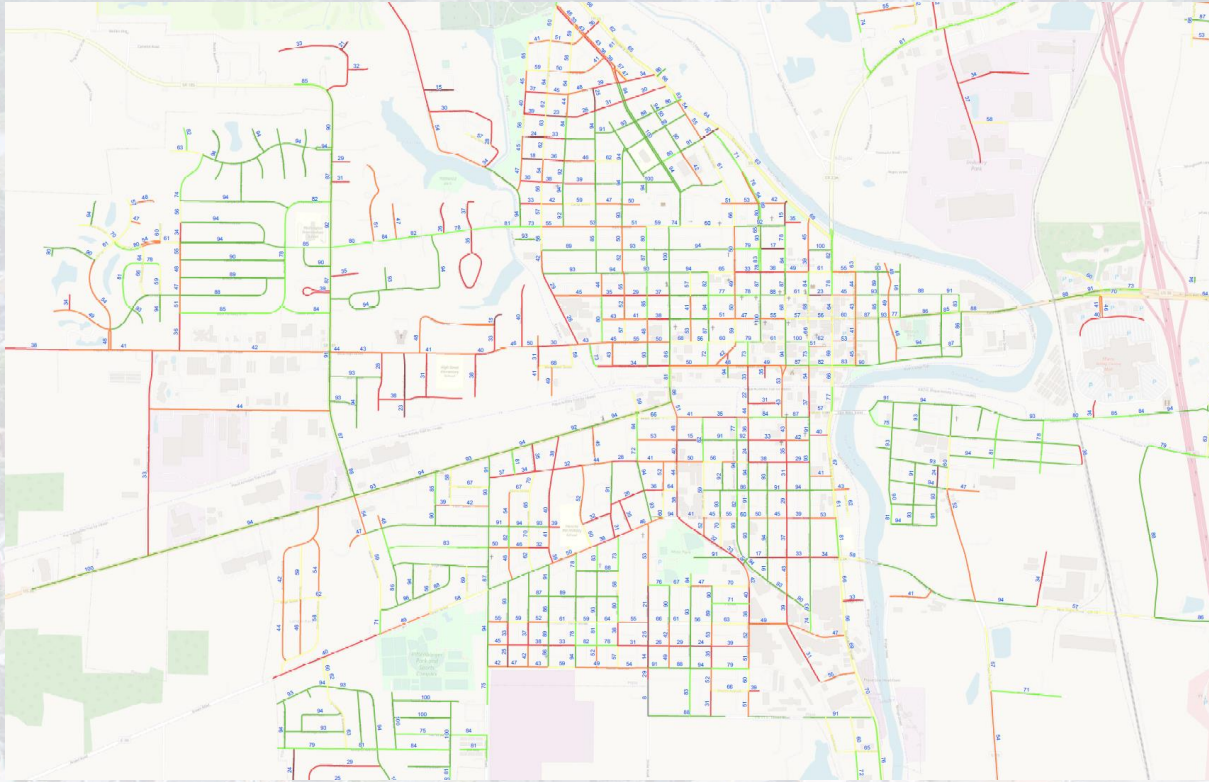
Past – Program Methods



2021 and Before

- Annual Resurfacing Project
- Public Works
 - Pothole Patching
 - Minor Paving Operations

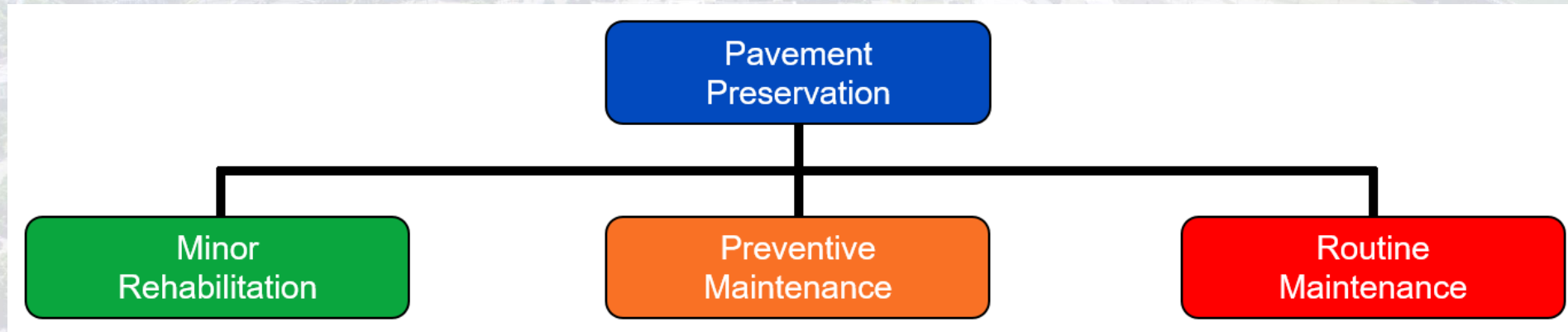
Past – Results, Problems, State of City Streets



Data Collected in 2021

- Pavement Condition Index (PCI) Score = 67.25
- In order **maintain** that PCI, the City would need to spend more money
 - Using only resurfacing method, patching work
 - Inflation

Solution – Introduction of Pavement Preservation



Pavement Preservation - Treatments



Minor Rehabilitation

- Resurfacing (Mill and Overlay)

Preventive Maintenance

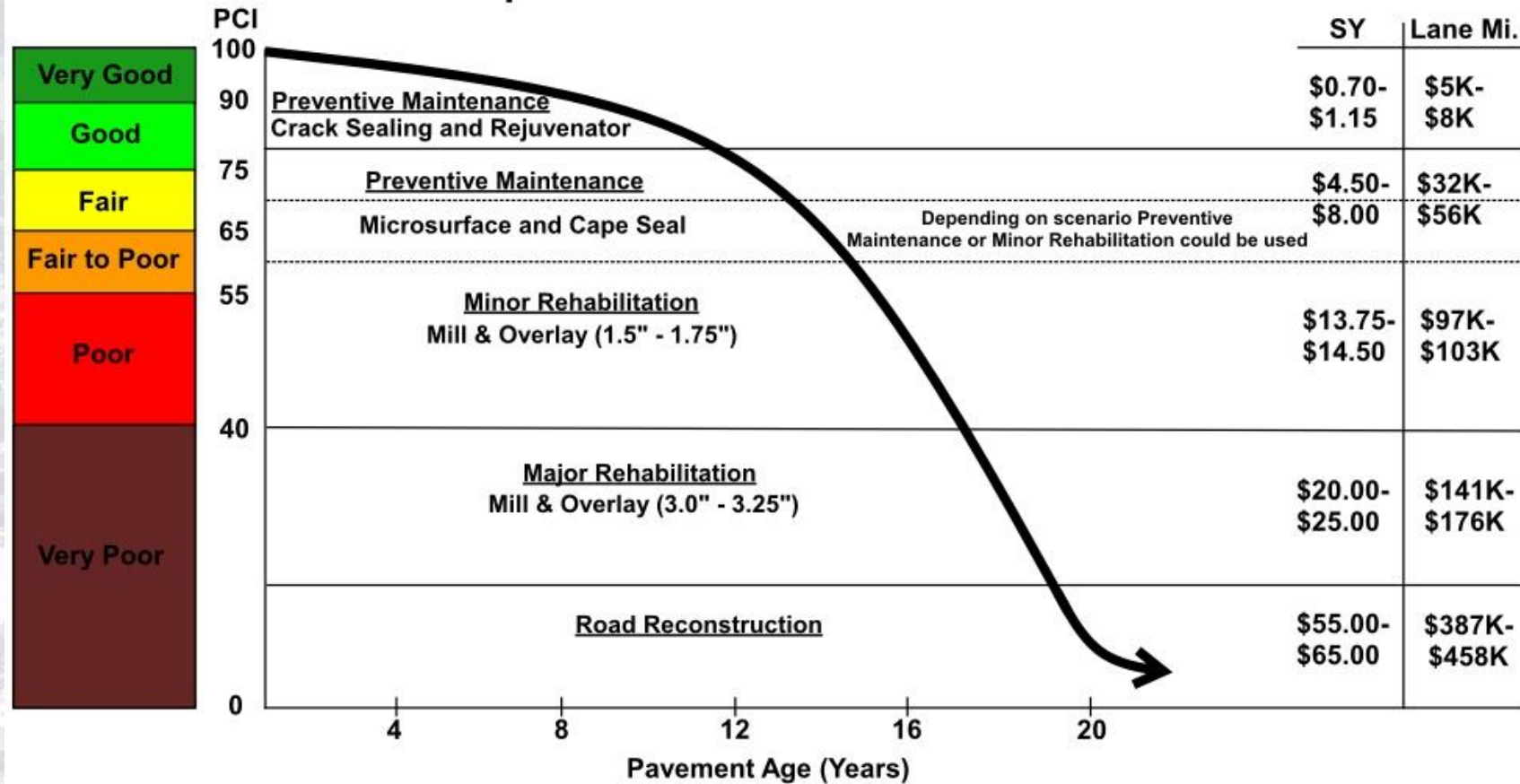
- Crack Sealing*
- Microsurfacing*
- Cape Sealing*
- Rejuvenator*

Routine Maintenance

- Durapatcher*
- Pothole Patching

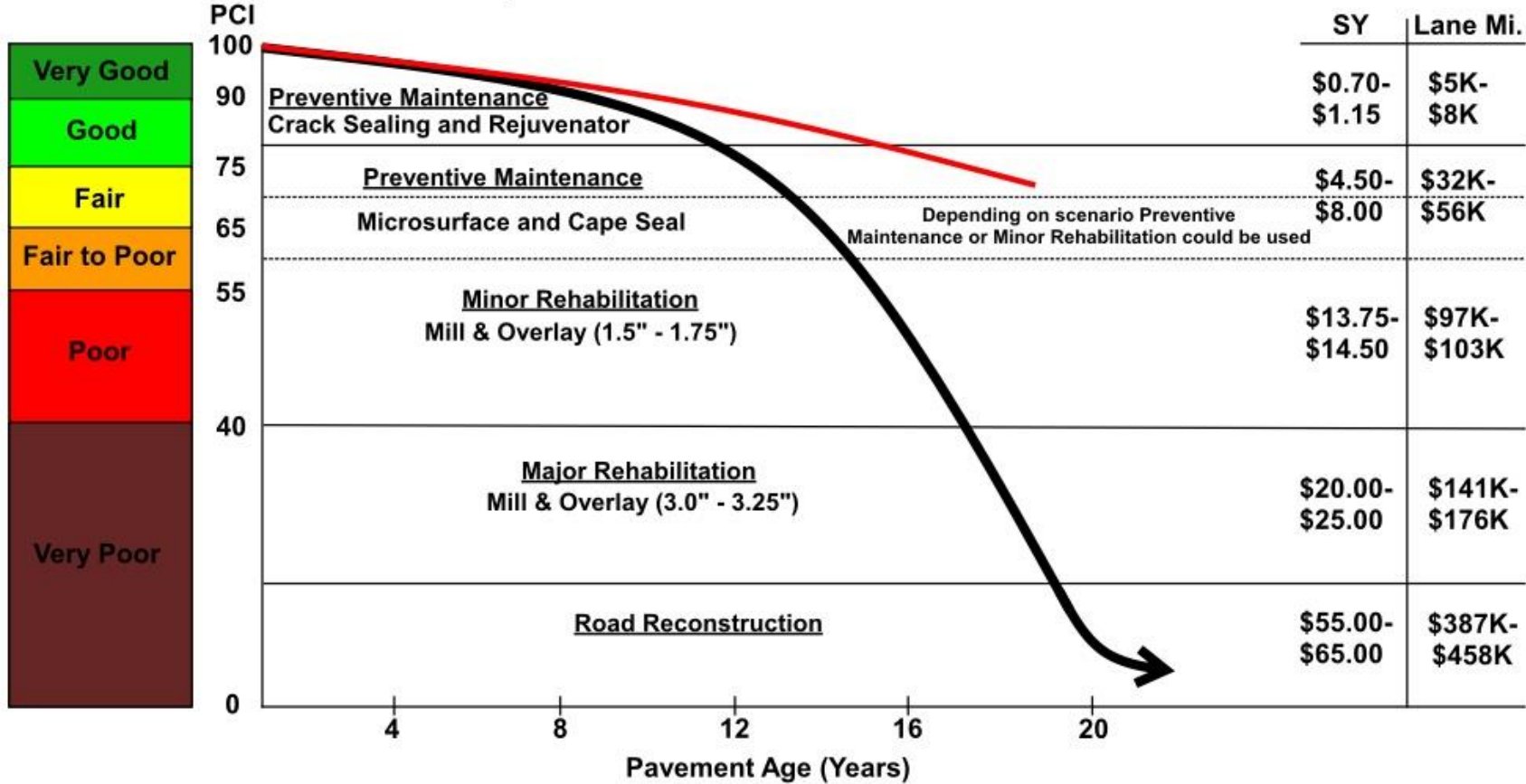
Pavement Preservation

It's Less Expensive to Work with Good Pavements

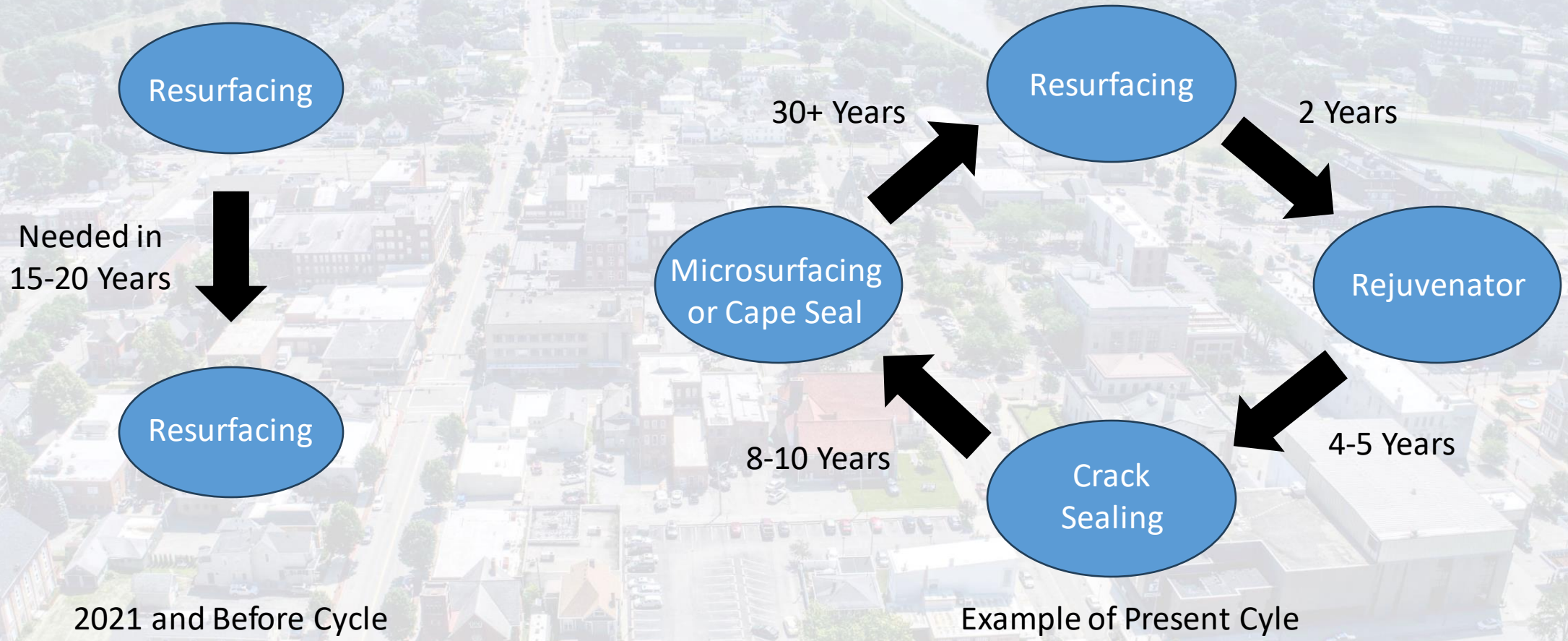


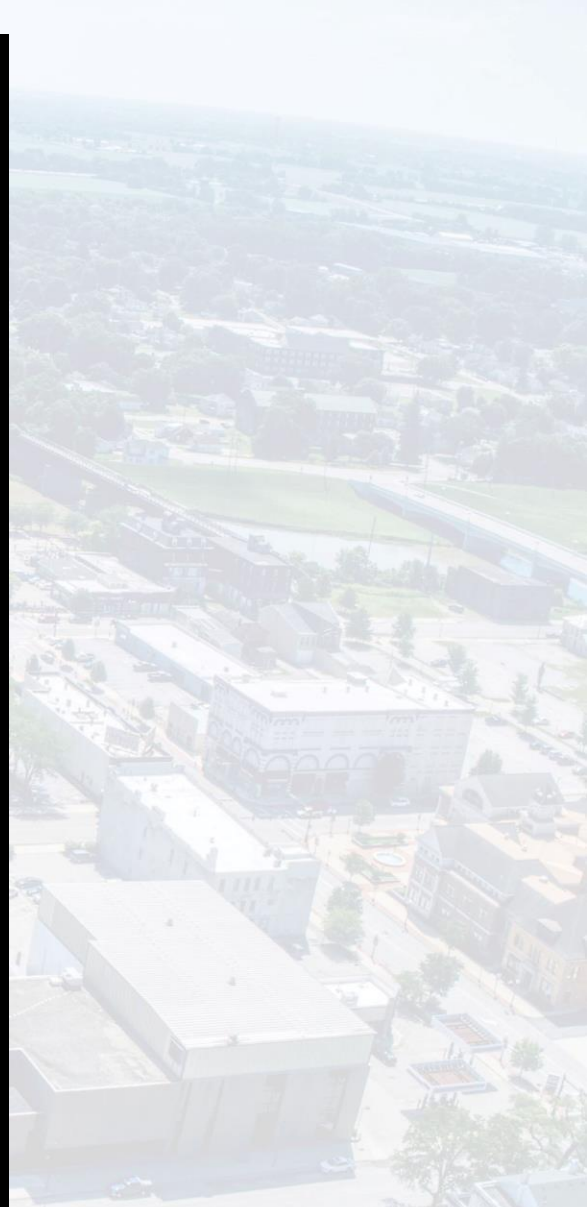
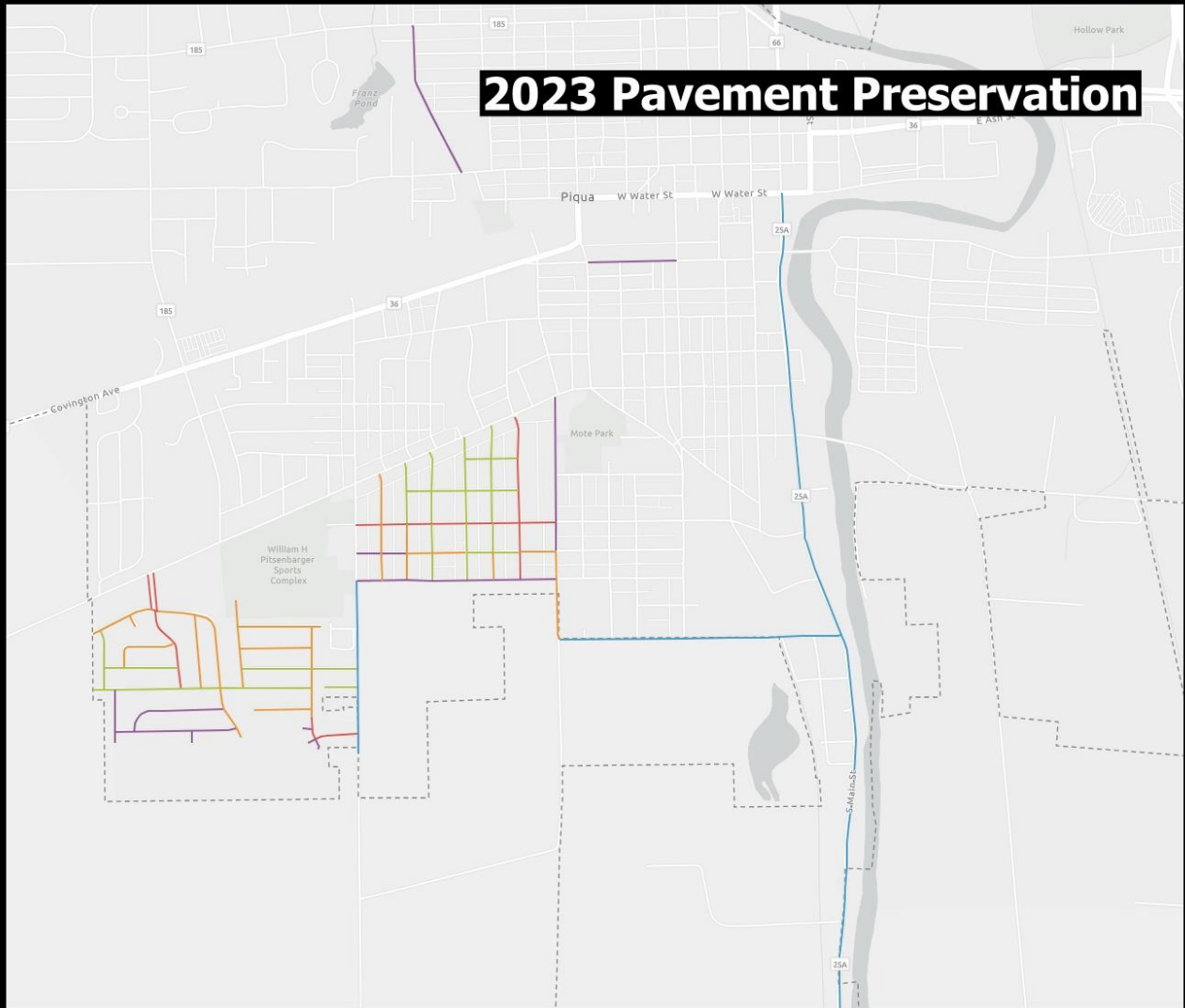
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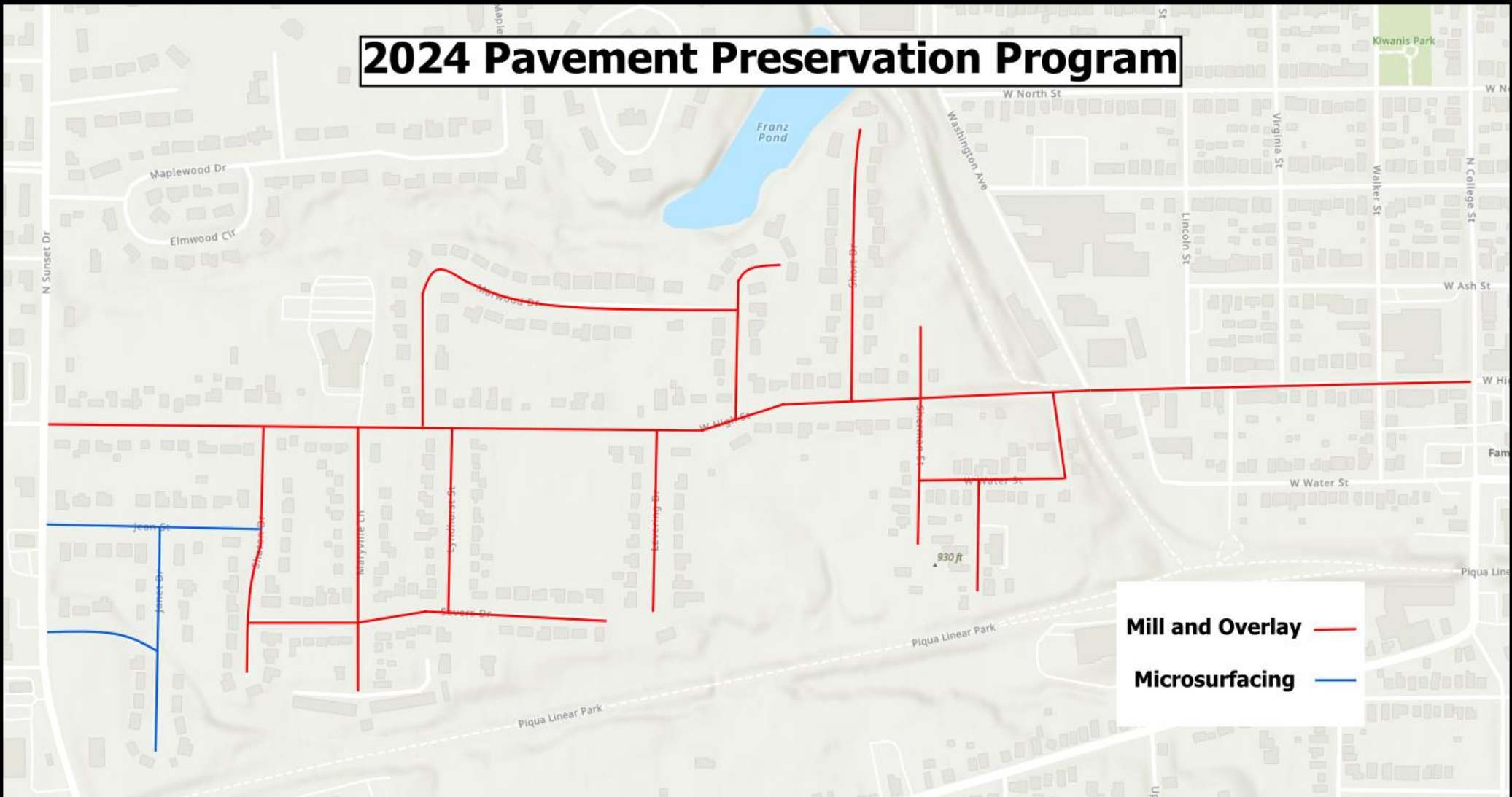


Street Treatment Cycle

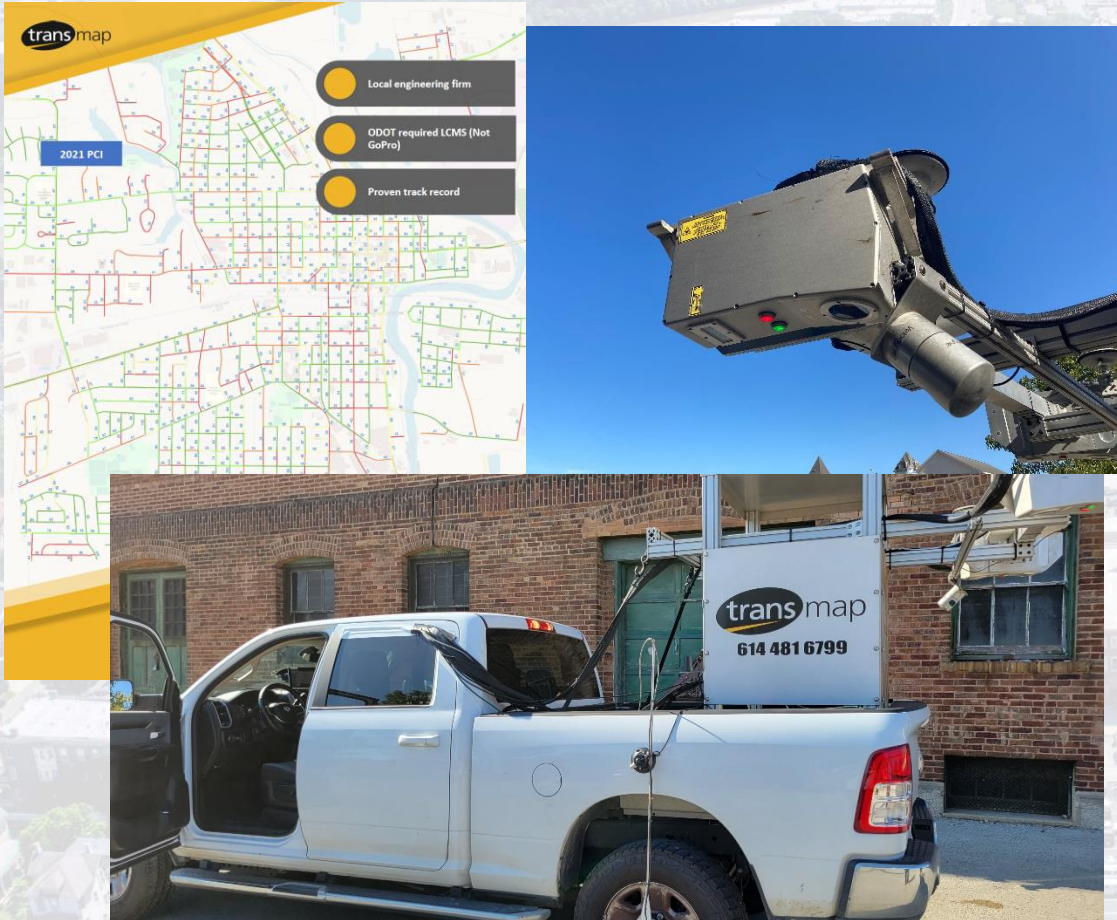




2024 Pavement Preservation Program



Piqua Pavement Program – 2024 Other Work



2024 Pavement Condition Index (PCI) Update

- Updated City-Wide Scores
 - All alleys and streets
 - Includes recently annexed streets
- 5-Year Workplan
 - Considering: utilities, capital improvement projects, street treatments and neighborhood goal

Piqua Pavement Program – 2024 Other Work



Not Just the Pavement Preservation Projects

- Looney Road Resurfacing – ODOT
- Bike Path Paving– Public Works
- Alley Paving – Public Works
- Homer Drive Extension – Engineering/Developer

Public Information – Coming Soon



Everything Pavement on our GIS/Pavement Page

- 2024 PCI Score Update and Report
- 2024 Pavement Work Completed
 - Money Spent, Dates, etc.
 - Alleys, Bike Path, etc.
- 2020-2023 Pavement Work as well



End of Update

Piqua Pavement Program



**PIQUA CITY COMMISSION MEETING WITH EXECUTIVE SESSION
TUESDAY, MAY 7, 2024**

CALL TO ORDER

Piqua City Commission met at 5 p.m. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street, Piqua, Ohio.

ROLL CALL

Mayor Lee and Commissioners Hohman, DeBrosse, Simmons and Vetter were present.

ADJOURN TO EXECUTIVE SESSION AT 5:03 pm

Commissioner Hohman made a motion to adjourn to executive session and Commissioner Simmons seconded the motion.

ROLL CALL

Mayor Lee and Commissioners Hohman, DeBrosse, Simmons and Vetter were present.

EXECUTIVE SESSION

The Executive Session is to consider confidential information related to economic development as further defined by Ohio Revised Code Section 121.22(g)(8) or as amended

ADJOURN FROM EXECUTIVE SESSION AT 6:00 pm

Commissioner Hohman made a motion to adjourn from executive session and Commissioner Simmons seconded the motion.

PROCLAMATION

Commissioner Hohman presented a proclamation to Jim Hemmert for Bike Month. Jim Hemmert said the city has 14 miles of paved path and it is a safe and scenic family activity. He said May 13-19 is bike to work week and May 17 is bike to work day. Mr. Hemmert thanked the city for recognizing Bike Month.

PRESENTATION - Report from Committee on Fire Training Facility

Nancy Roof, chair, and David Roth, co-chair, took turns giving updates on each of their meetings. They said they take their job seriously and even though it's a daunting task, they have a lot of support and do what it takes to provide a final report. They thanked the city commission for giving them this opportunity. They thanked Michelle Perry, Mark Neuman, Frank Patrizio and Christine Price for their assistance. Nancy Roof also said they have to follow the Sunshine Laws since they are an investigative committee. Ms. Roof thanked Debbie Stein, Jeff Lange, and Alishia Lange for working with the committee and sharing information.

Commissioner Hohman said the committee can present as little or as much as they want. We want the committee to be as unbiased as possible.

REGULAR PIQUA CITY COMMISSION MEETING

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the Minutes from the April 16, 2024, Regular City Commission Meeting

RESOLUTION NO. R-67-24

A resolution accepting the resignation of Gary Koenig as a member of the Planning Commission

A motion was made by Commissioner Hohman to approve the Consent Agenda, and Commissioner Vetter seconded the motion. All were in favor and the motion was carried unanimously.

Mayor Lee said he is sorry to see Gary Koenig go. Mayor Lee announced that the board opening for planning commission would be on the website tomorrow.

OLD BUSINESS

ORDINANCE NO. O-3-24 (2nd Reading)

An ordinance to adopt Chapter 99: Piqua Historic Preservation Ordinance

Introduction: Kyle Hinkelman said over the last few weeks the staff met with Piqua Historic District residents. There are some changes since the first reading. A few of the changes were to remove the reference to landscaping and specify that the lighting was intended for residential properties only. There may be a couple more changes before the final reading.

Commissioners Comments: Commissioner Hohman thanked Kyle Hinkelman for meeting with him and clarifying this ordinance.

Public Comments: None

Action Taken: 2nd Reading

ORDINANCE NO. O-4-24 (2nd Reading)

An ordinance to amend Chapter 32: Boards and Commissions

Introduction: Kyle Hinkelman said there have been no changes since the first reading but there are ongoing discussions about representation.

Commissioners Comments: Mayor Lee said he would like to see representation from the Historic District on the new committee. Commissioner Vetter asked if more areas of the city were included in the Historic Preservation area, if representation from those areas could be on the committee. Commissioner Hohman stated that right now the Caldwell District is the only area that already has the designation.

Public Comments: Don Smith, president of the Caldwell Historic District, said he believes someone from his district should be on the committee.

Action Taken: 2nd Reading

ORDINANCE NO. O-5-24 (2nd Reading)

An ordinance to amend Title XV: Land Usage, Piqua Development Code

Introduction: Kyle Hinkelman said there have been no changes from the previous reading. This development code was first adopted last June. A year later there are a number of items that have

changed, or we didn't realize that they would be as impactful in the way that they are. The majority of changes are relative to moving out the certificate of appropriateness and the historic regulations from our code.

Commissioners Comments: None

Public Comments: None

Action Taken: 2nd Reading

NEW BUSINESS

ORDINANCE NO. O-6-24 (1ST Reading)

An ordinance to regulate burning activities

Introduction: Commissioner Hohman gave a presentation explaining each section of the ordinance he was presenting. [Presentation](#)

Commissioners Comments: Commissioner Hohman read a statement of why he proposed this ordinance. Commissioner Simmons said the penalties should be \$1,500, \$3,000, and \$5,000.

Commissioner Simmons made a motion to increase the penalty and Mayor Lee seconded the motion. Roll Call was taken and Mayor Lee, Commissioners DeBrosse, Hohman and Simmons voted Yah. Commissioner Vetter voted nah. The motion to raise the penalty in O-6-24 passed.

Commissioner Simmons says he's thinking about loopholes and thinks private property should not be able to burn hazardous materials either. Commissioner Hohman suggested that Commissioner Simmons write an ordinance to go along with this ordinance. Commissioner DeBrosse thanked Commissioner Hohman for putting this ordinance together along with Paul Oberdorfer, Frank Patrizio, and any department heads who weighed in. He also appreciated that all commissioners were given the opportunity to weigh in.

Public Comments: Nancy Roof said that the EPA, RAPCA and BGSU needs to be aware of this ordinance.

Frank Patrizio said the ordinance does not prevent the burning of pallets. Nancy Roof said she regrets hearing comments directed towards community members.

Dave Smith gave his opinion. Frank Patrizio interrupted him on more than one occasion to tell him profanity was not permitted.

Kim Heisler said Commissioner Hohman did a great job and he's on a good path. Ms. Heisler said it needs a little more work as she feels the fines are too low. She said the word destructive she would like it changed to hazardous. Ms. Heisler said the soil, air and water are okay but what about the people. Commissioner Hohman discussed his reasoning for using the word "destructive". Ms. Heisler said that the word privately owned land should be removed.

Jeff Grimes said that the reference Commissioner Hohman made of "those people" are the ones that got the burning stopped. Mr. Grimes suggested moving the fire training center.

Nick Mahrt agreed with Jeff Grimes on the suggestion of moving the Fire Training Center. He said he sees families with pets on the bike path and it doesn't make sense to have fire training this close to the bike path. Mr. Mahrt said he submitted a proposal to Mayor Lee about what the current location of the fire training center could be used for and suggested a new location.

Alisha Lange addressed Commissioner Hohman and said that she has plenty of signatures to recall him. Ms. Lange said she agrees with Kim Heisler's comments. Alisha reported that she spoke with a professional regarding the battery burning that took place in Piqua.

Eva Silvers stated many ways that we come into contact with smoke and chemicals on a daily basis. She said if you go to a restaurant there's smoke, manufacturers produce smoke, a person who smokes may subject themselves to smoke when they get in their car, and chemicals are in all parts of our society now. Eva said she finds the personal attacks made during public comments astonishing. She said that Toxic Piqua started out with a good purpose.

Adam Seas said he has been busy investing money in his hometown. He told Commissioner Hohman that he believes he'd win an election today if there was one. Adam said he had a chance to tour Lock 9 park and it is bad ass. He said the community is tired of all the negativity.

Action Taken: 1st Reading

ORDINANCE NO. O-7-24 (1st Reading)

An ordinance repealing and replacing Piqua Municipal Code Section 30.01

Introduction: Jerry O'Brien said this ordinance gives the city manager permission to settle claims the same as the competitive bidding process that is set by the ORC. That amount is currently \$75,000. This would give the city manager the same authority that he already has with other types of contracts.

Commissioners Comments: Commissioner DeBrosse asked for an example of what this would cover. Jerry O'Brien gave an example as property damage that the city causes. Commissioner Vetter confirmed that it doesn't stop the city manager from bringing claims against the city to the commissioner's attention. Commissioner Hohman asked if there was any urgency, or if this was just house cleaning, to which Jerry O'Brien said it is just house cleaning. Commissioner DeBrosse asked if it was in line with the ORC and Jerry said it was.

Public Comments: None

Action Taken: 1st Reading

RESOLUTION NO. R-68-24

A resolution awarding a contract to M & T Excavating, LLC for the Ridge Street water main extension project

Introduction: Kevin Krejny said he has come before the commission before for grant funding and now he is coming with bids. On April 18, 2024, two bids were received for the Ridge Street Water Main Extension Project. The lowest bid of \$190,000 was provided by M & T Excavating out of Bradford. The project will consist of the replacement of the existing water main, services and associated fittings from Grant Street to South Street on Ridge Street. The water main size will be increased to the appropriate 8" residential

size. There are 9 homes on that street. This was originally part of the Fox Drive tower project, but this project did not get done when Fox Drive was completed so it was nominated for grant funding. The city has received grant money to help with this project and the work has to be completed by the end of the year, but he anticipates its completion by Halloween.

Commissioners Comments: Mayor Lee confirmed that 100,000 of it was grant funding and Kevin said yes, about half. Commissioner Vetter asked if the Underground Utility Board had heard the proposal and if so, he asked how they reacted. Kevin Krejny said yes, this has been on the list of potential projects since the utility board started a year and a half ago, so they are well aware of it. They were made aware of the award also. Commissioner Hohman asked what kind of grant this was, and Kevin Krejny replied that it was a trickle down from Covid Relief funds that divided into development and water projects.

Public Comments: None

Action Taken: A motion was made by Commissioner Vetter to approve the resolution, and Commissioner DeBrosse seconded the motion. All were in favor and the motion was carried unanimously.

RESOLUTION NO. R-69-24

A resolution approving the Miami County 9-1-1 Final Plan for the Miami County Communications Center

Introduction: Paul Oberdorfer said this resolution is needed to continue our services with the Miami County Communication Center.

Commissioners Comments: Commissioner Vetter asked if this is the first time we have approved this. Safety Services Director Rick Byron said this is the first time since 1989 that they have updated their plan. Commissioner Vetter asked if this has a term to it. Rick Byron said this allows for us to continue using the Miami County Communication Center for dispatch.

Public Comments: None

Action Taken: A motion was made by Commissioner Hohman to approve the resolution, and Commissioner Simmons seconded the motion. All were in favor and the motion was carried unanimously.

CITY MANAGER'S REPORT

Mr. Oberdorfer announced that the Taste of the Arts will be May 17th on Main Street.

COMMISSIONERS COMMENT

Commissioner Vetter addressed several issues. He received several emails regarding recreational fires in Piqua. Piqua does not have a specific ordinance and follows the fire code. This summer the City of Piqua will review the Capital Improvement Projects (CIP). A meeting to discuss the Hance Pavilion will be held May 16 at the YMCA. Commissioner Vetter asked the city manager if we have a target date for street repair. He announced that this is clean air week and there will be a Town Hall on May 16. He expressed his concern for appliances and mattresses being left by the curb. The city still needs help with spaying and neutering cats. Lastly, he asked if there is a date for the hydraulic canal committee to meet again.

Commissioner Simmons recited a quote from one of his favorite musicians. He addressed Commissioner Hohman's comment which referenced to "those people" and said it predates the YouTuber that came to town.

Commissioner Hohman looked into the cannabis tax and how it benefits Piqua. The Ohio law regulates the tax, and the city only receives income tax and a portion of the property tax. Commissioner Hohman read a letter from Kathy Sherman who could not attend the meeting. Her letter was a show of support for Paul Oberdorfer. She said she wanted to shine a light on him as he has had to make hard decisions to put Piqua on the right path. Commissioner Hohman said that a concerned citizen asked whether Chief Rick Byron's position as Safety Services Director could be a conflict. Commissioner Hohman said that the Safety Services Director is not directing a fire scene. He is overseeing operational control. He thanked Eva Silvers for organizing a community clean up. He thanked Piqua Police Department, Paul Oberdorfer and everyone who showed up. A citizen has concerns with our phone tree not directing citizens to the right place. Commissioner Hohman said there is a very small group of negative people but if you ask the group of people who have a vested interest in the community, they think the City Manager is doing a pretty great job. Given the choice between these two groups, Commissioner Hohman said he stands with Paul Oberdorfer and his ongoing record of benefiting the city.

Commissioner DeBrosse thanked the commission for excusing him at the last meeting. He said he did watch RJ Monnier's presentation on the utility office and thanked him and the entire Utilities Business Office staff for their work. He said he knows they have to deal with some unhappy folks as his mom, Shery DeBrosse, retired from the utility office. Commissioner DeBrosse thanked Kevin Krejny for bringing back the CAC group and bringing them up to speed on where we are with ODNR. Kevin Krejny also presented the CAC with some possible next steps. Citizens were concerned about the canal, Echo Lake, Frantz Pond and Swift Run being lowered in anticipation of a major rain event and the ramifications if we didn't get the amount of rain and what the water would look like until we got rain to fill it back up. One recommendation was to put in a measuring spot to see how much it was lowered and within a week or so Kevin and his team had it up. He thanked the Fire Training Committee and said he feels pride that they voluntarily put forth their time to help the community. Frank wished his father, Don DeBrosse, a Happy Birthday.

Mayor Lee thanked Commissioner DeBrosse for initiating the Fire Training committee and Commissioner Hohman for working on the ordinance restricting burning. He said we've got nothing to hide. Piqua prom was last week, and Lehman prom is next weekend. The 4th of July celebration will be held at the Piqua Center, and it should be a good time. He said the Piqua Center is recruiting the commissioners to sit in the dunk booth. The planning commission application will be on the website tomorrow. Mayor Lee said that you don't have to like everything, but we have a city manager that does a good job. He supports Paul Oberdorfer.

PUBLIC COMMENT

Eva Silvers thanked Paul Oberdorfer and his wife, Commissioner Hohman, Spencer Peltier, Crooked Handle folks and others who came out to help with the clean-up. They got a lot done and were able to see the old BMX tracks. She said it gave a chance for everyone to go out and see what this community holds and why people are so vested. She listed multiple events she's been involved in but said the intent is because not everyone has time to look into every aspect. She said that is true in people's personal lives, the city commission and everyone who sits in a city seat. Eva said the reality is whatever transpired then

has been rectified. She said that no city party had full knowledge of what took place. So, it is not logical to cast blame on you when you are working on solutions. At some point you have to look at the intent and motive of what's being done. Eva said this is just an attack on anyone and everyone that could have had a hand in it. Ms. Silvers gave credit to Commissioner Hohman and Commissioner DeBrosse for their efforts toward a solution. Eva said everyone might not agree with the City Manager, but you won't find another city manager bring his wife out and pick up broken beer bottles and needles. Eva said he didn't have to do that, and he must care a little. She said she thinks it's time for everyone to understand that there is a fire committee working on it, the water testing has been done, and she thinks it time for citizens and businesses to take a step back and say we've heard enough. Let the committee come to the decision that they were chosen to do.

Jim Sheets gave a shout out to Danielle at the Headquarters Beauty Shop on McKinley. About a year ago he started coming to meetings and wanted to become a commissioner. He became involved with a group of people and there was a rift between some people. He talked about a business owner that asked him about expanding to Piqua and he suggested that he watch some commission meetings. After watching the meeting, the business owner changed his mind about opening a business here because of all of the chaos. Jim said he would like to see both sides come together and hash out their differences. Mayor Lee said he would love it and suggested the two sides come together at a Town Hall.

Kim Heisler said she has brought the valuation of the old Water Plant many times and asked that we ask the county to reevaluate. Frank Patrizio said the city does not pay taxes. Law Director Patrizio also said there is a lot of land with the property although he doesn't believe it's correct either. Ms. Heisler said as a citizen it makes her wonder what the city has planned for that property.

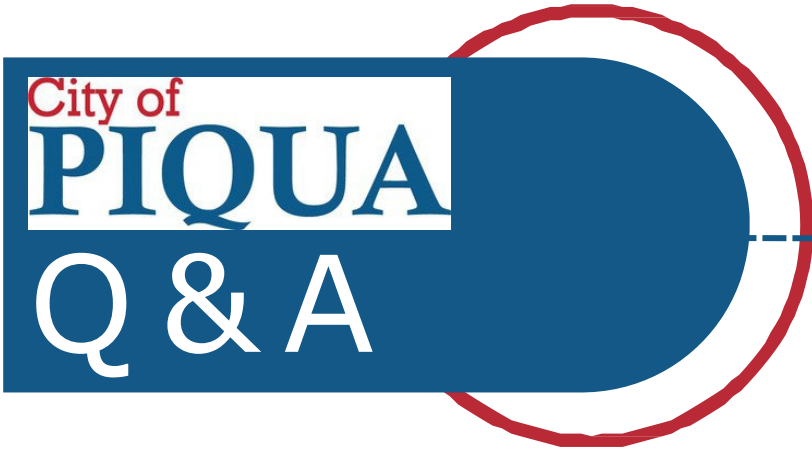
ADJOURNMENT at 8:27 pm

A motion was made by Commissioner Hohman to adjourn, and Commissioner Vetter seconded the motion. All approved and the motion was carried unanimously.

KRIS LEE, MAYOR

Passed: _____

Attest: _____
COMMISSION CLERK



May 7, 2024

At the City Commission Meeting on May 7, 2024 there were no questions that were not answered.



RESOLUTION NO. R-70-24

**A RESOLUTION OF APPRECIATION FOR THE
PUBLIC SERVICE OF JASON M. PRESTON
AS A CITY EMPLOYEE**

WHEREAS, Jason M. Preston has retired as a Deputy Chief with the City of Piqua; and;

WHEREAS, his retirement follows over 20 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of Jason M. Preston as an employee of the City of Piqua, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee _____
Commissioner Frank DeBrosse _____
Commissioner Jim Vetter _____
Commissioner Thomas Hohman _____
Commissioner Paul Simmons _____

RESOLUTION NO. R-71-24

**A RESOLUTION OF APPRECIATION FOR THE
PUBLIC SERVICE OF LARRY A. WILES
AS A CITY EMPLOYEE**

WHEREAS, Larry A. Wiles has retired as a Wastewater Operator III with the City of Piqua; and

WHEREAS, his retirement follows 22 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of Larry A. Wiles as an employee of the City of Piqua, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____

CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee	_____
Commissioner Frank DeBrosse	_____
Commissioner Jim Vetter	_____
Commissioner Thomas Hohman	_____
Commissioner Paul Simmons	_____

RESOLUTION NO. R-72-24

**A RESOLUTION OF APPRECIATION FOR THE
PUBLIC SERVICE OF TAMMY K. WRIGHT
AS A CITY EMPLOYEE**

WHEREAS, Tammy K. Wright has retired as an Administrative Assistant with the City of Piqua; and

WHEREAS, her retirement follows 32 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the public service of Tammy K. Wright as an employee of the City of Piqua, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____

CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee	_____
Commissioner Frank DeBrosse	_____
Commissioner Jim Vetter	_____
Commissioner Thomas Hohman	_____
Commissioner Paul Simmons	_____

Commission Agenda Staff Report

MEETING DATE	April 16, 2024		
REPORT TITLE	An ordinance to adopt Chapter 99: Piqua Historic Preservation Ordinance		
SUBMITTED BY	Name & Title: Kyle Hinkelman, Community Services Director		
	Department: Community Services Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	<p>This Ordinance creates a new Ordinance – Chapter 99: Piqua Historic Preservation Ordinance. The Planning Commission recommend approval in a 5-0 vote on April 10, 2024.</p> <p>The creation of this Ordinance furthers the goal of the City of Piqua to become a Certified Local Government (CLG). Working with the State Historic Preservation Office (SHPO), this language was crafted to meet the requirements from SHPO to become a CLG. The Ordinance does three main things – 1. Creates a new consolidated boundary line for the Piqua Historic District, 2. Creates a process and procedures for review of landmark designations and Certificates of Appropriateness within the District and for landmarked structures, and 3. Creates a separate City Historic Review Commission (CHRC).</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	N/A	
	Expenditure \$:	N/A	
	Source of Funds:	N/A	
	Narrative:	N/A	
OPTIONS	1.	Approve of the adoption of the ordinance.	
	2.	Disapprove of the adoption of the ordinance.	
PROJECT TIMELINE	<p>April 16th – 1st Reading</p> <p>May 7th – 2nd Reading</p> <p>May 21st – 3rd Reading / Approval</p>		
STAFF RECOMMENDATION	Approve the proposed Ordinance.		
REASON FOR SELECTING CONSULTANT/COMPANY	N/A		

ATTACHMENTS

Chapter 99: Piqua Historic Preservation Ordinance, Exhibit A: Boundary Map, Exhibit B: Piqua Historic Registry

ORDINANCE NO. O-3-24

AN ORDINANCE TO ADOPT CHAPTER 99: PIQUA HISTORIC PRESERVATION ORDINANCE

WHEREAS, the City of Piqua, Ohio, has a desire to protect and preserve the historical character of the city and to become a Certified Local Government (CLG) as designated by the State Historic Preservation Office (SHPO); and,

WHEREAS, the Planning Commission has recommended in a 5-0 vote to adopt Chapter 99: Piqua Historic Preservation Ordinance, including all content described within Exhibit A; and,

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

- SEC. 1: Chapter 99: Piqua Historic Preservation Ordinance is hereby adopted, to include all content described within Exhibit A.
- SEC. 2: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st Reading – 4/16/2024

2nd Reading – 5/7/2024

3rd Reading – 5/21/2024

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____
MELISSA KINNEY
CLERK OF COMMISSION

The Motion to adopt the foregoing Ordinance was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee	_____
Commissioner James Vetter	_____
Commissioner Frank DeBrosse	_____
Commissioner Thomas Hohman	_____
Commissioner Paul Simmons	_____

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CHAPTER 99: PIQUA HISTORIC PRESERVATION ORDINANCE

Section 99.01	Introduction
Section 99.02	Purpose
Section 99.03	Definitions
Section 99.04	District Boundaries / Current Landmarks
Section 99.05	Commission
Section 99.06	Process
Section 99.07	Criteria for demolition or relocation of a structure
Section 99.08	Modifications
Section 99.09	Demolition by Neglect
Section 99.10	Accidental Damage
Section 99.11	Enforcement and Penalties
Section 99.12	Severability

§ 99.01 INTRODUCTION

The City of Piqua has a rich history dating back to its Native American roots. The name Piqua is derived from a Native American word meaning “man who arose from the ashes” or “ashes to ashes”. The area was inhabited by various indigenous tribes, including the Shawnee, Miami, and Delaware.

Fort Piqua was established in 1793 by General Anthony Wayne during the Northwest Indian War, and the City of Piqua was founded in 1807 and incorporated in 1823. Piqua's early industry was successful due to its location along the Miami River, which provided power for mills and other industries. The city became known for its manufacturing, including paper mills, foundries, and agricultural equipment.

The construction of the Miami and Erie Canal in the 1830's further stimulated Piqua's economy by providing a transportation route for goods and people. The canal connected Piqua to other major cities in Ohio and beyond.

Piqua was a center of abolitionist activity in the mid-19th century. The town was a stop on the Underground Railroad, and many residents were involved in the anti-slavery movement.

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Piqua boasts several historic structures and landmarks that are still standing today, including the Fort Piqua Plaza, which now houses a library and meeting spaces. The Johnston Farm & Indian Agency provides insight into the area's early history and the interactions between Native Americans and European settlers, as well as many others on the National Register of Historic Places.

The Caldwell Historic District was listed on the National Register of Historic Places in 1985 and includes portions of North Main Street, Wayne Street, Downing Street, Caldwell Street, West Ash Street, Greene Street, North Street, Mound Street, and Park Avenue.

These areas contribute tremendously to the vibrancy of the downtown area, which is why the City has made significant efforts to preserve their historical character, including applying to be a Certified Local Government (CLG) with the State of Ohio, and establishing these local guidelines and standards for renovation, rehabilitation, and demolition.

The CLG program is a federal, state, and local partnership that promotes the preservation of local historic resources by providing assistance to local communities including funding (i.e., matching grants program) that can be used for a variety of preservation projects. To become a CLG, the city must have the following:

- A qualified commission of at least five members who designate historic properties and review proposed changes to the historic environment;
- An ordinance designed to protect historic resources and offer guidance to those wishing to make changes to historic buildings, sites, and districts;
- A procedure for identifying historic properties by which they can be surveyed and recorded, designated locally, and nominated to the National Register of Historic Places; and
- A public participation program which invites and encourages citizens to participate in the community's historic preservation program.

§ 99.02 PURPOSE

The Piqua Historic Registry (“Registry”) and the Piqua Historic District (the “District”) shall be established by ordinance of the City Commission. The District shall include two primary area designations – the Piqua-Caldwell Historic District, a previously designated and authorized place on the National Historic Register and the Downtown Piqua Historic District. The Registry shall include the District and locally designated landmarks.

New construction, renovation, rehabilitation, and even maintenance of a structure within a historic district have so many variables that it is almost impossible to apply a strict set of standards to all structures. Each structure may have been built for a different purpose, in a different era, and/or with a different architectural style or theme that may vary greatly from an adjacent structure or one that is in the same neighborhood but just

down the street. The purpose of this document is to provide a framework of design guidelines that the City Historic Review Commission (CHRC) and staff can use when reviewing an application for a Certificate of Appropriateness (COA), discussed later in this document. These guidelines are not a substitute for any standards found in applicable building or fire codes, or for those standards found in the City of Piqua Development Code (Title XV).

Landmark Structures may also be subsequently added to the District registry by the CHRC and this document creates an approval process and standards for authorization.

§ 99.03 DEFINITIONS

1. **Archaeology / Archaeological site** - is a location that contains physical evidence of past human behavior that allows for its interpretation.
2. **Alteration** - Any act or process that changes one or more of the exterior architecture features of a building or structure, including but not limited to the erection, construction, reconstruction, or removal of the building or structure
3. **Addition** - Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.
4. **Building** - Any structure created for the support, shelter or enclosure of persons, animals, or property of any kind and which is permanently affixed to the land.
5. **Certificate of Appropriateness** - A certificate issued by the CHRC indicating that a proposed change, alteration or demolition of a historic building or structure or within a historic site or district, is in accordance with the provisions of this chapter and local design guidelines.
6. **Change** - Any alteration, demolition, removal or construction involving any property subject to the provisions of this chapter.
7. **CHRC** – City Historic Review Commission. The body who is empowered to review and approve landmark designations and certificates of appropriateness for historic structures and sites within designated boundaries in the City of Piqua.
8. **Construction** - The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
9. **Demolition** - Any act or process that destroys in part or in whole any building or structure.
10. **Demolition by Neglect** - Any failure in the maintenance and repair of any site or structure within any historic district that results in any of the following conditions:
 - a. The deterioration of the foundation, exterior wall, roof, chimney, door or window, to an extent that creates or permits a hazardous condition to exist; or

- b. The deterioration of the foundation, exterior wall, roof, chimney, door or window, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury, or loss of the foundations, exterior wall, roof, chimney, door or window of the structure.
11. **Historic District** - Any area designated by ordinance of the City which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance
12. **Historic Structure** - Any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of this chapter. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation. It may be achieved in several ways:
- Association with broad pattern of our history, events, activities, or patterns
 - Association with important persons
 - Distinctive physical characteristics of design, construction, or form
 - Potential to yield information important in history or prehistory (archaeology)
13. **Landmark** - Any building, structure or archaeological site that has been designated as a "landmark" by the City of Piqua or the CHRC, pursuant to procedures proscribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance. This may or may not be recorded within the National Register of Historic Places.
14. **Owner** - the owner or owners of record
15. **Preservation** - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.
16. **Reconstruction** - The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
17. **Rehabilitation** - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.
18. **Restoration** - The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work to make properties functional is appropriate within a restoration project.
19. **State Historic Preservation Office (SHPO)** –The official historic preservation agency of the State of Ohio.

§ 99.04 DISTRICT BOUNDARIES / CURRENT LANDMARKS

- A. The boundary of the Piqua Historic District shall consist of two separate sub-areas – the Caldwell Historic District and the Downtown Historic District. A map of said boundaries shall be attached to the approved Ordinance as Exhibit A. These boundaries shall be considered and documented as a zoning overlay district with additional regulations as noted within Chapter 99. Those boundaries generally include the following roadways:
- N. Main Street – Wood Street to Riverside Drive;
 - N. Wayne Street – Water Street to Riverside Drive;
 - N. Downing Street – Water Street to Park Avenue;
 - Caldwell Street – High Street to Camp Street.
- B. Current designated areas and landmarks on the National Register of Historic Places or are designed as local landmarks approved by the CHRC within the City of Piqua which may or may not be located within the Piqua Historic District but are regulated by Chapter 99 are noted below. Additional local landmarks may be added by the CHRC per the process noted in § 99.06 and will be added to Exhibit B attached to this Ordinance.

Buildings / Structures

1. **Fort Piqua Plaza.** 114 W. Main Street, Piqua, OH 45356
 - Added 2/15/1974
 - National Historic Register - Reference #74001576
2. **Arrowston.** 1220 Park Avenue, Piqua, OH 45356
 - Added 2/8/1980
 - National Historic Register - Reference #8003162
3. **Old Piqua High School.** 316 N. College Street, Piqua, OH 45356
 - Added 8/22/1996
 - National Historic Register - Reference #96000927
4. **Zollinger Building.** 101 S. Wayne Street, Piqua, OH 45356
 - Added 12/15/2015
 - National Historic Register - Reference #15000903

Historic Districts

5. **Piqua – Caldwell Historic District.** Defined Boundary.
 - Added 1/11/1985
 - National Historic Register - Reference #71000646

§ 99.05 COMMISSION / POWERS

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- A. **Established / Membership.** The City Historic Review Commission (CHRC) is established and membership is defined under § 32.110, and shall follow all requirements of that section of this Code.
- B. **Powers.** The CHRC shall have the powers and be the final determining body for the following:
1. To establish and use written guidelines for the conservation of designated local landmarks and historic districts and to encourage members of the CHRC to attend training / educational sessions at least once per year.
 2. To establish and use written guidelines regarding the rules of procedure including conflict of interest.
 3. To review and approve the appropriateness of the application of any property owner regarding the demolition, construction, preservation, restoration, or rehabilitation of any home, commercial establishment or other structure, or new construction within the Piqua Historical District.
 4. To designate Local Landmarks as defined within § 99.06.C.
 5. To confirm all work on landmark buildings conforms to the City's historic preservation goals and the guidance provided by the *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving Rehabilitating, Restoring & Reconstructing Historic Buildings, 2017* (see <https://www.nps.gov/tps/standards.htm>).
 6. Minor work, as delegated by the CHRC, is approved by the Community Services Director following the policy guidance of the CHRC.
 7. To act as a liaison on behalf of the City of Piqua to individuals and organizations concerned with historic preservation.
 8. To work towards the continuing education of citizens within the CLG's jurisdiction regarding historic preservation issues and concerns.
 9. To seek outside expertise when specific expertise is not available on the Commission for National Register nominations or other actions of the Commission.
 10. To conduct a continuing survey of cultural resources in the community according to guidelines established by SHPO.
 11. Additional responsibilities as determined by mutual agreement between the State Historic Preservation Office and the CLG including review of nominations for the National Register.

§ 99.06 PROCESS

- A. The CHRC shall review and have final approval authority over two types of applications – Landmark Designation Requests and Certificates of Appropriateness. Reviews for designation as a local landmark may occur

outside of the boundaries of the Piqua Historic District, but once approved, all applicable regulations within Chapter 99 will become effective on the property.

- B. **Application Initiation.** Any person, firm, corporation or agency may submit an application to the CHRC, provided they are the owner or the owner's representative of the property for which the application is being submitted.

- C. **Public Hearing.** The CHRC shall set a date and time for a public hearing once an application is filed and fees are paid, which shall not be less than ten (10) days nor more than sixty (60) days from the filing date.
 - 1. Written notice of the hearing shall be given at least ten (10) days prior to the hearing date to the owners of property within and contiguous to and directly across the street from the applicant's property.
 - 2. In addition, public notice of such hearings as to the time, place, date, and subject of the hearing, shall be placed on the City of Piqua website. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

- D. **Landmark / District Designation.**
 - 1. **Designation General Review Criteria.** To consider the designation of any area, property, or site as a historic district or local landmark in the Piqua Historic registry, the CHRC shall apply the criteria below. A property is not required to be located within the boundaries of the Piqua Historic District to be considered for local landmark designation.
 - a. Its character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation;
 - b. Its location as a site of a significant historic event;
 - c. Its identification with a person significant in our past;
 - d. Its exemplification of the cultural, economic or social heritage of the city, state or nation;
 - e. Its portrayal of a group of people in an era of history, characterized by a distinctive architectural style;
 - f. Its embodiment of distinguishing characteristics of a building type or architectural style;
 - g. Its embodiment of elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation;
 - h. Its identification as the work of an architect or master builder who work has influenced the city, state or nation; and/or

- i. Its potential to yield information important in prehistory or history (archaeology).
 2. **Registry.** A digital registry of structures and locations will be managed by the Community Services Department, which will be publicly available for review through the City of Piqua GIS portal.
 - a. Inventory shall be recorded on Ohio Historic Inventory and Ohio Archaeological inventory forms, and/or forms compatible with SHPO's computerized inventory where possible.
 - b. The CHRC shall work to conduct a continuing survey of cultural resources in the community according to guidelines established by SHPO.
 - c. Properties listed on the Piqua Historic Registry and designated as local landmarks are required to meet all obligations, standards, and requirements of this Ordinance, even if they are not within the boundaries of the Piqua Historic District.

E. Certificate of Appropriateness

1. **General Review Criteria.** Proposals must be approved where the applicant is found to have made a good-faith effort to match historic features with suitable materials and has achieved the stated goals of the CHRC and the spirit and intent of the *Secretary of the Interior's Standards and Guidelines*.
 - a. Materials that would have been used in historic construction are encouraged and may be required to preserve significant features. In some cases, modern materials exist which are able to perform better in the weather and area not noticeably different viewed from public right-of-way. These modern equivalents may also be approved where the CHRC has found their use appropriate and in fulfillment of preservation goals.
 - b. The CHRC and Community Services Director or his/her designee have the authority to make minor adjustments to the design standards of the City of Piqua Development Code (Title XV) for any Piqua Historic District property where the adjustment will achieve goals of historic preservation as outlined by the Secretary of the Interior's Standards and Guidelines.
2. **Certificate of Appropriateness** is required before any change of any property within the district, including any demolition, construction, reconstruction, or restoration of the exterior of a building; erection of new signs: and any material alteration in,

signage, exterior color, or external architectural features, may occur on any property registered within the Piqua Historic District. Any gradual change of a structure constituting a significant modification must also receive a Certificate of Appropriateness to achieve compliance.

3. A Certificate of Appropriateness is not required for the following:
 - a. The ordinary maintenance or repair of any property that does not involve a change in design, material, color, signage or outer appearance. This includes in-kind replacement of existing windows or doors;
 - b. Any change that the Miami County Building Official determines to be required for public safety because of an unsafe condition;
 - c. Interior arrangements within a building; and
 - d. Where a building has been compromised and must be temporarily secured. For example, a broken window must be boarded or patched, or a temporary door installed until a compliant door may be found. A Certificate of Appropriateness for changes made for temporary security must be sought within 30 days of any modification.
4. The Community Services Director or his/her designee has the authority to review and approve minor work in the Piqua Historic District. Minor work approvals will be reported to the CHRC and includes:
 - a. Any modification to an existing structure, previously designated as not historically significant by the CHRC, that the Community Services Director or his/her designee deems to have no impact on any surrounding historically significant structure. Modifications must be found by the Community Services Director to be reasonably fitting with the character of the Piqua Historic District.
 - b. The construction of a new structure on a property within the Piqua Historic District. To qualify as minor work, the new construction must meet all standards of the City of Piqua Development Code without any variance.
 - c. Repainting of previously painted surfaces. Applicants are encouraged to select from historic color palettes appropriate to the era of the Historic District. Applicants are required to use their painting choices to highlight architectural features of a building with use of accent colors and to avoid using the same color over all surfaces of a facade. Applicants are encouraged to select paint colors that do not match those of

- neighboring structures. The Development Director may not approve any fluorescent paint color as minor work;
- d. In-kind repair or replacement of existing siding, doors, windows, roofs, gutters and downspouts. The Community Services Director may not approve any deviation from the materials or appearance of any significant architectural feature;
 - e. Installation of, or changes to, off-street parking and loading, including curb cuts;
 - f. Replacement, removal or installation of fencing;
 - g. The removal of structures or additions previously designated by the CHRC as not historically significant;
 - h. The installation of signs that meet all standards of the City of Piqua Development Code (Title XV) without any variance unless otherwise stated to require CHRC review; and
 - i. Temporary installation of residential lights, art displays, signs or decorations for a period of less than 60 consecutive days. This does not include commercially zoned properties.
5. It is recommended that applicants within the Piqua Historic District contact the City to verify a Certificate of Appropriateness is not required before proceeding with any work.
 6. **Certificate Revisions.** Minor revisions to an approved Certificate of Appropriateness may be approved by the Community Services Director following review consistent with this Ordinance.
 7. **Certificate Expiration.** An application submitted for a Certificate of Appropriateness will expire if there is no activity within 60 days of the issuance of the Certificate.
 8. **Validity.** A Certificate of Appropriateness remains valid for 180 calendar days. Construction of the change must be completed before the expiration of the issued Certificate of Appropriateness. The Community Services Director is authorized to grant, in writing, an extension of a Certificate of Appropriateness for a period not more than 180 calendar days. When requesting an extension of a Certificate of Appropriateness, the applicant must provide the Department with a letter stating the reason for the delay of project completion. In no case will a Certificate of Appropriateness remain valid for more than 12 months. Projects associated with expired certificates must submit a new Certificate of Appropriateness application and may be subject to denial.
- F. **Alternative Equivalent Compliance.** Alternative equivalent compliance is a procedure that allows an applicant for a COA, and other limited applications, to propose unique design options, new materials, or new technologies, as an alternative to a standard or guideline established in

the City of Piqua Development Code provided it meets or exceeds the intent of the design-related provisions. It is not a variance, waiver or weakening of regulations; rather, this procedure permits an applicant to suggest an alternative approach that is very specific to the project and that is equal to or better than the strict application of a specific standard or guideline. An approval of an alternative equivalent compliance shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

An alternative equivalent compliance application can be obtained at the Community Services Department. The application shall be reviewed simultaneously with the COA application with the CHRC having the authority to make a decision on both applications.

Decisions on an alternative equivalent compliance application shall be based on consideration of the review criteria summarized as follows:

1. The proposed alternative achieves the intent of the subject standard or guideline to the same or better degree than the subject standard or guideline;
2. The proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard or guideline;
3. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard or guideline; and
4. The proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this Historic Preservation Ordinance or the standards of Title XV – Development Code.

G. **Historical Significance.** For buildings and structures within the boundaries of the Piqua Historic District, the CHRC shall determine if a building is historically significant based on the criteria defined in §99.03.12. If a structure is not determined to be historically significant by a majority of the CHRC by vote, the property may be permitted to have reduced requirements or have alternative equivalent compliance as defined in §99.06.E.

H. **Decision.** Minutes of each meeting shall be kept and shared publicly after they are formally approved. The CHRC shall render a written decision of a majority of the members of the Commission without any unreasonable delay after the close of a hearing, and in all cases, within forty-five (45)

days after the close of the hearing. A copy of the decision and findings shall be sent to the owner, applicant, Planning Commission, and City Commission.

- I. **Appeal.** In the event that the CHRC does not approve an application, the applicant has the right to appeal that decision to the City of Piqua Board of Zoning Appeals, pursuant to the City of Piqua Development Code (Title XV).

§ 99.07 CRITERIA FOR DEMOLITION OR RELOCATION OF A STRUCTURE

- A. The demolition or relocation of a structure may only be considered if the CHRC finds that the following conditions prevail:
 1. There is no viable economic use of the structure as it exists; and
 2. A written report by a contractor acceptable to the CHRC demonstrates it is not feasible to restore the structure.

- B. The CHRC may also take into consideration the following criteria when making their decision:
 1. The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, site or object;
 2. The importance of the historic structure, building, site or object to the ambiance of a district;
 3. The difficulty or the impossibility of reproducing such a structure, building, site or object because of its design, texture, material, detail or unique location;
 4. Whether the historic structure, building, site or object is one of the last remaining examples of its kind in the City;
 5. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;
 6. Whether the structure would be more appropriate in the proposed new location;
 7. Whether the property owner has listed the property for sale to attempt to save the structure;
 8. Whether reasonable measures can be taken to save the historic structure, building, site or object from collapse; and
 9. Whether the historic structure, building, site or object is capable of earning reasonable economic return on its value.

- C. Issuance of a Certificate of Appropriateness for demolition must be followed by a demolition permit, as outlined within the Piqua Development Code – Title XV - Article 7 (Administration). Demolition adjacent to sensitive historic structures must present liability insurance sufficient to

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cover unintentional damage to adjacent historic structures. A plan must be submitted to demonstrate how loss of adjacent historic property will be prevented.

§ 99.08 MODIFICATIONS

Exterior modifications of a historic structure within the Piqua Historic District or to a structure that is on the Registry requires a Certificate of Appropriateness (§ 99.06.D)

§ 99.09 DEMOLITION BY NEGLIGENCE

Demolition by neglect is prohibited. Demolition by neglect means any failure in the maintenance and repair of any designated site or structure within the District that results in any of the following conditions:

- A. The deterioration of the foundation, exterior wall, roof, chimney, door or window, to an extent that creates or permits a hazardous condition to exist; or
- B. The deterioration of the foundation, exterior wall, roof, chimney, door or window, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury, or loss of the foundations, exterior wall, roof, chimney, door or window of the structure.

§ 99.10 ACCIDENTAL DAMAGE

An owner of a designated landmark property will be responsible for maintaining adequate insurance coverage of an amount to cover any damage to the exterior of the structure, including the total reproduction of the building and any historically significant accessory buildings should any damage occur, or demolition be necessary due to fire, flood, or other accidental cause. If insurance coverage is not maintained, the owner will be responsible for the cost of repairs.

§ 99.11 ENFORCEMENT AND PENALTIES

- A. If it is found that any of the provisions of these standards are being violated, the person responsible for such violations shall cease all work upon notification and no work shall be performed except to correct the violations. All work shall be corrected within a reasonable period and any violations not corrected within the specified time may be prosecuted.
- B. Whoever constructs, reconstructs, or alters any exterior architectural feature or demolishes a substantial part or all of any building within the District without a Certificate of Appropriateness shall be fined not more than one hundred dollars (\$100.00). Each day of violation shall be

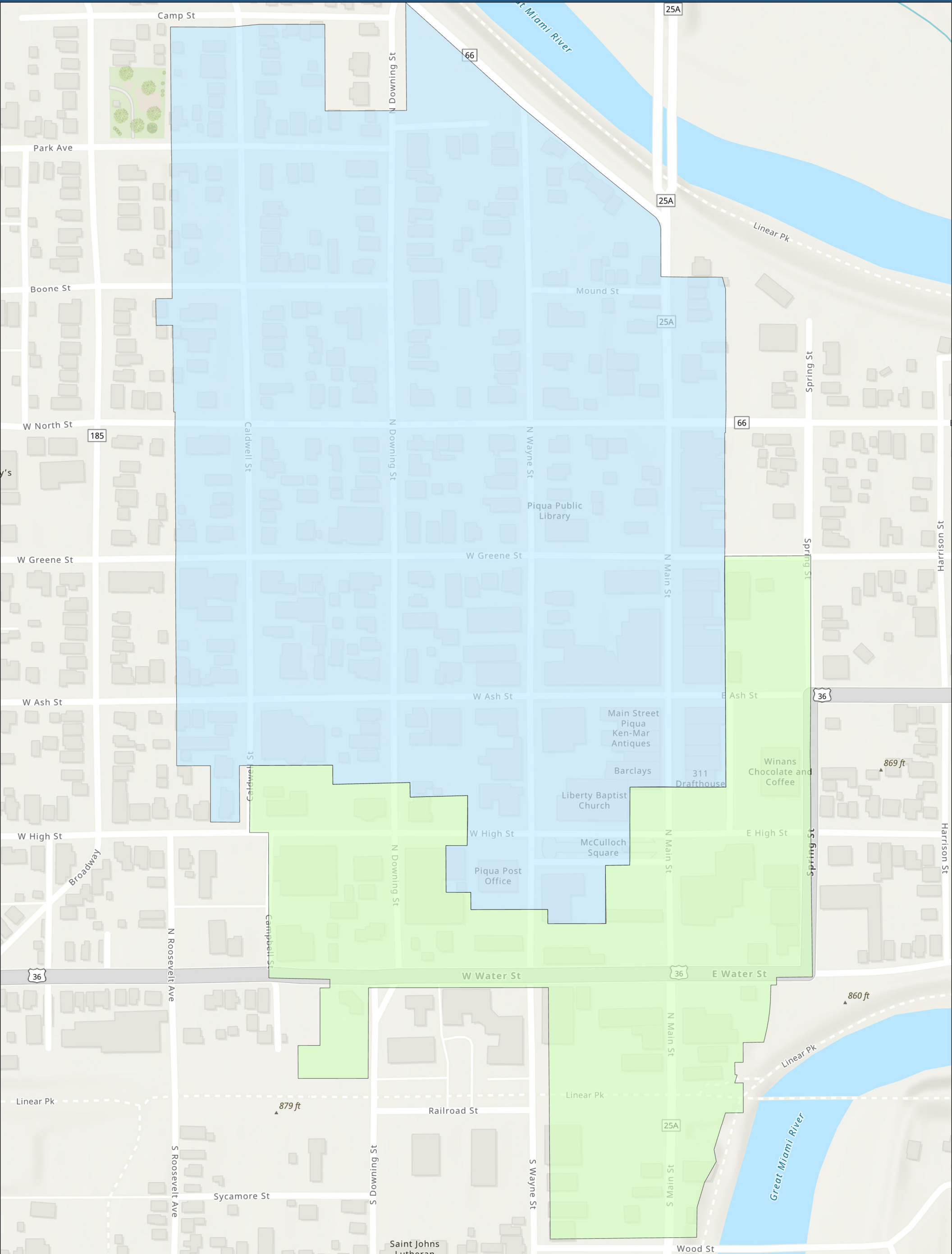
FINAL: 5.21.2024

considered a separate offense. Whoever violates this section shall be required to restore and reconstruct such features in full detail.

§ 99.12 SEVERABILITY

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared severable.

Exhibit A Piqua Historic District Boundary



- Downtown Historic District
- Piqua-Caldwell Historic District



Piqua Historic Registry

As authorized under § 99.04.B and first adopted 05.21.2024. This registry includes those registered on the National Register of Historic Places as well as those which are registered only to this local Historic Registry.

Updated: N/A

Buildings / Structures

Name	Address/Location	Date Added	National Reg. #	Local Reg. #
Fort Piqua Plaza	114 W. Main Street	2/15/1974	74001576	001
Arrowston	1220 Park Avenue	2/8/1980	80003162	002
Old Piqua High School	316 N. College Street	8/22/1996	96000927	003
Zollinger Building	101 S. Wayne Street	12/15/2015	15000903	004

Historic District

Name	Address/Location	Date Added	National Reg. #	Local Reg. #
Piqua-Caldwell	Defined Boundaries	1/11/1985	71000646	005

RESOLUTION No. PC 9-24

WHEREAS, an amendment has been proposed to adopt "Chapter 99: City of Piqua Historic Preservation," to the Code of Ordinances as shown in Exhibit A, attached; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established findings that indicate the proposed code amendment:

- Will not threaten the general health, safety, and welfare of the community; and
- Conforms to all applicable plans and policies of the city.

NOW THEREFORE BE IT RESOLVED, board member **Brad Bulp** hereby moves to recommend approval of the ordinance change, as described by "Exhibit A," the motion is seconded by board member **Eddie Harvey** and the voting record on this motion is hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Gary Koenig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Eddie Harvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Terry Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bradley Bulp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Adam Seas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Commission Agenda Staff Report

MEETING DATE	April 16, 2024		
REPORT TITLE	An ordinance to amend Chapter 32: Boards and Commissions		
SUBMITTED BY	Name & Title: Kyle Hinkelman, Community Services Director		
	Department: Community Services Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	<p>This Ordinance modifies Chapter 32: Boards and Commissions. The Planning Commission recommended approval in a 5-0 vote on April 10, 2024.</p> <p>This Ordinance would amend Chapter 32 to include two new boards formally: 32.095-32.098 Board of Zoning Appeals, and 32.110-32.112 City Historic Review Commission.</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	N/A	
	Expenditure \$:	N/A	
	Source of Funds:	N/A	
	Narrative:	N/A	
OPTIONS	1.	Approve of the adoption of the ordinance.	
	2.	Disapprove of the adoption of the ordinance.	
PROJECT TIMELINE	<p>April 16th – 1st Reading</p> <p>May 7th – 2nd Reading</p> <p>May 21st – 3rd Reading / Approval</p>		
STAFF RECOMMENDATION	Approve the proposed Ordinance.		
REASON FOR SELECTING CONSULTANT/COMPANY	N/A		
ATTACHMENTS	Chapter 32: Boards and Commissions modifications.		

ORDINANCE NO. O-4-24

AN ORDINANCE TO AMEND CHAPTER 32: BOARDS AND COMMISSIONS

WHEREAS, the Piqua Code of Ordinances Chapter 32 establishes Boards and Commissions; and,

WHEREAS, the Planning Commission has recommended in a 5-0 vote to amend Chapter 32 as listed below; and,

WHEREAS, the Planning Commission has recommended amending the Sections below to state the following:

Board of Zoning Appeals

- § 32.095 ESTABLISHMENT; MEMBERSHIP.

There is hereby established a Board of Zoning Appeals (BZA). The board shall have the duties and powers imposed by ordinance and this code. The board shall hear appeals from decisions and adjudications under the city's zoning regulations made by the Community Services Director, City Planner, Code Compliance Coordinator, and other persons or administrative bodies authorized to administer and enforce the city's zoning regulations.

 - *(a) The Board shall consist of five (5) members, who shall be residents of the city and serve five-year terms.*
 - *(b) The City Commission shall appoint members of the BZA and may remove any member of the Board for cause upon written charges after a public hearing.*
 - *(c) The City Commission shall remove any member of the Board who during his or her term changes his or her residence to outside the city.*
 - *(d) Vacancies shall be filled by the City Commission for the unexpired term of the member affected.*
 - *(e) One member of the Planning Commission shall be a member of the BZA and will be appointed by the chair of the Planning Commission annually.*
 - *(f) There shall not be any limit to the number of terms for a BZA member.*
 - *(g) The City Planner shall be a nonvoting ex-officio member of the Board of Appeals.*
- § 32.096 ORGANIZATION.
 - *The BZA shall annually elect its own officers as well as adopt rules as necessary to allow for the efficient and effective management of meetings.*
 - *(a) Officers shall be the Chair and Vice-Chair.*

- *(b) Meetings shall be held at the call of the Chair and at any other times as the Board may determine.*
 - *(c) Three members of the BZA shall constitute a quorum for the conducting of business.*
 - *(d) The Chair, or in his or her absence, the Vice-Chair may administer oaths and compel the attendance of witnesses.*
 - *(e) All meetings and records shall be open to the public, with public meeting minutes being adopted formally.*
- **§ 32.097 JURISDICTION.**
 - *(a) Any person, property owner, tenant, or any governmental officer, department, board, or bureau may apply for exception or variance from the strict applications of terms of the City of Piqua Development Code (Title XV), or appeal a decision of the enforcing officer to the Board of Appeals as defined within this Code.*
 - *(b) Any appeal of a ruling of the enforcing officer shall stay all proceedings unless the enforcing officer certifies that, by reason of acts pertaining to the matter in question, a stay may jeopardize the health, safety or welfare of the community thereof. When the certification is made, proceedings shall not be stayed except by a restraining order granted by the court of common pleas.*
- **§ 32.098 POWERS.**
 - *The Board of Zoning Appeals shall have the powers and duties expressly identified in the Development Code (Title XV), specifically under Article 7.1.3.*

City Historic Review Commission

- **§ 32.110 ESTABLISHMENT; MEMBERSHIP.**

There is hereby established a City Historic Review Commission (CHRC) of six (6) members; one (1) of which shall be on the Board of the Piqua-Caldwell Historic District, as a full member, and one (1) of which shall be a City Commission member, which will serve as an ex officio, non-voting member. The board shall have the duties and powers imposed by ordinance and this code.

 - *(a) Members shall be residents of the City of Piqua.*
 - *(b) No member shall be an official or employee of the city.*
 - *(c) Members shall serve without compensation and shall be appointed for a term of five (5) years, except that of the members first appointed, one shall be for a term of one (1) year, one for two (2) years, one shall be for three (3) years, one for four (4) years, and one for five (5) years.*
 - *(d) To the extent possible, the CHRC shall include professional members in the fields of architecture, architectural history, history, archaeology, planning, or related disciplines.*

- *(e) The City Commission shall appoint members of the CHRC and may remove any member of the Commission for cause upon written charges after a public hearing.*
 - *(f) The City Commission shall remove any member of the Commission who during his or her term changes his or her residence to outside the city.*
 - *(g) Vacancies on the CHRC shall be filled within 60 days by the City Commission unless extenuating circumstances require a longer period.*
- **§ 32.111 ORGANIZATION.**
The CHRC shall annually elect its own officers as well as adopt rules as necessary to allow for the efficient and effective management of meetings.
 - *(a) Officers shall be the Chair and Vice-Chair.*
 - *(b) Meetings shall be held at the call of the Chair and at any other times as the Commission may determine, but at least quarterly (four times per year).*
 - *(c) Three members of the CHRC shall constitute a quorum for the conducting of business.*
 - *(d) All meetings and records shall be open to the public, with public meeting minutes being adopted formally.*
 - *(e) Staff in the Community Services Department shall produce an annual report in conjunction with the CHRC that is published annually and available for public inspection.*
 - **§ 32.112 POWERS.**
The CHRC shall have the powers and duties expressly identified in Chapter 99 Piqua Preservation Ordinance, specifically § 99.05.B.

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

SEC. 1: The Ordinance referencing Chapter 32: Boards and Commissions is hereby amended as described herein.

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

1st Reading – 4/16/2024

2nd Reading – 5/7/2024

3rd Reading – 5/21/2024

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____

MELISSA KINNEY
CLERK OF COMMISSION

The Motion to adopt the foregoing ordinance was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee _____

Commissioner James Vetter _____

Commissioner Frank DeBrosse _____

Commissioner Thomas Hohman _____

Commissioner Paul Simmons _____

MODIFICATIONS TO CHAPTER 32 – BOARDS AND COMMISSIONS

Board of Zoning Appeals

§ 32.095 ESTABLISHMENT; MEMBERSHIP.

There is hereby established a Board of Zoning Appeals (BZA). The board shall have the duties and powers imposed by ordinance and this code. The board shall hear appeals from decisions and adjudications under the city's zoning regulations made by the Community Services Director, City Planner, Code Compliance Coordinator, and other persons or administrative bodies authorized to administer and enforce the city's zoning regulations.

- (a) The Board shall consist of five (5) members, who shall be residents of the city and serve five-year terms.
- (b) The City Commission shall appoint members of the BZA and may remove any member of the Board for cause upon written charges after a public hearing.
- (c) The City Commission shall remove any member of the Board who during his or her term changes his or her residence to outside the city.
- (d) Vacancies shall be filled by the City Commission for the unexpired term of the member affected.
- (e) One member of the Planning Commission shall be a member of the BZA and will be appointed by the chair of the Planning Commission annually.
- (f) There shall not be any limit to the number of terms for a BZA member.
- (g) The City Planner shall be a nonvoting ex-officio member of the Board of Appeals.

§ 32.096 ORGANIZATION.

The BZA shall annually elect its own officers as well as adopt rules as necessary to allow for the efficient and effective management of meetings.

- (a) Officers shall be the Chair and Vice-Chair.
- (b) Meetings shall be held at the call of the Chair and at any other times as the Board may determine.
- (c) Three members of the BZA shall constitute a quorum for the conducting of business.
- (d) The Chair, or in his or her absence, the Vice-Chair may administer oaths and compel the attendance of witnesses.
- (e) All meetings and records shall be open to the public, with public meeting minutes being adopted formally.

§ 32.097 JURISDICTION.

- (a) Any person, property owner, tenant, or any governmental officer, department, board, or bureau may apply for exception or variance from the strict applications of terms of the City of Piqua Development Code (Title XV), or appeal a decision of the enforcing officer to the Board of Appeals as defined within this Code.
- (b) Any appeal of a ruling of the enforcing officer shall stay all proceedings unless the enforcing officer certifies that, by reason of acts pertaining to the matter in question, a stay may jeopardize the health, safety or welfare of the community thereof. When the certification is made, proceedings shall not be stayed except by a restraining order granted by the court of common pleas.

§ 32.098 POWERS.

The Board of Zoning Appeals shall have the powers and duties expressly identified in the Development Code (Title XV), specifically under Article 7.1.3.

City Historic Review Commission

§ 32.110 ESTABLISHMENT; MEMBERSHIP.

There is hereby established a City Historic Review Commission (CHRC) of six (6) members; one (1) of which shall be on the Board of the Piqua-Caldwell Historic District, as a full member, and one (1) of which shall be a City Commission member, which will serve as an ex officio, non-voting member. The board shall have the duties and powers imposed by ordinance and this code.

- (a) Members shall be residents of the city of Piqua.
- (b) No member shall be an official or employee of the city.
- (c) Members shall serve without compensation and shall be appointed for a term of five (5) years, except that of the members first appointed, one shall be for a term of one (1) year, one for two (2) years, one shall be for three (3) years, one for four (4) years, and one for five (5) years.
- (d) To the extent possible, the CHRC shall include professional members in the fields of architecture, architectural history, history, archaeology, planning, or related disciplines.
- (h) The City Commission shall appoint members of the CHRC and may remove any member of the Commission for cause upon written charges after a public hearing.
- (i) The City Commission shall remove any member of the Commission who during his or her term changes his or her residence to outside the city.
- (j) Vacancies on the CHRC shall be filled within 60 days by the City Commission unless extenuating circumstances require a longer period.

§ 32.111 ORGANIZATION.

The CHRC shall annually elect its own officers as well as adopt rules as necessary to allow for the efficient and effective management of meetings.

- (a) Officers shall be the Chair and Vice-Chair.
- (b) Meetings shall be held at the call of the Chair and at any other times as the Commission may determine, but at least quarterly (four times per year).
- (c) Three members of the CHRC shall constitute a quorum for the conducting of business.
- (d) All meetings and records shall be open to the public, with public meeting minutes being adopted formally.
- (e) Staff in the Community Services Department shall produce an annual report in conjunction with the CHRC that is published annually and available for public inspection.

§ 32.112 POWERS.

The CHRC shall have the powers and duties expressly identified in Chapter 99 Piqua Historic Preservation Ordinance, specifically § 99.05.B.

RESOLUTION No. PC 10-24

WHEREAS, an amendment has been proposed to amend “Chapter 32: Boards and Commissions” to the Code of Ordinances as shown in Exhibit B, attached; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established findings that indicate the proposed code amendment:

- Will not threaten the general health, safety, and welfare of the community; and
- Conforms to all applicable plans and policies of the city.

NOW THEREFORE BE IT RESOLVED, board member **Brad Bubp** hereby moves to recommend approval of the ordinance change, as described by “Exhibit B,” the motion is seconded by board member **Adam Seas** and the voting record on this motion is hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Gary Koenig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Eddie Harvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Terry Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bradley Bubp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Adam Seas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Commission Agenda Staff Report

MEETING DATE	April 16, 2024		
REPORT TITLE	An Ordinance to amend Title XV: Land Usage, Piqua Development Code		
SUBMITTED BY	Name & Title: Kyle Hinkelman, Community Services Director		
	Department: Community Services Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	<p>This Ordinance modifies Title XV: Land Usage, Piqua Development Code in multiple sections.</p> <p>The Planning Commission recommended approval in a 5-0 vote on April 10, 2024.</p> <p>This Ordinance modifies the following sections:</p> <ul style="list-style-type: none"> • Modify Primary Use Table – To add Data Center • 3.6.3.A.1 – Correct error • 3.6.9 – Add Data Center definition • 7.1.1 – Remove Historic Preservation Section from table • 7.1.2 – Clarify “Development Director” title. • 7.1.3 – Clarify establishment of BZA • 7.1.4 – Remove C. Historic Preservation entirely • 7.2.3 – Clarify the CHRC reviews • 7.2.5 – Provides additional flexibility in administrative approvals • 7.2.10 – Replaces text with CHRC review language • 7.4 – Increases Zoning Verification letter fees to \$30 / parcel 		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	N/A	
	Expenditure \$:	N/A	
	Source of Funds:	N/A	
	Narrative:	N/A	
	1.	Approve of the adoption of the ordinance.	

OPTIONS	2.	Disapprove of the adoption of the ordinance.
PROJECT TIMELINE	April 16 th – 1 st Reading May 7 th – 2 nd Reading May 21 st – 3 rd Reading / Approval	
STAFF RECOMMENDATION	Approve the proposed Ordinance.	
REASON FOR SELECTING CONSULTANT/COMPANY	N/A	
ATTACHMENTS	Title XV: Land Usage, Development Code Modifications	

ORDINANCE NO. O-5-24

AN ORDINANCE TO AMEND TITLE XV: LAND USAGE, PIQUA DEVELOPMENT CODE

WHEREAS, the Piqua Development Code adopted by Piqua Code of Ordinances Title XV establishes districts and standards pertaining to the development and use of land; and,

WHEREAS, the Planning Commission has recommended in a 5-0 vote to amend the Sections listed below of the Piqua Development Code; and,

WHEREAS, the Planning Commission has recommended amending the Sections below to state the following:

- *The Addition of Data Center to Industrial Uses, with it being a Special use in the IL District, and Permitted in the IH District;*
- *Section 3.6.3.A.1
In T-FX districts, all moderate-impact industrial uses must take place within a fully-enclosed building.*
- *Section 3.6.9
Data Center means real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a serve to person other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment co-location services, or, used primarily to provide to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.
A. Use Standards
 1. *Outdoor areas used for the loading, parking, and storage of tractor trailers must be screened using a Moderate-Impact Common Lot Line Screen (§4.3.7) along all common lot lines except for an abutting warehouse and distribution or industrial use.*
 2. *Outdoor areas used for the loading, parking, and storage of tractor trailers must be screened using a High-Impact Frontage Screen (§4.3.7) along all lot lines abutting a public right-of-way.**
- *7.1.1 – Removal of Historic Preservation Section completely*
- *7.1.2 – Development Director*

The title “Development Director” shall reference the Director of the Community Services Department or other titled department that has management authority over the Planning and Zoning Division and has those powers and duties expressly identified in this Article, including but not limited to:

...

B. Decision

To review and decide on applications for:

- 1. development and sign permits;*
- 2. temporary use permits;*
- 3. final plats without dedication;*
- 4. administrative adjustments; and*
- 5. Certificates of Appropriateness where allowed in this Development Code and Chapter 99 – Piqua Historical Preservation Ordinance.*

- *7.1.3 – Board of Zoning Appeals*

The Board of Zoning Appeals (BZA) is established and organized under § 32.095 and § 32.096 of the City of Piqua Codified Ordinances. The Board of Zoning Appeals has those powers and duties expressly identified in this Article, including but not limited to:

- *7.1.4 – Planning Commission*

Remove “C. Historic Preservation” in its entirety.

- *7.2.3 – Special Use Permit*

K.5 Preservation of Exterior Architectural Features

Proposals for adaptive reuse must preserve the exterior appearance of the church or other place of worship structure. Additions or alterations to sites must receive a Certificate of Appropriateness from the City Historic Review Commission (Chapter 99 of the City of Piqua Codified Ordinances).

- *7.2.5 – Development Permit*

H. Administrative Adjustment

2. Approval Criteria

b. In addition, the adjustment may not exceed a change of more than 15% to any numerically described standard, unless a separate standard on the same site is improved by an equal or greater amount. For example, if the maximum width allowed for a building is 150 feet, an administrative adjustment may be allowed up to 172.5 total feet. Beyond this cap on adjustments, the Development Director may require an additional 15% landscape screening or other equivalent standard in replacement, or require a variance must be sought. The Development Director may not create more restrictive standards through adjustments, unless agreed to by the developer, builder, or permit application requestor.

- *7.2.10 – Certificate of Appropriateness*

Certificates of Appropriateness are reviewed and approved by the City Historic Review Commission (CHRC) per Chapter 99.06.D.

- *7.4 – Review Fees and Registration
Update Zoning Verification Letter - \$30 per parcel*

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

SEC. 1: The Piqua Development Code adopted by Piqua Code of Ordinances Title XV is hereby amended as described herein.

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

1st Reading – 4/16/2024

2nd Reading – 5/7/2024

3rd Reading – 5/21/2024

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____
MELISSA KINNEY
CLERK OF COMMISSION

The Motion to adopt the foregoing Ordinance was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee _____

Commissioner James Vetter _____

Commissioner Frank DeBrosse _____

Commissioner Thomas Hohman _____

Commissioner Paul Simmons _____

MODIFICATIONS TO TITLE XV – Development Code

Modify the Primary Use Table (Page 3-7)

- Add Data Center to Industrial uses, above Self-Service Storage, with it being a special use in the IL District, and Permitted in the IH District.

Modify 3.6.3A.1

3.6.3 A.1.

In T-FX districts, all moderate-impact industrial uses must take place within a fully-enclosed building. ~~The scale of these operations are limited to~~

Add 3.6.9.

3.6.9. Data Center

Data Center means real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a serve to person other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment co-location services, or, used primarily to provide to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.

A. Use Standards

1. Outdoor areas used for the loading, parking, and storage of tractor trailers must be screened using a Moderate-Impact Common Lot Line Screen (§4.3.7) along all common lot lines except for an abutting warehouse and distribution or industrial use.
2. Outdoor areas used for the loading, parking, and storage of tractor trailers must be screened using a High-Impact Frontage Screen (§4.3.7) along all lot lines abutting a public right-of-way.

Modify 7.1.1 Summary of Review Authority

Remove Historic Preservation section completely.

Historic Preservation									
Certificate of Appropriateness	§7.2.12	R	--	D	--		•	•	--

Modify 7.1.2 – Development Director

7.1.2 – Development Director

The title “Development Director” shall reference the Director of the Community Services Department or other titled department that has management authority over the Planning and Zoning Division and has those powers and duties expressly identified in this Article, including but not limited to:

...

B. Decision

To review and decide on applications for:

1. development and sign permits;
2. temporary use permits;
3. final plats without dedication;
4. administrative adjustments; and
5. Certificates of Appropriateness where allowed in this Development Code and Chapter 99 – Piqua Historical Preservation Ordinance.

Modify 7.1.3. Board of Zoning Appeals

The Board of Zoning Appeals (BZA) is established and organized under § 32.095 and § 32.096 of the City of Piqua Codified Ordinances. The Board of Zoning Appeals has those powers and duties expressly identified in this Article, including but not limited to:

A. Decision

To review and decide on applications for:

1. appeals of administrative decisions;
2. appeals of interpretation of this Development Code;
3. variances; and
4. appeals of action by the Development Department to enforce this Development Code.

Modify 7.1.4. Planning Commission

Remove “C. Historic Preservation” in its entirety.

Modify 7.2.3 Special Use Permit

K.5 Preservation of Exterior Architectural Features

Proposals for adaptive reuse must preserve the exterior appearance of the church or other place of worship structure. Additions or alterations to sites must receive a Certificate of Appropriateness from the City Historic Review Commission (Chapter 99 of the City of Piqua Codified Ordinances).

Modify section 7.2.5 – Development Permit

...

H. Administrative Adjustment

2. Approval Criteria

- b. In addition, the adjustment may not exceed a change of more than 15% to any numerically described standard, unless a separate standard on the same site is improved by an equal or greater amount. For example, if the maximum width allowed for a building is 150 feet, an administrative adjustment may be allowed up to 172.5 total feet. Beyond this cap on adjustments, the Development Director may require an additional 15% landscape screening or other equivalent standard in replacement, or require a variance ~~must~~ be sought. The Development Director may not create more restrictive standards through adjustments, unless agreed to by the developer, builder, or permit application requestor.

7.2.10. Certificate of Appropriateness

Remove Section in its entirety.

Certificates of Appropriateness are reviewed and approved by the City Historic Review Commission (CHRC) per Chapter 99.06.D.

Modify section 7.4 – Review Fees and Registration

Zoning Verification Letter - \$30 per parcel

RESOLUTION No. PC 11-24

WHEREAS, an amendment has been proposed to amend "Title XV-Development Code" to the Code of Piqua as shown in Exhibit C, attached; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established findings that indicate the proposed code amendment:

- Will not threaten the general health, safety, and welfare of the community; and
- Conforms to all applicable plans and policies of the city.

NOW THEREFORE BE IT RESOLVED, board member **Brad Bubp** hereby moves to recommend approval of the ordinance change, as described by "Exhibit C," the motion is seconded by board member **Eddie Harvey** and the voting record on this motion is hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Gary Koenig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Eddie Harvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Terry Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bradley Bubp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Adam Seas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. O-6-24

AN ORDINANCE TO REGULATE BURNING ACTIVITIES (AS AMENDED)

BE IT ORDAINED by the Commission of the City of Piqua, State of Ohio, a majority of all members elected thereto concurring, that:

SECTION 1: The City of Piqua shall not allow the use of city owned property for the destructive testing of batteries, equipment, or devices of any kind, including but not limited to deflagration testing; and

SECTION 2: The City of Piqua shall not allow the use of city owned property for the intentional setting of uncontained fires, defined as openly burning fires not mediated by a regulated tool, device, or appliance, which has been designed to safely manage and control a combustion reaction, except for the purposes of:

- I. Cooking
- II. Heating
- III. Recreation
- IV. Sanctioned pyrotechnic displays
- V. City maintenance, operation, or construction activities
- VI. Emergency Response activities
- VII. Training or certifying firefighters or rescue personnel participating in programs accredited under Chapter 4765 of the Ohio Revised Code³ where such excepted activities are otherwise compliant with all applicable laws and regulations.

SECTION 3: Training fires intentionally set on city owned property shall consist EXCLUSIVELY of Class A, Class B, and Class K fires¹;

SECTION 4: Training fires intentionally set on city owned property shall have fuel sources consisting EXCLUSIVELY of organic materials and petroleum products; excluding hard plastics, synthetic rubbers, and materials that are reasonably likely to result in a Class C or Class D fire¹; and excluding materials with a HAZMAT Material Classification Level² which is not either Class 2, Class 3, or Class 4; and not exceeding a fuel volume that is reasonably likely to result in an unattended burn time of longer than 6 hours;

SECTION 5: Training fires intentionally set on city owned property shall have in attendance no less than one firefighter, who is authorized by the State of Ohio with a certificate issued under Section 4765.55 of the Ohio Revised Code⁴, during the entirety of the burn, from the time of ignition, and who shall be responsible for declaring the burn "fully extinguished" at the conclusion of the burn;

SECTION 6: Training fires intentionally set on city owned property shall be compliant with the standards outlined in the National Fire Protection Association document "*NFPA 1403: Standard on Live Fire Training Evolutions*"⁵, where not otherwise specified by applicable laws and regulation;

SECTION 7: Any data captured, or recorded, during training fires intentionally set on city owned property shall be considered a part of the public domain, regardless of the entity conducting the test, and no data shall be considered the proprietary property of, or for the exclusive use by, any organization or entity;

SECTION 8: Any violation of this ordinance shall result in a civil penalty of \$1,500.00 for the first violation, \$3,000.00 for a second violation, and \$5,000.00 for a third violation;

SECTION 9: This ordinance shall be enforced by the City Manager or his designee and any violation may be appealed for hearing to the Board of Zoning Appeals; and

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

1st Reading – 5/7/2024

2nd Reading – 5/21/2024

3rd Reading – 6/4/2024

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____

CLERK OF COMMISSION

The Motion to adopt the foregoing Ordinance was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee	_____
Commissioner James Vetter	_____
Commissioner Frank DeBrosse	_____
Commissioner Thomas Hohman	_____
Commissioner Paul Simmons	_____

Commission Agenda Staff Report

MEETING DATE	May 7, 2024		
REPORT TITLE	An Ordinance repealing and replacing Piqua Municipal Code Section 30.01		
SUBMITTED BY	Name & Title: Jerald O'Brien, Finance Director		
	Department: Finance		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		
	<input checked="" type="checkbox"/> Law Director		
	<input checked="" type="checkbox"/> Department Director		
BACKGROUND	We are requesting an ordinance to amend City of Piqua Code Section 30.01 to raise the dollar limit authorization for the City Manager to approve claims against the City without prior approval from the City Commission. Currently, the limit is \$2,500. This ordinance proposes increasing the limit to the amount authorized by the Ohio Revised Code for competitive bidding. Currently that amount is \$75,000.		
BUDGETING AND FINANCIAL IMPACT	Appropriations \$:	0	
	Source of Funds:	Various	
	Narrative		
OPTIONS	1.	Approve Ordinance No. O-7-24 increasing the amount the City Manager is authorized to settle claims without City Commission approval to the legal limit for competitive bidding of contracts.	
	2.	Not approve Ordinance No. O-7-24 increasing the amount the City Manager is authorized to settle claims without City Commission approval to the legal limit for competitive bidding of contracts.	
PROJECT TIMELINE			
STAFF RECOMMENDATION	We are requesting approval of Ordinance No. O-7-24.		
REASON FOR SELECTING CONSULTANT/COMPANY	N/A		
ATTACHMENTS			

ORDINANCE NO. O-7-24

AN ORDINANCE REPEALING AND REPLACING PIQUA MUNICIPAL CODE SECTION 30.01

WHEREAS the Section 30.01 of the Piqua City Code authorizes the City Manager to settle various claims under \$2,500.00;

WHEREAS, the City receives numerous claims in a variety of departments over the years that exceed this amount;

WHEREAS, it is in the best interest of the City to have the amount increased.

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

SECTION I: The City of Piqua Section 30.01 is repealed and replaced with new Ordinance 30.01 attached as "Exhibit A"; and

SECTION II: This ordinance shall be effective at the earliest time permitted by law.

1st Reading – 5/7/2024

2nd Reading – 5/21/2024

3rd Reading – 6/4/2024

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____

DIANA L. TAMPLIN
CLERK OF COMMISSION

The Motion to adopt the foregoing Ordinance was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee	_____
Commissioner James Vetter	_____
Commissioner Frank DeBrosse	_____
Commissioner Thomas Hohman	_____
Commissioner Paul Simmons	_____

30.01 CITY MANAGER; CERTAIN PURCHASES AND EXPENDITURES.

(A) The City Manager is authorized to direct the Director of Finance to draw his or her warrant upon the appropriate fund of the city treasury for the payment of claims not exceeding the statutory amount for competitive bidding as set by state law (currently, ORC 9.17), and the City Manager is authorized to settle claims of the city against third persons not exceeding the above-stated statutory amount. The City Manager may require evidence that the amount claimed is justly due and is in conformity with law. For the purpose of such settlements, the City Manager is authorized to sign and accept releases or other contracts of settlement.

(B) The City Manager is authorized, at his or her discretion, to subscribe to trade magazines and newspapers, and to join various trade organizations on behalf of the city, providing that no individual membership and subscription shall exceed the sum of \$25,000 per annum without first obtaining the authorization of the City Commission.

(C) The City Manager is authorized, at his or her discretion to direct the Director of Finance to draw his or her warrant upon the appropriate funds of the city treasury for the purchase of memorabilia, not exceeding \$200 per item, as gifts in recognition of public services rendered in the best interest of the city or in recognition of events or achievements relevant to the public health, safety and welfare of the citizens of the city.

('97 Code, § 30.06) (Ord. 4-58, passed 2-3-58; Am. Ord. 66-80, passed 10-20-80; Am. Ord. 42-94, passed 9-6-94; Am. Ord. 21-95, passed 6-5-95; Am. Ord. 11-06, passed 5-1-06; Am. Ord. 22-12, passed 10-16-12)

Commission Agenda Staff Report

MEETING DATE	May 21, 2024		
REPORT TITLE	An Amended Ordinance to make appropriations for the City of Piqua, Ohio, for the year 2024		
SUBMITTED BY	Name & Title: Jerald O'Brien, Finance Director		
	Department: Finance		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		
	<input checked="" type="checkbox"/> Law Director		
	<input checked="" type="checkbox"/> Department Director		
BACKGROUND	We are requesting a supplemental appropriation. The Fire Department has located a used fire truck that it wishes to purchase. We request waiving of the second and third readings and passage of the appropriations tonight as an emergency to allow the truck purchase to proceed in a timely manner.		
BUDGETING AND FINANCIAL IMPACT	Appropriations \$:	\$115,184,333 Including Transfers \$89,902,225 Net of Transfers	
	Source of Funds:	Various	
	Narrative		
OPTIONS	1.	Approve Ordinance No. O-8-24 accepting the Amended Ordinance to make Appropriations for the City of Piqua for the Year 2024.	
	2.	Approve Ordinance No. O-8-24 accepting the Amended Ordinance to make Appropriations for the City of Piqua for the Year 2024 with changes being made to the amounts requested.	
PROJECT TIMELINE			
STAFF RECOMMENDATION	We are requesting approval of Ordinance No. O-8-24 accepting the emergency Amended Ordinance to make Appropriations for the City of Piqua for the year 2024.		
REASON FOR SELECTING CONSULTANT/COMPANY	N/A		
ATTACHMENTS			

ORDINANCE NO. O-8-24
AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE
CITY OF PIQUA, OHIO FOR THE YEAR 2024

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

SEC. 1: That there be appropriated from the GENERAL FUND (001)

<u>ACCOUNT</u>	<u>2024 BUDGET</u>	<u>INCREASE (DECREASE)</u>	<u>2024 REVISED BUDGET</u>
<u>City Building</u>			
Operation and Maintenance	\$269,509		\$269,509
Capital Outlay (including labor)	\$90,460		\$90,460
Allocated Expenses	(\$20,430)		(\$20,430)
TOTAL	\$339,539	\$0	\$339,539
<u>City Commission</u>			
Personal Services/Administrative Support	\$61,737		\$61,737
Operation and Maintenance	\$40,681		\$40,681
TOTAL	\$102,418	\$0	\$102,418
<u>City Manager</u>			
Personal Services/Administrative Support	\$302,063		\$302,063
Operation and Maintenance	\$34,431		\$34,431
Allocated Expenses	(\$246,213)		(\$246,213)
TOTAL	\$90,281	\$0	\$90,281
<u>Civil Service</u>			
Operation and Maintenance	\$38,870		\$38,870
TOTAL	\$38,870	\$0	\$38,870
<u>Engineering</u>			
Personal Services/Administrative Support	\$372,019	\$0	\$372,019
Operation and Maintenance	\$207,624		\$207,624
Allocated Expenses	(\$469,340)		(\$469,340)
TOTAL	\$110,303	\$0	\$110,303
<u>Finance</u>			
Personal Services/Administrative Support	\$746,836		\$746,836
Operation and Maintenance	\$76,374		\$76,374
Allocated Expenses	(\$569,497)		(\$569,497)
TOTAL	\$253,713	\$0	\$253,713
<u>Law</u>			
Personal Services/Administrative Support	\$0		\$0
Operation and Maintenance	\$128,984		\$128,984
Allocated Expenses	(\$76,805)		(\$76,805)
TOTAL	\$52,179	\$0	\$52,179
<u>Income Tax</u>			
Personal Services/Administrative Support	\$62,016		\$62,016
Operation and Maintenance	\$460,770		\$460,770
TOTAL	\$522,786	\$0	\$522,786
<u>Planning & Zoning</u>			
Personal Services/Administrative Support	\$430,295	\$0	\$430,295
Operation and Maintenance	\$83,436		\$83,436
TOTAL	\$513,731	\$0	\$513,731
<u>General Government</u>			
Operation and Maintenance	\$725,715	\$10,000	\$735,715
Capital Outlay (including labor)	\$500,000		\$500,000
TOTAL	\$1,225,715	\$10,000	\$1,235,715
<u>Human Resources</u>			
Personal Services/Administrative Support	\$371,751		\$371,751
Operation and Maintenance	\$81,878	\$0	\$81,878
Allocated Expenses	(\$384,741)		(\$384,741)
TOTAL	\$68,888	\$0	\$68,888
<u>Public Relations</u>			
Personal Services/Administrative Support	\$238,908	\$0	\$238,908
Operation and Maintenance	\$90,708	\$0	\$90,708
Allocated Expenses	(\$194,191)		(\$194,191)
TOTAL	\$135,425	\$0	\$135,425

Facilities

Personal Services/Administrative Support	\$126,289		\$126,289
Operation and Maintenance	\$1,500		\$1,500
Allocated Expenses	(\$127,789)		(\$127,789)

TOTAL	\$0	\$0	\$0
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Purchasing

Personal Services/Administrative Support	\$251,840		\$251,840
Operation and Maintenance	\$19,758		\$19,758
Allocated Expenses	(\$259,592)		(\$259,592)

TOTAL	\$12,006	\$0	\$12,006
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Transfers

Transfer to Parks Fund 105	\$1,000,000		\$1,000,000
Transfer to Safety Fund 106	\$3,550,000		\$3,550,000
Transfer to Forest Hill Mausoleum Fund 110	\$25,000		\$25,000
Transfer to Pro Piqua Fund 128	\$60,000		\$60,000
Transfer to Golf 409	\$225,000		\$225,000
Transfer to Fort Piqua Plaza 410	\$425,000	\$0	\$425,000

TOTAL	\$5,285,000	\$0	\$5,285,000
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TOTAL GENERAL FUND	\$8,750,854	\$10,000	\$8,760,854
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SEC. 2: That there be appropriated from the STREET DEPARTMENT FUND (101)

Personal Services/Administrative Support	\$1,493,267		\$1,493,267
Operation and Maintenance	\$1,744,816		\$1,744,816
Capital Outlay (including labor)	\$500,000		\$500,000

TOTAL	\$3,738,083	\$0	\$3,738,083
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SEC. 3: That there be appropriated from the STATE HIGHWAY FUND (102)

Operation and Maintenance	\$89,500		\$89,500
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TOTAL	\$89,500	\$0	\$89,500
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SEC. 4: That there be appropriated from the STREET INCOME TAX FUND (103)

Operation and Maintenance	\$2,367,183		\$2,367,183
Capital Outlay (including labor)	\$1,888,250	\$0	\$1,888,250

TOTAL	\$4,255,433	\$0	\$4,255,433
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SEC. 5: That there be appropriated from the NEIGHBORHOOD IMPROVEMENT PROGRAM FUND (104)

Personal Services/Administrative Support	\$0		\$0
Operation and Maintenance	\$69,300		\$69,300

TOTAL	\$69,300	\$0	\$69,300
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SEC. 6: That there be appropriated from the PARK AND RECREATION FUND (105)

Personal Services/Administrative Support	\$768,536		\$768,536
Operation and Maintenance	\$620,619		\$620,619
Capital Outlay (including labor)	\$122,000		\$122,000

TOTAL	\$1,511,155	\$0	\$1,511,155
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SEC. 7: That there be appropriated from the PUBLIC SAFETY FUND (106)

009 Fire Department

Personal Services/Administrative Support	\$4,945,636	\$0	\$4,945,636
Operation and Maintenance	\$979,353	\$8,068	\$987,421
Capital Outlay (including labor)	\$6,500	\$311,932	\$318,432

TOTAL	\$5,931,489	\$320,000	\$6,251,489
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014 Police Department

Personal Services/Administrative Support	\$5,863,299	\$0	\$5,863,299
Operation and Maintenance	\$924,764	\$0	\$924,764
Capital Outlay (including labor)	\$245,757	(\$35,000)	\$210,757

TOTAL	\$7,033,820	(\$35,000)	\$6,998,820
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TOTAL PUBLIC SAFETY	\$12,965,309	\$285,000	\$13,250,309
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SEC. 8: That there be appropriated from the D.U.I. EDUCATIONAL FUND (109)

Operation & Maintenance	\$11,000		\$11,000
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TOTAL	\$11,000	\$0	\$11,000
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That there be appropriated from the FOREST HILL MAUSOLEUM FUND (110)

**2024
BUDGET**

**2024 REVISED
BUDGET**

Operation & Maintenance	\$25,000		\$25,000
TOTAL	\$25,000	\$0	\$25,000
SEC. 10:	That there be appropriated from the MANDATORY DRUG FINE FUND (111)		
Operation and Maintenance	\$4,400		\$4,400
TOTAL	\$4,400	\$0	\$4,400
SEC. 11:	That there be appropriated from the SCARBROUGH TIF FUND (112)		
Operation and Maintenance	\$555		\$555
TOTAL	\$555	\$0	\$555
SEC. 12:	That there be appropriated from the ONEOHIO OPIOID SETTLEMENT FUND (113)		
Operation and Maintenance	\$40,000		\$40,000
TOTAL	\$40,000	\$0	\$40,000
SEC. 13:	That there be appropriated from the CHIP FUND (117)		
Operation and Maintenance	\$125,875		\$125,875
TOTAL	\$125,875	\$0	\$125,875
SEC. 14:	That there be appropriated from the CDBG-CV FUND (118)		
Operation and Maintenance	\$334,550		\$334,550
TOTAL	\$334,550	\$0	\$334,550
SEC. 15:	That there be appropriated from the C.H.I.P. PROGRAM INCOME FUND (119)		
Operation and Maintenance	\$156,500		\$156,500
TOTAL	\$156,500	\$0	\$156,500
SEC. 16:	That there be appropriated from the COMMUNITY DEVELOPMENT BLOCK GRANT FUND (122)		
Operation and Maintenance	\$140,000		\$140,000
TOTAL	\$140,000	\$0	\$140,000
SEC. 17:	That there be appropriated from the WORKER'S COMP FUND (124)		
Personal Services/Administrative Support	\$389,760	\$0	\$389,760
TOTAL	\$389,760	\$0	\$389,760
SEC. 18:	That there be appropriated from the INSURANCE RESERVE FUND (125)		
Operation & Maintenance	\$518,325		\$518,325
TOTAL	\$518,325	\$0	\$518,325
SEC. 19:	That there be appropriated from the DEMOLITION DEFENSE FUND (126)		
Operation & Maintenance	\$100,000	\$0	\$100,000
TOTAL	\$100,000	\$0	\$100,000
SEC. 20:	That there be appropriated from the SMALL BUSINESS GRANT FUND (127)		
Operation and Maintenance	\$159,860		\$159,860
TOTAL	\$159,860	\$0	\$159,860
SEC. 21:	That there be appropriated from the PRO PIQUA (128)		
Operation and Maintenance	\$60,000		\$60,000
TOTAL	\$60,000	\$0	\$60,000
SEC. 22:	That there be appropriated from the REVOLVING LOAN FUND (130)		
Operation and Maintenance	\$13,200		\$13,200
TOTAL	\$13,200	\$0	\$13,200

SEC. 23:	That there be appropriated from the COMMUNITY DEVELOPMENT FUND (135)			
	Personal Services/Administrative Support	\$420,854		\$420,854
	Operation and Maintenance	\$115,965		\$115,965
	Allocated Expenses	(\$536,819)		(\$536,819)
	TOTAL	\$0	\$0	\$0
SEC. 24:	That there be appropriated from the AGRICULTURAL REVOLVING LOAN FUND (142)			
	Personal Services/Administrative Support	\$500		\$500
	Operation and Maintenance	\$45,000		\$45,000
	TOTAL	\$45,500	\$0	\$45,500
SEC. 25:	That there be appropriated from the ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (144)			
	Operation and Maintenance	\$200,000		\$200,000
	TOTAL	\$200,000	\$0	\$200,000
SEC. 26:	That there be appropriated from the SPECIAL ASSESSMENT DEBT SERVICE FUND (202)			
	Operation and Maintenance	\$2,000		\$2,000
	TOTAL	\$2,000	\$0	\$2,000
SEC. 27:	That there be appropriated from the OPWC WASTEWATER LIFT STATIONS DEBT SERVICE FUND (210)			
	Non Government/Transfers/Refunds	\$33,419		\$33,419
	TOTAL	\$33,419	\$0	\$33,419
SEC. 28:	That there be appropriated from the OFFSITE PIPELINE (OWDA) DEBT SERVICE FUND (250)			
	Non Government/Transfers/Refunds	\$184,126		\$184,126
	TOTAL	\$184,126	\$0	\$184,126
SEC. 29:	That there be appropriated from the EQUALIZATION TANK '08 NOTE (OWDA) DEBT SERVICE FUND (254)			
	Non Government/Transfers/Refunds	\$295,246		\$295,246
	TOTAL	\$295,246	\$0	\$295,246
SEC. 30:	That there be appropriated from the WATER PLANT OWDA DEBT SERVICE FUND (256)			
	Non Government/Transfers/Refunds	\$2,303,440		\$2,303,440
	TOTAL	\$2,303,440	\$0	\$2,303,440
SEC. 31:	That there be appropriated from the WASTEWATER PLANT ENGINEERING DEBT SERVICE FUND (257)			
	Non Government/Transfers/Refunds	\$2,233,450		\$2,233,450
	TOTAL	\$2,233,450	\$0	\$2,233,450
SEC. 32:	That there be appropriated from the OWDA WATER TOWER DEBT SERVICE FUND (258)			
	Non Government/Transfers/Refunds	\$177,568		\$177,568
	TOTAL	\$177,568	\$0	\$177,568
SEC. 33:	That there be appropriated from the SHAWNEE STORMWATER PROJECT DEBT SERVICE FUND (261)			
	Non Government/Transfers/Refunds	\$3,278		\$3,278
	TOTAL	\$3,278	\$0	\$3,278
SEC. 34:	That there be appropriated from the NONTAX REVENUE BONDS '23 DEBT SERVICE FUND (263)			
	Non Government/Transfers/Refunds	\$146,157		\$146,157
	TOTAL	\$146,157	\$0	\$146,157

SEC. 35:	That there be appropriated from the LOCK 9 PARK IMPROVEMENTS FUND (342)			
	Operation and Maintenance	\$20,000		\$20,000
	Capital Outlay (including labor)	\$334,237	\$0	\$334,237
	Non Government/Transfers/Refunds	\$226,729		\$226,729
	TOTAL	\$580,966	\$0	\$580,966
SEC. 36:	That there be appropriated from the SCOTT DR REDEVELOPMENT FUND (343)			
	Operation and Maintenance	\$602,152	\$0	\$602,152
	TOTAL	\$602,152	\$0	\$602,152
SEC. 37:	That there be appropriated from the POWER SYSTEM FUND (401)			
	Personal Services/Administrative Support	\$2,561,459		\$2,561,459
	Operation and Maintenance	\$31,624,879		\$31,624,879
	Capital Outlay (including labor)	\$2,161,075		\$2,161,075
	Overhead Transfers	(\$175,000)		(\$175,000)
	TOTAL	\$36,172,413	\$0	\$36,172,413
SEC. 38:	That there be appropriated from the WATER SYSTEM FUND (403)			
	Personal Services/Administrative Support	\$1,573,923		\$1,573,923
	Operation and Maintenance	\$3,212,592		\$3,212,592
	Capital Outlay (including labor)	\$910,833		\$910,833
	Non Government/Transfers/Refunds	\$2,665,134		\$2,665,134
	TOTAL	\$8,362,482	\$0	\$8,362,482
SEC. 39:	That there be appropriated from the WASTEWATER SYSTEM FUND (404)			
	Personal Services/Administrative Support	\$1,717,308		\$1,717,308
	Operation and Maintenance	\$1,924,959		\$1,924,959
	Capital Outlay (including labor)	\$747,500		\$747,500
	Non Government/Transfers/Refunds	\$2,562,115		\$2,562,115
	TOTAL	\$6,951,882	\$0	\$6,951,882
SEC. 40:	That there be appropriated from the GARBAGE AND REFUSE FUND (405)			
	Personal Services/Administrative Support	\$860,048		\$860,048
	Operation and Maintenance	\$1,391,251		\$1,391,251
	TOTAL	\$2,251,299	\$0	\$2,251,299
SEC. 41:	That there be appropriated from the CITY INCOME TAX ADMINISTRATION FUND (407)			
	Non Government/Transfers/Refunds	\$14,800,000		\$14,800,000
	TOTAL	\$14,800,000	\$0	\$14,800,000
SEC. 42:	That there be appropriated from the INFORMATION TECHNOLOGY FUND (408)			
	Personal Services/Administrative Support	\$250,621	\$0	\$250,621
	Operation and Maintenance	\$924,211	\$0	\$924,211
	TOTAL	\$1,174,832	\$0	\$1,174,832
SEC. 43:	That there be appropriated from the GOLF COURSE FUND (409)			
	Operation and Maintenance	\$988,655	\$0	\$988,655
	Capital Outlay (including labor)	\$37,000	\$0	\$37,000
	TOTAL	\$1,025,655	\$0	\$1,025,655
SEC. 44:	That there be appropriated from the FORT PIQUA PLAZA FUND (410)			
	Operation & Maintenance	\$669,416	\$0	\$669,416
	Capital (including labor)	\$1,370,000		\$1,370,000
	TOTAL	\$2,039,416	\$0	\$2,039,416
SEC. 45:	That there be appropriated from the STORMWATER UTILITY FUND (411)			
	Personal Services/Administrative Support	\$289,812		\$289,812
	Operation and Maintenance	\$619,548		\$619,548
	Capital Outlay (including labor)	\$417,250		\$417,250
	Non Government/Transfers/Refunds	\$3,278		\$3,278
	TOTAL	\$1,329,888	\$0	\$1,329,888

SEC. 46:	That there be appropriated from the UTILITIES BUSINESS OFFICE FUND (413)			
	Personal Services/Administrative Support	\$672,623		\$672,623
	Operation and Maintenance	\$590,558		\$590,558
	Allocated Expenses	(\$1,263,181)		(\$1,263,181)
TOTAL		\$0	\$0	\$0
SEC. 47:	That there be appropriated from the UNCLAIMED TRUST (606)			
	Non Government/Transfers/Refunds	\$2,000		\$2,000
TOTAL		\$2,000	\$0	\$2,000
SEC. 48:	That there be appropriated from the LAW ENFORCEMENT TRUST (609)			
	Operation and Maintenance	\$50,000		\$50,000
TOTAL		\$50,000	\$0	\$50,000
SEC. 49:	That there be appropriated from the CONSERVANCY FUND (611)			
	Operation and Maintenance	\$58,505		\$58,505
TOTAL		\$58,505	\$0	\$58,505
SEC. 50:	That there be appropriated from the CITY HEALTH INSURANCE FUND (614)			
	Operation and Maintenance	\$155,000		\$155,000
TOTAL		\$155,000	\$0	\$155,000
SEC. 51:	That there be appropriated from the EMPLOYEE FLEXIBLE SPENDING FUND (615)			
	Administrative Support	\$250,000		\$250,000
TOTAL		\$250,000	\$0	\$250,000

SEC. 52: That the sum appropriated are actual expenditures for goods and services or other government functions performed in the calendar year 2024. Future commitments representing encumbrances of fund balance or future receipts will be appropriated in the future year when those services or goods are rendered to the city.

SEC. 53: That the sums expended from the appropriations and which are proper charges against any other department or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered reappropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriations shall not exceed the amount of the item.

SEC. 54: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2024 when passed and legally contracted for in conformity by law.

SEC. 55: That the Finance Director at the discretion of the City Manager make temporary advances from the General Fund to any Fund to cover temporary shortages of cash until revenues or permanent transfers become available to repay that temporary advance. That these advances may not exceed \$1,000,000 in the aggregate nor extend past December 31, 2024; except those that are to be reimbursed by federal, state or other grant programs that were previously approved by this Commission.

SEC. 56: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____
CLERK OF COMMISSION

The Motion to adopt the foregoing Ordinance was offered by _____

seconded by _____ and on roll call the following vote ensued:

- Mayor Kris Lee _____
- Commissioner Thomas Hohman _____
- Commissioner James Vetter _____
- Commissioner Paul Simmons _____
- Commissioner Frank DeBrosse _____

Commission Agenda Staff Report

MEETING DATE	May 21, 2024		
REPORT TITLE	A Resolution awarding a contract to Walls Bros. Asphalt Co. for the 2024 Pavement Preservation Program - Mill and Overlay Project		
SUBMITTED BY	Name & Title: Kyle Hinkelman, Community Services Director		
	Department: Community Services		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	<p>On May 9th, 2024, three bids were received for the 2024 Pavement Preservation Program – Mill and Overlay Project #24-01 (see attached Exhibit A).</p> <p>The streets in this year’s Mill and Overlay Project are shown on the attached map (Exhibit B). The streets were selected based on their Pavement Condition Index (PCI) and applying the appropriate treatment to the roads in the area selected for this year.</p> <p>The Mill and Overlay Project will consist of the necessary roadway base repairs and the overlaying of the roadway with a new asphalt surface. The project will also include the placement of all new pavement markings within the project limits.</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$1,000,000 (for the entire Pavement Preservation Program, including the ADA Curb Ramp Project)	
	Expenditure \$:	\$783,000 (includes 10% contingency)	
	Source of Funds:	Street Income Tax (103 Fund), Water, Wastewater & Stormwater Funds.	
	Narrative:	This resolution includes a 10% contingency for items of work which may be required which are not included in the original plans and specifications. This also accounts for any overages that may occur.	
OPTIONS	1.	Approve the resolution and complete the Mill and Overlay Project portion of the 2024 Pavement Preservation Program.	
	2.	Do not approve the resolution and do not complete the Mill and Overlay Project portion of the 2024 Pavement Preservation Program.	

PROJECT TIMELINE	It is anticipated that the project will begin in late August after the completion of the ADA Curb Ramp Project and be completed by November 8 th , 2024.
STAFF RECOMMENDATION	Approve the resolution to allow for the completion of the Mill and Overlay Project portion of the Pavement Preservation Program.
REASON FOR SELECTING CONSULTANT/COMPANY	Lowest bidder following the public bidding process
ATTACHMENTS	Bid Tabulation (Exhibit A), Mill and Overlay Street Map (Exhibit B)

RESOLUTION NO. R-73-24

A RESOLUTION AWARDING A CONTRACT TO WALLS BROS. ASPHALT CO. FOR THE 2024 PAVEMENT PRESERVATION PROGRAM – MILL AND OVERLAY PROJECT

WHEREAS, on December 12, 2023, this Commission passed Resolution No. R-140-23 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the 2024 Pavement Preservation Program – Mill and Overlay Project; and

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

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

SEC. 1: A contract is hereby approved with Walls Bros. Asphalt Co. as the lowest, responsible bidder for the 2024 Pavement Preservation Program – Mill and Overlay Project, and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw his warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$783,000.

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

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____

MELISSA KINNEY
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _____,

seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee _____
Commissioner Frank DeBrosse _____
Commissioner Jim Vetter _____
Commissioner Paul Simmons _____
Commissioner Thomas Hohman _____

EXHIBIT "A"

CITY OF PIQUA OHIO PAVEMENT PRESERVATION PROGRAM – MILL AND OVERLAY PROJECT #24-01 DEADLINE: MAY 9, 2024 AT 10:00 AM BID TABULATION		Walls Bros. Asphalt Co. Greenville, OH		Barrett Paving Materials, Inc Middletown, OH		Fillmore Construction Leesburg, OH	
	Quantity	Price	Extension	Price	Extension	Price	Extension
Bid List Items							
253 - PAVEMENT REPAIR ROADWAY, 24" WIDE BY 6" DEPTH, AS DIRECTED - SY	700.00	\$63.00	\$44,100.00	\$75.00	\$52,500.00	\$100.00	\$70,000.00
254 - FULL DEPTH MILLING - 1 1/2" - SY	53,202.33	\$1.80	\$95,764.19	\$1.85	\$98,424.31	\$2.00	\$106,404.66
407 - NON-TRACKING TACK COAT @ 0.055 & 0.085 GAL / SY - GAL	7,448.33	\$3.50	\$26,069.16	\$3.75	\$27,931.24	\$3.00	\$22,344.99
441 - 1/2" ASPHALT CONCRETE, SCRATCH COURSE TYPE 1, PG 64-22 (449) - CY	738.92	\$186.00	\$137,439.12	\$196.00	\$144,828.32	\$194.00	\$143,350.48
441 - 1 1/4" ASPHALT CONCRETE, SURFACE COURSE TYPE 1, PG 64-22 (449) - CY	1,847.30	\$186.00	\$343,597.80	\$184.00	\$339,903.20	\$197.00	\$363,918.10
611 - MANHOLE ADJUSTED TO GRADE, ASPHALT - EA	15.00	\$960.00	\$14,400.00	\$875.00	\$13,125.00	\$300.00	\$4,500.00
611 - MANHOLE ADJUSTED TO GRADE, SOLID ADJUSTING RING - EA	30.00	\$330.00	\$9,900.00	\$225.00	\$6,750.00	\$500.00	\$15,000.00
611 - WATER VALVE ADJUSTED TO GRADE, ASPHALT - EA	10.00	\$660.00	\$6,600.00	\$525.00	\$5,250.00	\$100.00	\$1,000.00
611 - WATER VALVE ADJUSTED TO GRADE, SOLID ADJUSTING RING - EA	25.00	\$105.00	\$2,625.00	\$150.00	\$3,750.00	\$150.00	\$3,750.00
632 - DETECTOR LOOP (REPLACEMENT 6' W BY 25' L) - EA	2.00	\$1,490.00	\$2,980.00	\$1,600.00	\$3,200.00	\$2,500.00	\$5,000.00
642 - 12" CROSSWALK LINE - LF	1,603.06	\$2.75	\$4,408.42	\$2.75	\$4,408.42	\$3.63	\$5,819.11
642 - 24" STOP LINE - LF	342.78	\$4.75	\$1,628.21	\$4.75	\$1,628.21	\$7.00	\$2,399.46
642 - 12" DOUBLE YELLOW CENTER LINE - MI	1.06	\$1,900.00	\$2,014.00	\$1,900.00	\$2,014.00	\$3,500.00	\$3,710.00
642 - 24" YELLOW DIAGONAL LINE - LF	76.22	\$2.75	\$209.61	\$2.75	\$209.61	\$4.00	\$304.88
642 - 24" PIANO KEY - LF	61.50	\$4.45	\$273.68	\$4.45	\$273.68	\$7.00	\$430.50
642 - 8" CHANNELIZING LINE - LF	74.72	\$1.15	\$85.93	\$1.15	\$85.93	\$1.40	\$104.61
642 - LEFT TURN ARROW - EA	2.00	\$87.00	\$174.00	\$87.00	\$174.00	\$77.00	\$154.00
624 - MOBILIZATION - LS	1.00	\$5,250.00	\$5,250.00	\$10,160.08	\$10,160.08	\$15,700.00	\$15,700.00
614 - TRAFFIC CONTROL - LS	1.00	\$13,500.00	\$13,500.00	\$22,000.00	\$22,000.00	\$25,000.00	\$25,000.00
Totals			\$711,019.12		\$736,616.00		\$788,890.79

2024 Pavement Preservation - Mill and Overlay Project

EXHIBIT "B"



Mill and Overlay —

Commission Agenda Staff Report

MEETING DATE	May 21, 2024		
REPORT TITLE	A resolution awarding a contract to Grissom Construction, LLC, for the 2024 ADA Curb Ramp Program		
SUBMITTED BY	Name & Title: Kyle Hinkelman, Community Services Director		
	Department: Community Services		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	On May 9, 2024, 2 bids were received for the 2024 ADA Curb Ramp Program (see attached Exhibit A). In general, the work will consist of the installation of 41 ADA-compliant handicap ramps at intersections along the streets in the 2024 Pavement Preservation Program (see attached Exhibit B). Concrete drive approaches will be installed at multiple alley entrances (see attached Exhibit B).		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$1,000,000 (for the entire Pavement Preservation Program, including ADA Curb Ramp Program)	
	Expenditure \$:	\$189,000 (includes 10% contingency)	
	Source of Funds:	Street Income Tax (103 Fund)	
	Narrative:	This resolution includes a 10% contingency for items of work which may be required which are not included in the original plans and specifications. This also accounts for any overages that may occur.	
OPTIONS	1.	Approve the resolution and complete the 2024 ADA Curb Ramp Program.	
	2.	Do not approve the resolution, and do not complete the 2024 ADA Curb Ramp Program, and ultimately, do not complete the 2024 Pavement Preservation Program.	
PROJECT TIMELINE	The work will begin in June and be completed by August 23 rd .		
STAFF RECOMMENDATION	Approve the resolution to allow for the completion of the 2024 ADA Curb Ramp Program.		
REASON FOR SELECTING CONSULTANT/COMPANY	Lowest bidder following the public bidding process.		

ATTACHMENTS

Bid Tabulation (Exhibit A), ADA Curb Ramp Locations/Work Area (Exhibit B)

RESOLUTION NO. R-74-24

**A RESOLUTION AWARDING A CONTRACT TO GRISSOM CONSTRUCTION, LLC,
FOR THE 2024 ADA CURB RAMP PROGRAM**

WHEREAS, on December 12, 2023, this Commission passed Resolution No. R-140-23 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the 2024 ADA Curb Ramp Program; and

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

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

SEC. 1: A contract is hereby approved with Grissom Construction, LLC, as the lowest, responsible bidder for the 2024 ADA Curb Ramp Program, and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw his warrants from time to time on the appropriate account of the City Treasury in payment according to contract terms, not exceeding a total of \$189,000.

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

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____
MELISSA KINNEY
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _____,

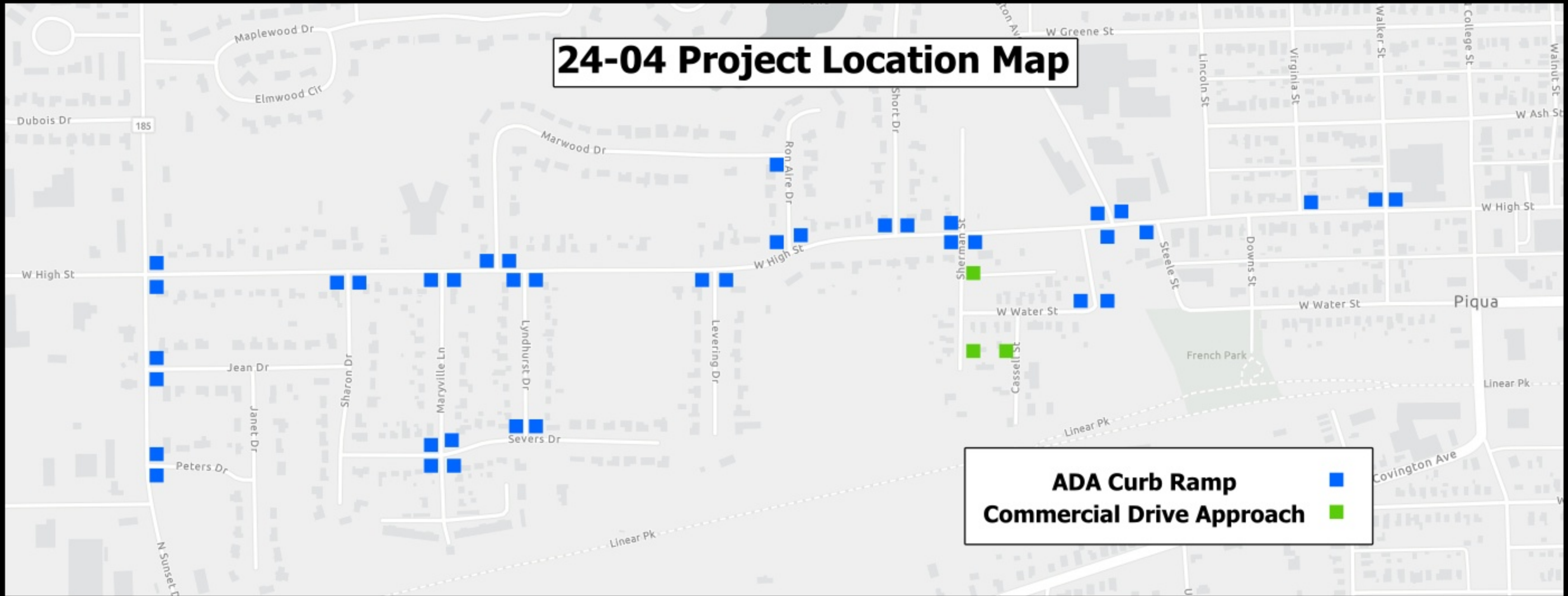
seconded by _____, and on roll call the following vote ensued:

- Mayor Kris Lee _____
- Commissioner Frank DeBrosse _____
- Commissioner Jim Vetter _____
- Commissioner Paul Simmons _____
- Commissioner Thomas Hohman _____

EXHIBIT "A"

CITY OF PIQUA OHIO ADA CURB RAMP PROGRAM - PROJECT #24-04 DEADLINE: MAY 9, 2024 AT 10:00 AM BID TABULATION		Grissom Construction, LLC Covington, OH		A to Z Property Maint. LLC Troy, OH	
Quantity	Price	Extension	Price	Extension	
Bid List Items					
202 - CONCRETE WALK REMOVED - SF	2,867.00	\$7.00	\$20,069.00	\$12.00	\$34,404.00
202 - CURB, CURB & GUTTER REMOVED, TYPE 1, 2, 6 - LF	662.00	\$15.00	\$9,930.00	\$35.00	\$23,170.00
202 - PAVEMENT REMOVED - SF	750.00	\$10.00	\$7,500.00	\$38.00	\$28,500.00
SPEC - COMMERCIAL DRIVE APPROACH (8" NON-REINFORCED QC1) - SF	600.00	\$16.00	\$9,600.00	\$16.00	\$9,600.00
608 - CONCRETE WALK (6" NON-REINFORCED QC1) - SF	2,895.00	\$14.00	\$40,530.00	\$14.00	\$40,530.00
608 - DETECTABLE WARNING (CAST IRON TRUNCATED DOMES, PER PLAN) - EA	41.00	\$550.00	\$22,550.00	\$690.00	\$28,290.00
609 - COMBINATION CURB AND GUTTER, TYPE 2 (CITY OF PIQUA, QC1) - LF	281.90	\$60.00	\$16,914.00	\$68.00	\$19,169.20
609 - COMBINATION CURB AND GUTTER, TYPE 1 (CITY OF PIQUA, QC1) - LF	112.60	\$60.00	\$6,756.00	\$68.00	\$7,656.80
609 - CURB, TYPE 6 (CITY OF PIQUA, QC1) - LF	372.50	\$60.00	\$22,350.00	\$68.00	\$25,330.00
614 - MAINTAINING TRAFFIC - LS	1.00	\$4,500.00	\$4,500.00	\$3,500.00	\$3,500.00
653 - TOPSOIL FURNISHED AND PLACED (6") - LS	1.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
659 - SEEDING AND MULCHING CLASS 1 - LS	1.00	\$2,500.00	\$2,500.00	\$2,750.00	\$2,750.00
624 - MOBILIZATION - LS	1.00	\$5,000.00	\$5,000.00	\$2,600.00	\$2,600.00
Totals			\$171,699.00		\$229,000.00

24-04 Project Location Map



ADA Curb Ramp ■
Commercial Drive Approach ■

Commission Agenda Staff Report

MEETING DATE	May 21, 2024		
REPORT TITLE	A Resolution awarding a contract to Performance Site Development for the Robinson to Maple Alley Sanitary Sewer Replacement Project		
SUBMITTED BY	Name & Title: Kevin Krejny, Utilities Director		
	Department: Utilities		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	<p>On May 16, 2024, three bids were received for the Robinson to Maple Alley Sanitary Sewer Replacement Project (see attached Exhibit A).</p> <p>The project generally consists of replacing failing sanitary sewer main and laterals throughout an alley. Additional work in other locations consist of replacing deteriorating manholes and failing stormwater main.</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$400,000	
	Expenditure \$:	\$422,000 (includes 10% contingency)	
	Source of Funds:	Wastewater and Stormwater Funds	
	Narrative:	This resolution includes a 10% contingency for items of work which may be required which are not included in the original plans and specifications. This also accounts for any overages that may occur.	
OPTIONS	1.	Approve the resolution and complete the Robinson to Maple Alley Sanitary Sewer Replacement Project.	
	2.	Do not approve the resolution and do not complete the Robinson to Maple Alley Sanitary Sewer Replacement Project.	
PROJECT TIMELINE	It is anticipated that the Robinson to Maple Alley Sanitary Sewer Replacement Project will be substantially complete this year. Only asphalt work may be left to be completed in the Spring of 2025.		
STAFF RECOMMENDATION	Approve the resolution to allow for the completion of the Robinson to Maple Alley Sanitary Sewer Replacement Project.		
REASON FOR SELECTING CONSULTANT/COMPANY	Lowest bidder following the public bidding process		

ATTACHMENTS

Bid Tabulation (Exhibit A), Map of Work Areas (Exhibit B)

RESOLUTION NO. R-75-24

A RESOLUTION AWARDING A CONTRACT TO PERFORMANCE SITE DEVELOPMENT FOR THE ROBINSON TO MAPLE ALLEY SANITARY SEWER REPLACEMENT PROJECT

WHEREAS, on December 12, 2023, this Commission passed Resolution No. R-140-23 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the Robinson to Maple Alley Sanitary Sewer Replacement Project; and

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

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

SEC. 1: A contract is hereby approved with Performance Site Development as the lowest, responsible bidder for the Robinson to Maple Alley Sanitary Sewer Replacement Project, and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw his warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$422,000.

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

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____

MELISSA KINNEY
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _____,

seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee _____
Commissioner Frank DeBrosse _____
Commissioner Jim Vetter _____
Commissioner Paul Simmons _____
Commissioner Thomas Hohman _____

EXHIBIT "A"

CITY OF PIQUA ROBINSON TO MAPLE ALLEY SANITARY SEWER REPLACEMENT PROJECT #23-07 DEADLINE: MAY 16, 2024 AT 10:00 AM BID TABULATION		Performance Site Development Fairborn, OH		J & J Schlaegel, Inc. Urbana, OH		M&T Excavating, LLC. Bradford, OH	
Quantity	Price	Extension	Price	Extension	Price	Extension	
Base Bid List Items							
Bonding and Insurance - LS	1	\$7,950.00	\$7,950.00	\$4,500.00	\$4,500.00	\$8,343.00	\$8,343.00
Mobilization - LS	1	\$4,250.00	\$4,250.00	\$19,500.00	\$19,500.00	\$8,220.00	\$8,220.00
Concrete Walk and Drive Removal - SF	1,000	\$2.75	\$2,750.00	\$3.00	\$3,000.00	\$3.00	\$3,000.00
Subgrade Compaction - SY	700	\$1.40	\$980.00	\$2.00	\$1,400.00	\$1.50	\$1,050.00
Item 304 Aggregate Base - CY	135	\$85.00	\$11,475.00	\$75.00	\$10,125.00	\$86.00	\$11,610.00
1.5" AC Surface - Trench Repair - CY	15	\$545.00	\$8,175.00	\$920.00	\$13,800.00	\$822.00	\$12,330.00
2" AC Intermediate Course - Trench Repair - CY	20	\$545.00	\$10,900.00	\$902.00	\$18,040.00	\$822.00	\$16,440.00
Non-Tracking Tack Coat (0.10 Gal/SY) - GAL	35	\$35.00	\$1,225.00	\$15.00	\$525.00	\$14.00	\$490.00
8" Concrete Drive (Commercial) - SY	90	\$125.00	\$11,250.00	\$115.00	\$10,350.00	\$110.00	\$9,900.00
4" Concrete Walk - SF	220	\$15.00	\$3,300.00	\$12.00	\$2,640.00	\$14.00	\$3,080.00
Curb - LF	115	\$48.00	\$5,520.00	\$56.25	\$6,468.75	\$103.00	\$11,845.00
Sanitary Sewer Manhole Removed - EA	7	\$850.00	\$5,950.00	\$550.00	\$3,850.00	\$1,002.00	\$7,014.00
6-inch Sanitary Sewer with Native Backfill - LF	120	\$131.00	\$15,720.00	\$120.00	\$14,400.00	\$38.00	\$4,560.00
6-inch Sanitary Sewer with Granular Backfill - LF	15	\$159.75	\$2,396.25	\$165.00	\$2,475.00	\$124.00	\$1,860.00
10" Sanitary Sewer with Granular Backfill - LF	205	\$158.20	\$32,431.00	\$130.00	\$26,650.00	\$134.00	\$27,470.00
10" Sanitary Sewer with Native Backfill - LF	325	\$120.75	\$39,243.75	\$120.00	\$39,000.00	\$121.00	\$39,325.00
12" Sanitary Sewer with Granular Backfill - LF	40	\$197.10	\$7,884.00	\$140.00	\$5,600.00	\$91.00	\$3,640.00
12" Sanitary Sewer with Native Backfill - LF	490	\$122.00	\$59,780.00	\$130.00	\$63,700.00	\$178.00	\$87,220.00
6" Sanitary Sewer Connection - EA	20	\$725.00	\$14,500.00	\$750.00	\$15,000.00	\$1,487.00	\$29,740.00
Sanitary Sewer Manhole - EA	7	\$5,450.00	\$38,150.00	\$6,500.00	\$45,500.00	\$5,470.00	\$38,290.00
Core Existing Sanitary Manhole - EA	2	\$875.00	\$1,750.00	\$3,000.00	\$6,000.00	\$1,990.00	\$3,980.00
Catch Basin Removed - EA	1	\$440.00	\$440.00	\$350.00	\$350.00	\$630.00	\$630.00
Storm Manhole Removed - EA	1	\$710.00	\$710.00	\$450.00	\$450.00	\$869.00	\$869.00
Storm Sewer Manhole-72" - EA	1	\$9,925.00	\$9,925.00	\$15,500.00	\$15,500.00	\$10,588.00	\$10,588.00
Catch Basin 2-5 - EA	1	\$6,200.00	\$6,200.00	\$12,750.00	\$12,750.00	\$6,137.00	\$6,137.00
Wall - LS	1	\$4,795.00	\$4,795.00	\$6,750.00	\$6,750.00	\$11,645.00	\$11,645.00
#2 Aggregate Rip Rap - CY	1	\$180.00	\$180.00	\$250.00	\$250.00	\$308.00	\$308.00
Erosion & Sediment Control - LS	1	\$2,750.00	\$2,750.00	\$2,500.00	\$2,500.00	\$2,740.00	\$2,740.00
Stormwater Pollution Prevention Plan (SWP3) - LS	1	\$2,450.00	\$2,450.00	\$1,800.00	\$1,800.00	\$2,740.00	\$2,740.00
Maintaining Traffic - LS	1	\$5,995.00	\$5,995.00	\$10,000.00	\$10,000.00	\$5,456.00	\$5,456.00
Seeding and Mulching - LS	1	\$3,895.00	\$3,895.00	\$5,000.00	\$5,000.00	\$3,425.00	\$3,425.00
Construction Staking Allowance - LS	1	\$5,050.00	\$5,050.00	\$5,000.00	\$5,000.00	\$4,795.00	\$4,795.00
Alternate Bid Total			\$327,970.00		\$372,873.75		\$378,740.00
Alternate Bid List Items (South Street Storm)							
Storm Manhole Removed - EA	1	\$710.00	\$710.00	\$450.00	\$450.00	\$851.00	\$851.00
24" Storm Sewer with Granular Backfill - LF	290	\$131.00	\$37,990.00	\$140.00	\$40,600.00	\$149.00	\$43,210.00
Storm Sewer Manhole - EA	2	\$3,250.00	\$6,500.00	\$4,500.00	\$9,000.00	\$3,924.00	\$7,848.00
Subgrade Compaction - SY	129	\$3.00	\$387.00	\$2.00	\$258.00	\$8.00	\$1,032.00
1.5" AC Surface - Trench Repair - CY	5	\$720.00	\$3,600.00	\$920.00	\$4,600.00	\$1,005.00	\$5,025.00
2" AC Intermediate Course - Trench Repair - CY	7	\$720.00	\$5,040.00	\$902.00	\$6,314.00	\$1,072.00	\$7,504.00
Non-Tracking Tack Coat (0.10 Gal/SY) - GAL	13	\$65.00	\$845.00	\$15.00	\$195.00	\$13.00	\$169.00
Alternate Bid Total			\$55,072.00		\$61,417.00		\$65,639.00
Base Bid and Alternate Bid Totals			\$383,042.00		\$434,290.75		\$444,379.00

Exhibit "B"

Project Work Areas



Commission Agenda Staff Report

MEETING DATE	May 21, 2024		
REPORT TITLE	A resolution authorizing a purchase order for a used aerial ladder truck and upfitting costs		
SUBMITTED BY	Lee Adams, Fire Chief		
	Department: Fire		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Other:
BACKGROUND	<p>In an effort to reinstate the ability of the Piqua Fire Department to provide minimum aerial ladder service for firefighting and rescue to the citizens of Piqua, and in working toward strategic fleet replacement, the Fire Department intends to purchase a used ladder truck. This truck will replace the apparatus that has been out of service since 2019.</p> <p>The City of Piqua had an aerial ladder truck in continuous service from as early as at least 1927 until 2019 when the previous aerial ladder was removed from service due to mechanical failures. A new ladder was not purchased at that time due to the cost of a replacement. Multiple grant opportunities have been explored, applied for, and denied, leading to the conclusion that there is no outside funding available for this purchase. Even if funding were to be immediately available, a new aerial ladder truck requires approximately one year to purchase and three years to construct. The purchase of a used apparatus, immediately available, will reinstate functionality as quickly as possible.</p> <p>The ladder truck selected was constructed in 2001. The lifespan of this vehicle as an emergency response apparatus is limited to an estimated 5 years. This time will allow for the specification, purchase, and construction of a new aerial ladder apparatus to be in service before the end of the decade, as local funding allows.</p> <p>The total budget for the program is \$320,000. The direct purchase cost of the ladder truck is \$250,000. The remaining \$70,000 is for repairs, upfitting costs, and training with the apparatus. Repairs and necessary maintenance before the apparatus is placed in service are estimated at \$34,000. Equipment needed to return an additional apparatus to the Piqua FD fleet including hose, nozzles, rescue equipment, air monitoring, and radio are estimated at an additional \$36,000. Any other funds</p>		

recognized from savings will be utilized for training our members as a majority of our personnel have never used this type of apparatus before.

The cost per year of ownership, amortized over the expected lifespan, is lower than the cost per year for a new apparatus. Maintenance costs for this used apparatus during that time are, however, expected to offset a portion of that difference. Approval of this resolution would allow the City to purchase a ladder truck to be placed into service much more quickly than any alternative option, at a reasonable expense. The rejection of this resolution would continue to leave the city without the protection of an aerial apparatus pending a future purchase of a new ladder truck.

PCO 34.19 Publication of Bids; Exceptions

(B) In unforeseen emergencies, delay would result in the interruption of or detriment to the delay 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.

(E) In the sound judgement 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.

BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$320,000
	Expenditure \$:	\$320,000
	Source of Funds:	106-009-836-8805 Purchase and repairs 106-009-836-7578 Training in safe use of apparatus
	Narrative:	The purchase of the aerial ladder truck will provide the City of Piqua with basic ladder service for firefighting and rescue.

OPTIONS	1.	Approve the resolution to purchase and upfit a used aerial ladder truck.
	2.	Deny the resolution, delaying aerial ladder service capability for rescue and firefighting by the Piqua Fire Department.

PROJECT TIMELINE

The used ladder apparatus is expected to be purchased within days of passage of this resolution. The apparatus would then be delivered to the workshop of the selected emergency vehicle technician service for repairs and maintenance. This portion of time is dependent on shop, technician, and parts availability but is likely to be six to eight weeks. Once the apparatus is delivered to the Piqua Fire Station, approximately two weeks will be spent with intensive in-service training prior to emergency response with the apparatus.

Once this apparatus is in service, and funding can be secured for the purchase of a new ladder truck, planning must begin almost immediately to develop the specifications for a replacement. If this replacement process is

	not begun in the next year, this used ladder truck can be expected to fail to be reliable for emergency response before a new ladder truck is constructed and received.
STAFF RECOMMENDATION	Approve the proposed resolution.
REASON FOR SELECTING CONSULTANT/COMPANY	The aerial ladder truck proposed comes from the Clearcreek Fire District in Warren County, Ohio. Our members and our emergency vehicle technician have reviewed the apparatus, the documentation of service records, and estimated necessary repair costs to place this ladder truck into service for Piqua. While this apparatus is not the same as the apparatus owned most recently by the City of Piqua and does not match perfectly with what would be ordered if buying a new truck, it has been deemed to be adequate to meet the needs of a stop-gap measure until a new apparatus is ordered. Other used apparatuses have been found available for purchase; none have been located in the west-central Ohio area for facilitation of inspection.
ATTACHMENTS	Sale Agreement, Clearcreek Sale Resolution, Sale Flyer

RESOLUTION NO. R-76-24

A RESOLUTION AUTHORIZING A PURCHASE ORDER TO THE BOARD OF TRUSTEES, CLEARCREEK TOWNSHIP, WARREN COUNTY, OHIO, FOR A USED AERIAL LADDER TRUCK AND UPFITTING COSTS

WHEREAS, The City of Piqua Fire Department requires the purchase of an aerial ladder truck to provide basic ladder service for firefighting and rescue to the citizens of the City of Piqua, and;

WHEREAS, The City of Piqua has lacked this basic protection for five years, and ordering, constructing, and receiving a new aerial ladder will require an additional three to five years, and;

WHEREAS, after being notified that the Clearcreek Fire District in Warren County, Ohio has a 2001 E-One aerial ladder apparatus for sale that will provide an adequate level of service for Piqua's most basic needs, the Piqua Fire Department has determined the purchase of this ladder truck will provide acceptable protection at a reasonable cost per year of expected use.

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 total budget for this project is not to exceed \$320,000.00.
- SEC. 2: A purchase order is hereby authorized to the Board of Trustees, Clearcreek Township, Warren County, Ohio for the 2001 E-One Ladder not to exceed \$250,000.00.
- SEC. 3: The remaining \$70,000.00 will be authorized to various vendors for the costs of making repairs to, the upfitting of, and training in the safe use of this aerial ladder apparatus.
- SEC. 4: The Finance Director Certifies funds are available and is hereby authorized to draw his warrant on the appropriate account of the City Treasury in payment for said purchases.
- SEC. 5: This resolution shall take effect and be in force from and after the earliest period allowed by law.

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____

MELISSA KINNEY
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee	_____
Commissioner Jim Vetter	_____
Commissioner Paul Simmons	_____
Commissioner Thomas Hohman	_____
Commissioner Frank DeBrosse	_____

RESOLUTION 5509
CLEARCREEK TOWNSHIP TRUSTEES
Warren County, Ohio
May 13, 2024

**A RESOLUTION AUTHORIZING THE SALE OF FIRE APPARATUS TO THE
CITY OF PIQUA, DISPENSING WITH THE SECOND READING, AND
DECLARING AN EMERGENCY**

WHEREAS, Clearcreek Township has declared surplus and no longer needed for public purpose certain Fire apparatus more fully described in the attached “**Exhibit A**” by Resolution No. 5465 on October 23, 2023; and

WHEREAS, the Board of Trustees determined by Resolution No. 5465 that the best way to dispose of said personal property was through negotiated sale; and

WHEREAS, O.R.C. 505.101 authorizes the Board of Trustees to enter into a contract, without advertising or bidding, for the sale of motor vehicles, materials, equipment, or supplies to any department, agency, or political subdivision of the State; and

WHEREAS, the Board of Trustees desires to authorize the sale of the Fire apparatus more fully described in the attached “**Exhibit A**” and has identified a potential buyer for the Fire apparatus in political subdivision the City of Piqua, Ohio; and

NOW THEREFORE, BE IT RESOLVED, the Board of Clearcreek Township Trustees hereby directs the Township Administrator to enter into a purchase agreement (**Exhibit B**) with the City of Piqua, Ohio to sell the Fire apparatus more fully described in “**Exhibit A**” to them in its “AS IS” condition for \$250,000 for its continued public use and benefit.

BE IT FURTHER RESOLVED, by the Board of Clearcreek Township Trustees upon majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorizes the adoption of this Resolution upon its first reading.

BE IT LASTLY RESOLVED, by the Board of Clearcreek Township Trustees that this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of this Township; the reason for the emergency being the need to sell and to convey this equipment to the City of Piqua, Ohio at the earliest time permitted by law.

Mr. GABBARD moved to adopt the foregoing Resolution. Mr. MUTERSPAW seconded the motion and upon the call of the roll the following vote resulted:

Mr. Wade	- YEA
Mr. Gabbard	- YEA
Mr. Muterspaw	- YEA

RESOLUTION 5509
CLEARCREEK TOWNSHIP TRUSTEES
Warren County, Ohio
May 13, 2024

Resolution adopted at a regular public meeting conducted May 13, 2024.


**THE BOARD OF
CLEARCREEK TOWNSHIP TRUSTEES**

**Law Director Bryan Pacheco
Approved as to form**









APPENDIX A

<u>UNIT #</u>	<u>CAD ID</u>	<u>MAKE</u>	<u>MODEL</u>	<u>YEAR</u>	<u>PRODUCTION #</u>	<u>FULL VIN #</u>	<u>WEIGHT</u>
601	Ladder 21	E-One	Ladder	2001	S.O. 123588	4EN3ABA8X11003588	62,850

CLEARCREEK TOWNSHIP GOVERNMENT CENTER

7593 Bunnell Hill Road, Springboro, Ohio 45066
(937) 748-1267 FAX (937) 748-3252

Board of Trustees

Ed Wade
Jason Gabbard
Steve Muterspaw



Fiscal Officer

Russell Carolus

AGREEMENT

This Agreement is made and entered on the dates below written, by and between the City of Piqua, Ohio, (hereinafter "Piqua") of 201 W. Water Street, Piqua, Ohio 45356, and the Board of Trustees of Clearcreek Township, Warren County, Ohio (hereinafter "Clearcreek") of 7593 Bunnell Hill Road, Springboro, Ohio 45066.

WITNESSETH:

WHEREAS, Clearcreek desires to sell its Fire District's Fire apparatus (Ladder truck) to Piqua for use by its Fire Department for the sum of \$250,000, since the Ladder truck is not needed for public use any longer in Clearcreek Township.

NOW, THEREFORE, IN CONSIDERATION OF THE TOTAL SUM OF TWO-HUNDRED AND FIFTY THOUSAND NO/100 DOLLARS (\$250,000.00) and other good and valuable consideration, to be paid by Piqua, the parties agree as follows:

1. Clearcreek shall sell and Piqua shall purchase the District's Fire apparatus (Ladder truck), as more particularly described in "Exhibit A" and for the sum noted above in its "AS IS" condition.
2. Piqua accepts and purchases the above referenced Ladder truck on the following terms and conditions:
 - a. The Ladder truck is no longer under any manufacturer's warranty; and
 - b. That Ladder truck is sold and accepted in its "AS IS" condition.
3. Piqua on behalf of the City, its Fire Department and officers hereby accept the District's Ladder truck, as more particularly described and for the sum listed above, subject to all of the terms and conditions of this Agreement and hereby releases Clearcreek Township, its elected officials, employees and insurers from any liability or responsibility stemming from the sale by Clearcreek and the use of the Ladder truck by Piqua.

The parties have executed this Agreement on the dates below written.

CITY OF PIQUA, OHIO

By: _____

Title: _____

Date: _____

CLEARCREEK TOWNSHIP, WARREN COUNTY, OHIO

By: Matthew J. Clark

Matthew J. Clark
Township Administrator

Date: May 14, 2024



FOR SALE: \$300,000

2001 E-ONE LADDER

The Clearcreek Fire District is selling a 2001 Emergency One Ladder with 100-ft HD Aluminum Aerial Device and 6-seat (5-air pack) Cyclone cab. The Aerial Pump was tested and certified in 2023, along with all ground ladders. The ladder has working A/C, Jake Brake, an Electronic and Federal Q Siren, and upgraded LED light on the Aerial. The last safety inspection and oil change occurred in August 2023.

CONTACT:

Lt. Josh Scott
email: josh.scott@clearcreektownship.com

Additional Information:

- Miles: 44,400
- Engine Hours: 4,408
- Weight: 68,000 lbs
- Height: 11'-11"
- Length: 39'-9"
- Width: 9'-7"
- Engine: 450 HP
- Transmission: Allison
- Tank Size: 500 gallons
- Pump: Hale, 2,000 GPM
- Generator: 8,000 Watt 110/220

All service Records available dating back to in-service date 2001.



**Commission Agenda
Staff Report**

MEETING DATE	May 21, 2024			
REPORT TITLE	A Resolution requesting authorization of an agreement with Stantec Consulting Services, Inc., for continued engineering support regarding Piqua’s hydraulic canal and dam system			
SUBMITTED BY	Kevin Krejny, Utilities Director			
	Utilities Department			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		X Finance Director	
	<input type="checkbox"/> Asst. City Manager		<input type="checkbox"/> Law Director	
	X Department Director		<input type="checkbox"/> Other:	
BACKGROUND	<p>The City of Piqua has three Class 1 dams within our Surface Water System that we are responsible for maintaining. The Ohio Department of Natural Resources (ODNR) has requested a schedule from the city showing a detailed plan as to what the steps will be for achieving compliance with the ODNR – Division of Water Resources (Dam Safety Section). This is a result of deficiencies identified in the latest ODNR Dam Safety Inspection Report.</p> <p>This plan will specifically address the improvements needed to allow for the dams to safely pass the required design flood without overtopping the embankments.</p> <p>This project will allow for the City and Stantec to:</p> <ul style="list-style-type: none"> • Develop a detailed schedule for achieving ODNR Dam Safety compliance. • Complete a historical review of the available data. • Complete a site reconnaissance to perform a preliminary condition survey. • Complete field surveying • Complete a structural condition survey of the three principal spillway structures. • Complete limited geotechnical work • Perform a Hydraulic and Hydrologic (H&H) Analysis • Investigate alternative projects/options for compliance • Research potential grant funding opportunities and other related work. 			

BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	In total up to \$550,500 from 2024 through 2027
	Expenditure \$:	\$ 550,500
	Source of Funds:	Water 403 Fund – 35% - \$192,500 HHPD 2022 Grant – 65% - \$357,500
	Narrative:	Similar funding and reporting mechanism to HHPD 2019 which ended on 3/14/24
OPTIONS	1.	Approve the resolution to continue engineering support for Piqua’s Hydraulic System.
	2.	Do not approve the Resolution.
PROJECT TIMELINE	The evaluation process will begin immediately, building on the last four years of work that Stantec has performed.	
STAFF RECOMMENDATION	Approve the resolution to continue engineering support for Piqua’s Hydraulic System.	
REASON FOR SELECTING CONSULTANT/COMPANY	Stantec was selected based upon an RFQ process and subsequent interviews (2018). This resolution continues their work with new grant HHPD 2022.	
ATTACHMENTS	Exhibit A – Grant award letter Grant Summary spreadsheet	

RESOLUTION NO. R-77-24

A RESOLUTION AUTHORIZING AN AGREEMENT WITH STANTEC CONSULTING SERVICES, INC., FOR CONTINUED ENGINEERING SUPPORT REGARDING PIQUA'S HYDRAULIC CANAL AND DAMS

WHEREAS, the City of Piqua has three Class I dams within their surface water system that they are responsible for maintaining and keeping in compliance with the Ohio Department of Natural Resources (ODNR); and

WHEREAS, the City has started and is expected to continue with a plan for addressing deficiencies in the ODNR Dam Safety Inspections reports; and

WHEREAS, Stantec Consulting Services, Inc. was found to be the most qualified candidate (2018) and best to continue the process to assist the City with evaluation and design of work towards achieving compliance with the ODNR – Division of Water Resources, Dam Safety Division.

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

SEC. 1: The City Manager is authorized to enter into a contract with Stantec Consulting Services, Inc. for the continued evaluation and design for ODNR Dam Safety Projects with the City of Piqua dams.

SEC. 2 : The Finance Director certifies that funds are available and is hereby authorized to draw his warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$550,500.

SEC. 3: The City has been awarded the FEMA HHPD 2022 Grant that covers 65% of the total costs up to \$550,500, with 35% city match.

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

KRIS LEE, MAYOR

PASSED: _____

ATTEST: _____
MELISSA KINNEY
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _____,

seconded by _____, and on roll call the following vote ensued:

Mayor Kris Lee _____

Commissioner Frank DeBrosse _____

Commissioner Thomas Hohman _____

Commissioner Paul Simmons _____

Commissioner James Vetter _____

Piqua Hydraulic Canal and Dams Grant Funding and Tracking

	Grant Title	Project Number	Project Name	Start Date	End Date	Total Project Costs	Grant Costs	Piqua Costs	Piqua % Match	Total Amount Used to Date	Grant Funds to Date	Piqua Costs to Date	% Used
Complete	HHPD 2019	EMW-2019-GR-00025	Piqua Swift Run Lake Dam	9/2/2020	3/12/2024	\$ 371,211.00	\$ 241,287.00	\$ 129,924.00	35%	\$ 347,683.97	\$ 225,994.44	\$ 121,689.53	94%
Almost Completed	HMGP 2019	HMGP DR-4447.04	Piqua Swift Run Lake Dam	5/5/2020	12/1/2024	\$ 196,000.00	\$ 171,500.00	\$ 24,500.00	12.5%	\$ 186,896.95	\$ 163,534.83	\$ 23,362.12	95%
Beginning Now	HHPD 2022	EMW-2022-GR-00121-S01	Echo Lake Dam Evaluation and Design	9/15/2022	9/15/2025	\$ 550,000.00	\$ 357,500.00	\$ 192,500.00	35%				
Pending Final Approval	HHPD 2024		Swift Run Lake Dam Design	2024	2027	\$ 333,333.33	\$ 216,666.66	\$ 116,666.67	35%				
Pending Final Approval	HHPD 2024		Echo Lake Dam Design	2024	2027	\$ 333,333.33	\$ 216,666.66	\$ 116,666.67	35%				
Pending Final Approval	HHPD 2024		Franz Pond Dam Design	2024	2027	\$ 333,333.33	\$ 216,666.66	\$ 116,666.67	35%				

SUBRECIPIENT GRANT AGREEMENT

This Agreement is between the **OHIO DEPARTMENT OF NATURAL RESOURCES** (“ODNR”), acting through its **DAM SAFETY PROGRAM OF DIVISION OF WATER RESOURCES**, with offices located at 2045 Morse Rd., Columbus, OH, 43229, and **CITY OF PIQUA** (UEI # V8UKT5DEY35), which is located at 201 West Water Street, Piqua, Ohio, 45356. (“Subrecipient”).

Expenditures for this Agreement are partially or fully funded by federal funds. ODNR received a federal grant under the terms and conditions of a National Dam Safety Program grant, awarded through U.S. Department of Homeland Security, Federal Emergency Management Agency (“FEMA”). This grant is identified by Federal Award Identification Number (FAIN) EMW-2022-GR-00121-S01, which became effective on September 15, 2022, with a total award amount of \$3,133,869.00, and an approved indirect rate of 0%. This grant is made under Assistance Listing Number Catalogue of Federal Domestic Assistance Number 97.041 National Dam Safety Program. This Agreement is a subaward of that grant.

Total Award Committed to Subrecipient: \$357,500.00

Total Award Obligated for this Action: \$357,500.00

Cumulative Award Total Obligated (including this action and all prior actions): \$357,500.00

Subrecipient is an applicant who submitted a grant application to ODNR for this grant program. Under R.C. § 1501.01 and §1521.03 ODNR may provide federal pass-through grants to eligible applicants for purpose or goal of federal program. Subrecipient has met the application requirements and has been approved by ODNR as eligible to receive this federal pass-through grant. Subrecipient will undertake the following with funding from this grant: focus on the analysis and design of the Echo Lake and Franz Pond dam structures and hydraulic limitations associated with these water ways. Evaluation of Spillway #1 and hydraulic canal capacity to pass PMF events for these watersheds. Also, evaluation of re-routing some of the storm waters through existing city storm sewers.

The parties therefore agree as follows:

1. **Award.** ODNR hereby awards to the Subrecipient a High Hazard Potential Dam (HHPD) grant subaward not to exceed **\$357,500.00** for the purpose of reimbursing the Subrecipient for performance and completion of the deliverables detailed in the attached Exhibits A-Scope of Work and B-Budget (“Exhibits”) (the “Project”). Subrecipient agrees to contribute **\$192,500.00** (35%) as matching funds, including cash and in-kind contributions.

Performance of Project. Subrecipient shall perform its duties and responsibilities under this Agreement in compliance with the terms, promises, conditions, plans, specifications, estimates, procedures, maps, and assurances set forth in the Exhibits, program guidelines, and the project application/proposal, incorporated herein by reference as though fully set forth herein, as well as the terms set forth in this Agreement. Subrecipient shall: (1) perform and complete the Project as set forth herein; (2) promptly submit to ODNR such reports and documents as required by ODNR and 2 CFR §200.330; (3) establish a separate special account for the funds for the acquisition and/or development of the Project; (4) coordinate with Miami County Emergency Management Agency to have a local

FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552), and (5) not change any of the terms, promises, conditions, plans, specifications, estimates, procedures, maps, or assurances set forth in the Exhibits, unless the proposed change is approved by ODNR. ODNR reserves the right to audit the special account created by Subrecipient, pursuant to this paragraph, either during or after the completion of the Project.

2. **Notice.** All notices, consents, and communications required hereunder (each, a “Notice”) shall be in writing and shall be deemed to have been properly given when: 1) hand delivered with delivery acknowledged in writing; 2) sent by U.S. Certified mail, return receipt requested, postage prepaid; 3) sent by overnight delivery service (FedEx, UPS, etc.) with receipt; or 4) sent by fax or email. Notices shall be deemed given upon receipt thereof and shall be sent to the addresses below. Notices sent by fax or email shall be effectively given only upon acknowledgement of receipt by the receiving party. Any party may change its address for receipt of Notices upon notice to the other party. If delivery cannot be made at any address designated for Notices, a Notice shall be deemed given on the date on which delivery at such address is attempted.

<p>Subrecipient Contact:</p> <p>Kevin Krejny Utilities Director City of Piqua</p> <p>201 West Water Street, Piqua, Ohio, 45356</p> <p>937-778-2025 kkrejny@piquaoh.gov</p>	<p>ODNR Program Contact:</p> <p>Adam Lanzillotta Environment Specialist ODNR Division of Water</p> <p>2045 Morse Road B-3 Columbus, Ohio, 43229</p> <p>614-265-6737 adam.lanzillotta@dnr.ohio.gov</p>	<p>ODNR Federal Contact:</p> <p>Daniel Ryan Risk Analyst FEMA Region V, Mitigation Branch</p> <p>536 South Clark Street Chicago, Illinois, 60605</p> <p>312-408-4432 Daniel.p.ryan@fema.dhs.gov</p>
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3. **Research and Development.** Grant funds shall not be used for research and development.
4. **Indirect Costs.** Grant funds are not authorized for indirect costs.
5. **Period of Performance.** Implementation of the Project shall not commence until this Agreement is effective. This Agreement shall be effective as of the date on which it is signed by an authorized representative of ODNR. ODNR shall not be responsible for any costs incurred by the Subrecipient prior to the date this Agreement becomes effective. The Project shall be completed by September 15, 2025 unless modified by the mutual, written consent of both parties before that date or otherwise terminated as provided herein. This Agreement shall terminate on September 15, 2025, unless modified by the mutual, written consent of both parties before that date or otherwise terminated as provided herein.
6. **Budget Period.** The budget period for this Agreement is September 15, 2022 through September 15, 2025.
7. **Non-Appropriation.** Performance by ODNR under this Agreement may be dependent upon the appropriation of funds by the Ohio General Assembly. Therefore, in accordance with R.C. § 126.07, it is

agreed that ODNR's payments are contingent on the availability of such lawful appropriations by the Ohio General Assembly. If the Ohio General Assembly fails at any time to continue funding for the payments due hereunder, this Agreement is hereby terminated as of the date that the funding expires without further obligation of ODNR. If appropriations are approved, ODNR may continue this Agreement past the current biennium by mutual written agreement between the parties.

8. **Permissible Costs.** Subrecipient shall comply with 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) to determine the permissibility of all expenditures under this Agreement.
9. **Termination by ODNR.** Any time after signing this Agreement, ODNR may terminate the Agreement, in whole or in part, for any reason whatsoever, upon written notification to the Subrecipient. If ODNR terminates this Agreement, the Subrecipient will be paid for any non-cancelable obligation properly incurred by the Subrecipient prior to termination. Subrecipient shall return any unused grant funds to ODNR within thirty (30) days of termination.
10. **Termination by Subrecipient.** Any time after signing this Agreement, Subrecipient may terminate this Agreement for any reason whatsoever upon written notification to ODNR. If Subrecipient terminates this Agreement, Subrecipient shall not incur any new obligations using grant funds and shall use its reasonable best efforts to cancel as many outstanding obligations of grant funds as possible. Subrecipient shall return all unused grant funds to ODNR within thirty (30) days of termination.
11. **Nondiscrimination in Employment.** Subrecipient, Subrecipient's contractors, and any person acting on behalf of Subrecipient, shall comply with all federal and Ohio statutes, executive orders, and regulations implementing 42 U.S.C. Part 2000(d), Title IV of the Civil Rights Act of 1964 and R.C. Chapter 4112, prohibiting discrimination on the grounds of race, color, religion, sex, sexual orientation, age, disability, military status (as defined in R.C. § 4112.01), national origin, or ancestry against any citizen of this state in the employment of any person qualified and available for work related to the Project. Subrecipient further agrees that Subrecipient, Subrecipient's contractors, and any person acting on behalf of Subrecipient shall not, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of work related to the Project on the grounds of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry.

Subrecipient shall, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex, sexual orientation, handicap, or any disability. Subrecipient shall comply with Ohio and federal statutes, executive orders, and regulations to assure equal employment practices under the Agreement, and Subrecipient shall comply promptly with all orders, requests, and directions from the State of Ohio and federal agencies pertaining to the enforcement of the aforementioned nondiscrimination laws.

12. **Workers' Compensation.** Subrecipient shall provide its own workers' compensation coverage throughout the duration of this Agreement and any extensions thereof. ODNR is hereby released from any and all liability for injury received by the Subrecipient, its employees, agents, or subcontractors, while performing tasks, duties, work, or responsibilities as set forth in this Agreement.

13. **Compliance with Laws.** Subrecipient, in the execution of its duties and obligations under this Agreement, agrees to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances.
14. **Prevailing Wage.** Pursuant to Chapter 4115 of the Ohio Revised Code, the Davis-Bacon Act (40 U.S.C. §§ 3141-3148) and 2 CFR 200 Appendix II(D), if applicable, Subrecipient shall require that all contractors pay the prevailing wage rate of the locality on all work performed on the Project. Subrecipient and any of its contractors shall comply with all other applicable provisions of Chapter 4115 of the Ohio Revised Code, the Davis-Bacon Act (40 U.S.C. §§ 3141-3148) and 2 CFR 200 Appendix II(D), including making the required reports to the prevailing wage coordinator.
15. **Liability; Indemnification.** Subrecipient shall be solely responsible for any and all claims, demands, or causes of action arising from Subrecipient's obligations under this Agreement. Each party to this Agreement must seek its own legal representative and bear its own costs, attorney fees, and expenses, in any litigation that may arise from the performance of this Agreement. It is specifically understood and agreed that ODNR does not indemnify Subrecipient. Nothing in this Agreement shall be construed to be a waiver of the sovereign immunity of the State of Ohio or the immunity of any of its employees or agents for any purpose. In no event shall ODNR be liable for indirect, consequential, incidental, special, liquidated, or punitive damages, or lost profits.
16. **Drug-Free Workplace.** Subrecipient agrees to comply with all applicable state and federal laws regarding drug-free workplace.
17. **Inspection.** The federal awarding agency, inspectors general, the Comptroller General of the United States, and ODNR, or any of their authorized representatives, have the right of access to any documents, papers, or other records of the Subrecipient which are pertinent to the federal award, in order to make audits, examinations, excerpts, and transcripts. This right also includes timely and reasonable access to the Subrecipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.
18. **OMB Guidance.** Subrecipient shall comply with OMB guidance in subparts A through F of 2 CFR Part 200. Subrecipient must also follow the regulations found in 2 CFR 200.330 through 2 CFR 200.332. Electronic copies of the CFR can be obtained at the following internet site: www.ecfr.gov.
19. **Use of MBE and EDGE Vendors.** Revised Code § 125.081 requires state agencies to set aside purchases for Minority Business Enterprises ("MBE") and Executive Order 2008-13S encourages use of Encouraging Diversity, Growth and Equity ("EDGE") businesses. ODNR encourages Subrecipient to purchase goods and services from Ohio-certified MBE and EDGE vendors.
20. **Events of Significant Impact.** Subrecipient shall immediately notify ODNR of developments that have a significant impact on the activities supported under this award. Also, notification must be given in case of problems, delays, or adverse conditions that materially impair the ability to meet the objectives of the award. This notification must include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.
21. **Public Records.** Public access to award or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom

of Information regulations (5 U.S.C. 552) or Ohio public records laws. Requests for research data are subject to 2 CFR 315(e).

22. **Records Retention.** Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the federal awarding agency or pass-through entity in the case of a subrecipient. Records for real property and equipment acquired with federal funds must be retained for three (3) years after final disposition in accordance with 2 CFR 200.333.
23. **Debarment and Suspension.** Subrecipient shall immediately inform ODNR if it or any of its principals is presently excluded, debarred, or suspended from entering into covered transactions with the federal government or entities according to the terms of 2 CFR Part 180. If Subrecipient or any of its principals receive a transmittal letter or other official federal notice of debarment or suspension, it shall promptly notify ODNR. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary. Subrecipient certifies that it is not debarred from consideration for contract awards by the State of Ohio under R.C. §§ 153.02, 125.25, or 5513.06. If this certification is false, this Agreement is void *ab initio* and Subrecipient shall immediately repay ODNR all funds transferred by this Agreement.
24. **Findings for Recovery.** Subrecipient represents and warrants that it is not subject to a finding for recovery under R.C. § 9.24, or that it has taken appropriate remedial steps required under R.C. § 9.24 or otherwise qualifies under that section. Subrecipient agrees that if this representation or warranty is deemed to be false, the agreement shall be void *ab initio* as between the parties to this agreement, and any funds paid by ODNR hereunder immediately shall be repaid to ODNR, or an action for recovery immediately may be commenced by ODNR for recovery.
25. **Ohio Ethics Law.** The Subrecipient certifies that it: (i) has reviewed and understands the Ohio ethics and conflict of interest laws as found in Ohio Revised Code Chapter 102 and in Ohio Revised Code Sections 2921.42 and 2921.43, and (ii) will take no action inconsistent with those laws. The Subrecipient understands that failure to comply with Ohio's ethics and conflict of interest laws is grounds for termination of this Agreement and may result in the loss of other contacts or grants with the State of Ohio.
26. **Campaign Contributions.** The Subrecipient affirms that, as applicable to it, no party listed in R.C. § 3517.13(I) or R.C. § 3517.13(J) or spouse of such party has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of \$1,000.00 to the Governor or the Governor's campaign committees.
27. **Governing Law.** This Agreement and the rights of the parties hereunder shall be governed, construed, and interpreted in accordance with the laws of the State of Ohio and with the laws of the U.S. federal funding source. Subrecipient consents to jurisdiction in a court of proper jurisdiction in Franklin County, Ohio.
28. **Waiver.** A waiver by any party of any breach or default by the other party under this Agreement shall not constitute a continuing waiver by such party of any subsequent act in breach of or in default hereunder.

29. **Assignment.** Neither this Agreement nor any rights, duties, or obligations hereunder may be assigned or transferred in whole or in part by Subrecipient.
30. **Confidentiality Agreements.** Subrecipient shall not require its employees or subcontractors seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law-enforcement representative. Any prohibitions or restrictions of any internal confidentiality agreements inconsistent with the previous sentence are no longer in effect.
31. **Eligible Workers.** Subrecipient shall ensure all employees complete the I-9 form to certify they are eligible for lawful employment under the Immigration and Nationality Act (8 USC 1324a). Subrecipient shall comply with regulations regarding certification and retention of the complete forms. These requirements also apply to any contract or supplement instruments awarded under this Agreement.
32. **Lobbying.** Subrecipient certifies that no federal appropriated funds have been paid by or on behalf of Subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, member of Congress, or officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, Subrecipient shall request, complete, and submit Standard Form-111, "Disclosure Form to Report Lobbying," in accordance with its instructions.
33. **Federal Clean Air Act and Water Pollution Control Act.** Subrecipient agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
34. **Trafficking In Persons.** Subrecipient shall not: (i) engage in severe forms of trafficking in persons during the period of time that the subaward is in effect; (ii) procure a commercial sex act during the period of time that the subaward is in effect; or (iii) use forced labor in the performance of the subaward, pursuant to section 106(g) of the federal Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)).
35. **Federal Single Audit Requirement.** Subrecipient shall comply with the federal single audit requirements in 2 CFR 200.501.
36. **In-Kind Match.** If applicable, Subrecipient shall comply with 2 CFR 200.306 when using in-kind contributions as matching funds for this Project.
37. **Independent Capacity of Subrecipient.** The parties agree that the Subrecipient, and any agents or employees of the Subrecipient, in the performance of this Agreement, shall act in an independent capacity

and not as officers, employees, or agents of the State of Ohio for any purpose. Nothing in this Agreement shall be construed to create a partnership, joint venture, or other relationship between the parties.

38. **Qualifications.** Subrecipient represents that it has all approvals, licenses, or other qualifications needed to conduct its business in Ohio and that all are current.
39. **Conflicts.** In the event of any conflict between the terms and provisions of the body of this Agreement and any attachments hereto, the terms of this Agreement shall control.
40. **Severability.** The provisions of this Agreement are severable and independent, and if any such provision shall be determined to be unenforceable in whole or in part, the remaining provisions and any partially enforceable provisions shall, to the extent enforceable in any jurisdiction, nevertheless be binding and enforceable.
41. **Headings.** The headings in this Agreement have been inserted for convenient reference only and shall not be considered in any questions of interpretation or construction of this Agreement.
42. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same instrument. Either party hereto may deliver a copy of its counterparty's signature page to this Agreement electronically pursuant to R.C. § 1306. Each party hereto shall be entitled to rely upon an electronic signature of any other party delivered in such a manner as if such signature were an original.
43. **Entire Agreement.** This Agreement, including any attachments, contains the entire agreement between the parties hereto with respect to the subject matter hereof, and shall not be modified, amended, or supplemented, or any rights herein waived, unless specifically agreed upon in writing by the parties hereto. This Agreement supersedes any and all previous agreements, whether written or oral, between the parties.

[SIGNATURE PAGE FOLLOWS]

Each party is signing this Agreement on the date stated below that party's signature.

SUBRECIPIENT

City of Piqua

By:  _____

Printed Name: L PAUL OBELDORFER

Title: CITY MANAGER

Date: 10/02/2023

OHIO DEPARTMENT OF NATURAL RESOURCES

Division of Water Resources, Dam Safety

By: _____

Printed Name: _____

Title: _____

Date: _____