



**PIQUA CITY SPECIAL COMMISSION MEETING
TUESDAY, JULY 30, 2024
6 PM
COMMISSION CHAMBERS – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

THE PLEDGE OF ALLEGIANCE

ROLL CALL

SPECIAL PIQUA CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES

Approval of the Minutes from the July 16, 2024, City Commission Meeting

OLD BUSINESS

2. ORDINANCE NO. O-9-24 (3rd Reading)

An ordinance allocating adult use cannabis marijuana excise tax revenue

3. ORDINANCE NO. O-11-24 (3rd Reading)

An ordinance permitting the Commission to remove appointed representatives from boards created by the Commission

4. ORDINANCE NO. O-12-24 (2nd Reading)

An ordinance to repeal Piqua Code 30.15 in its entirety and to adopt new rules for Commission

5. ORDINANCE NO. O-13-24 (2nd Reading)

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

NEW BUSINESS

6. RESOLUTION NO. R-99-24

A resolution authorizing a purchase order to Strawser Construction, Inc. for a portion of the 2024 Pavement Preservation Program

CITY MANAGER'S REPORT

COMMISSIONERS COMMENTS

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)

**REGULAR PIQUA CITY COMMISSION MEETING MINUTES
TUESDAY, JULY 16, 2024**

CALL TO ORDER

Piqua City Commission met at 6:00 p.m. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street, Piqua, Ohio.

ROLL CALL

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

PRESENTATION

Monthly Report from the Commissioners Committee on the Fire Training Facility

David Roth, Nancy Roof, and Joe Thompson thanked the City Manager for responding to their questions. They said they have been researching outside legal counsel and would like to hire Dan Brown of Dayton to advise them on the sunshine laws, public record requests, research and final report. The commission asked them to provide a contract to the city manager and to start with 5 hours. The commissioners said they would like to meet with him first and Nancy Roof requested that the committee be present when the commissioners meet with Dan Brown. A discussion took place about whether the commission would meet separately with him and who the attorney represents.

Commissioner Hohman asked for an update on the committee's progress and if the tour of the old water plant was helpful. Nancy and David said it was helpful to see the location they've been reading about in the documents. Commissioner Hohman asked if they wore protective gear while at the site and they said they did not. Commissioner Hohman said he has heard claims that the site is an ongoing danger and the whole city is contaminated. He said it says a lot that you didn't wear protective equipment. Nancy Roof and David said they thought afterwards that maybe they should have. David mentioned an odor when entering the chlorine room.

PRESENTATION

Quarterly Report from the Park Board

Natalie Young, chair of the Park Board said they have been inspecting parks regularly. She said at their meetings that have discussed different topics to consider but knows there are still projects on the Parks Master Plan from previous years that still haven't been completed. Ms. Young said she's glad to hear that some tax revenue from recreational marijuana will filter back to the Parks. Natalie thanked the park volunteers.

Terry Wright said that the Mote Park building lease says that if the building is not being used, citizens should be able to rent it. He said it isn't listed on our website as an option to rent. Mayor Lee asked Paul if it could be rented, and Paul Oberdorfer said the restrooms are not ADA compliant.

Commissioner DeBrosse said it is music to his ears that the parks are the committees labor of love. He said he feels the recreational marijuana tax will pass and he would love to see the Parks Board wish list.

Mayor Lee said Goodrich Giles Park is being cleaned up on July 25th. He said the parks are important and he appreciates the boards dedication. He asked Natalie and Terry to keep updating the commission. Natalie Young said she wished there was more communication. She said all parks received new signage except Shawnee park. She wondered why and said we all need to work together.

Commissioner Simmons said he and his wife have been on the Park Board. He thinks there is a good future.

PRESENTATION

Finance Department Update – Jerry O’Brien

Jerry O’Brien gave a slide presentation on the procedures of the Finance Department.

REGULAR PIQUA CITY COMMISSION MEETING

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the Minutes from the June 18, 2024 and June 25, 2024 City Commission Meetings

RESOLUTION NO. R-96-24

A resolution of appreciation for the first half of 2024 City of Piqua Volunteers

RESOLUTION NO. R-97-24

A resolution appointing a board member to the Diversity Committee

RESOLUTION NO. R-90-24

A resolution authorizing the city manager to enter into a contract with ClearGov for a Software solution to aid in the annual budgeting process

Commissioner’s comments: Mayor Lee asked the clerk to name the person who was appointed to the Diversity, and it was Jim Sheats. Commissioner Hohman thanked all of the volunteers.

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.

OLD BUSINESS

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

An ordinance allocating adult use cannabis marijuana excise tax revenue

Introduction: The State of Ohio is now taxing the sale of recreational marijuana, which is a 10% excise tax. As a host community, the City of Piqua will receive a portion of that quarterly. This ordinance allows for that revenue stream to go to the Parks Department to fund improvements in the park system of Piqua. Frank Patrizio said this is a second reading

Commissioners Comments: Mayor Lee said there must be something in place before the state sets legislation. It's a big win.

Commissioner Simmons said he would like to see marijuana grown in our city parks although the State would not go for it.

Public Comment: Nicholas Mahrt said that he is excited about the potential tax revenue, but he thought he understood that the revenue will go to the county. Mayor Lee said this is for recreational. Nicholas Mahrt suggested having a festival focused around recreational marijuana.

Jeff Grimes said the streets could use the funds as they need repair. Commissioner Hohman said the parks need the money and the street repair can come from the budget.

Paul Oberdorfer said there is already a street levy.

ORDINANCE NO. O-11-24 (2nd Reading)

An ordinance to permitting the Commission to remove appointed representatives from Boards created by the Commission

Introduction: Frank Patrizio stated this Ordinance was requested by the commission. Mr. Patrizio said that currently there is no process in place in the city's charter for the removal of board and committee members. He said that questions have been raised recently, as some boards allow for removal of members, but there is no process established.

Commissioners Comments: Commissioner DeBrosse asked if this addresses Planning Commission also and Frank replied that it did.

Public Comment: None

NEW BUSINESS

ORDINANCE NO. O-12-24 (1st Reading)

An ordinance to repeal Piqua Code 30.15 in its entirety and to adopt new rules for commission

Introduction: Frank Patrizio said this ordinance is an update to the meeting rules. He said it modifies how we handle the meeting. The first part is for business and the second part is for public comment.

Commissioners Comments: Commissioner Hohman moved to amend section 8 from 3 to 5 minutes. Commissioner Simmons seconded the amendment, and the amendment was approved by all.

Commissioner Hohman made a motion to amend rules of comment to add section .12 to allow that citizens who didn't fill out comment card can request one during public comment and Commissioner Simmons seconded the motion. Commissioner Simmons seconded and the amendment was approved by all.

Frank Patrizio said there will be a box for comment cards available during the entire meeting. Commissioner Hohman said he doesn't know if people will feel comfortable putting a comment card in box during the meeting. Commissioner Simmons said it may be considered discrimination if someone can't write. Paul Oberdorfer said if anyone has a disability, they can just ask staff to help them fill it out.

Comments:

Commissioner Hohman explained that commissioners won't interrupt the allotted 5 minutes for public comment unless the speaker asks for an answer. Commissioner Simmons was concerned about the length of time it may take to respond to a question. Frank Patrizio said the speaker could ask the commissioners to hold their answers until the speaker was done with all of their questions. Commissioner Hohman said he liked this proposal better than the first draft.

Public Comment: Kim Heisler asked for number 6 of the rules to be clarified and that number 7 be changed from non-citizen to any person with a Piqua address. Ms. Heisler questioned why number 9 used the word "may" to allow public comment. She said, "we want to be heard". She also didn't believe comment cards were necessary as we don't need another layer. Ms. Heisler was concerned that there was no video or minutes for the June 25, 2024 meeting. The clerk addressed the mayor and said the June 25th minutes were just approved at this meeting and would be uploaded after this meeting.

Jeff Grimes asked about commissioners not commenting until after the 5 minutes. He said it's unfair. He said he's asked hundreds of questions, and they haven't been answered. Mayor Lee said the questions are answered in the next agenda packet.

Frank DeBrosse said the mayor holds office hours every Wednesday and all of the Commissioners contact info is on the website. There are plenty of opportunity to ask questions besides at a business meeting.

Nicholas Mahrt said he has seen the mayor extend time when needed. He said the charter specifies that someone can ask for an extension. Frank Patrizio said there is case law where if you extend it for one person but not for another it could be an issue. He said he appreciates the commissioners and thinks they are doing a good job.

Frank DeBrosse again said that you don't have to get everything out in 5 minutes. He said you can come up after a meeting or go to the city manager's office between 8-4 M-F. He said everyone is getting too hung up on the 5-minute rule. Commissioner Hohman said he regularly gets phone calls. The mayor's office is open from 4:00 – 6:00 pm on Wednesday and there is no limit.

ORDINANCE NO. O-13-24 (1st Reading)

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

Introduction: Jerry O'Brien said the changes to the appropriations are due to changes in plans and unforeseen circumstances at the time the 2024 budget was completed. He said that he highlighted the lines that were changed.

Commissioners Comments: Commissioner Hohman thanked him for highlighting the changes as it makes it easier to identify.

Public Comment: Kim Heiser asked if the \$52,000 increase in Planning and Zoning meant the Administrative Assistant would make that much. She felt that was over the average median for Piqua. Kyle Hinkelman said the amount includes benefits.

RESOLUTION NO. R-94-24

A resolution authorizing the city manager to enter into a contract with GovWell for a permitting software solution

Introduction: Kyle Hinkelman said the Community Services Department was created in January, 2024 in an effort to find efficiencies within multiple departments of the City of Piqua. Over the last six months our staff has worked to integrate and reduce redundancies along with providing more service to residents. The new software will provide additional services to residents and businesses and make the permitting experience better. The additional services include:

- External portal to see where the permit is in the approval process
- Online payment options within the system
- Faster approval / review times
- Public mapping and data reports

Staff demoed and received quotes from multiple vendors, and after substantial review is recommending that the City of Piqua purchase GovWell to provide permitting services to the Community Services Department. This includes, but is not limited to, the planning & zoning permits, engineering permits, special use permits, contractor licensing, rental registration.

Commissioners Comments: Mayor Lee asked how many software programs were looked at and Kyle responded that they looked at 7 but dove deeper with 4. Mayor Lee asked if this was the cheapest and Kyle said this is the 2nd cheapest. Commissioner Hohman thanked Kyle for running through this with him prior to the meeting. He feels it will be great if someone can use the portal at all hours and see the history of the house. Commissioner Simmons said he thinks it will be a benefit when the office is closed and open. He thought if there were a savings on foot traffic maybe we could pass that on to the citizens. Paul Oberdorfer said that we are constantly looking at fees and the administrative costs are all baked in. Kyle said that they have looked at fees and the City of Piqua is already substantially lower than surrounding communities.

Public Comment: None

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

RESOLUTION NO. R-95-24

A resolution regarding the applied for liquor permit for Quick Mart, 538 McKinley Street, Piqua, Ohio, 45356

Introduction: Frank said the application was made to the State of Ohio and the staff has no objections.

Commissioners Comments: Commissioners discussed location.

Public Comment:

A motion was made by Commissioner Hohman to approve the resolution, and Mayor Lee seconded the motion. Mayor Lee, Commissioners Hohman, Vetter and DeBrosse voted in favor of the resolution. Commissioner Vetter voted Nay. The motion was carried.

RESOLUTION NO. R-98-24

Resolution delegating the number of assistants and other subordinates to be employed in the Piqua Police Department from the commission to the city manager

Introduction: Rick Byron said this request is to delegate its authority outlined in Section 38 of the City of Piqua Charter from the Commission to the City Manager concerning the City of Piqua Police Department. This request to delegate authority to the City Manager to determine the number of such assistants and subordinates in the police department is a desire to restructure our management staff by eliminating a Deputy Chief promotional position and replacing it with a patrol officer entry level position. This restructuring of the management rank would not only result in a financial savings to the City, but by replacing the position with an entry level police officer this would put one more resource on the street where it is most needed - serving the community. Authorized staffing levels previously approved by the Commission would remain at 38 Sworn Officers and 3 Civilian employees.

If approved by the Commission the department structure would be as follows.

- 1 – Police Chief
- 2 – Deputy Chiefs
- 5 – Lieutenants
- 30 - Patrol Officers
- 3 – Civilian Employees

Commissioners Comments: Mayor Lee asked if the department was briefed, and Rick Byron said he has discussed the direction he wants to go with some but not all. Commissioner Hohman said it is great to get an extra patrol officer. Mayor Lee said he worked in the Police Department when there were only 2 Deputy Chiefs.

Public Comment:

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

CITY MANAGER'S REPORT

Paul Oberdorfer thanked Natalie Young and said he will attend the next Parks Board meeting. Mr. Oberdorfer also thanked her for mentioning the Lock 9 ribbon cutting this Thursday. Then on July 27th will be the first event and is free to the public.

COMMISSIONERS COMMENT

Commissioner Vetter announced the Friends of Hance Pavilion meeting is Thursday at 7:00 pm at the YMCA. The group has established a 501 C3 and they are getting closer to appointing a board. He said this is the third year the citizens have not been able to use Mote Park and we need to re-access. He said he had to use emergency services recently and feels very fortunate to live in a city where we have great services.

Commissioner Simmons mentioned an idea for Lock 9 park. Also recognized his wife for being present.

Commissioner Hohman said there are a lot of ways to get in touch with the commissioners. He said he gets phone calls all of the time and would meet with people individually if they wanted. He said he received a call about a crime, and it was passed onto the Police Chief.

Commissioner DeBrosse thanked Chief Byron for handling the incident at Piqua High School. He said it could have taken a different direction and he wanted to take a minute to give a shout out to the officers for the outcome.

Mayor Lee thanked all of the volunteers that have helped in various ways. He named some of the groups and gave a shout out to his children for being on a volunteer group. He extended an invite to the Lock 9 dedication at 4 on July 18 and to the first concert on the 27th. He thanked Chief Byron and the Police Department for their response at the school. He said there are a lot of good officers.

PUBLIC COMMENT

Ruth Koon and Lorna Swisher congratulated the City for Lock 9 park and the outstanding mural of the Mills Brothers. Ruth said the mural was started 5 weeks ago by artists out of Columbus. The artists are very gracious for all of the friendly people they've met in Piqua. The unveiling will be August 1st at 5:00 pm. Ruth has been in contact with the granddaughter of the Mills Brothers who is 95. She is very proud of the mural. Commissioner Hohman commented on what a great job Ruth and Lorna have done on finding grants and getting donations for the project. He said it looks great from the trail bridge overlooking Lock 9.

Melonie Walker said we have an awesome Police Department. She told of 2 dogs that almost got hit on Main Street and 2 patrol cars came to help. She said the officers were great.

Nicholas Mahrt said the mural turned out well. He also recognized the commissioners for their commitment. He said that Chief Byron, the Police Department and Fire Department are awesome. He sees different events Piqua could plan and named several he had thought of.

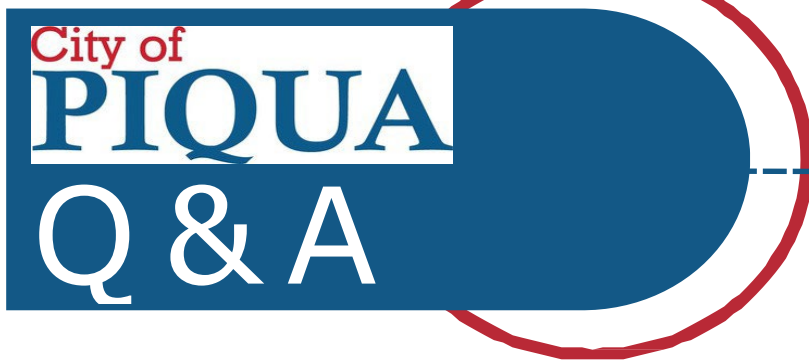
Kim Heisler thanked the commissioners for allowing the committee to join them when they meet with the attorney being hired to help investigate the Fire burn facility. She said #14 of the new rules being proposed is not fair. (re: 9:00 ending time for meeting)

Thomas Beck thanked the Police, Fire and Power departments. He said he hasn't received responses from the emails he sent to commissioners/mayor and feels if you're going to promote email, you should respond. He said he loves the mayor's meeting but suggests moving the time around to accommodate those who work. Mr. Beck said he believes the rules are necessary but told the commissioners to be careful not to go too far. He said the atmosphere that's been at these meetings isn't unique to Piqua. He has seen progress in the last couple of months.

Jeff Grimes mentioned a symposium at Edison. Jeff asked multiple questions that will be asked in the next agenda packet if not already answered. He said he takes offense to how the battery committee was treated. He said we need a special prosecutor.

Commissioner Hohman responded to the attorney that's going to be hired and said he is not limited to the first 5-6 hours that were discussed tonight. He discussed that the attorney would be looking at the environmental aspect of it and he feels it is safe. Commissioner Hohman said there has been a lot of talk that it's not safe and that's why he asked the Fire Committee if they wore protective gear since they've been doing all of the research. Nancy Roof responded that Commissioner Hohman was being inappropriate, and he asked whether they work protection as a gotcha moment.

ADJOURNMENT was at 9:15 p.m.



July 16, 2024 Regular Commission Meeting

Jeff Grimes:

Q: How much money did the city collect in permit fees from the old water plant site 2020-2023?

A: **Finance**

Q: What do code enforcement fines go to?

A: It is recorded as revenue in the Development Department and used to offset expenditures related to governmental activity.

Q: How many fines were collected in 2020-2023?

A: **Finance**

Q: Where did the \$38,000 (\$387,400) come from to demolish the hotel?

A: The demolition of the Red Roof Inn was a General Fund expenditure authorized by the City Commission.

Q: Who budgeted for the electric and water bills at the old water plant?

A: The Utilities Director.

Q: Who audited the payments, and who approved the payments?

A: The State of Ohio Audited the payments at year-end. The payments are approved through the Finance Department.

Q: Why did the city hire an accounting firm if the State of Ohio will audit [it]?

A: The State of Ohio provides audits through independent accounting firms; the State of Ohio does not provide the audits.

Q: How much did it cost to hire the accounting firm?

A: **Finance**

Q: It was stated that \$750,000 in state grants were received; where were they spent?

A: The question is overly broad and cannot be answered.

Q: How was TIF money used to purchase a hotel?

A: Tax Increment Financing (TIF) is not a fund but a source of tax revenue collected over time.

Q: How will Lock 9 be repaid to the Water Fund?

A: The City Commission can decide repayment options during the FY2025 Operating Budget.

Q: What happened to the grant money given to Mote Park?

A: Please consult with the agency that provided the outside funding source.

Q: Who approved the expenditure to test the water and soil at the old water plant?

A: The City Commission requested the soil and water testing.

July 24th Email Questions

Q: Deron Yingst asked what the total cost was for Lock 9

A: We will not have a total cost until the last pay application in August.



**Commission Agenda
Staff Report**

MEETING DATE	7-30-2024			
REPORT TITLE	An ordinance allocating adult use cannabis marijuana excise tax revenue			
SUBMITTED BY	Name & Title: Frank Patrizio			
	Department: Law			
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 checked="" type="checkbox"/> Law Director	
BACKGROUND (Includes description, background, and justification)	Setting policy for a new tax from marijuana revenue			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:			
	Expenditure \$:			
	Source of Funds:			
	Narrative:			
OPTIONS (Include Deny /Approval Option)	1.	Adopt the Ordinance		
	2.	Amend the Ordinance		
	3.	Reject the Ordinance		
PROJECT TIMELINE	This is the 3 rd Reading of this ordinance.			
STAFF RECOMMENDATION	Adopt the ordinance.			
REASON FOR SELECTING CONSULTANT/COMPANY	N/A			
ATTACHMENTS	None			

ORDINANCE NO. O-9-24

AN ORDINANCE ALLOCATING ADULT USE CANNABIS MARIJUANA EXCISE TAX REVENUE

WHEREAS, the State of Ohio enacted Revised Code Sections 3780.22 and 3780.23, which enacted an excise tax of 10% on the sale of adult use cannabis by adult use dispensaries;

WHEREAS, the City of Piqua currently has medical dispensaries within its corporate limits, and it is anticipated that the said dispensaries and potentially other dispensaries may be permitted to sell cannabis products within the city limits to adult use consumers in the near future;

WHEREAS, the above-referenced statutes provide that thirty-six (36) percent of the adult use excise tax shall be transferred to the host community cannabis fund for the benefit of the municipal corporation and said funds may be used for any approved purpose;

WHEREAS, it is anticipated that the City of Piqua will receive quarterly distributions of excise funds from the State of Ohio in the future.

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 Finance Director shall establish a fund named "Cannabis Fund" and the money deposited from the State of Ohio in said fund shall be used for the benefit of the City of Piqua Park System;

SECTION II: The Finance Director shall contact the appropriate authorities for the State of Ohio and complete all documents necessary to secure the transfer of said excise tax funds to the City of Piqua;

SECTION III: This allocation of funds to the Park System shall be in addition to the amount allocated to the City of Piqua Park System from the General Fund income tax revenues; in short, said excise tax revenue shall not be included in the calculation of the allocation of income tax from the General Funds to the City Park System; and

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

1st Reading – 6/18/2024
2nd Reading – 7/16/2024
3rd Reading – 7/30/2024

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	_____

**Commission Agenda
Staff Report**

MEETING DATE	7-30-2024			
REPORT TITLE	An ordinance permitting the Commission to remove appointed representatives from boards created by the Commission			
SUBMITTED BY	Name & Title: Frank Patrizio			
	Department: Law			
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	
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director	
BACKGROUND	Setting procedure for removal of board members			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:			
	Expenditure \$:			
	Source of Funds:			
	Narrative:			
OPTIONS (Include Deny /Approval Option)	1.	Adopt the Ordinance.		
	2.	Reject the Ordinance.		
	3.	Make amendments to this ordinance.		
PROJECT TIMELINE				
REASON FOR SELECTING CONSULTANT/COMPANY				
ATTACHMENTS				

ORDINANCE NO. O-11-24

**AN ORDINANCE PERMITTING THE COMMISSION TO REMOVE APPOINTED REPRESENTATIVES FROM
BOARDS CREATED BY THE COMMISSION**

Whereas, the Commission has established several boards under Chapter 32 of the Piqua City Code;

Whereas, some of the boards created do not have provisions for the removal of members from said board;

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 following removal provision shall be applicable to any and all boards created by the City Commission under Chapter 32 of the Piqua City Code:

Any member of any board may be removed upon a majority vote of the Piqua City Commission. Any board vacancy created by such action of the Commission shall be filled by the Commission, and the Successor so duly appointed shall serve the remaining term of the removed board member;

SECTION II: This ordinance shall be in addition to any other reasons for removal as set forth in any ordinance of Chapter 32 of the Piqua City Code;

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

1st Reading - 6/18/2024

2nd Reading - 7/16/2024

3rd Reading - 7/30/2024

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 _____

**Commission Agenda
Staff Report**

MEETING DATE	7-30-2024		
REPORT TITLE	An ordinance to repeal Piqua Code 30.15 in its entirety and to adopt new rules for Commission		
SUBMITTED BY	Name & Title: Frank Patrizio		
	Department: Law		
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 checked="" type="checkbox"/> Law Director
BACKGROUND (Includes description, background, and justification)	The rules for commission meetings have not been reviewed and/or updated since 10-16-2012. With the changes in technology and other factors, these rules need to be updated.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		
	Source of Funds:		
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Adopt the new rules.	
	2.	Deny the new rules and keep the previous rules in effect from 12 years ago.	
	3.	Amend the proposed new rules.	
PROJECT TIMELINE	1 st Reading 7-16-24 2 nd Reading 7-30-24 3 rd Reading 8-14-24		
STAFF RECOMMENDATION	Adopt the new rules.		
REASON FOR SELECTING CONSULTANT/COMPANY	N/A		
ATTACHMENTS	Rules of Conduct for Meetings		

§ 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)

ORDINANCE NO. O-12-24

**AN ORDINANCE TO REPEAL PIQUA CODE 30.15 IN ITS ENTIRETY AND TO ADOPT
NEW RULES FOR COMMISSION**

Whereas, the Piqua City Charter authorizes the Piqua City Commission to adopt rules for its meetings;

Whereas the Piqua City Commission finds it necessary and in the best interest of the City to create and adopt the rules attached as "Exhibit A" for the conduction of its meetings, along with a separate, non-agenda public comment forum.

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 attached "Exhibit A" shall be adopted as the Rules for Piqua City Commission Meetings; and

SECTION II: The Commission may, by resolution or majority vote, adopt additional rules as it desires from time to time, as it is intended that the rules for Commission may be amended or repealed at any time by a majority of the Commission; and

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

APPROVED: August __, 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 _____

PROCEDURAL RULES AND RULES OF CONDUCT FOR CITY COMMISSION MEETINGS

BUSINESS AGENDA

1. Commission meetings shall be called to order by the mayor or presiding officer of the meeting. The clerk shall call the roll of the Commissioners.
2. The mayor or presiding officer shall thereafter lead the Commission in the Pledge of Allegiance.
3. Upon rollcall being completed, the Business Meeting of the Commission shall commence.
4. The Commission shall, if necessary, add or remove items to the Business Agenda and approve the agenda once it is established.
5. After approval of the agenda, the Commission shall vote on approval of the minutes of prior meetings.
6. After the establishment of the agenda, the Commission shall permit public comment by the citizens of Piqua as required by Section 4 of the Piqua Charter on any approved agenda item. Any person providing public comment shall provide his or her name and street address prior to making any comments.
7. Any non-citizen may also participate in public comment if an ordinance or resolution made part of the agenda affects his or her business located within the city of Piqua or utility service they receive within the city of Piqua. Any non-citizen shall state his or her name and either what business he or she operates that is being affected by an ordinance or resolution, or what property address inside the city limits that he or she is receiving utility service.
8. Any person providing public comment may speak once for up to a total of three minutes on each resolution and ordinance made part of the agenda. No person shall be permitted to comment twice on an agenda item.

9. Once public comment is completed, the Commission shall immediately begin debate and deliberate on each agenda item. No public comments from the public shall be permitted during the debate and/or deliberation of ordinances and resolutions by the commission.
10. After deliberation on ordinances and resolutions, votes on ordinances shall be recorded by rollcall and votes on resolutions may be recorded by voice vote; if a commissioner wishes to have a rollcall vote on a resolution, any commissioner may request the clerk to call the roll to record the vote. The Clerk of Commission shall record the vote tally for each ordinance and resolution.
11. During the Business Agenda, only city employees, including department heads and guests of Department Heads to discuss matters affecting the city, the Piqua Chamber Director, or the Main Street Piqua Director, may make presentations during the Business Agenda part of the meeting.
12. At the completion of the Business Agenda, the mayor may or may not permit Commissioners to address the community for the good of the city. Afterwards, the Commissioners shall call the business meeting of the Commission to a close and city staff may be excused.

NON-AGENDA PUBLIC COMMENT

13. Non-agenda public comment sessions may, upon the discretion of the Commission, commence after the regular business meeting of the Commission adjourns.
14. Any non-agenda public comment shall not begin after 9 p.m. and shall not continue after 9 p.m.
15. Comments by the public shall be addressed to the Commission and mayor and shall be limited to a five-minute period per person. Under no circumstances should the Commission or mayor interrupt any person's five-minute time period unless the individual violates the rules of conduct or the individual commenting requests interactive dialogue. Interactive dialogue

shall not extend the five-minute period. No person may speak more than one time during any non-agenda public comment session.

16. All comments shall be related to city business or activities.
17. The Clerk of Commission shall not be under any obligation to keep minutes of the Non-agenda public comment session.
18. Public comment shall be only afforded to persons who live within the City of Piqua city limits, own property within the city, or own a business within the city limits.
19. Any person providing public comment shall provide his or her name and street address prior to making any comments.

RULES OF CONDUCT

Recognizing that the city has a compelling and significant interest in conducting its meetings in an efficient manner, the following Rules of Conduct shall be enforced during the Commission Business meeting and the Non-Agenda Public Comment session:

- 1. Obscene comments, physically threatening remarks, and disruptive conduct are prohibited;**
- 2. Profanity that is disruptive is prohibited;**
- 3. Racist and hate-filled epithets are prohibited;**
- 4. Loud and boisterous conduct or comments are prohibited;**
- 5. Cheering, jeering or clapping, unless for ceremonial purposes as determined by the mayor, are prohibited;**
- 6. Signs and noisemakers are prohibited;**

- 7. All persons shall remain seated during commission meetings unless they are leaving the Commission Chambers or are addressing the Commission from the podium;**
- 8. Any person desiring to make a public comment shall complete a public comment request card provided by the Clerk of Commission and shall deposit the card in the public comment request box. The box will be monitored throughout public comment sessions and cards will be given to the mayor or presiding officer by the Commission's designee during public comment sessions;**
- 9. The mayor shall call the persons requesting to make public comment during the appropriate public comment periods;**
- 10. When called by the mayor to address the Commission, the individual called shall address the Commission from the Commission podium unless the person so called has a medical condition that prevents the individual from doing so; in such case, the mayor will make every attempt to accommodate the individual so his or her comments are heard by the public;**
- 11. If during the non-agenda public comment session, the public comment cards have not all been called prior to the end of the meeting, the individuals not called will be placed at the top of the list for presenting comments at the next scheduled meeting;**

Any individual violating a commission rule shall be warned by the mayor or presiding officer of the violation, and if such individual does not cease the activity so warned, he or she shall be asked to leave city hall. If an individual refuses to comply with the mayor or presiding officer's directive to leave city hall, the individual may be charged criminally for his or her conduct.

Commission Agenda Staff Report

MEETING DATE	July 30, 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	<p>The changes to the appropriations are due to changes in plans and unforeseen circumstances at the time the 2024 budget was completed.</p> <p>SECTION 1: City Building – Funds in the amount of \$22,000 were originally budgeted for the Google room project. That project did not go forward this year so these funds are being reallocated to the capital outlay line to purchase equipment for the Commission Chambers.</p> <p>Engineering and Planning and Zoning – The increases of \$10,150 and \$18,850 which total \$29,000 are to purchase a new permit processing software. The Community Services Director will be providing more information about this software to the Commission in Resolution 94-24.</p> <p>Planning and Zoning – The need for an Administrative Assistant has been identified in the Planning and Zoning Department. The increase of \$26,000 is to pay for the salary of the new employee for the remainder of 2024.</p> <p>General Government – \$50,000 of this increase is to budget for investment fees for the remainder of 2024. Now that we have a history of investment activity, we are better able to estimate the amount of fees. \$5,000 of this increase is for the indigent burial program which is required by Ohio law.</p> <p>Human Resources – The increase of \$5,400 is for outside legal counsel, including our labor attorney.</p> <p>Transfers out – An increase in budgeted transfers is necessary to the Park Fund to allow for an increase in the appropriations in that fund.</p>			

SECTION 2:

The increase in personal services is to allow for the hiring of a Program Manager for parks and recreation events. In the operations and maintenance line, \$75,000 of the increase is for parks programming and events in the parks. \$16,650 of the increase is for security cameras at Lock 9 Park.

SECTION 3:

Fire Department – There were additional repairs that needed to be made to the new fire truck that were identified while the truck was in the repair shop. The additional repairs were \$17,000 of the total. \$12,000 of the increase was for the concrete pad work at the fire training facility. \$26,000 of the increase was for a new pump for the grass truck. The old pump failed and needed costly repairs, so the decision was made to purchase a new pump rather than pay for expensive repairs on an old pump that was due to be replaced. \$8,068 is being reallocated from operations & maintenance for a net increase in appropriations to the capital line item of \$55,000.

Police Department – \$13,200 of this increase is to the vehicle repair line item. An insurance check in this amount was received in 2023 to pay for the repair but the repair was not completed until 2024 due to parts being on backorder. \$10,500 of the increase is to purchase a K9 unit. This will be funded by a grant of \$10,500.

SECTION 4:

The Demolition Fund – This fund is used to collect insurance settlements on buildings that have been damaged and are either being repaired or demolished by the property owner. The checks are held by the city until the project passes the City's inspection process and has been determined to meet City codes. The increase to the budget appropriates money that has been received from the insurance company for a project that has met City requirements and is eligible for release to the property owner.

SECTION 5:

Refuse Department – This \$30,000 appropriation is to increase the vehicle repair line item for estimated repairs for the remainder of 2024. \$17,469 of the repairs made from this line were for repairs to a damaged vehicle for which the City received an insurance reimbursement for the repairs in that amount.

SECTION 6:

City Health Insurance Fund – This fund was used when the City was fully self-insured for healthcare costs. It currently has a fund balance of \$1.2 million. In 2024, the City participated in a limited self-insurance program to help save costs on healthcare insurance. At the time of the original budget, the estimated costs were budgeted based on the information available at

	the time. This increase is to budget for the city's portion of estimated healthcare costs for the remainder of 2024.	
BUDGETING AND FINANCIAL IMPACT	Appropriations \$:	\$559,360 net increase to the budget
	Source of Funds:	
	Narrative	
OPTIONS	1.	Approve Ordinance No. O-13-24 accepting the Amended Ordinance to make Appropriations for the City of Piqua for the Year 2024.
	2.	Approve Ordinance No. O-13-24 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-13-24 to make appropriations for the City of Piqua for the year 2024.	
REASON FOR SELECTING CONSULTANT/COMPANY	N/A	
ATTACHMENTS		

**ORDINANCE NO. O-13-24
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>	2024 BUDGET	INCREASE (DECREASE)	2024 REVISED BUDGET
<u>City Building</u>			
Operation and Maintenance	\$269,509	(\$22,000)	\$247,509
Capital Outlay (including labor)	\$90,460	\$22,000	\$112,460
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		\$372,019
Operation and Maintenance	\$207,624	\$10,150	\$217,774
Allocated Expenses	(\$469,340)		(\$469,340)
TOTAL	\$110,303	\$10,150	\$120,453
<u>Finance</u>			
Personal Services/Administrative Support	\$746,836		\$746,836
Operation and Maintenance	\$90,374		\$90,374
Allocated Expenses	(\$569,497)		(\$569,497)
TOTAL	\$267,713	\$0	\$267,713
<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	\$26,000	\$456,295
Operation and Maintenance	\$83,436	\$18,850	\$102,286
TOTAL	\$513,731	\$44,850	\$558,581
<u>General Government</u>			
Operation and Maintenance	\$735,715	\$55,000	\$790,715
Capital Outlay (including labor)	\$500,000		\$500,000
TOTAL	\$1,235,715	\$55,000	\$1,290,715

<u>Human Resources</u>			
Personal Services/Administrative Support	\$371,751		\$371,751
Operation and Maintenance	\$81,878	\$5,400	\$87,278
Allocated Expenses	(\$384,741)		(\$384,741)
TOTAL	\$68,888	\$5,400	\$74,288
<u>Public Relations</u>			
Personal Services/Administrative Support	\$238,908		\$238,908
Operation and Maintenance	\$90,708		\$90,708
Allocated Expenses	(\$194,191)		(\$194,191)
TOTAL	\$135,425	\$0	\$135,425
<u>Facilities</u>			
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
<u>Purchasing</u>			
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
<u>Transfers</u>			
Transfer to Parks Fund 105	\$1,000,000	\$50,130	\$1,050,130
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		\$425,000
TOTAL	\$5,285,000	\$50,130	\$5,335,130
TOTAL GENERAL FUND	\$8,774,854	\$165,530	\$8,940,384
SEC. 2: That there be appropriated from the PARK AND RECREATION FUND (105)			
Personal Services/Administrative Support	\$768,536	\$58,500	\$827,036
Operation and Maintenance	\$620,619	\$91,630	\$712,249
Capital Outlay (including labor)	\$122,000		\$122,000
TOTAL	\$1,511,155	\$150,130	\$1,661,285
SEC. 3: That there be appropriated from the PUBLIC SAFETY FUND (106)			
<u>009 Fire Department</u>			
Personal Services/Administrative Support	\$4,945,636		\$4,945,636
Operation and Maintenance	\$987,421	(\$8,068)	\$979,353
Capital Outlay (including labor)	\$318,432	\$63,068	\$381,500
TOTAL	\$6,251,489	\$55,000	\$6,306,489
<u>014 Police Department</u>			
Personal Services/Administrative Support	\$5,863,299		\$5,863,299
Operation and Maintenance	\$924,764	\$23,700	\$948,464
Capital Outlay (including labor)	\$210,757		\$210,757
TOTAL	\$6,998,820	\$23,700	\$7,022,520
TOTAL PUBLIC SAFETY	\$13,250,309	\$78,700	\$13,329,009
SEC. 4: That there be appropriated from the DEMOLITION DEFENSE FUND (126)			
Operation & Maintenance	\$100,000	\$40,000	\$140,000
TOTAL	\$100,000	\$40,000	\$140,000
SEC. 5: 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	\$30,000	\$1,421,251
TOTAL	\$2,251,299	\$30,000	\$2,281,299

SEC. 6: That there be appropriated from the CITY HEALTH INSURANCE FUND (614)

Personal Services/Administrative Support	\$0	\$240,000	\$240,000
Operation and Maintenance	\$155,000	(\$145,000)	\$10,000
TOTAL	\$155,000	\$95,000	\$250,000

SEC. 7: 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. 8: 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. 9: 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. 10: 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. 11: 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	July 30, 2024		
REPORT TITLE	A resolution authorizing a purchase order to Strawser Construction Inc. for a portion of the 2024 Pavement Preservation 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 checked="" 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 June 26th, 2024, a proposal was received from Strawser Construction Inc. (Exhibit A) with the approval to use the ODOT Cooperative Bid Process for 101G-25 (R-62-23). ODOT authorized the City of Piqua to use the contract for 101G-25 on July 18th via OhioBuys.</p> <p>The streets in this portion of the 2024 Pavement Preservation Program 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 road in the area selected for this year.</p> <p>This portion of the program will consist of streets being crack sealed and microsurfaced. The project will also include the placement of all new paint pavement markings on the streets worked on.</p>		
BUDGETING AND FINANCIAL IMPACT	Budgeted \$:	\$1,000,000 (for the entire Pavement Preservation Program, including the ADA Curb Ramp Project)	
	Expenditure \$:	\$106,500 (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 this portion of the 2024 Pavement Preservation Program.	
	2.	Do not approve the resolution and do not complete this portion of the 2024 Pavement Preservation Program.	

PROJECT TIMELINE	The 2024 Pavement Preservation Program will occur throughout the summer into fall. This portion of the program will hopefully take place late summer/early fall.
STAFF RECOMMENDATION	Approve the resolution to allow for the completion of this portion of the 2024 Pavement Preservation Program.
REASON FOR SELECTING CONSULTANT/COMPANY	Utilizing the ODOT Cooperative Bid Process
ATTACHMENTS	Proposal (Exhibit A), Area Map (Exhibit B)



A COLAS COMPANY

1392 DUBLIN ROAD – COLUMBUS, OH 43215 – PHONE (614) 276-5501 – FAX (614) 276-0570
www.strawserconstruction.com

PROPOSAL

6.26.2024

Kenton Kiser
City of Piqua
201 W Water St
Piqua, OH 45356
937.778.2044
kkiser@piquaoh.gov

Project: 2024 Crack Seal & Microsurface

Dear Mr Kiser,

Strawser Construction Inc. ("Strawser") is pleased to present the following proposal for your review.

We will furnish all labor, equipment, and materials to complete the following scope of work:

Type of Work 1	Quantity	Unit of Measure	Unit Price	Extension
Micro @ 24LB/SY	12,695.00	SY	\$5.89	\$74,773.55

Type of Work 2	Quantity	Unit of Measure	Unit Price	Extension
Crack Seal Type II	12,695.00	SY	\$1.00	\$12,695.00

Type of Work 3	Quantity	Unit of Measure	Unit Price	Extension
Removal of Pavment Markings	471.00	LF	\$8.86	\$4,173.06

Type of Work 4	Quantity	Unit of Measure	Unit Price	Extension
Item 642 12" Crosswalk Line	441.00	LF	\$9.45	\$4,167.45

Type of Work 5	Quantity	Unit of Measure	Unit Price	Extension
Item 642 24" Stop Line	110.00	LF	\$10.10	\$1,111.00

Total				\$96,920.06
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A COLAS COMPANY

1392 DUBLIN ROAD – COLUMBUS, OH 43215 – PHONE (614) 276-5501 – FAX (614) 276-0570
www.strawserconstruction.com

PROPOSAL (continued)

PROPOSAL SPECIFIC CONDITIONS:

- Pricing valid for 30 days from date of Proposal on page 1. If Proposal has not been accepted and returned within 30 days, Strawser has the right to adjust pricing.
- By signing this Proposal, you are agreeing to **Strawser's Standard Terms and Conditions for Projects**, attached hereto.
- Proposed quantities are based on site conditions as of the date of this Proposal.
- This proposal is limited to the scope of work listed on page 1. Any alteration or deviation from this scope of work may result in additional costs and must be contracted for in writing and signed by an authorized representative of Strawser.
- Prices are based on 1 mobilization. SCI CANNOT guarantee a 2024 completion date. May carryover to 2025
- Unit Price items will be billed per installed quantities.
- Prices include sales tax if project is not tax exempt.☒

Exclusions:

- Per ODOT specifications.
- Performance and payment bond. Bonding, if required, can be provided @ 1%.
- Water source, if required.

Notes:

- Pricing is based on assumption that existing pavement will support the weight of normal construction loads.
- Strawser is not responsible for damage to finished surface by others including humans, animals or vehicles tracking fresh material.
- Upon the awarding of the proposal, please supply Strawser with an Ohio Department of Taxation Construction Contract Exemption Certificate, if applicable.
- Pavement to be clean of all debris before our arrival.
- Does not include any asphalt repairs and based on being able to close down side streets during microsurface
- City to presweep streets prior to SCI arrival

Please call with any questions.

Thank you,

Dominic Caminiti
Strawser Construction Inc.
614.203.8089
dcaminiti@strawserconst.com



A COLAS COMPANY

1392 DUBLIN ROAD – COLUMBUS, OH 43215 – PHONE (614) 276-5501 – FAX (614) 276-0570
www.strawserconstruction.com

APPROVAL AND ACCEPTANCE

We hereby propose to furnish material and labor – complete in accordance with above specifications, for the sum of:

\$96,920.06

Payment terms: Net 30 Days

This offer is subject to credit approval from our credit department This account is subjected to a finance charge computed at an annual percentage rate of 18% on the total past due balance.

Strawser Construction Inc. Authorized Signatures:

_____ Date: _____
Timothy W. Amling, Senior Estimator

_____ Date: _____
Douglas C. Perry, Senior Estimator

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to perform the work as specified. Funds are available and payment will be made as outlined above.

Please Print Name: _____

Title: _____

Email Address: _____

Date of Acceptance: _____

Authorized Signature: _____



A COLAS COMPANY

1392 DUBLIN ROAD – COLUMBUS, OH 43215 – PHONE (614) 276-5501 – FAX (614) 276-0570
www.strawserconstruction.com

Strawser Construction Inc.'s Standard Terms and Conditions

1. **Applicability.** The accompanying proposal/quotation/confirmation of work order/invoice and these terms (collectively, the “***Proposal***”) comprise the entire agreement between the parties, and supersede all prior or contemporaneous communications, understandings, agreements, negotiations, representations, and warranties. The terms and conditions herein supersede and nullify, and Strawser hereby expressly rejects, any other terms or conditions found in any other agreements or documents, including but not limited to Customer’s website, Customer’s construction contracts, purchase order forms, and any contract between Customer and any third party. All sales for work and materials pursuant to this Proposal are subject to Strawser’s approval of Customer’s credit application and assignment to Customer of a credit limit.
2. **Pricing.** Unless otherwise stated in this Proposal or the quote provided herewith, prices quoted shall be good for a period of 30 days. Strawser reserves the right to adjust any prices for Proposals that are not complete within one hundred eighty (180) days from the date of the Proposal. Pricing includes overhead, profit, insurance, burdens, fringe benefits, consumables, small tools, standard PPE, labor, equipment, and material. **Prices in the Proposal are based upon estimated quantities and digital measurements ONLY and based upon plans and specifications provided by Customer. Payment shall be based upon actual field measurements and load tickets. Billing will be based upon measured quantities at the unit rates provided within.** In the event of any deviations from the plans and specifications provided by Customer, including depths, Strawser will need to re-price and will require the parties to execute an amended Proposal. If applicable, Strawser is to be included in negotiations with Owner on all modifications/change orders that will have an impact on Strawser’s scope of work under this Proposal.
3. **Payment.** Payment terms are net 30 days from date of Strawser’s invoice or sooner as may be required by applicable law. Late payments shall accrue a finance charge computed at an annual percentage rate of 18% or the highest rate allowable by law, whichever is less. Strawser shall be entitled to recover all costs and expenses, including reasonable attorneys’ fees, arising out of Customer’s failure to make all payments due under this Proposal in a timely manner. In the event payment is not received within 30 days, Strawser has the right to stop work under the Proposal until such time as payment is received.
4. **Taxes.** Customer is responsible for payment of all taxes and duties of any nature whatsoever, including any local, state and federal taxes. Customer agrees to indemnify and hold Strawser harmless from any and all costs and expenses associated with any levy or attempted levy of any such taxes on Strawser. Any taxes that are or may be levied by the United States Government or any State or political subdivision thereof, on the material quoted herein, or on the sale or purchase thereof, or on incidental transportation charges, when same are paid or required to be paid or collected by the Seller shall be added to the prices named, unless otherwise stated.
5. **Suspension; Termination.** In addition to any other remedies available to Strawser, Strawser may suspend or terminate this Proposal with immediate effect upon written notice to Customer, if Customer: (a) fails to pay any amount when due under this Proposal (or any other agreement Customer has with Strawser); (b) has not otherwise performed or complied with any of these terms (or complied with the terms of any other agreement Customer has with Strawser); (c) becomes insolvent, files a petition for bankruptcy or commences or has commenced against it proceedings relating to bankruptcy, receivership, reorganization or assignment for the benefit of creditors; or (d) exhibits other adverse credit conditions that are unsatisfactory to Strawser, as determined by Strawser in its sole discretion.
6. **Commencement of Work.** Customer shall provide Strawser a construction schedule and appropriate notice prior to the commencement of Strawser’s work under this Proposal. The Proposal assumes unimpeded access and egress to the site to perform Strawser’s Work.
7. **Warranty.** Strawser warrants that the goods herein will conform to the specifications provided to Strawser prior to manufacture, shipment or placement of the materials. All work will be completed in a workmanlike manner according to standard industry practices. Strawser’s obligation to meet the applicable specifications supersedes any and all other warranties. Strawser does not warrant design surfaces with less than 1% drainage. **THE EXPRESS WARRANTY PROVIDED IN THIS SECTION 7 IS THE SOLE AND EXCLUSIVE WARRANTY PROVIDED BY STRAWSER TO BUYER.**

Strawser Construction Inc.'s Standard Terms and Conditions (continued)

7. **STRAWSER DISCLAIMS AND CUSTOMER WAIVES ALL OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AND ANY IMPLIED WARRANTY FROM COURSE OF DEALING OR USAGE OF TRADE.** Customer shall verify that Strawser's proposed work and materials comply with the plans and specifications prior to installation. The express limited warranty set forth herein shall be void if Customer fails to pay Strawser in full for the work and materials provided by Strawser pursuant to this Proposal.
- (cont.)
8. **Time.** Strawser shall make reasonable efforts to deliver materials and perform work by the specified delivery date. Strawser is not responsible for any delays in work or supply of materials due to labor disputes, pandemics, repairs to machinery, fire, flood, adverse weather conditions, inability to obtain transportation, fuel, electric power, or operating materials or machinery at reasonable cost; or by reason of any other cause beyond its control, including the inability to produce materials meeting any applicable specification or requirement. The period specified for delivery of goods or performance of work hereunder shall be extended by the period of delay occasioned by any such circumstance.
9. **Disclaimer for Work of Others.** Strawser assumes no responsibility for work performed by others outside of the scope of this contract, and denies all liability for items not included in the contract, nor is Strawser responsible for any design deficiencies unless such are provided by Strawser.
10. **Modification.** No amendment or modification of this Proposal shall be valid or enforceable unless in writing and signed by the party sought to be charged, and no prior or current course of dealing between the parties, or any usage of trade or custom of the industry shall modify or supplement the terms and conditions of this Proposal.
11. **No Waiver.** The failure of Strawser to exercise any right granted hereunder shall not impair or waive Strawser's privilege of exercising such right to any subsequent time or times.
12. **Damages.** Strawser's liability for any and all damages, including claims for damages by third parties, related to this Proposal shall be limited to replacement of work in place. IN NO EVENT SHALL STRAWSER BE LIABLE FOR ANY CONSEQUENTIAL, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR PUNITIVE DAMAGES WITH REGARD TO ANY CLAIM ARISING OUT OF OR RELATING TO THIS PROPOSAL.
13. **Indemnity.** To the fullest extent permitted by law, Customer shall defend, indemnify and hold Strawser, its officers, employees, agents, insurers, sureties, and affiliates, harmless from any and all losses, damages, costs, expenses (including attorneys' fees), claims, suits, liabilities, and fines arising out of or in any way related to: (i) Customer's breach of this Proposal or (ii) any act or omission by or on behalf of Customer, its employees, and agents.
14. **Insurance.** Owner to carry fire, tornado and other necessary insurance.
15. **Applicable Law.** This Proposal, and the rights, duties, obligations, and remedies of the parties shall be governed by or construed in accordance with the laws of the state where the project is located. Any disputes under this agreement shall be decided under arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association currently in effect, unless the parties mutually agree otherwise. Each party to bear its own costs.
16. **Miscellaneous.** Safety Data Sheets (SDS) prepared in accordance with OSHA's Hazard Communication Standard are available to ensure chemical safety in the workplace. Please contact Strawser at the phone number or address set forth on the attached page to obtain copies. All employers with hazardous chemicals in their workplaces must have labels and safety data sheets for their exposed workers and train them to handle hazardous chemicals appropriately. Customer agrees to draw to the attention of any persons handling or using the materials or having access to the materials while in Customer's possession or to whom Customer sells or provides the materials or any part thereof any warning, information of suggestions which are contained or referred to in the Safety Data sheets or label information, or any other literature or packaging relating to the materials.

Sales and Use Tax

Construction Contract Exemption Certificate

Identification of Contract:

Contractee's (owner's) name City of Piqua
 Exact location of job/project Various Roads
 Name of job/project as it appears on contract documentation 2024 Crack Seal & Microsurface

The undersigned hereby certifies that the tangible personal property purchased under this exemption certificate was purchased for incorporation into:

<input type="checkbox"/> A building used exclusively for charitable purposes by a nonprofit organization operated exclusively for charitable purposes as define in Ohio Revised Code (R.C.) section 5739.02 (8)(12);	<input type="checkbox"/> Real Property that is owned, or will be accepted for ownership at the time of completion, by the United States government, its agencies, the state of Ohio or an Ohio political subdivision;
<input type="checkbox"/> Real property under a construction contract with the United States government, its agencies, the State of Ohio or an Ohio political subdivision;	<input type="checkbox"/> A computer data center entitled to exemption under R.C. 122.175;
<input type="checkbox"/> A horticulture structure of livestock structure for person engaged in business of horticulture or producing livestock;	<input type="checkbox"/> A building under a construction contract with an organization exempt from taxation under section 501(C)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes;
<input type="checkbox"/> A house of public worship or religious education;	
<input type="checkbox"/> The original construction of a sports facility under R.C. section 307.696;	<input type="checkbox"/> A hospital facility entitled to exemption under R.C. section 140.08;
<input type="checkbox"/> Real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;	<input type="checkbox"/> Building and construction materials and services sold for incorporation into real property comprising a convention center that qualifies for property tax exemption under R.C. 5709.084 (until one calendar year after the construction is completed).

The original of this certificate must be signed by the owner/contractee and/or government official and must be retained by the prime contractor. Copies must be maintained by the owner/contractee and all subcontractors. When copies are issued to suppliers when purchasing materials, each copy must be signed by the contractor or subcontractor making the purchase.

Prime Contractor

Name Strawser Construction Inc.
 Signed by _____
 Title _____
 Street address 1392 Dublin Road
 City, state, ZIP Columbus, OH 43215
 Date _____

Owner/Contractee

Name _____
 Signed by _____
 Title _____
 Street address _____
 City, state, ZIP _____
 Date _____

Subcontractor

Name _____
 Signed by _____
 Title _____
 Street address _____
 City, state, ZIP _____
 Date _____

Political Subdivision

Name _____
 Signed by _____
 Title _____
 Street address _____
 City, state, ZIP _____
 Date _____

Road Name	Limits		Square Yards
	Start	End	
Jean St	N Sunset Dr	Sharon Dr	2919
Peters Dr	N Sunset Dr	Janet St	1512
Janet Dr	Cul de Sac	Jean St	2907
Edge St	Beverly Dr	McKinley Ave	5354

Total Square Yards 12692

W High St

W High St

Exhibit "B"

Sharon Dr

Maryville Ln

Jean Dr

185

Sharon Dr

Maryville Ln

Janet Dr

Severs Dr

Peters Dr

Maryville Ln

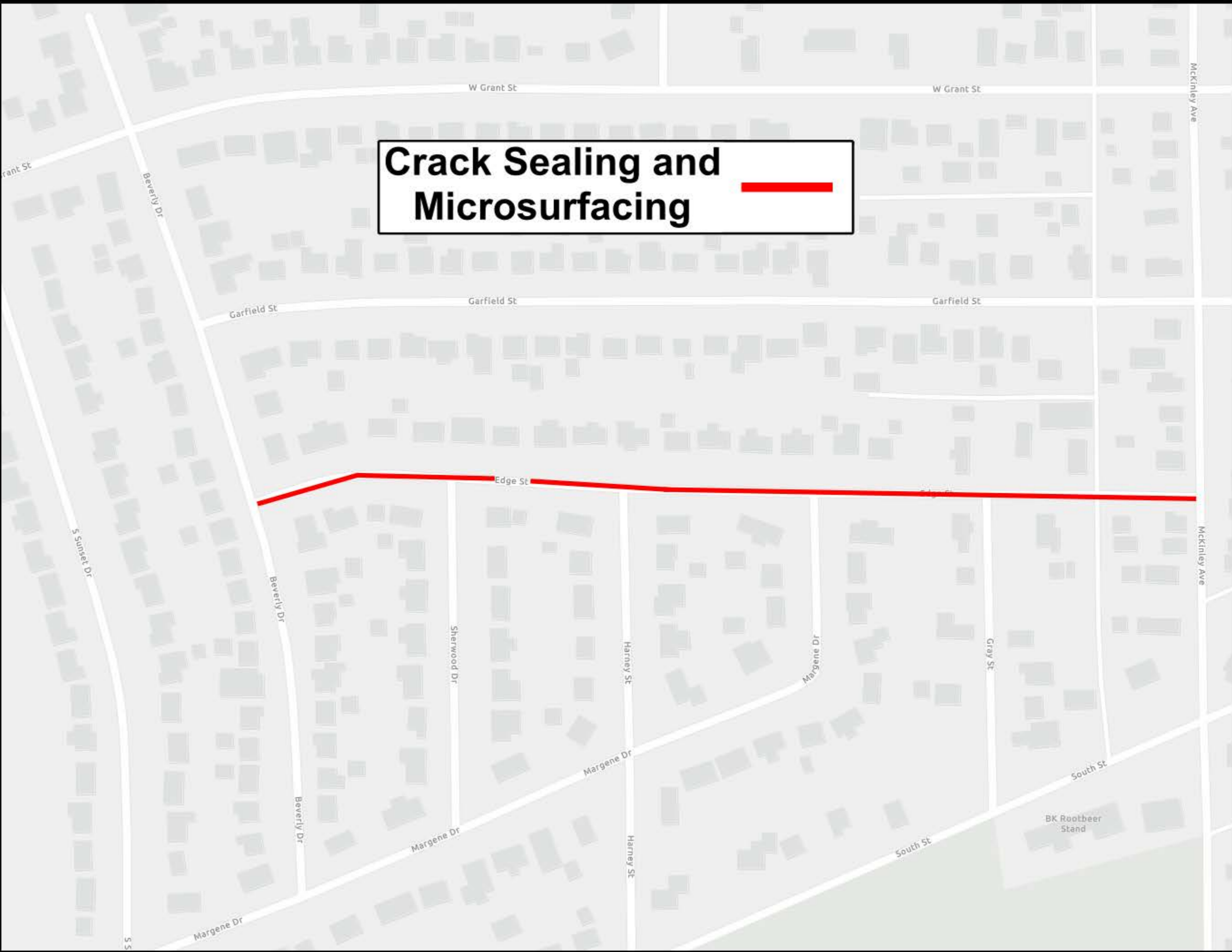
185

**Crack Sealing and
Microsurfacing**



Linear Pk

Crack Sealing and Microsurfacing



RESOLUTION NO. R-99-24

**A RESOLUTION AUTHORIZING A PURCHASE ORDER
TO STRAWSER CONSTRUCTION, INC. FOR A PORTION
OF THE 2024 PAVEMENT PRESERVATION PROGRAM**

WHEREAS, on April 18, 2023, this Commission passed Resolution No. R-62-23 authorizing the City of Piqua to utilize the ODOT Cooperative Bid Process; and

WHEREAS, the purchase will be made utilizing the ODOT Cooperative Bid Process with Strawser Construction Inc.; proposal being shown 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 purchase order is hereby authorized with Strawser Construction, Inc. via an ODOT cooperative bid as a portion of the 2024 Pavement Preservation Program and the City Manager is hereby authorized to execute a contract with said contractor pursuant to contract specifications.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$106,500.

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 _____