
Memorandum

To: Mayor & Members of Council
From: Jon Bisher/*rd*
Subject: General Information
Date: August 16, 2013

CALENDAR

CITY COUNCIL AGENDA

C. APPROVAL OF MINUTES

- the meeting minutes from the August 5th meeting are enclosed;
- August 14, 2013 Special Council Meeting Minutes are enclosed

E. REPORTS FROM COUNCIL COMMITTEES

2. *Electric Committee* – the August 12, 2013 Majority Report is enclosed.

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **RESOLUTION NO. 041-13** a Resolution Authorizing the City Manager to Execute All Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) Funds for Projects Deemed Necessary by the City Engineer in the Year 2014; and Declaring an Emergency. (*Suspension Requested*)
2. **ORDINANCE NO. 042-13** an Ordinance Amending the Zoning Code
3. **RESOLUTION NO. 043-13** a Resolution Authorizing Enrollment in the Ohio Rural Water Association 2014 Worker's Compensation Pool, and Authorizing the Expenditure of Funds and Directing the City Manager to Enter Into a Professional Service Contract with Comp Management, Inc. (CMI) a Worker's Compensation Administrator; and Declaring an Emergency. (*Suspension Requested*) – Please see the enclosed Memorandum from Greg Heath.
4. **RESOLUTION NO. 044-13** a Resolution Authorizing Implementation of a Rate Levelization Program; and Declaring an Emergency. (*Suspension Requested*)

I. GOOD OF THE CITY

1. *Recommendation to Approve August Billing Determinants*
2. *Award Bid for 2013 Street Striping Project* – enclosed is a Memorandum from Chad with his recommendation for award.
3. *Award Bid for West Main Street Parking Lot Improvements* – Chad's Memorandum for recommendation of award is enclosed.

4. *Approval of Change Order No. 3 (Final) for the Ohio Street Sanitary Sewer Project, a Deduct of \$62.50; Vernon Nagel, Inc., Contractor – a copy of Change Order No. 3 is attached.*
5. *Tax Amnesty Program (Refer to Committee)*
6. *Discussion of Combined Dispatch Services and Other Options*

RELATED ITEMS

1. **MEETINGS**
 - a. **AGENDA - Tree Commission; Monday, August 19th @ 6:00 pm**
 - b. **AGENDA - Preservation Commission; Tuesday, August 20th @ 2:30 pm**
 - c. **CANCELLATION - Parks & Rec Committee Meeting**
2. AMP Update/August 16, 2013
3. Legislative Alert on Tax Exempt Financing
4. OML Legislative Bulletin/August 9, 2013

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Records Retention
CM-11 - 2 Years

July 2013							August 2013							September 2013						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	8	9	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28	29	30	31	29	30					

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1	2	3
				5:00 PM Business After Hours @ Golf Course Clubhouse	7:00 PM Rally in the Alley	
4	5	6	7	8	9	10
	7:00 PM City COUNCIL Meeting AV		6:00 PM - 8:00 pm River City Rodders Cruise-In			
11	12	13	14	15	16	17
	6:30 PM Electric Committee Board of Public Affairs (BOPA) AV - Rox	3:00 PM Preservation Commission	10:00 AM Automatic Feed Ambassador of Energy Efficiency Award Presentation 7:30 PM Special City Council Meeting BISHER - 12 Noon > Vacation	BISHER - VACATION	BISHER - VACATION	BISHER - VACATION
18	19	20	21	22	23	24
BISHER - VACATION	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting AV	2:30 PM Preservation Commission Meeting AMP - BISHER	AMP - BISHER	AMP - BISHER	ROXANNE - OFF	
25	26	27	28	29	30	31
	6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Committee Mtg. AV - Shery		BISHER - 12 Noon > Vacation	BISHER - VACATION	BISHER - VACATION	BISHER - VACATION

City of Napoleon, Ohio

CITY COUNCIL

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

MEETING AGENDA

Monday, August 19, 2013 at 7:00 PM

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer & Pledge of Allegiance**
- C. **Approval of Minutes:** August 5 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- D. **Citizen Communication**
- E. **Reports from Council Committees**
 - 1. **Technology & Communication Committee** did not meet on Monday, August 5 due to lack of agenda items.
 - 2. **Electric Committee** *(Majority Report)* met on Monday, August 12 and:
 - a. Recommended approval of August billing determinants
 - b. Took no further action on *Rate Levelization Plan*
 - 3. **Water, Sewer, Refuse, Recycling & Litter Committee** and **Municipal Properties, Buildings, Land Use & Economic Development Committee** did not meet on August 12 due to lack of agenda items.
- F. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Board of Public Affairs** met on August 12 with the following agenda items:
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
 - c. Rate Levelization Plan
 - 2. **Planning Commission** and **Board of Zoning Appeals** did not meet on Tuesday, August 13 due to lack of agenda items.
 - 3. **Preservation Commission** met on August 13 with the following agenda items:
 - a. NPC 13-05 733 N. Perry St. Tonjes Rentals
 - b. NPC 13-06 105 W. MainSt. Lankenau Law Office
 - c. NPC 13-07 713 N. Perry St. Spenglers
 - d. NPC 13-08 601 N. Perry St.
 - 4. **Tree Commission** met tonight with the following agenda items:
 - a. Tree Call Report
 - b. Fall Tree Programs
- G. **Introduction of New Ordinances and Resolutions**
 - 1. **Resolution No. 041-13** A Resolution authorizing the City Manager to execute all documents necessary to apply and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the year 2014; and declaring an emergency *(Suspension requested)*
 - 2. **Ordinance No. 042-13** An Ordinance amending the Zoning Code
 - 3. **Resolution No. 043-13** A Resolution authorizing enrollment in the Ohio Rural Water Association 2014 Worker's Compensation Pool, and authorizing the expenditure of funds and directing the City Manager to enter into a professional service contract with Comp Management, Inc. (CMI) a Worker's Compensation administrator; and declaring an emergency *(Suspension requested)*
 - 4. **Resolution No. 044-13** A Resolution authorizing implementation of a Rate Levelization Program; and declaring an emergency *(Suspension requested)*
- H. **Second and Third Readings of Ordinances and Resolutions**

There are no second or third readings of Ordinances and Resolutions.
- I. **Good of the City** *Any other business as may properly come before Council, including but not limited to:*
 - 1. **Discussion/Action:** Recommendation to approve August billing determinants as follows:
Generation Charge: Residential @ \$.08713; Commercial @ \$.10544; Large Power @ \$.05623; Industrial @ \$.05623; Demand Charge Large Power @ \$12.35; Industrial @ \$12.92; JV Purchased Cost: JV2 @ \$.00145; JV5 @ \$.00145
 - 2. **Discussion/Action:** Award Bid for 2013 Street Striping Project
 - 3. **Discussion/Action:** Award Bid for West Main Street Parking Lot Improvements

4. Discussion/Action: Change Order - Ohio St. Sanitary Sewer Project: deduct of \$62.50 for Vernon Nagel, Inc.

5. Discussion/Action: Tax Amnesty Program (*Refer to Committee*)

6. Discussion/Action: Discussion of Combined Dispatch Services and Other Options

J. Executive Session: Law Director: Employment of Personnel

K. Approve Payment of Bills and Approve Financial Reports (*In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.*)

L. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Tuesday, September 3 @ 8:00 PM)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, September 9 @ 6:30 PM)
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, September 9 @ 7:00 PM)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, September 9 @ 7:30 PM)
 - a. Updated Info from Staff on Economic Development (as needed)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, September 16 @ 8:00 PM.)
- 6. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, August 26 @ 6:30 PM)
- 7. Safety & Human Resources Committee (4th Monday)**
(Next Meeting: Monday, August 26 @ 7:30 PM)
Last 2013 Regular Meeting with Townships scheduled for November 25
- 8. Personnel Committee (As needed)**

B. Items Referred or Pending In Other City Committees, Commissions & Boards

- 1. Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, September 9 @ 6:30 PM)
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, September 10 @ 4:30 PM)
August meeting is canceled due to lack of agenda items.
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, September 10 @ 5:00 PM)
August meeting is canceled due to lack of agenda items.
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, September 16 @ 6:00 PM)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, August 27 @ 4:30 PM)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, August 28 @ 6:30 PM)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 12 @ 10:30 AM)
- 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 10 @ 4:00 PM)
- 9. Housing Council (1st Monday of the month after the TIRC meeting)**
(Next Regular Meeting: Monday, May 5, 2014? @ 6:30 PM)
- 10. Health Care Cost Committee (As needed)**
- 11. Preservation Commission (As needed)**
Next Meeting: Tuesday, August 20 @ 2:30 PM
 - a. NPC 13-09 605 N. Perry St. David Jones
- 12. Infrastructure/Economic Development Fund Review Committee (As needed)**
- 13. Tax Incentive Review Council (As needed)**
- 14. Volunteer Firefighters' Dependents Fund Board (As needed)**
- 15. Lodge Tax Advisory & Control Board (As needed)**
- 16. Board of Building Appeals (As needed)**
- 17. ADA Compliance Board (As needed)**
- 18. NCTV Advisory Board (As needed)**

Discussion	Hayberger said this legislation has been in place since 1995. It was amended to reflect changes in the State law.
Motion To Suspend The Rule	Motion: Hershberger Second: Sheaffer To suspend the rule requiring three readings
Passed Yea-6 Nay-0	Roll call vote on above motion: Yea- Hershberger, Helberg, Sheaffer, Lankenau, Ridley, Maassel Nay-
Passed Yea-6 Nay-0	Roll call vote to pass Ordinance No. 040-13 under suspension of the rule Yea- Hershberger, Helberg, Sheaffer, Lankenau, Ridley, Maassel Nay-
No Second Or Third Readings	There were no second or third readings of Ordinances or Resolutions.
GOOD OF THE CITY <u>Discussion/Action</u>	
Specs, Documentation & Contract for 2013 Recycling Processing Contract	Lulfs said we are ready to go out for bids for the 2013 recycling processing contract. The only change is that the previous contracts were set up for 5 years. This one is for one year per request of the bidders due to the volatility of the market.
Motion To Approve	Motion: Lankenau Second: Ridley To approve the specifications, documentation and contract for 2013 Recycling Processing Contract
Passed Yea-6 Nay-0	Roll call vote on above motion: Yea- Hershberger, Helberg, Sheaffer, Lankenau, Ridley, Maassel Nay-
SouthSide Interceptor I/I Reduction Agreement for Professional Design Services	Lulfs said we completed quality based selection and ranked the firms for the SouthSide Interceptor I/I Reduction Agreement for Professional Design Services. Peterman Design Services was number one. We negotiated a price of \$49,800. Peterman will also prepare legal descriptions so we can prepare the needed easements and have them recorded.
Motion To Approve And Award To Peterman Associates,	Motion: Maassel Second: Ridley To approve the South Side Interceptor I/I Reduction Project Agreement for Professional Design Services and award to Peterman Associates, Inc.
Passed Yea-6 Nay-0	Roll call vote on above motion: Yea- Hershberger, Helberg, Sheaffer, Lankenau, Ridley, Maassel Nay-
Change Order #1 (Final) For Haley Interceptor I/I Red.	Lulfs said the Haley Interceptor I/I Reduction Project was completed under the bid amount with a decrease of \$19,491.19. He asked for approval of Change Order #1 (Final) to allow him to close out the project.
Motion To Approve	Motion: Maassel Second: Ridley To approve Change Order #1 (Final) for the Haley Interceptor I/I Reduction Project (LTCP Project #17) with a decrease of \$19,491.19

Passed
Yea-5
Nay-0
Abstain - 1

**General Discussion Of
Combined Dispatch
Services and Other
Options**

Roll call vote on above motion:
Yea- Hershberger, Sheaffer, Lankenau, Ridley, Maassel
Nay-
Abstain - Helberg

Bisher gave a PowerPoint presentation (attached) on a contract proposal from the sheriff and what the costs and savings would be to combine dispatch services. The cost would be \$80,000 for the first year and \$75,000 for years 2-4. Staffing would be a minimum of two per shift and more if needed. The City would give an incentive to the sheriff to hire Napoleon dispatchers by offering to pay 25% of their pay for up to 4 dispatchers for the length of the contract. The sheriff originally said he would charge \$165,000 for the first year and \$150,000 for years 2-4.

Bisher said it is difficult to estimate the cost of operational emergency dispatch. We have callouts almost every day. Bigger incidents cost more. The cost is different at 3pm than 3am. He checked with First Call for Help. Their rough estimate to provide the service was \$24,000-\$25,000. The sheriff will only call the supervisor. Asking supervisors to make the calls is expensive, especially for electric outages. We don't want the most expensive guys in the City answering phones while their crews wait for direction. There are many phone calls. Local companies have to know whether to call in their second or third shift workers. Bisher estimates a \$15,000 per year minimum cost for operational emergency dispatch.

Lankenau said we can just hand dispatch to the commissioners. He is in favor of combining dispatch and incentivizing, but \$80,000 seems high. Bisher said he didn't explore other options. Sheaffer said this would be a decrease in quality of service and a lack of redundancy that we spent years building up, along with other facets of operations, electric, water and water towers. We should not subject our citizens to a decrease in quality. Maassel asked if one person would still be without a job if the sheriff takes two dispatchers and we keep two at the police station. Sheaffer said the sheriff doesn't have to keep them very long. He could get rid of them anytime. Bisher said everyone is not accounted for. If Council votes to go this way, then we'll see what the sheriff does. We won't leave anyone behind. Sheaffer said a new sheriff may want to change this. Lankenau said he has to provide service for the whole county by statute. Bisher said the contract term is four years because that is the longest contract a sheriff can enter into by law. A lot can happen in 4 years. Sheaffer said we owe it to employees to get some resolution tonight. Helberg said that is not possible since we didn't get the numbers until tonight.

Mayor Behm said he looked at the numbers and thinks higher costs than anticipated makes the numbers lower than what the actual savings will be. He believes one full-time and one part-time clerk at the police station would be enough instead of two full-time clerks. Sheaffer said two people are needed to handle records requests and paperwork on a daily basis. Maassel said we want someone ready for emergencies as they walk in the door. We would pay the same pay they receive now. Sheaffer said the most junior guy just left and it was \$53,000. Helberg said the overtime in one year is around \$15,000 with 6. Bisher said the overtime number goes up with 5. This is a paramilitary organization. If your replacement doesn't show up, you are there until someone shows up. People get sick or have accidents. Less people on straight time means more overtime. We planned on spending \$360,000 for 6 dispatchers in 2013. We didn't replace one who left and won't replace him moving forward, which is why we are using the \$307,000 figure.

**Motion To Not Enter
Into A Contract With
HC Sheriff For
Dispatch Services**

Sheaffer said one option is to keep dispatch at 5, not replacing the Police Lt. that retired and use the income tax reduction option. Ridley said not hiring a patrolman is a service level issue. Sheaffer said he would rather pay more in income tax to keep dispatch. He has spent hours at the police department and knows it takes 2 full-time people there. Ridley said eliminating a tax credit is the same as a tax increase, not the same as savings. Helberg said Council's responsibility is to spend frugally and without waste. Behm said this is not a drop in service. Sheaffer suggested Behm talk to the police chief in Wauseon. Behm said he talked with the police chief and city manager in Defiance and it worked for them. They have no problem. Sheaffer said Defiance officers said they went into buildings for safety checks and didn't get a reply from dispatch. He doesn't want our officers not getting a response because the sheriff's office can't handle the volume. Behm said Sheaffer is assuming the sheriff's department would not have the same sense of urgency to protect police in the City. He thinks this is an insult to the sheriff.

Helberg asked what Bisher would budget for overtime next year if we kept 5 dispatchers. Bisher said probably \$20,000. Helberg asked why Bisher would hire someone in the first place if it only costs another \$5,000 in overtime without them. Chief Weitzel said the 6th dispatcher was put on because of other operational issues. The only way to control overtime before was by denying people time off. Call volume increases on weekends. We added a 2nd dispatcher on Thursday, Friday and Saturday and gave other dispatchers flexibility for additional time off. Some dispatchers are working 16-hour shifts now due to illness. With a 6th person we could have erased half of that. With 5 dispatchers, we have to go back to more restrictive modes. Heath said it is pay me now or pay me later. The money will go out in a lump sum later if they can't use their time off. Helberg said he wants to make a decision based on realistic numbers. Bisher said he believes 6 is the right dispatch number. Helberg said if we have to tell the sheriff to take more, let's tell him. Bisher said the sheriff is his own boss. One more dispatcher over there is the best Bisher could do. Helberg said Council did not tell Bisher not to hire the 6th dispatcher. Bisher said it wouldn't have been right to hire someone not knowing how long the job would last.

Motion: Sheaffer

Second: Hershberger

To not enter into a contract with the Henry County Sheriff for dispatch services

Helberg said a YES vote on this motion means we will not enter into a contract with the sheriff nor dump dispatch services on the sheriff. NO means we do not have enough information at this time.

Heather Wilson said Council needs to look at what dispatchers do. It is more than dollars and cents. The service provided is tremendous. Helberg said Council understands that and does not want to put anyone in harm's way. Wilson said only two Council members went to the police station. Lankenau and Helberg said they have both visited there. Ridley said he did not go because he wanted to stay disconnected so he could make an objective decision.

Sheaffer said the poll in the Northwest Signal was 70% against moving dispatch to the county and 30% in favor. Ridley said the poll only included 180 people. Sheaffer said he spent hundreds of hours riding with officers and at dispatch. Seeing what they do makes these decisions easier. We will totally lose control if dispatch goes to the county.

Maassel asked for clarification of what YES and NO votes mean. Hayberger said a YES vote means we will not contract with the sheriff. Helberg said a NO vote does

Failed
Yea-2
Nay-4

not mean we will contract with the sheriff.

Roll call vote on motion to not enter into a contract with the Henry County Sheriff for dispatch services:

Yea - Hershberger, Sheaffer

Nay- Helberg, Lankenau, Ridley, Maassel

Helberg said other options are to turn dispatch over to the sheriff, but we would still have the emergency dispatch and admin cost. Hayberger said in that case the money going to the sheriff in the proposed contract would be added to savings. Bisher said the \$24,000 emergency costs have to be added. Chief Weitzel said equipment changes would be a one-time cost. Continued annual costs were outlined in a previous memo. Bisher said if we dump dispatch on the sheriff, we have five people without jobs. The Sheriff will dispatch police, fire and EMS, but not the ancillary things he is doing with the proposed contract. He wanted \$15,000 to do all of that the first year.

Jeff Marihugh asked if there is any cost to the City that is not accounted for if people are laid off. Bisher said this cost is typically 50% of their salary for the first year. Sheaffer said the sheriff could employ our dispatchers for 90 days and then fire them and we would pay unemployment anyway. Marihugh said if it's 5 people or 3 people, 50% of their salaries should be added into the equation for the first year. Helberg asked if 25% of their salary and 25% of their benefits are more than what unemployment would be. Bisher said he tried to design the contract to entice the sheriff to take as many folks as possible, but we can't count on it. A zero cost option means we would have to pay unemployment.

Marihugh asked Hayberger if Ohio law means the sheriff is only responsible for 911 calls and nothing more. Hayberger said the sheriff is responsible for dispatching police, fire and EMS calls. 911 is a separate section. Hayberger said the sheriff would also monitor cameras. Bisher said this would be minimum manning.

Marihugh asked if time and money have been budgeted for longer union negotiations due to this issue and the possibility of litigation from the union. Bisher said we have been given notice by the union to open up the contract. We don't want to negotiate early due to this issue. If we are going to contract with someone else, it opens negotiations immediately and there will be litigation. Sheaffer said if dispatch is farmed out, the union will go after the full 13% that the performance audit said they are underpaid. Helberg asked if Sheaffer is agreeing with the audit and if he believes the union won't go after the 13% if dispatch is kept. Sheaffer said he believes the whole audit was bad.

Marihugh asked if everything would be handled through a central location for dispatching utilities and street calls. Bisher said it will be decentralized because we have no place to go with it. Marihugh said that should be a sticking point for all citizens. You can't quantify a cost for that. Marihugh said he conducted an unscientific poll with 20 people. Five of them were business people. Not one was in favor of this. He hasn't talked to anyone who thinks it is a good idea. Ridley said people generally don't show up unless they oppose something. Council needs to look at the agreement and weigh pros and cons. The information out there has been speculative and one-sided. Marihugh said many people are willing to get out their wallet on this issue because Council is messing with their quality of life. You can't put a cost on losing control. What we have works.

Helberg wondered if people who work in other cities would be willing to do away with some of their tax credit. He has not made a decision on this issue, but people are telling him they are heavily in favor of a combined dispatch. Sheaffer said no one has told him that. Helberg said people generally address people whom they believe agree with their point of view.

Jeff Nicely, President of the Napoleon Police Officers Association representing dispatchers, said he was asked why the police department is stupidly getting rid of their dispatchers. He explained that Council and the County Commissioners are doing this, not the police department. Police officers in Defiance have a lot of issues with their dispatch being moved to the county. They are not getting information from previous shifts, which puts them in jeopardy. This is a safety issue. Nicely asked Council to talk to Wauseon's Police Chief who tried using county dispatch and decided it is better to pay more and have his own dispatchers. Wauseon models its dispatch center off Napoleon's because it works so well.

Nicely said the Henry County Sheriff stated if there was a problem with voice dispatch, he would send a text message to the supervisor, then call the fire department to dispatch before sending the message to the EOC or Malinta. The Fire Department is not manned when they are on another call. Helberg said the sheriff did not say he would text someone. He said he would make voice contact with a supervisor. Nicely said this was from an article in the Northwest Signal regarding police and fire dispatch, not power outages. Helberg asked Nicely to help Council make intelligent decisions by not playing the fear role. Nicely said losing duplicity of services is the wrong way to go. Helberg asked how to accomplish duplicity of services and still pay for it. Nicely said Councilman Sheaffer brought an option. Helberg said the option from Sheaffer is to stay with 5 dispatchers, not replace the retiring Police Lieutenant, and decrease the tax credit.

Scott Bockelman, representative for the Napoleon Police Union representing dispatchers including himself, said the five Napoleon dispatchers have a combined 52.5 years of service to the City. Henry County dispatchers have combined less than 10. If Chief Bennett calls for a strike team, our dispatchers know what that is. There are protective barriers for citizens. The Fire Department doesn't get on the road until dispatched. These are life and death matters. Utility outages get chaotic. Our dispatchers work together...going in to work early and staying late when there is a crisis. The majority of calls come at night. The sixth dispatcher provided an extra layer of service for those hours. Chief Weitzel stayed within his budget every year. Council is here to represent people to the best of their ability. Council has done a good job so far. Letting the dispatch center slide away will be a disservice to citizens.

Nick Evanoff said he has served the City for 3 years. He also owns a business. There are some expenses he has to pay, like his electric bill, even if he is over budget. Moving dispatch would save \$60,000 a year from an annual budget of many millions. Is it worth giving up service for \$60,000? The dispatchers are like part of Bockelman's family. They know him as a person, not a badge number. When he was at the site of a bad accident, one of our dispatchers was able to tell he was in shock just from the sound of his voice. He was in a fight with someone in a store and the dispatcher got in touch with him when he couldn't get to his radio. He didn't have to use lethal force because of that. Dispatch may be something Council will have to budget around. The golf course does not bring income to the City, but provides a service to citizens. They got their balance to zero and Council will let them stay another year. Bockelman asked what his safety is worth to Council. Apparently, not \$65,000 since you voted it down. Police and dispatchers feel like Council sees them

as a monetary value, not people.

Helberg reviewed options so far. Another option is to not replace the police Lt. and to decrease the income tax credit. Another option is to do nothing and leave things as they are. The State auditor's suggestion was if we don't combine dispatch, to reduce dispatch staffing by two full-time equivalents but that doesn't seem like an option to consider per tonight's discussion. Maassel asked if we did nothing, whether we would have 5 or 6 dispatchers. Helberg and Bisher agreed that 6 is preferable.

Heather Wilson said she presented an option to ask departments to review their budgets and cut \$500 per month per department. Helberg said the only departments we can ask for concessions would be from general fund budgets...not water, electric, sewer or sanitary sewer. We have already gone to what is the maximum on the administrative fee. We can go to fire, parks & recreation, finance which was already chopped, admin has been chopped, and streets. Sheaffer said he would be willing to give up \$500 in his Council salary to do that. Helberg said we can put Wilson's suggestion on the list, but it isn't easy. Evanoff asked if donations could subsidize us through this bump. If we are talking about dumping 5 people, we need to exhaust every option. He would be willing to approach businesses and go door to door if needed. The safety of officers is worth it. Council is asking officers to do more work for 13% less than anyone else who does it.

Sheaffer suggested putting a fire and police income tax increase on the ballot to let people decide so we can see how important it is to citizens. If Council doesn't want to reduce the income tax credit, it's another option. He would do the levy first to give people the choice. Helberg said tax credit reduction is not a ballot issue, but he would like to know how people feel about it.

Maassel asked how 911 calls are handled through the sheriff's office. Sheaffer said former Chief Deputy Bill Vocke said the plan was to cycle 911 calls over to police. The current sheriff has not implemented this. Chief Weitzel said 911 calls are transferred to us from the sheriff's office. If a house is on fire or any other critical call, they typically take the call then call us on the intercom. Sometimes they transfer the call when it is not a critical emergency so our dispatcher can get full background information. We work well together. It probably takes another 30 seconds.

Helberg asked about not replacing the police lieutenant after retirement as a way to generate funds. Bisher said this idea came from the performance audit as an alternative to reducing dispatch by two full-time people. We can't do it with 4 so the logical thing was to eliminate 1 dispatch and 1 retiring Lt. This is a reduction in force of police and not necessarily desirable. The position has not been filled, but it has not been given up either.

Helberg said it looks like changing the tax credit is the only option if we don't want to get rid of the lieutenant. Weitzel asked the purpose of creating the tax credit. Helberg said it is not unique to us. Many neighboring communities do this. Sheaffer said he proposed a 25% reduction in the tax credit. Weitzel said 100% tax credit is a lot. A 25% reduction is not a lot. He doesn't think people would leave the City for 25% of a tax credit. Helberg asked Heath to put a list of the tax credits given by other northwest Ohio cities in the Council packet.

Ridley said if the goal is to save the kind of money we need to pay for projects, we need to talk about tax credits and levies in addition to this issue. Sheaffer said he is not in favor of tax credit reduction if we are getting rid of dispatch. He keeps a good

tab on economics and interest rates will go up in about 3 years. We will not always be in bad times. Helberg said we have to be efficient and effective with our revenue sources.

Genia Donley said she and the 4 other dispatchers are citizens who pay taxes. She is not bad mouthing the county, but there are many new, young people working there who don't pass on information properly when transferring calls. This puts our officers in danger. Dispatchers are vitally important to the City and know the people in the City. Donley suggested that Council members get scanners and listen to the difference in dispatch between the City and County. Dispatchers know the streets in Napoleon. The County dispatchers don't know or care. Sheaffer affirmed, saying he called the police a few weeks ago because his son called him to say someone was trying to break into their house. Patrolman Nicely was there right away without anyone having to ask where Sheaffer lived.

Mayor Behm said he is doing what he thinks is best for citizens. He recommended the performance audit because of concerns about EPA mandates and increasing debt. We don't know the final costs to build the water plant. We pay \$700,000 per year in interest on the debt alone and we are only 1/3 of the way done on a lot of the projects. Lulfs is trying to get an extension from the EPA, but we don't know if that will happen. The State made big cutbacks in our funding. These decisions are hard and no one wants to make them. Costs are going up to operate the City.

Motion To Table
Discussion Of
Combined Dispatch
Services and Other
Options

Motion: Lankenau Second: Ridley
To table *Discussion Of Combined Dispatch Services and Other Options*

Passed
Yea-5
Nay-1

Roll call vote on above motion:
Yea- Hershberger, Helberg, Lankenau, Ridley, Maassel
Nay- Sheaffer

Chief Weitzel said Jim Hershberger arranged for the Elks to give the police department a \$750 grant. We received the check. It cost us a total of \$38 to get a brand new radio in a patrol car. Council authorized this previously.

Good Of The City
(Cont.)

Bisher

Bisher said Wednesday, August 14 is the Automatic Feed award for energy efficiency if anyone wants to attend.

Hayberger

Hayberger – no items

Lankenau

Lankenau – no items

Sheaffer

Sheaffer said effective December 31, 2013, he will resign from Council and not run for re-election. He wanted to leave the City in a better place. He did so for 18 years, but doesn't think he has for the last 1-1/2 years and will no longer serve.

Mayor Behm

Mayor Behm received a resignation letter from Kelly Wallace who serves on the Preservation Commission. He would like to appoint Mary Wesche, a member of the Henry County Historical Society, to replace Wallace.

Motion To Accept

Motion: Maassel Second: Ridley

Wallace Resignation	To accept the resignation of Kelly Wallace from the Preservation Commission
Passed	Roll call vote on above motion:
Yea-5	Yea- Hershberger, Helberg, Sheaffer, Lankenau, Ridley, Maassel
Nay-1	Nay-
Motion To Accept Wesche Appointment	Motion: Ridley Second: Maassel To accept the appointment of Mary Wesche to the Preservation Commission
Passed	Roll call vote on above motion:
Yea-5	Yea- Hershberger, Helberg, Sheaffer, Lankenau, Ridley, Maassel
Nay-1	Nay-
Helberg	Helberg – no items
Hershberger	Hershberger said the railroad crossing on Glenwood at Washington is terrible and needs attention. Bisher said he talked to the railroad about it, but will try again.
Maassel	Maassel said Mayor Behm gave numbers three weeks ago about the proposed water plant not being what we thought. He asked for more details on this. Bisher said prices on the plant are changing because we don't know what the project looks like yet. There are engineering issues with adding another line. We are looking at data from the test that we didn't have before to harden some numbers. It is not a fixed cost contract. We are looking at contingencies. It looks like a \$20,000,000 project at least the way it is being proposed right now. Lulfs said we are still negotiating a price on the contract. We have to prepare a preliminary engineering report for the grant application. We hope to have conservative estimates by then. It is a competitively bid project. Estimates are generally quite conservative. Maassel asked if the sign in the middle of Scott St. is keeping semis out and if maps on how to get out of town are being given at Campbells. Bisher said the sign works well for those who read English but many drivers don't. Drivers use GPS, not maps. Chief Weitzel said he could issue 1-2 citations an hour if he had enough officers. There has been no appreciative change and this won't go away. We have done as much as we can to help. Maassel expressed concern that a child could be injured by a semi on a side street. Bisher said he doesn't know how semis will turn around when the intersection closes. Lulfs said December 14 is the end date for the project. Weitzel said the intersection closes in 30 days. Maassel said he talked to Weitzel about using the old TGY area for a turnaround. This is not feasible due to expense to rent it, etc.
Ridley	Ridley – no items
Heath	Heath – no items
Motion To Go Into Executive Session	Motion: Ridley Second: Maassel To go into Executive Session to discuss acquisition of property
Passed	Roll call vote on above motion:
Yea-6	Yea- Hershberger, Helberg, Sheaffer, Lankenau, Ridley, Maassel
Nay-0	Nay-
Into Exec Session	Council went into Executive Session at 10:02 PM.

**Motion To Come
Out Of Exec Sess**

Motion: Lankenau Second: Sheaffer
To come out of Executive Session.

Passed
Yea-6
Nay-0

Roll call vote on above motion:
Yea- Hershberger, Helberg, Sheaffer, Lankenau, Ridley, Maassel
Nay-

**Out Of Executive
Session**

Council came out of Executive Session at 10:15 PM. President Helberg reported that the discussion was regarding acquisition of property. No action was taken.

Approval Of Bills

Bills and reports stand approved as presented with no objections.

Motion To Adjourn

Motion: Lankenau Second: Sheaffer
To adjourn the meeting

Passed
Yea -6
Nay -0

Roll call vote on above motion:
Yea- Hershberger, Helberg, Sheaffer, Lankenau, Ridley, Maassel
Nay-

Adjournment

Meeting adjourned at 10:15 PM.

John A. Helberg, Council President

**Approved:
August 19, 2013**

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

DRAFT

8. Raise Revenues by accepting or soliciting Donations for Dispatch Services, or Safety Service
9. Raise Revenue by passing a Safety Services Levy with the Voters

Helberg said the City Manager made a presentation regarding costs of dispatch services. The Mayor put together spreadsheets with a variation of those numbers. Mayor Behm presented and explained how he calculated the 6-pages of detailed spreadsheets (attached). The first page shows past dispatch budgets from 2003 – 2013. Other pages contain various configurations of dispatchers and clerks between the City and County.

Sheaffer said the Sheriff has no long-term commitment to hire two people. He can hire them for one day and then the incentive goes away. That will increase our unemployment costs. Unemployment is paid for almost 2 years, not one. The Mayor's numbers do not include \$25,000 per year for dispatching utilities and emergencies. Helberg said the figure given for that was \$15,000.

Sheaffer said there will be a loss of existing services. If a resident calls PD now, it is immediately relayed to Denny Clapp, who directs crews based on all the phone calls coming in. Citizens get a call back when the problem is fixed. If the Sheriff's Office (SO) gets the call for an outage, they will call make one notification to the supervisor. When a second call comes in, the dispatcher will figure the City has already been notified of the problem and not make more calls on that issue. Jeff Marihugh read section 2.1.3 of the proposed contract with SO regarding how the SO will handle emergency operations alarms. Sheaffer said his concern is if a resident calls in and it is reported to the supervisor, then a commercial customer calls in and we aren't notified because they already reported the first outage. Ridley asked if the SCADA system would tell Clapp where outages are located. Chief Bennett said SCADA monitors the 138,000 volt line and the loop of 69,000 volts around the City. There is no SCADA after the lines leave individual substations.

Bisher said this problem must be solved. He will do that, but it will cost money. He doesn't know how much. It could be \$15,000 or \$25,000. Helberg asked if we can modify the contract language in 2.1.3. Bisher said he doesn't believe so. It was heavily negotiated already. The Sheriff feels experienced at dispatching EMS, Fire, and Police. He does not want experience in the emergency operations phase. It is not his thing. Helberg asked if calls can be forwarded to an emergency operations phone number. Bisher said calls could be sent to First Call for Help, but we have to pay for that.

Shannon Drain said she took 437 calls by herself during the latest storm and outage. Yesterday, every line in the City was out except PD and she did it all. Someone came to help, but there was no way to contact the court. Bisher said that is a good example of duplicity of services. We put PD on a separate phone service in case ours went down. Sheaffer said combining dispatch would eliminate duplicity. If the Sheriff goes out, our calls have to go to Malinta or the EOC. Mayor Behm said other counties do this. Chief Bennett said if 911 goes down, Fulton County gets the calls, but they can't radio back if the phones are dead. The EOC cannot be brought up in 15 minutes. It takes 1-2 hours. Malinta takes longer. There will be a black hole with calls going nowhere if there is a circuit breaker trip at the SO.

Helberg said there will still be a station remaining at PD. Chief Weitzel said PD will have radio communications to all City operations, but not 911. The County will take back the 911 function. PD will have radio communication, but not 911. Helberg said he told the Sheriff we wanted 911 communication at PD. Hayberger said that whole

section is out of the contract. Helberg said he was told there will be one terminal at EOC and one remaining at PD and both with 911 functions. Weitzel said he was told 911 equipment will go to the EOC and Malinta. Helberg said this question must be answered. Weitzel said there will be a 2nd seat at PD for radio communication, but not 911. Sheaffer said if a circuit breaker goes out at SO, dispatchers can't see the cameras and police may have to shoot someone. He is worried about cost savings, but redundancy and safety issues are a bigger worry. He must leave the meeting at 8:30 pm.

Andy Small, former Napoleon Mayor, introduced himself and shared his thoughts on the issue (attached).

Dave Bowen said Mayor Behm gave estimates for 10 years, but the proposed contract is for 4 years. The sheriff can raise the cost at the end of 4 years. Jeff Nicely said the Mayor shows \$2,000,000 savings in 10 years. That will be gone with 1 lawsuit. We are talking about people's safety. The Mayor said he spoke with city administrators in Defiance, but he did not speak to police officers. Nicely shared a letter from a Defiance policeman regarding Defiance's combined City & County dispatch (attached).

Helberg noted that an advisory board for the sheriff to answer to has been included in the proposed contract. Hayberger said he doesn't know how much teeth it has. Sheaffer said an advisory board would be an epic failure if it goes like negotiations with the sheriff. He recommended taking the issue to voters. Bryan is at 1.8% income tax. Bowling Green is at 2%. Both of them are our AMP partners. Heath noted that these are 2011 tax rates including tax credits.

Maassel said we talked about running dispatch with 5 dispatchers at one point. Helberg said based on the amount of overtime and the Chief's ability to allow people to take time off, he wanted 6 dispatchers. Maassel said Council discussed this, but didn't agree on it. The 2013 budget number for 6 dispatchers is \$378,140. Chief has run with 5 dispatchers since May. There was a big event during that time and we came through okay. Having 5 limits flexibility, but the Chief can do it. Since we've had 5 dispatchers, some have applied for other jobs outside the county. One or two may have been offered a job, but stayed because they are loyal to each other and the Chief who has served us loyally for as long as he's been Chief. Council could show loyalty back by allowing the Chief to run dispatch for one year with 5 dispatchers and save \$50,000. This would give him a chance to solve the problem. We owe this to the Chief and his people. We gave the people from the golf course time to do this. We should give the Chief a chance. We can't be disloyal to someone who has been loyal. He built a family, not just a team. Helberg said it would be a viable option to go back to the sheriff after a year if this option didn't work. Sheaffer added that it would also give time to explore other options. Helberg said this is another option to consider.

Nick Evanoff said Maassel's idea is phenomenal. Evanoff asked how we know the Mayor's numbers aren't fudged? Evanoff has worked with a centralized dispatch. He yelled for help and no one came to save him. A bouncer helped him or he would have shot and killed someone. Guys in the PD will look for other employment if dispatch moves. He doesn't know what the Mayor does for a living, but his job probably doesn't go from 1 to 100 in a split second. Council talked about setting up a console at the EOC in 15 minutes. In 15 minutes his job can go from normal to arresting someone on drugs, a wife beater, etc. He asked when Council will consider police safety. Helberg said we consider that every day and we are trying to look into numbers with the personal aspect or we would not be doing our jobs.

Ridley said he works for a non-profit that works with offenders. He has been in prisons all over the State. He watched people he worked with every day who kept him safe forced into a position where they had to retire early or find other jobs because the State was not aggressive about managing financial troubles. It does no service to anybody in the City to punt the ball down the road a year or 2 or 3. We have to build a \$20,000,000 water plant. Sheaffer said that will not be paid for by the general fund. Ridley said water rates could double and people will move out of the City. Failing to manage the debt is also a failure of leadership and a lack of service to employees here. Council is entertaining every idea to provide long-term safety and stability to the City. Ridley lost his previous government job because a new administration came in and laid off the entire office. He has watched people debate his livelihood.

Sheaffer said whether we eliminate dispatch or not, we still have the water plant to build and water rates could still double. His advanced business degree tells him that paying for an enterprise fund out of the general fund is not a good business practice. Ridley said raising the price of utilities will drive people out of Napoleon. Sheaffer said all communities are facing the same issues. We still have the option of assessing users on their taxes. Doubling water rates is not set in stone. Ridley said we have to look at reductions in expenses. He told Mayor Small that he has consistently said if not for the administration before us, Council would be in deeper trouble that we are now. (Sheaffer left the meeting at 8:40 pm.)

Robin Weirauch said per facts stated in the performance audit (PA), PD is already working with less full-time employees, less hours, less cars, and twice the demand as their peers. Now you want them to reduce more. The Chief is willing to give it a go because he is loyal and his people will pull together, but Council is not rewarding good behavior. Council should be so proud of those facts. Productivity also means that Council won't scrimp on the safety of these officers.

Mayor Behm said we pay \$700,000 in interest on the debt each year. He has said nothing negative about PD. Weirauch said budget priorities speak very loudly. Behm said he wishes more taxpayers were in here who pay utility bills. The only ones here are those directly affected. A 50-60% increase in water rates was predicted based on repair of the current plant. We lost 700 residents in the past 10 years. The estimates are the City won't grow. EPA mandated projects are out there. We have been talking since May, having the same arguments, and nothing gets done. We have to make tough choices. It is easy to keep doing what we're doing and raise rates. Why not add triplicity of services?

Evanoff said why cut what is good? You are getting more than you are paying for with PD. Why not look at other departments? Behm said people complained about closing the golf course and we gave them an extension. When do you cut that? Raising rates is always the answer. Hayberger asked Council to stay with the agenda. The subject is dispatch. Helberg said the golf course was given an extension provided that they are still even at budget time this year. We have to be responsible, efficient and effective. If we try with 5 dispatchers and it doesn't work, we could go with the sheriff. Maassel said that has to be an option. Helberg asked if Maassel thinks the sheriff option is a safe alternative. Maassel said he has no idea.

Chief Bennett said one of the most difficult things to do is quantify service. How do you put a dollar figure on giving citizens the service they need promptly? It is difficult to quantify something that doesn't happen. We relocated infrastructure purposefully so that a tornado could not take everything out at once. We had 3 significant wind events

in 8 years and it will happen again. Last week's outage was a piece of cake because it happened in daylight during business hours. We had not less than 5 people working dispatch – 2 at PD, 2 at Fire and 1 at operations. Something very simple could take the combined dispatch off air...a lightning strike behind the sheriff's office, a failure in the electric system. That is an 1880's building. We lost power to the City once and backup power to the generators and we went black. We fixed the problem with duplicity so it couldn't happen again. We went 3 deep on all systems.

Bennett said there will be 5 phone lines and 7 radio systems reporting to 2 pairs of ears with a combined dispatch. People can't function effectively in that environment and things will get lost. The sheriff is new in office and doesn't have the experience that Bennett and Chief Weitzel have. There has to be a quantification in all formulas for what is the value of being able to stay in business. This question needs to be addressed. Maybe people here don't have the expertise to tell us that. Helberg said we hired the PA people, but some people don't like it. Bennett said having read most of the PA, the one consistent thing they said was to get rid of the dispatch center and save \$336,000 by giving dispatch to the sheriff. That is an accounting number that doesn't play out in reality. The PA is tainted and doesn't have a lot of credibility. They didn't interview anyone at the fire department. Helberg said if you didn't get called out, consider it a compliment.

Genia Donley said she appreciate's Maassel's idea. It makes sense. The proposed dispatch contract started out as 4 years and now it went to 10.

Robin Weirauch said auditors are auditors, not police professionals. You have professionals including the sheriff and the police chief. Chief Weitzel's ability to run his department is on the line and he isn't in on negotiations. Bisher said the Chief was on the committee that formed to outline technical aspects. After that dispersed, Bisher negotiated the contract as part of his responsibility as City Manager.

Helberg said if we took out \$75,000 at end of the 5th year with 4 hires by county and 1.5 FTE, the savings is over \$3,000,000 over 10 years. He doesn't know what future Councils will do. We are trying to make the best informed decision we can.

Chief Weitzel asked Helberg to repeat the three criteria Council is looking at. Helberg said: responsible, efficient and effective. Weitzel asked if that includes cost. Helberg said it is a balance of money and service. Weitzel asked if Council doesn't feel PD is efficient or effective. Helberg said this is a question we ask on every issue, not just on PD. We have to think about the perception of the public. Weitzel said he has never heard anyone say he is not running an efficient and effective operation. Is there a number we are shooting at? Helberg said the number in his head at the start was \$100,000 a year. If savings were less than that, he wouldn't consider moving dispatch.

Weitzel said we are looking at a moving target. We need a number like the golf course was given. Does a certain amount of money savings have the potential to save dispatch? Is there a way to save it? What would it take? PD is an efficient and effective operation. He doesn't know how to reduce the costs for efficiency. Helberg asked if Weitzel can maintain the same safety level by cutting costs. Weitzel said Council must decide that. Helberg asked where the annual overtime would be with 5 dispatchers. Weitzel said \$20,866 was the actual number for last year's overtime. He would guess around \$25,000 with 5 dispatchers. Weitzel explained how comp time accrues. He operated for a long time with 5 dispatchers. 6 gave him more flexibility to reduce OT costs. No one asked him how to cut X number of dollars. He would like to hear what number X is.

Robin Weirauch said if dispatch moved to the county, there would be 2 dispatchers handling 7 radio systems. They would also have to know what department they are answering for. There are different code systems, different officers, people they don't communicate with regularly. Council is putting a lot on those 2 folks when it comes to officer and citizen protection. Council would be gambling whether it can work. Behm said it has worked in other communities across Ohio. That's why we looked at it as a viable option. Helberg said the sheriff has to answer to an advisory board.

Chad Moll said he liked Helberg's idea of painting effective, efficient and responsible on the back wall of Council chambers. When they do that, he would like them to put Chief Weitzel's picture under those words. Ridley said no one is questioning the Chief. We are talking about lives and jobs. It is a personal thing and Council has to make an impersonal decision. Weirauch said it is not just about jobs, but public safety and services that are in jeopardy.

Evanoff asked Council to make a responsible decision. Moving dispatch works for the people who do the budget, but it doesn't work for people who do the job. Officers are the ones carrying the burden. We deliver more bang for your buck, working harder and longer, with less, for less money. We can be productive because the dispatchers do what we don't have time to do. They tell us who we are dealing with before we arrive there. He worked with a consolidated dispatch before and it didn't work.

Heath asked for clarification on the outstanding items to be reviewed and additional numbers. He noted that figures given are all projections. We never know when the State will take another \$500,000 or add another \$500,000. Helberg reiterated the goals stated at the beginning of the meeting along with:

1. Keep Dispatch Services with a REDUCTION to five (5) dispatchers, and FILL Lieutenant position
2. Keep Dispatch Services with a REDUCTION to five (5) dispatchers, and NOT FILL Lieutenant position

Hayberger recommended keeping all options on the table until formal motions are made to accept or reject them. Bisher said if you decide to eliminate dispatch by handing it to the sheriff or contracting with him, we start negotiations with the union. We need a number for negotiations. Weitzel said the lieutenant position is a promotion but we are talking about a body. It would be the hire of a new employee and possibly a promotion. We operated since June without that person and didn't discuss it because of this issue.

Ridley asked if it is better to raise income tax or property tax. Heath said Council can do property tax if they want. It is more stable. Ridley said numbers given are based on budget numbers instead of actual numbers. Heath said we build the budget assuming the maximum costs you will have so there is 5%-8% coming back each year. Helberg asked Bisher to look at his spreadsheet and add 5 dispatchers with payout of comp time, overtime, etc., extended for 10 years. Heath said the union contract says there is a payout point. Weitzel said they can bank 100 hours and are paid out over that. We have mechanisms in place to help with not have a large amount of carryover time. Vacations are scheduled in the beginning of the year. We can't anticipate long-term illnesses. We have to man 24/7. No one is carrying the maximum. Much of what was earned this year has been taken off.

Helberg asked Mayor Behm to add a second year of unemployment to his figures.

Marihugh asked if a dispatcher goes to SO, does Council no longer take a 13% donation from utility funds? Helberg said we can't answer that until we find out how we will handle it. Bisher said we can't take electric money and spend it on policing. It may cost \$25,000 for emergency operations dispatch. That would come out of the utility fund.

Ridley said there are many issues about safety. It sounds like the contract doesn't address safety concerns. The process was designed so safety concerns were addressed. Chief Weitzel said he doesn't think consolidated dispatch is the best way to treat City citizens or County citizens. The 911 system was created in 1987 and we discussed how to handle calls with a dual system for duplicity/safety. Nothing has changed since then. Safety issues were discussed and that was the best way. We discussed it in 2006 and this was part of the 911 plan again. This is a personal decision based on feeling because we have no facts until something happens. The safety factor is for utilities, for officers and for the operations we do. We are talking about moving the level of safety we have had for years. Is the alternative as efficient? We can't negotiate that.

Bisher said duplicity is expensive, but you can't argue that you will get the same result when two people are doing what 5 people were doing. Weitzel said duplicity is the best way to guard against potential disaster. That's why we have it...risk management. In his mind, it is too important to take a chance.

Motion To Adjourn

Motion: Ridley Second: Maassel
To adjourn the meeting at 10:00 pm

Passed
Yea - 3
Nay - 0

Roll call vote on above motion.
Yea – Helberg, Ridley, Maassel
Nay -

Date Approved:
August 19, 2013

John Helberg, President

Ronald Behm, Mayor

Gregory Heath, Finance Director/Clerk of Council

BUDGET	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013		
DISPATCH SALARY/BENEFITS	258,480	270,564	282,240	279,560	297,840	316,770	299,160	339,560	336,450	347,630	360,590		
OVERTIME	15,600	18,097	15,600	17,723	15,000	15,000	15,000	17,550	17,550	15,000	17,550	16,334	Average
Total Cost Salary/Benefits	274,080	288,661	297,840	297,283	312,840	331,770	314,160	357,110	354,000	362,630	378,140		
Percentage Increase From Previous Year		4.7	4.3	-1	6.5	6.4	-5.9	13.5	-1	3.3	3.7	3.45	Average

Projected Savings - County Hires 2 City Dispatchers - City Hires 1.5 FTE Clerks for Police Department

BUDGET	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Est. Dispatch Salary/Benefits with 3.45% increase	373,030	385,900	399,213	412,986	427,234	441,974	457,222	472,996	489,314	506,195	
OVERTIME	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	
Total Est. Cost Salary/Benefits	389,364	402,234	415,547	429,320	443,568	458,308	473,556	489,330	505,648	522,529	
Contract Cost w/Sheriff	80,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	
County Hires 2 Dispatchers - City pays 25% of Salary/Benefits	25,863	26,755	27,678	28,633	-	-	-	-	-	-	
1.5 FTE - Clerks for City PD	81,949	84,776	87,701	90,727	93,857	97,095	100,445	103,910	107,495	111,203	
Unemployment - 3 people	78,156										
Start-up Cost w/ Sheriff	24,000	0	0	0	0	0	0	0	0	0	
Total Savings	99,396	215,702	225,168	234,960	274,711	286,213	298,111	310,420	323,153	336,326	\$ 2,604,160 10 Year Savings
				4 Year Agreement w/Sheriff - savings	\$ 775,226						

Projected Savings - County Hires 2 City Dispatchers - City Hires 2.0 FTE Clerks for Police Department

BUDGET	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Est. Dispatch Salary/Benefits with --% increase	373,030	385,900	399,213	412,986	427,234	441,974	457,222	472,996	489,314	506,195	
OVERTIME	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	
Total Est. Cost Salary/Benefits	389,364	402,234	415,547	429,320	443,568	458,308	473,556	489,330	505,648	522,529	
Contract Cost w/Sheriff	80,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	
County Hires 2 Dispatchers - City pays 25% of Salary/Benefits	25,863	26,755	27,678	28,633	-	-	-	-	-	-	
2.0 FTE - Clerks for City PD	118,512	122,601	126,830	131,206	135,733	140,415	145,260	150,271	155,456	160,819	
Unemployment - 2 people	52,104										
Start-up Cost w/ Sheriff	24,000	0	0	0	0	0	0	0	0	0	
Total Savings	88,885	177,878	186,038	194,481	232,835	242,892	253,296	264,059	275,193	286,711	\$ 2,200,226 10 Year Savings
4 Year Agreement w/Sheriff - savings				\$ 647,282							

Projected Savings - County Hires 4 City Dispatchers - City Hires 1.5 FTE Clerks for Police Department

BUDGET	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Est. Dispatch Salary/Benefits with 3.45% increase	373,030	385,900	399,213	412,986	427,234	441,974	457,222	472,996	489,314	506,195	
OVERTIME	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	
Total Est. Cost Salary/Benefits	389,364	402,234	415,547	429,320	443,568	458,308	473,556	489,330	505,648	522,529	
Contract Cost w/Sheriff	80,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	
County Hires 4 Dispatchers - City pays 25% of Salary/Benefits	51,726	53,511	55,357	57,266	-	-	-	-	-	-	
1.5 FTE - Clerks for City PD	81,949	84,776	87,701	90,727	93,857	97,095	100,445	103,910	107,495	111,203	
Unemployment - 1 person	26,052										
Start-up Cost w/ Sheriff	24,000	0	0	0	0	0	0	0	0	0	
Total Savings	125,637	188,947	197,489	206,327	274,711	286,213	298,111	310,420	323,153	336,326	\$ 2,547,334 10 Year Savings
				4 Year Agreement w/Sheriff - savings	\$ 718,400						

Projected Savings - County Hires 4 City Dispatchers - City Hires 2.0 FTE Clerks for Police Department

BUDGET	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Est. Dispatch Salary/Benefits with --% increase	373,030	385,900	399,213	412,986	427,234	441,974	457,222	472,996	489,314	506,195	
OVERTIME	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	16,334	
Total Est. Cost Salary/Benefits	389,364	402,234	415,547	429,320	443,568	458,308	473,556	489,330	505,648	522,529	
Contract Cost w/Sheriff	80,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	
County Hires 4 Dispatchers - City pays 25% of Salary/Benefits	51,726	53,511	55,357	57,266	-	-	-	-	-	-	
2.0 FTE - Clerks for City PD	118,512	122,601	126,830	131,206	135,733	140,415	145,260	150,271	155,456	160,819	
Unemployment - None	-										
Start-up Cost w/ Sheriff	24,000	0	0	0	0	0	0	0	0	0	
Total Savings	115,126	151,122	158,360	165,847	232,835	242,892	253,296	264,059	275,193	286,711	\$ 2,145,441 10 Year Savings
4 Year Agreement w/Sheriff - savings				\$ 590,456							

CONTRACT BETWEEN CITY OF NAPOLEON AND HENRY COUNTY SHERIFF FOR DISPATCH SERVICES

	4 YEAR COST W/NO CHANGES	4 YEAR COST W/ CONTRACT	4 YEAR SAVINGS W/ CONTRACT	10 YEAR COST W/NO CHANGES	10 YEAR COST W/ CONTRACT	10 YEAR SAVINGS W/ CONTRACT
County Hires 2 Dispatchers - City Hires 1.5 FTE Clerks	\$ 1,636,465	\$ 861,239	\$ 775,226	\$ 4,529,403	\$ 1,925,243	\$ 2,604,160
County Hires 2 Dispatchers - City Hires 2.0 FTE Clerks	\$ 1,636,465	\$ 989,183	\$ 647,282	\$ 4,529,403	\$ 2,327,136	\$ 2,202,267
County Hires 4 Dispatchers - City Hires 1.5 FTE Clerks	\$ 1,636,465	\$ 918,065	\$ 718,400	\$ 4,529,403	\$ 1,982,069	\$ 2,547,334
County Hires 4 Dispatchers - City Hires 2.0 FTE Clerks	\$ 1,636,465	\$ 1,046,009	\$ 590,456	\$ 4,529,403	\$ 2,383,962	\$ 2,145,441

Mayor Behm, Council President, and Members of Council, Thank you for allowing me a few minutes to address you this evening.

As you may be aware, I have followed, with great interest, the discussions in regard to the elimination of the City's Police Dispatch Service and the arguments on either side of the issue. I know many of you here this evening are interested in retaining the operation and the positions and a few of you are anxious to eliminate the operation and reduce headcount in an effort save the City some money, based on the results of an audit performed by a disinterested third-party.

I am here tonight in an attempt to make the case for what the City established in their operations over the years and what those efforts produced...or shall I say prevented. Specifically, I am speaking of the duplicity that has been built into many of the operations.

One of my first "official acts" when I took office in 2000 was a ceremonial "throwing of the switch" at the Northside Substation. This addition to our electrical system provides a second interconnect from the nations power grid to the "loop" that surrounds the City's electric customers, greatly increasing the reliability of our system. There have been innumerable times over the past 13 plus years this "redundancy" has kept the electrical current flowing to our residential, commercial and industrial customers.

In addition, several years ago Congressman Paul Gillmor helped secure a grant for the City to add a second water tower on the south side of the river. Because of this, there have been several "non events" that occurred...or didn't occur due to this "redundancy". As you all know, we have an aging water plant. Shortly after the completion of the tower, we had a major issue at the plant that forced us to stop processing and distributing water from the plant. Because of the water storage allowed by the two towers, the quick action and hard work by City personnel, and some blessings from above, we were able to avoid, what could have been a terrible, and potentially tragic situation.

The City's dispatch service is no different. Previous Councils invested in this operation because they saw the tremendous benefit. There was NEVER talk of reduced staffing, let alone elimination of the service, altogether. It is the primary link that allows ALL of our operations to run effectively and efficiently. I'm sure the County's dispatch operations are run effectively as well, and they serve as the necessary "redundancy" to our service. It is not an "insult" to the sheriff to raise safety concerns. Safety IS the issue and it is incumbent upon City Council to protect the health, safety and welfare of the citizens.

Exactly one week ago, the Lake Township dispatch service, in Wood County, could not receive calls for almost 3 hours. I know there have been times here, in Henry County, as well when 911 service has been disrupted. Fortunately, as when our water system experienced the catastrophic failure of the line from the plant, there were no issues and the interruptions went unnoticed. Another example of why duplicity is so tremendously important when you are providing municipal services.

I know the challenges involved in making difficult financial decisions; personally, and from a municipal perspective. We went through some terribly 'lean' times when I was in office and, because of painstaking work by City Manager Jon Bisher and Finance Director Greg Heath, and conscientious City Staff, we were ALWAYS able to balance the budget. I also recognize the challenges the present council faces with the tremendous reduction in State funding. We anticipated these challenges and went to the voters in May, 2009

to ask for assistance. We were fortunate in receiving the voters approval of the 0.3 percent income tax increase in exchange for the promise to maintain City services.

Perhaps as Leader of this community for 12 years, I should take the blame, or shoulder the responsibility for the situation in which you feel you find yourselves. I may have spent too much time developing relationships in the business community to further economic development, rather than my political career. And, maybe I'm guilty of spending too much time working with the CIC and the Chamber of Commerce, as a member of their boards, to grow the tax base, rather than cutting people and departments from the budget.

I take offence, however, to the persistent assertion that previous City Councils did nothing but raise rates to balance the budget. We did raise rates, and did so in an effort to cost-center our operations. It was never easy nor was it without exhausting discussion, but I believe it was good financial management. In addition, we borrowed, at very favorable rates, in an effort to balance the cost of the asset over its useful life. Again, I believe this is prudent in order to not over-burden this generation of tax payers with the project costs imposed by the ever-changing rules forced upon municipalities by the EPA. The numbers that get presented occasionally can greatly distort reality to those that don't understand municipal finance and the cost involved to run a City of 9000 residents. Certainly, the numbers are large, as most of us will never finance \$15 million, or more, but there are few municipalities (and I challenge you to find one) that operate on a cash basis.

Finally, I will disclose to you that I would like to be given the opportunity to fill the Council seat vacated by the passing of my friend, Jim. I would be happy to help work through the difficult financial challenges you feel you face. And, I implore you to NOT take a vote on this issue until that seat is filled. Certainly you are within your legal rights to do so. However, it would be an action I have never witnessed by a Napoleon City Council, and would be blatantly disrespectful to a man that gave 20 years to this Body, as well as disgustingly political and morally wrong to take such an action. I trust you will do the right thing, and table any action on this issue until you have a full, seven-member Council.

Thank you, once again for allowing me this time, and thank you for your service.

Re: Henry County Dispatching Convergence

Inbox

1x

XXXXXXXXXXXXXXXXX <XXXXXXXXXXXXXXXXX@gmail.com> Aug 12 (2 days ago)

to me

The positives of sending dispatch to another agency are few, but significant. First, it is the employee factor that the city cuts several employees from the roles which saves money on salary and benefits. The last positive reason that I can think of is there are no other employee discipline and supervision issues for Human Resources or Police Leaders to deal with. I have limited knowledge of the cost saving measures, but there is a noticeable difference in the level of service from County dispatch here as compared to having Police Dispatchers.

The negatives associated with outside dispatch, from my experience, is that they are not accountable to the Police department which they represent. From the difference in the way the phone is answered (eg. "Sheriff Westrick's Office" as compared to "Police Department") and at times they answer the police telephone line as "Sheriff Westrick's Office". This has happened more times than I can count.

There is no customer service (with the police department as the customer) because as soon as you sign on with the Sheriff's office, there is no competition for service and complaints about radio traffic, lack of response on the radio and road units being told to stand by as there is other communications traffic in the 9-1-1 center are a common occurrence. Sheriff's Office radio traffic always has priority and complaints about this lack of service have gone unresolved. I have, on several occasions, pulled my patrol car to the side of the road to act as dispatch because the dispatch center was not answering. The longest time, ten minutes; the shortest less than a minute. Radio traffic should be a priority right after a 9-1-1 call, but often, the need to keep the SO employees happy outweighs proper priority of dispatch. They work for the Sheriff, so they have to keep him and his employees happy; no matter how crappy service is to the PD, what are you gonna do, start your dispatch back up? Not likely.

When you have your own dispatchers, the police department is the priority and there is no confusion on that fact. Often the person who answers the Police telephone line is the citizen's first impression of the city government, and if you like that to be "Police Department" or "Sheriff {Insert name here}'s Office" then you are getting what you pay for.

My personal advice to any police department giving up control of your dispatch service is that you will be sorely disappointed and once gone, you will never get them back.

The best solution for dispatch is to have an independent 9-1-1 center, accountable to all agencies, not just the Sheriff, with a board of interested Police and Fire executives on that board with a say in how the center is run. If someone says they prefer central dispatch in Defiance County, they are either DCSO employees, Communications officers or someone that is so rarely on the radio, it doesn't matter how substandard the service is, they never have experienced silence when calling dispatch.

Please keep my name out of your discussion as I still have to work here and, as crappy as dispatch is, they can make my life even worse if they find out that I am the source of these points.

Feel free to contact me with any questions or comments.

Regards,

XXXXXXXXXX

Tim Shertgen
DPOA Union President

City of Napoleon, Ohio

Electric Committee

MAJORITY REPORT

The Electric Committee met on Monday, August 12, 2013, and recommended:

1. Approval of electric billing determinants, as follows:
Generation Charge: Residential @ \$.08713; Commercial @ \$.10544; Large Power @ \$.05623; Industrial @ \$.05623; Demand Charge Large Power @ \$12.35; Industrial @ \$12.92; JV Purchased Cost: JV2 @ \$.00145; JV5 @ \$.00145
2. Took no further action on *Rate Levelization Plan*

Jason Maassel, Acting Chair

John Helberg, Pro-Tem

RESOLUTION NO. 041-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY AND ACCEPT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS FOR PROJECTS DEEMED NECESSARY BY THE CITY ENGINEER IN THE YEAR 2014; AND DECLARING AN EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2014, including but not limited to execution of Grant Agreement(s).

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the application to be timely filed for consideration, funds to be used, if received, for public improvements related to public peace, health safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 041-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 042-13

AN ORDINANCE AMENDING SECTIONS 1101.01 AND 1145.01 OF THE PLANNING AND ZONING CODE OF THE CITY OF NAPOLEON, OHIO TO ADD CERTAIN DEFINITIONS AND MAKE ADDITIONS TO THE TABLE OF PERMISSIBLE USES.

WHEREAS, the City Planning Commission having reviewed the proposed amendments and having passed said amendments under their Resolution PC-13-03, and;

WHEREAS, The City Council does approve of said amendments and the Planning Commission's Resolution PC-13-03, **NOW THEREFORE**;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the following Sections of the Planning and Zoning Code for the City of Napoleon, shall be amended and enacted as follows:

Section 2. 1101.01 DEFINITIONS. For the purpose of this Planning and Zoning Code found in Part 11, Chapters 1101 through 1147, both chapters inclusive, the following definitions shall apply unless the context clearly indicates or requires a different meaning and except when expressly limited to a certain section or provision of this Planning and Zoning Code. When the word is found in the singular form, it may also be interpreted as being defined in the plural form and vice versa.

- (1) **ABUTTING.** Bordering, adjoining, or across the street or alley.
- (2) **ACCESSORY BUILDING.** A building subordinate or incidental to the principal structure or use located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.
- (3) **ACCESSORY USE.** As defined in Section 1145.01(d).
- (4) **ADMINISTRATOR.** The Zoning Administrator in and for the City of Napoleon, Ohio.
- (5) **ADULT ENTERTAINMENT.** Vendors of adult sexually oriented merchandise, services, or entertainment, including but not limited to an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, featured burlesque, adult live entertainment, or sexual encounter center.
- (6) **AGRICULTURAL.** The use of a tract of land for growing crops in the open or for dairying, pasturage, horticulture or viticulture.
- (7) **ALTER OR ALTERATION:** For the sole purpose of Chapter 1138, any material change in the external architectural features of any property, including demolition, removal or construction, but not including landscaping of property; otherwise means any material change.

- (8) AIRPORT. A use devoted to the take-off, landing, and storing of aircraft.
- (9) ALLEY. A permanent service way providing a secondary means of access to abutting lands.
- (10) ANTENNA. Equipment designed to transmit or receive electronic signals or radio waves.
- (11) ANIMAL HOSPITAL/VETERINARY CLINIC. A place that provides animal preventive and medical care, pet dental, pet surgery, and/or other vet services; may also provide a full range of general medical and surgical services as well as specialized treatments to animals, including, but not limited to: wellness, spay/neuter, advanced diagnostic services, internal medicine, oncology, ophthalmology, dermatology, cardiology, neurology, boarding, grooming, and vaccinations.
- (12) APARTMENT. A room or set of rooms fitted with housekeeping facilities and used or leased as a dwelling; also, a building containing several individual apartments.
- (13) APPLICANT. A person submitting an application for development, a permit, or other required approvals. "Applicant" includes the owner of the property subject to the application and any person designated by the owner to represent the owner.
- (14) ARCHITECTURAL FEATURE. Those elements that characterize an architectural style including, but not limited to windows, doors, porches, cornices, decorative trim, and exterior surface material.
- (15) ARTIFICIAL LAKE, POND, OR RESERVOIR. A man made or created lake, pond or reservoir as below defined:
- A. LAKE. A considerable inland body of standing water.
 - B. POND. An inland body of stagnant water without an outlet (except overflow drains) that is larger than a puddle and smaller than a lake.
 - C. RESERVOIR. An inland body of water that is kept and collected in quantity.
- (16) ASSISTED LIVING UNITS.
- A. DEPENDENT: A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may contain cooking facilities, but shall contain sanitary facilities.
 - B. INDEPENDENT: A multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.
- (17) AUTO WASH. A structure, or portion thereof, containing commercial facilities for washing vehicles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. Also, the term includes a hand operated wand type manual auto wash facility when the operation is equivalent in intensity to a mechanical auto wash.
- (18) AUTO REPAIR. Includes engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, overall painting, undercoating or steam cleaning of automobiles.

(19) **BANKS.** An establishment for the custody, loan, exchange, or issue of money, for the extension of credit and for facilitating the transaction of funds.

(20) **BASE FLOOD.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also known as the one hundred (100) year flood.

(21) **BASEMENT.** A story partly or wholly underground where more than one-half of its height is above the average level of the adjoining ground. A basement shall be counted as a story for purpose of height measurement.

(22) **BED & BREAKFAST.** A transient lodging establishment, generally in a single-family dwelling that is the principal residence of the operator or detached guest house, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may, but not be required to, provide meals for compensation.

(23) **BLOCK.** A unit of property bounded by streets, or by streets or railroad right-of-way, waterways, or other barriers.

(24) **BLOCK FRONTAGE.** Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

(25) **BOARDING HOUSE.** A residential use where meals are provided to its residents, consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests. A boarding house is distinguished from a rooming house in that meals are provided to its residents.

(26) **BORROW PIT.** An excavated area where material has been dug for use as a fill at another location.

(27) **BUILDING.** Any structure having a roof supported by columns or walls, and designed or intended for shelter, support, enclosure or protection of persons, animals or chattels, excluding small play houses for child play and small dog houses capable of sheltering no more than one (1) dog that is commonly found in residential areas.

(28) **BUILDING AREA.** The horizontal area of a building, including all projections from the building.

(29) **BUILDING MATERIALS.** Articles or things used for construction, excluding tools, machinery, and appurtenances.

(30) **BUILDING, DETACHED.** A building having no structural connection with the principal building on a premises.

(31) **BUILDING SETBACK LINES.** The lines nearest the front and across a lot establishing the minimum open space to be provided between the front line of buildings and structures, and the front lot line.

(32) **CEMETERY.** Any land, five acres or more, used for the burial of the dead and dedicated as a cemetery, including columbariums, crematories, mausoleums,

and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(33) **CERTIFICATE OF APPROPRIATENESS:** A certificate issued by the Preservation Commission indicating that a proposed alteration, demolition, or in-fill new construction within the preservation district boundaries is in accordance with the provisions of Chapter 1138.

(34) **CERTIFICATE OF ZONING.** A certificate signed by the Administrator indicating that the use of the land, building or structure complies with the provisions of this Planning and Zoning Code.

(35) **CERTIFY.** Whenever this Planning and Zoning Code or the Administrator requires that some agency certify the zoning existence of some fact or circumstance to the City, the certification shall mean a writing from some agency in the form of letter or other document, as determined by the Administrator.

(36) **CHANGE.** For the sole purpose of Chapter 1138, any alteration, demolition, removal, or construction involving any property subject to the provisions of this Planning and Zoning Code, including signs, notwithstanding the Sign Code.

(37) **CHILD CARE INSTITUTION.** An institutional facility housing more than nine (9) orphaned, abandoned, dependent, abused, or neglected children.

(38) **CIRCULATION AREA.** That portion of the vehicle accommodation area used for access to the vehicle accommodation area. Essentially, driveways and other maneuvering area (other than parking aisles) comprise the circulation area.

(39) **CITY.** The City of Napoleon, Ohio.

(40) **CLUBS.** Buildings and facilities operated for a social, educational, or recreational purpose, but not for profit or to render a service which is customarily carried out as a business.

(41) **COLLOCATION.** The use of a wireless telecommunication facility by more than one wireless telecommunication provider.

(42) **COMMON OPEN SPACE.** An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

(43) **COMBINATION USE.** A use consisting of combination on one (1) lot of two (2) or more principal uses separately listed in the Table of Permissible Uses. Under some circumstance, when a second principal use may be regarded as accessory to the first, a combination use is not established (see accessory uses). In addition, when two (2) or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this does not constitute a combination use.

(44) **COMMERCE:** The exchange of goods, productions, services, or property of any kind; or, the buying, selling, and exchanging of articles or services.

(45) **COMMERCIAL.** Relates to or is connected with trade and traffic or commerce in general; is or is designated to be occupied with business or commerce.

(46) **COMMERCIAL RECREATIONAL FACILITIES.** Any establishment of which the main purpose is to provide the general public with an amusing or entertaining

activity and where tickets are sold or fees are collected for the activity. Commercial recreation facilities include, but are not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard halls, but not movie theaters.

(47) **COMMERCIAL SCHOOLS.** Schools operated for profit such as business schools, training schools for trade, real estate, training and similar schools, but not including elementary, intermediate or high schools for education of children.

(48) **COMMERCIAL SEMI-TRUCK SALES/SERVICE.** An establishment that for profit sells, services, or repairs commercial semi-truck vehicles or the like as a part of its business.

(49) **COMMISSION.** Unless the context clearly indicates otherwise, means the City Planning Commission.

(50) **COMMON WALL.** A wall that is common to two (2) buildings, such as in a shopping center setting having multiple businesses adjacent to each other.

(51) **COMPREHENSIVE PLAN.** See Master Plan.

(52) **CONDITIONAL USE PERMIT.** A permit that may be issued by the City for a use that is not otherwise permissive as a matter of right in the same sense that a "permitted use" is, for uses that have been determined by the City to have a significant impact, thus requiring a hearing which is administrative in nature. Also, for uses that have not been identified as a permitted use within the Planning and Zoning Code. The conditional use permit may contain conditions for, or restrictions on, the said use. Also considered to be a type of "use permit", may also be referred to as a special use.

(53) **CORNER LOT.** A lot at the junction of and abutting two (2) or more intersecting streets.

(54) **CONVENIENCE STORE.** A one-story retail store that contains less than 2,000 square feet of gross floor area, that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

(55) **COUNCIL.** The City Council of the City of Napoleon, Ohio.

(56) **CUL-DE-SAC.** A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

(57) **DAY CARE CENTER.** Any care arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children or adults or a combination thereof.

(58) **DEMOLITION:** The razing or destruction, whether entirely or in part, of a building or structure, and for the purpose of Chapter 1138, includes demolition by neglect.

(59) **DETACHED BUILDING.** Also known as building, detached, a building having no structural connection with the principal building on a premises.

(60) **DEVELOPER.** A person who is responsible for any undertaking in the developing of real estate, or a person that improves and subdivides land.

(61) **DEVELOPMENT.** An act, process or result of developing real estate which is to be done pursuant to a zoning permit or conditional use permit.

(62) DISTRICT. A geographically defined area subject to certain minimum zoning standards as established in this Planning and Zoning Code.

(63) DRIVE-IN. Any place or premises used for the sale, dispensing, or serving of food, refreshments, beverages, or services to customers in vehicles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.

(64) DRIVEWAY. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

(65) DWELLING. A building or portion thereof, designed or used as living quarters. When the context demands, dwelling includes single-family dwellings, two (2)-family dwellings, and multiple-family dwellings, but not including hotels, motels, bed and breakfast, rooming and boarding houses.

(66) DWELLING, SINGLE-FAMILY. A building containing only one (1) dwelling unit.

(67) DWELLING, TWO-FAMILY. A building containing only two (2) dwelling units.

(68) DWELLING UNIT. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and held ready for use as a permanent dwelling by one (1) family.

(69) EASEMENT. A grant by a property owner for the use of a strip of land by a person for a specified purpose or multiple purposes.

(70) EFFECTIVE DATE OF THIS PLANNING AND ZONING CODE. Any reference to the effective date of the Planning and Zoning Code, or Zoning Code, means July 17, 1995; however, the reference shall also be deemed to include the effective date of any amendment thereto.

(71) EMERGENCY. An unforeseen combination of circumstances, or the resulting state that calls for immediate actions.

(72) ENGINEERING DEPARTMENT RULES AND REGULATIONS. City of Napoleon Engineering Rules and Regulations CNER98-1, and to the extent permitted by law, means the most current amendment thereto.

(73) ENTERTAINMENT AND SPECTATOR SPORT FACILITIES. A structure or facility for the presentation of performing arts, including indoor motion picture theaters, theaters for live performances and indoor and outdoor concert halls, athletic and other events to spectators. Entertainment and spectator complexes includes restaurants as an accessory use. Entertainment and spectator complexes does not include places for adult entertainment.

(74) ESSENTIAL SERVICES. THE ERECTION, CONSTRUCTION, ALTERATION OR MAINTENANCE BY PUBLIC UTILITIES OR MUNICIPAL OR OTHER GOVERNMENTAL AGENCIES OF UNDERGROUND OR OVERHEAD GAS, ELECTRICAL, STEAM, OR WATER TRANSMISSION OR DISTRIBUTION SYSTEMS; COLLECTION, COMMUNICATION, SUPPLY OR DISPOSAL SYSTEMS INCLUDING POLES, WIRES, MAINS, DRAINS, SEWERS, PIPES,

TRAFFIC SIGNALS, HYDRANTS AND OTHER SIMILAR EQUIPMENT AND ACCESSORIES IN CONNECTION THEREWITH, NOT INCLUDING BUILDINGS, WHICH ARE NECESSARY FOR THE FURNISHING OF ADEQUATE SERVICE BY SUCH PUBLIC UTILITIES OR MUNICIPAL OR OTHER GOVERNMENTAL AGENCIES FOR THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.

~~(74)~~ (75) EXCAVATION OF SAND, GRAVEL, CLAY, STONE & TOPSOIL FACILITY. Business duly engaged in the extraction, excavation, fill, or grading for any purpose of gravel, soil, sand, stone, rock, clay or topsoil.

~~(75)~~ (76) FAMILY. Persons related by blood or marriage living together as a single house keeping unit or up to six (6) unrelated persons living together as a single house keeping unit.

~~(76)~~ (77) FARM MARKETS & STANDS. An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages (but not to include second hand goods) dispensed from booths located on site.

~~(77)~~ (78) FILLING STATION. Buildings and premises where fuel may be supplied and dispensed.

~~(78)~~ (79) FLOODPLAIN. Any land area susceptible to be inundated by water from the base flood. As used in this Planning and Zoning Code, the term refers to that area designed as subject to flooding from the base flood (100 year flood) on the "flood boundary and floodway map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the Zoning Department.

~~(79)~~ (80) FLOODWAY. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1') foot. As used in this Planning and Zoning Code, the term refers to that area designated as a floodway on the "flood boundary and floodway map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the Zoning Department.

~~(80)~~ (81) FLOOR AREA (GROSS). The total gross area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage. Floor area is synonymous with gross floor area.

~~(81)~~ (82) FOOD PROCESSING. The preparation, processing, or canning and packaging of food products.

~~(82)~~ (83) FRONTAGE. All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

~~(83)~~ (84) FRONT LINE OF BUILDINGS. The line of the face of the building nearest the front lot line.

~~(84)~~ (85) FRONT LOT LINE. That boundary of a lot which abuts a public street, or where no public street exists, abuts a private road. On a "through lot" both street lines are deemed to be front lot lines.

~~(85)~~ (86) FRONT YARD. The area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed for each zoning district. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. On corner lots, the front yard shall be the yard which abuts on the narrowest street frontage on the lot.

~~(86)~~ (87) FUNCTIONAL EQUIVALENT FAMILY. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are living and cooking as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

~~(87)~~ (88) GRADE. For buildings having walls adjoining one (1) street only. The elevation of the sidewalk at the center of the wall adjoining the street.

A. For buildings having walls adjoining more than one (1) street. The average of the elevation of the sidewalk at the center of all walls adjoining the streets.

B. For buildings having no wall adjoining the street -- the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

C. Street grade - the elevation of the pavement measured at the centerline intersection of two (2) streets.

~~(88)~~ (89) GROCERY STORES. Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

~~(89)~~ (90) GROUND FLOOR AREA. The area of a building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

~~(90)~~ (91) GSF. Gross square feet.

~~(91)~~ (92) HEIGHT OF BUILDING. The vertical distance measured from the ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

~~(92)~~ (93) HIGH-VOLUME TRAFFIC GENERATION. Large amounts of traffic generated by an establishment as it relates to traffic flow in the immediate area.

~~(93)~~ (94) HISTORIC DESIGN REVIEW GUIDELINES: The building construction and building rehabilitation criteria derived from local historical and architectural information and reflecting the Secretary of the Interior's standards for rehabilitation to be used by the Preservation Commission in considering certificate of appropriateness applications.

~~(94)~~ **(95)** HISTORIC RESOURCE: A publicly or privately owned building of historic significance, eligible for listing or already listed on the National Register of Historic Places, thus deserving protection.

~~(95)~~ **(96)** HISTORIC SIGNIFICANCE: Attributes of a building or district that possess integrity of location, setting, design, materials, workmanship, and association with:

- A. Events that have made a significant contribution to the broad patterns of history, or
- B. Persons significant in the past,
- C. Architectural characteristics of a type, period, or method of construction, or
- D. Have yielded or may be likely to yield information in prehistory or history.

~~(96)~~ **(97)** HOME. Same as dwelling.

~~(97)~~ **(98)** HOME OCCUPATION. Occupations or activity regularly engaged in for personal monetary gain and meeting all of the following standards:

- A. The home occupations conducted within a dwelling that is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with residential use. The home occupation is carried on wholly indoors and should be imperceptible from off the premise;
- B. Having no signs or displays of any sort in connection with a home occupation;
- C. Having no commodities, merchandise or wares of any kind being sold or distributed on the premises;
- D. Having only those persons residing on the premises as employees of the home occupation;
- E. Having no exterior storage, dumping or burial on the premises of materials or refuse resulting from the operation of the home occupation;
- F. Having no equipment or process being used in the home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference that is excessive or otherwise inconsistent with typical residential uses; and,
- G. Having no additional parking demand or increase in traffic or congestion in the public right-of-way above that normally experienced in a residential neighborhood.

(99) HOSPITAL. FACILITIES PROVIDING MEDICAL OR SURGICAL CARE TO PATIENTS AND OFFERING INPATIENT (OVERNIGHT) CARE.

~~(98)~~ **(100)** HOSPITALITY FACILITIES. Lodging facilities with full service dining facilities that may include meeting rooms, conference facilities and other site and building amenities catering to lodging occupants.

~~(99)~~ **(101)** HOTEL. An establishment that furnishes lodging and sometimes meals, entertainment and various personal services for the public.

(102) INSTITUTIONAL USE. A USE THAT PROVIDES A PUBLIC SERVICE AND IS OPERATED BY A FEDERAL, STATE OR LOCAL GOVERNMENT, PUBLIC OR PRIVATE UTILITY, PUBLIC OR PRIVATE SCHOOL OR COLLEGE, TAX-EXEMPT ORGANIZATION, AND/OR A PLACE OF RELIGIOUS ASSEMBLY. EXAMPLES INCLUDE: PUBLIC AGENCY, PUBLIC SAFETY AND EMERGENCY SERVICES, ESSENTIAL AND UTILITY SERVICES, CULTURAL, SERVICE AND RELIGIOUS FACILITIES, PUBLIC/PRIVATE HEALTH FACILITIES OR OTHER SIMILAR USES.

~~(100)~~ ***(103)*** JUNK YARD. An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk. For the purposes of this Planning and Zoning Code, the term "junk yard" also includes scrap metal processing facilities and salvage yards.

~~(101)~~ ***(104)*** JURISDICTION. The corporate limits of the City of Napoleon, Ohio, and those other areas of jurisdiction authorized by law.

~~(102)~~ ***(105)*** KENNELS. Any lot or premises on which five (5) or more dogs, cats or other household pets, or combination thereof, are either permanently or temporarily boarded.

~~(103)~~ ***(106)*** LAND AREA. When gross, meaning the area contained within the boundaries of a parcel of land; when net, meaning the area contained within the boundaries of a parcel of land after deducting dedicated rights of way or private roads and access easements.

~~(104)~~ ***(107)*** LATTICE. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

~~(105)~~ ***(108)*** LABORATORIES. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacture or sale of products, except as incidental to the main purpose of the laboratory.

~~(106)~~ ***(109)*** LIVESTOCK. Farm type animals or poultry kept or raised for use, pleasure or profit, such as chickens, turkeys, pigs, goats, sheep, horses, buffalo, cattle, and the like, kept or raised as one or many.

~~(107)~~ ***(110)*** LOADING AND UNLOADING AREA. That portion of the vehicle accommodation area used to satisfy the requirements of the parking sections of this Planning and Zoning Code.

~~(108)~~ ***(111)*** LOT. A portion of a subdivision or other parcel of land intended as a unit for transfer or ownership or for development. Lot includes the word parcel and when the context demands, the word plat. When the context demands, also means a portion of land.

~~(109)~~ ***(112)*** LOT AREA. The total area circumscribed by the boundaries of a lot, except that:

A. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line

cannot be determined, a line running parallel to and thirty (30') feet from the center of the traveled portion of the street; and,

B. In a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

~~(110)~~ (113) LOT COVERAGE. The total ground area of a lot, usually expressed as a percentage of the lot area that is covered, occupied, or enclosed by principal and accessory buildings or structures.

~~(111)~~ (114) LOT OF RECORD. A lot which is part of a duly recorded plat of a subdivision; or, a parcel of land which has been conveyed by the identical description by deed or record recorded prior to; or, a parcel of land conveyed by a deed or record, if, on the date of the recording of said deed, such parcel met all the requirements of this Planning and Zoning Code or regulations then in effect.

~~(112)~~ (115) LOW-VOLUME TRAFFIC GENERATION. Small amounts of traffic generated by an establishment as it relates to traffic flow in the immediate area.

~~(113)~~ (116) MANUFACTURED HOME(S). A dwelling unit that:

A. Is not constructed in accordance with the standards set forth in the state or local building code applicable to site built homes; and,

B. Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and,

C. Exceeds forty (40') feet in length and eight (8') feet in width, or,

D. Regardless of the above is classified as a manufactured home, Class A, B or C.

~~(114)~~ (117) MANUFACTURED HOME, CLASS A. A manufactured home, also referred to as mobile home, Class A, constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

A. The home has a length not exceeding four (4) times its width; and,

B. The pitch of the home's roof has minimum vertical rise of one (1') foot for each five (5') feet of horizontal run, and the roof finished with a type of shingle that is commonly used in standard residential construction; and,

C. The exterior siding consists of wood, vinyl, hardboard, aluminum, (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the external siding commonly used in standard residential construction; and,

D. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and,

E. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the foundation and before occupancy.

~~(115)~~ (118) MANUFACTURED HOME, CLASS B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home. Also referred to as a mobile home, Class B.

~~(116)~~ (119) MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definitional criteria of Class A or Class B manufactured home. Also referred to as a mobile home, Class C.

~~(117)~~ (120) MANUFACTURED HOME PARK. A residential use in which more than one (1) manufactured home is located on a single lot. Also may mean a mobile home park.

~~(118)~~ (121) MANUFACTURING, GENERAL. Manufacturing, processing or assembling of materials in a manner that would create any of the commonly recognized nuisance conditions or characteristics described below in the manufacturing, light definition.

~~(119)~~ (122) MANUFACTURING, LIGHT. Production, processing, assembling, packaging, or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. These facilities should involve limited outside storage of materials, not require federal air quality discharge permits, and be compatible with any contiguous or nearby residential uses because there are few or no offensive nuisance conditions that are detectable from the boundaries of the subject property, such as, but not limited to:

A. Continuous, frequent or repetitive noises or vibrations;

B. Noxious or toxic fumes, odors or emissions;

C. Electrical disturbances; or,

D. Night illumination into residential areas.

E. Exceptions: Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than fifteen (15) minutes per day; and noise detectable only as part of a composite of sounds from various off-site sources.

~~(120)~~ (123) MARGINAL ACCESS STREETS. Streets that are parallel to and adjacent to an arterial street and that are designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial streets is not impeded by the direct driveway access from a large number of abutting properties.

~~(121)~~ (124) MASSAGE/ RELAXATION ESTABLISHMENT - An establishment that for profit uses touch through rubbing or kneading of parts of the body to aid circulation, relax the muscles, or provides sensual stimulation or therapy; or, an establishment that through other means such as fragrance, provides a means for relieving stress.

~~(122)~~ (125) MASTER PLAN. The plan of the City, or any of its parts, for the orderly development of the City, including all parts thereto, including the Thoroughfare Plan. Also, may include the Official Zone Map. To the extent permitted by law, means

the most current adopted Master Plan. Master Plan as used in this Planning and Zoning Code also means the City's Comprehensive Plan.

~~(123)~~ (126) MICROWAVE RECEIVING ANTENNA. A dish shaped device greater than thirty-nine (39") inches in diameter designed to receive signals transmitted from ground mounted transmitters.

~~(124)~~ (127) MINIMUM LOT AREA. That area of a lot in any zoning district, exclusive of the area of any street, road, or access easement on or across such lot.

~~(125)~~ (128) MONOPOLE. A support structure constructed of a single, self supporting hollow metal tube securely anchored to a foundation.

(129) MORTUARIES. AN ESTABLISHMENT PROVIDING SERVICES SUCH AS PREPARING THE HUMAN DEAD FOR BURIAL AND ARRANGING AND MANAGING FUNERALS AND MAY INCLUDE LIMITED CARETAKER FACILITIES. THIS CLASSIFICATION EXCLUDES CEMETERIES, CREMATORIUMS AND COLUMBARIUMS.

~~(126)~~ (130) MOTEL. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed primarily for use by tourists and that furnishes customary hotel services.

~~(127)~~ (131) MULTI-FAMILY DWELLINGS. A multi-family residential use other than a multi-family conversion or multi-family townhouse.

~~(128)~~ (132) MULTI-FAMILY CONVERSION. A multi-family dwelling containing not more than four (4) dwelling units and which results from the conversion of a single building containing at least two thousand square feet of gross floor area that was originally designed, constructed, and occupied as a single-family dwelling.

~~(129)~~ (133) NEIGHBORHOOD BUSINESS LESS THAN 10,000 SQUARE FEET. Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies. Neighborhood stores does not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and small retail outlets.

~~(130)~~ (134) NEIGHBORHOOD UTILITIES FACILITIES. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

~~(131)~~ (135) NOISE. Any sound that annoys, endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

~~(132)~~ (136) NONCONFORMING LOT. A lot existing on or before the effective date of this Planning and Zoning Code (and not created for the purposes of evading the restrictions of this Planning and Zoning Code) that does not meet the minimum area requirement of the district in which the lot is located.

~~(133)~~ (137) NONCONFORMING PROJECT. Any structure, development or undertaking that is incomplete on the effective date of this Planning and Zoning Code and

would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

~~(134)~~ (138) **NONCONFORMING USE.** An existing use of land or building which fails to comply with the requirements set forth in this Planning and Zoning Code applicable to the district in which such use is located or, a situation that occurs when, on the effective date of this Planning and Zoning Code, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming use may arise because a lot does not meet minimum square footage/acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such case matters as density and setback requirements) is not in conformity with this Planning and Zoning Code, or because land or buildings are used for purposes made unlawful by this Planning and Zoning Code. Nonconforming signs, unless specific to an overlay district, are not regarded as nonconforming uses for purposes of this Planning and Zoning Code, but are governed by provisions of Chapter 1335.

~~(135)~~ (139) **NURSERY/GREENHOUSE.** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, flowers or plants offered for retail sale on the premises including products used for gardening or landscaping.

~~(136)~~ (140) **NURSING CARE INSTITUTION.** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine (9) persons.

~~(137)~~ (141) **OFFICE.** A building or part thereof where a professional person conducts his or her professional business, or where it is the directing headquarters of a business or enterprise, having work such as clerical, bookkeeping, records, or consulting.

~~(138)~~ (142) **OIL AND GAS WELLS.** Any perforation through the earth's surface designated to find and release both petroleum oil and gas hydrocarbons.

~~(139)~~ (143) **OPEN SPACE.** The total horizontal area of a lot excluding the building area, but including parking areas and recreational areas.

~~(140)~~ (144) **ORIGINAL PLANNING AND ZONING CODE.** Means the Zoning Code in existence prior to July 17, 1995 or any amendment thereto that existed prior to July 17, 1995.

~~(141)~~ (145) **OUTSIDE STORAGE.** Any premises not indoors used for the temporary storage of household goods or personal items which is placed on a site for the use of the occupants of a dwelling or building for a limited period of time.

~~(142)~~ (146) **PARKING SPACE.** A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

~~(143)~~ (147) **PERMITTED USE(S).** Permitted use(s) are those allowed as of right and as expressly permitted by this Planning and Zoning Code, provided the landowner meets all other local, state and federal requirements.

~~(144)~~ (148) **PERSON.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

~~(145)~~ (149) PERSONAL SERVICES. An establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, licensed massage establishment, barbershops, shoe repair shops, tailor shops, laundromats and dry cleaners.

~~(146)~~ (150) PERSONAL WIRELESS SERVICES. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. §332(c)(7).

~~(147)~~ (151) PLANT CULTIVATION. The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.

~~(148)~~ (152) PLANNED APARTMENT DEVELOPMENT (PAD). A development constructed on a tract of land of a minimum acreage requirement and developed as a multi-apartment complex.

~~(149)~~ (153) PLANNED CLUSTER DEVELOPMENT (PCLD). A development constructed on a tract of land of a minimum acreage requirement and having a minimum number of dwelling units contained within and having a minimum number of principal buildings.

~~(150)~~ (154) PLANNED COMMERCIAL DEVELOPMENT (PCD). A development constructed on a tract of land of a minimum acreage requirement and having a minimum number of principal buildings and a maximum number of commercial establishments within a single building.

~~(151)~~ (155) PLANNED DEVELOPMENT (PD). A Planned Apartment Development, Planned Cluster Development, Planned Commercial Development, and Planned Residential Development.

~~(152)~~ (156) PLANNED RESIDENTIAL DEVELOPMENT (PRD). A development constructed on a tract of not less than five (5) acres of land under single ownership, planned and developed as an integral unit, and consisting of single-family detached dwellings combined with either two (2) family dwellings or multi-family dwellings, or both, all developed in accordance with Section 1143.06.

~~(153)~~ (157) PLANNING AND ZONING CODE. Part 11 of the Codified Ordinances commencing with Chapter 1101 and ending with Chapter 1147, both chapters inclusive; also means any newly enacted Planning And/or Zoning Ordinance not currently codified.

~~(154)~~ (158) PLANNING COMMISSION. The Planning Commission of the City of Napoleon, Ohio.

~~(155)~~ (159) PLANNING JURISDICTION. The area within the City's corporate limits as well as the area beyond the City's corporate limits within which the City is authorized to plan for and regulate development.

~~(156)~~ (160) PLAT. A map or chart of a tract or parcel of land.

~~(157)~~ (161) PRESERVATION COMMISSION. A Preservation Commission established pursuant to Chapter 181 of the Codified Ordinances having certain specified powers and duties.

~~(158)~~ (162) PRESERVATION DISTRICT. Clearly identified area(s) designated on the Official Zone Map that contain a significant concentration of historic resources.

~~(159)~~ (163) PRINCIPAL BUILDING. The primary building on a lot or a building that houses a principal use.

~~(160)~~ (164) PRINCIPAL USE. The main use of land or buildings as distinguished from a subordinate or accessory use.

~~(161)~~ (165) PRINTING. An establishment in which the principal business consists of duplicating and printing services using photography, blueprint, or offset printing equipment, including publishing, binding and engraving.

~~(162)~~ (166) PRIVATE ROAD. A private drive or thoroughfare other than a street or alley permanently reserved in order to provide a means of access to a zoning lot.

~~(163)~~ (167) PROPERTY LINES. The lines bounding a zoning lot.

(168) PUBLIC SERVICE FACILITY. ANY BUILDING HELD, USED, OR CONTROLLED EXCLUSIVELY FOR PUBLIC TRANSPORTATION SYSTEMS OR FACILITIES, WATER SYSTEMS OR FACILITIES, WASTEWATER SYSTEMS OR FACILITIES, STORM DRAINAGE SYSTEMS OR FACILITIES, FIRE, POLICE, AND EMERGENCY SYSTEMS OR FACILITIES, PARKS AND RECREATION, ELECTRIC UTILITIES, GAS UTILITIES, CABLE FACILITIES, OR OTHER PUBLIC UTILITIES.

(169) PUBLIC/PRIVATE UTILITY. A PERSON, FIRM, OR CORPORATION, MUNICIPAL DEPARTMENT, BOARD OR COMMISSION DULY AUTHORIZED TO FURNISH AND FURNISHING UNDER GOVERNMENTAL REGULATIONS TO THE PUBLIC: GAS, STEAM, ELECTRICITY, SEWAGE DISPOSAL, COMMUNICATION, TELEGRAPH, TRANSPORTATION OR WATER.

~~(164)~~ (170) PUBLISHING. A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including, but not limited to, off-set printing, lithography, web offset, flexographic and screen process printing.

~~(165)~~ (171) PURELY RESIDENTIAL STRUCTURES. For the sole purpose of Chapter 1138, dwellings used exclusively for residential purposes.

~~(166)~~ (172) REAR LOT LINE. That boundary of a lot which is most distant from, and is most nearly parallel to, the front lot line.

~~(167)~~ (173) REAR YARD. The space area extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.

~~(168)~~ (174) REASONABLE ACCOMMODATION USE. Provisions for providing housing opportunities suited to the needs of persons entitled to housing accommodations under law.

~~(169)~~ (175) RECREATIONAL VEHICLES/ EQUIPMENT OUTDOOR SALES. An establishment that sells or stores for sale, in the open, vehicles or equipment used or designed for recreation.

~~(170)~~ (176) RECYCLING CENTER. Any place in which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition, and is owned, possessed, collected, accumulated, dismantled, or sorted, including, but not limited to, used or salvaged metals, paper, glass, plastic, rubber, and the associated processing equipment.

~~(171)~~ (177) REPAIR SERVICES, CONSUMER. Provisions of repair services to individuals and households, but not to firms. Excludes vehicle sales and service uses. Typical uses include appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

~~(172)~~ (178) RESTAURANT CARRY-OUT ONLY. A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption off the premises.

~~(173)~~ (179) RESTAURANT DRIVE-IN. A restaurant at which any patrons are served from a drive-by window or while within a motor vehicle or where food is consumed within the motor vehicle on the premises.

~~(174)~~ (180) RESTAURANT FAST FOOD. A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption on or off the premises.

~~(175)~~ (181) RESTAURANT FULL SERVICE. An establishment maintained, operated, and/ or advertised or held out to the public as a place where food and beverages are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches or stools.

~~(176)~~ (182) RESTAURANT OUTDOOR CAFÉ. An outdoor service area as a part of a restaurant.

~~(177)~~ (183) RETAIL BUSINESS. Businesses involved in the sale, lease or rent of new or used products to the general public. This excludes animal services, business equipment sales and services, construction sales and services, food and beverage retail sales, gasoline and fuel sales and vehicle sales and service. Typical uses include department stores, drug stores, apparel stores and furniture stores.

~~(178)~~ (184) ROAD. All ways used to provide motor vehicle access to (i) two (2) or more lots; or, (ii) two (2) or more distinct areas or buildings in developments. As used in this Planning and Zoning Code, may mean depending on the contexts used, either private or public road.

~~(179)~~ (185) ROOMING HOUSE. A residential use, where meals are not provided to its residents, consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming

house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests. A rooming house is distinguished from a boarding house in that meals are not provided to its residents.

~~(180)~~ **(186)** SALVAGE YARD. An establishment or place for the purpose of selling salvage motor vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal. For the purpose of this definition "salvage yard" also means junk yards and scrap metal processing facilities.

~~(181)~~ **(187)** SATELLITE ANTENNA. A dish-shaped device greater than thirty-nine (39") inches in diameter designed to receive signals transmitted from orbiting satellites. Also, an antenna of any size greater than thirty-nine (39") inches in diameter, shape or description designed for the purpose of receiving microwave transmissions from satellites.

~~(182)~~ **(188)** SCRAP METAL PROCESSING FACILITIES. Establishments or places having facilities processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes. For the purpose of this definition "scrap metal processing facilities" also means junk yards and salvage yards.

~~(183)~~ **(189)** SCREENING. Acceptable things or material that adequately protects against injury or danger, or when the context demands, acceptable things or material that adequately shields the view from others.

~~(184)~~ **(190)** SECRETARY OF THE INTERIOR'S STANDARDS. Ten standards first developed by the Department of the Interior to evaluate proposed treatments of historic properties and to ensure that work affecting a historic property would be consistent with the character of the building and the district in which it is located.

~~(185)~~ **(191)** SELF- SERVICE STORAGE. A facility designed and used for the temporary storage of household goods or personal items which is placed on a site for the use of the occupants of a dwelling or building for a limited period of time.

~~(186)~~ **(192)** SEMI-TRUCK VEHICLES. Are truck tractors designed to pull a freight trailer.

~~(187)~~ **(193)** SERVICE STATION. A building or premises used for the retail sale of fuel (stored only in underground tanks and to be dispensed from fixed equipment), lubricants, air, water and other commodities designed for motor vehicles, aircraft and boats. Such an operation includes space and facilities for selling, installing, or adjusting tires, batteries, parts and accessories within a completely enclosed building provided that such repair and installation are of minor auto repair nature and may include accessory convenience store merchandise primarily sold to patrons purchasing gasoline and/or services.

~~(188)~~ **(194)** SEXUALLY ORIENTED BUSINESS. A business establishment providing entertainment or products of a sexual nature.

~~(189)~~ **(195)** SHOPPING CENTER. A single piece of real estate containing more than three (3) commercial establishments and a total business space of more than

three thousand two hundred (3,200) square feet planned, constructed and managed as a total entity with customer and employee parking provided on site.

~~(190)~~ **(196)** SIDE LOT LINE. Any boundary of a lot which is not a front lot line or a rear lot line.

~~(191)~~ **(197)** SIDE YARD. The space area between the main buildings and the side line of the lot and extending from the required front yard building setback line to the required rear yard building setback line and being the minimum horizontal distance between a side lot line and the side of the main buildings, or any projections thereto.

~~(192)~~ **(198)** STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

~~(193)~~ **(199)** STREET. A right-of-way, dedicated to and accepted for the public use or, declared as such by a governmental authority having ownership or control thereof, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, or other appropriate name. A street may also be identified according to type of use, as follows:

A. ARTERIAL STREETS. Those streets designated in the Thoroughfare Plan for large volumes of traffic movement. Certain arterial streets may be classified as business streets to serve congested business sections, and others as limited access highways to which entrances and exits are provided only at controlled intersections, with access denied to abutting properties.

B. FEEDER STREETS. Those streets designated in the Thoroughfare Plan as important streets to facilitate the collection of traffic from residential streets, to permit circulation within neighborhood areas and to provide convenient ways for traffic to reach arterial streets.

C. RESIDENTIAL STREETS. Those streets not designated in the Thoroughfare Plan as arterial or feeder streets. When they are designed for the primary purpose of providing access to abutting property on one (1) side only, they are identified as marginal access streets. Another type of residential street is a cul-de-sac.

D. LOCAL STREET. A street that has a sole function to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than twenty-five (25) dwelling units and is expected to or does handle between seventy-five (75) and two hundred (200) trips per day.

~~(194)~~ **(200)** STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

~~(195)~~ **(201)** STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

~~(196)~~ **(202)** SUBDIVIDER. Any person engaged in subdivision of land within the jurisdiction of the City.

~~(197)~~ **(203)** SUBDIVISION.

A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two (2) or more parcels, sites, or lots, any one (1) of which is less than five (5) acres for the purpose, whether immediate or future; or,

B. The improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land, for the opening, widening, or extension of any street, except private streets or private roads serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

~~(198)~~ (204) SUBDIVISION, MINOR. A subdivision that does not involve any of the following:

A. The creation of more than a total of three (3) lots; or,

B. The creation of any new public streets.

~~(199)~~ (205) TECHNICALLY SUITABLE. The location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.

~~(200)~~ (206) TELECOMMUNICATION(S). The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "personal wireless services".

~~(201)~~ (207) TEMPORARY EMERGENCY CONSTRUCTION, OR REPAIR DWELLING. A dwelling (Which may be a manufactured home) that is:

A. Located on the same lot as a dwelling made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster; or,

B. Located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

~~(202)~~ (208) THROUGH LOT. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot.

~~(203)~~ (209) THOROUGHFARE PLAN. A part of the master plan, which sets forth the location, alignment, dimensions, identification, and classification of existing and proposed public streets, highways, and other thoroughfares.

~~(204)~~ (210) TOURIST HOME. A building in which one (1) but not more than five (5) rooms are used to provide or offer overnight accommodations to transient guests for compensation.

~~(205)~~ (211) TOWER. Any structure typically higher than its diameter and high relative to its surroundings having a principal function to support an antenna, windmill or other fixed object.

~~(206)~~ (212) TRACT. A lot (see lot). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one (1) "tract" is subdivided into several "lots".

~~(207)~~ (213) TRANSPORT & TRUCKING. Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading and unloading goods.

~~(208)~~ (214) TRAVEL TRAILER. A structure that:

A. Is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and,

B. Is designed for temporary use as sleeping quarters but that does not satisfy one (1) or more of the definitional criteria of a manufactured home.

~~(209)~~ (215) USE. The activity or function that actually takes place or is intended to take place on a lot.

~~(210)~~ (216) USE PERMIT. A permit that may be issued by the City which authorizes the recipient to make use of property in accordance with the requirements of this Planning and Zoning Code as well as any additional requirements imposed by the City, commonly referred to as a "conditional" use permit.

~~(211)~~ (217) UTILITY FACILITIES. Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by (the appropriate provision of state law) and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures declared in this Planning and Zoning Code to be a permissible use.

~~(212)~~ (218) VARIANCE. A grant of permission by the applicable zoning administrator, board, or commission, or Council, that due to hardship or when in the best interest of the community, authorizes the recipient to do that which, according to the strict letter of this Planning and Zoning Code, the recipient could not otherwise legally do. A variance should not to be construed to mean a conditional use permit.

~~(213)~~ (219) VEHICLE(S). Means every device, in, upon, or by which any person or property may be transported or drawn upon a highway, except motorized wheelchairs, devices moved by power collected from overhead electric trolley wires or used exclusively upon stationary rails or tracks and devices other than bicycles moved by human power.

~~(214)~~ (220) VEHICLE ACCOMMODATION AREA. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

~~(215)~~ (221) VIBRATION. Earthborne vibrations from any operation, activity, or land use.

~~(216)~~ (222) WAREHOUSING. Wholesale, storage and warehousing services within enclosed structures.

~~(217)~~ (223) WHOLESALE BUSINESS. A business that sells products meant for resale by the purchaser.

~~(218)~~ (224) WIND GENERATOR (TURBINE). A device which is placed outside of a structure that is used for the generation of electricity through the use of

propellers or turbine blades or, which means a wind operated device used to generate electricity or produce water acting on oblique vanes or sails that radiate from a horizontal shaft; also may include a windmill.

~~(219)~~ (225) WIRELESS TELECOMMUNICATION ANTENNA OR "ANTENNA" OR "ANTENNA ARRAY". As used in Section 1127.21, means the physical device or array of physical devices through which an electromagnetic, wireless telecommunication signal authorized by the FCC is transmitted or received. Antennas used by amateur radio operators are excluded from this definition as it relates to Section 1127.21 of this Planning and Zoning Code.

~~(220)~~ (226) WIRELESS TELECOMMUNICATION EQUIPMENT SHELTER OR "EQUIPMENT SHELTER". As used in Section 1127.21, means the structure or cabinet in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

~~(221)~~ (227) WIRELESS TELECOMMUNICATION FACILITY OR "FACILITY". As used in Section 1127.21, means a facility consisting of the equipment, towers, and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.

~~(222)~~ (228) WIRELESS TELECOMMUNICATION TOWER OR "TOWER". As used in Section 1127.21, means any structure, other than a building, that elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

~~(223)~~ (229) WHOLESALE SALES. On-premises sales of goods primarily to customers engaged in the business of reselling the goods, or an article involved in creating a finished product.

~~(224)~~ (230) YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portions of a structure from the ground upward.

~~(225)~~ (231) ZONING. To partition land by ordinance into sections which may be reserved for different uses.

~~(226)~~ (232) ZONING ADMINISTRATOR. Such officer as may be designated from time to time by the City Manager. Such officer who is the administrative officer of this Planning and Zoning Code and who shall, in furtherance of such authority carry out the duties described in the City's Administrative Code; also called "Administrator".

~~(227)~~ (233) ZONING LETTER. A letter indicating the Zoning Administrator's interpretation or decision regarding any section of this Planning and Zoning Code.

~~(228)~~ (234) ZONING LOT. A single tract of land located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built on as a unit under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

~~(229)~~ (235) ZONE MAP. A map entitled "Napoleon, Ohio, Zone Map 2006", and to the extent permitted by law, any amendments thereto.

~~(230)~~ (236) ZONING CODE. The portion of the Codified Ordinances beginning with Chapter 1105 and ending with Chapter 1147, both chapters inclusive; also means any newly enacted Zoning Ordinance not currently codified. The Planning and Zoning Code of the City.

~~(231)~~ (237) ZONING ORDINANCE. A duly passed ordinance related to the zoning of the City.

~~(232)~~ (238) ZONING PERMIT. A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Planning and Zoning Code.

(Ord. 074-10. Passed 12-20-10.)

Section 3. That, Section 1145.01 of the Planning and Zoning Code for the City of Napoleon, shall be amended and enacted to remain essentially the same with the exception that the Table of Permissible Uses shall be amended to include the “Institutional” table, as outlined below:

Institutional	Residential				Commercial					Industrial	
	R1	R2	R3	R4	C1	C2	C3	C4	C5	I1	I2
Cemetery	C	C	C	C	C		C	C	C	C	C
Child Day Care Centers				C	P		P	P	P		
Clubs, Lodges, Fraternal and Civic Assembly				C	P		P	P	P		
Convalescent and Nursing Homes				C	P		P	P	P		
Essential Services	P	P	P	P	P		P	P	P	P	P
Hospital					P		P	P	P		
Institutional Use			C	C	P		P	P	P	P	
Mortuaries and Funeral Homes			C	C	P		P	P	P		
Public and Private Schools			C	C	P		P	P	P		
Public Service Facility	P	P	P	P	P		P	P	P	P	P

Wireless Telecommunication Facilities										C	C
---------------------------------------------	--	--	--	--	--	--	--	--	--	---	---

Section 4. That, Sections 1101.01 and 1145.01 of the as existed prior to the enactment of this Ordinance shall be repealed.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 7. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 042-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

Exhibit B

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, not including buildings, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.

Hospital: Facilities providing medical or surgical care to patients and offering inpatient (overnight) care.

Institutional Use: A use that provides a public service and is operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. Examples include: public agency, public safety and emergency services, essential and utility services, cultural, service and religious facilities, public/private health facilities or other similar uses.

Mortuaries: An establishment providing services such as preparing the human dead for burial and arranging and managing funerals and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums and columbariums.

Public Service Facility: Any building held, used, or controlled exclusively for public transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, parks and recreation, electric utilities, gas utilities, cable facilities, or other public utilities.

Public/Private Utility: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Wireless Telecommunications Facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

RESOLUTION NO. 043-13

A RESOLUTION AUTHORIZING ENROLLMENT IN THE OHIO RURAL WATER ASSOCIATION 2014 WORKER'S COMPENSATION POOL, AND AUTHORIZING THE EXPENDITURE OF FUNDS AND DIRECTING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH COMP MANAGEMENT, INC. (CMI) A WORKER'S COMPENSATION ADMINISTRATOR; AND DECLARING AN EMERGENCY

WHEREAS, the City in 2013 belonged to the Ohio Rural Water Association Worker's Compensation Pool; and,

WHEREAS, the City in 2013 desires to remain for the remainder of the year 2013 and for the entire year of 2014 in the Ohio Rural Water Association Pool; and,

WHEREAS, the State of Ohio allows for "pooling" with other entities to obtain savings in worker's compensation; and,

WHEREAS, the City desires to contract for Worker's Compensation Administration of its claims, **NOW THEREFORE**;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City's Finance Director is authorized and directed to enroll the City in the 2014 Ohio Rural Water Association Worker's Compensation Pool and continue in the Pool for the remainder of the year 2013.

Section 2. That, the City finds it necessary and therefore authorizes the expenditure of funds in an amount of two thousand, eight hundred seventy dollars (\$2,870.00) for a professional service contract with Comp Management, Inc., a Sedwick CMS Company (CMI), Dublin, Ohio, referred to as (CMI) a Worker's Compensation Administration Service. If additional amounts are required to cover the remainder of the year 2013, the same is hereby authorized.

Section 3. That, the City Manager is authorized and directed to enter into a Contract for professional services for Worker's Compensation Administration services with CMI substantially in the form as found in City Contract No. "to be assigned", subject to amendments as he deems necessary or, in the alternative, utilize the automatic renewal provision as found in the Contract.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow timely filing of the Group Rating Enrollment with the State of Ohio, with a deadline of September 1st, 2013; and, provided it receives the required number of votes therefore, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 043-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2007.

Gregory J. Heath, Clerk/Finance Director



CITY OF NAPOLEON, OHIO

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151

Gregory J. Heath, Director of Finance/Clerk of Council

phone (419) 599-1235

fax (419)-599-8393

Web Page: www.napoleonohio.com

E-mail: gheath@napoleonohio.com

DATE: August 15, 2013

TO: Members of City Council
Ronald A. Behm, Mayor
Dr. Jon A. Bisher, City Manger
Trevor Hayberger, Law Director

FROM: Gregory J. Heath, Finance Director/Clerk of Council *G.J.H.*

SUBJECT: Ohio Workers Compensation – 2014 Group Rating Enrollment

The City of Napoleon (City) has received it re-enrollment information for participation in the 2014 Workers' Compensation Group Rating program. The City currently is with the Ohio Rural Water Association (ORWA) program, and I am recommending the City continue with the same program. The proposed savings are as follows:

Projected Individual Premium -	\$158,992
Projected Group Premium (ORWA) -	<u>\$129,886</u>
Projected Savings -	\$ 29,106
Projected Group Effective Discount -	-39%
Annual Enrollment Fee -	\$ 2,870

(Please See Attached Summaries)

The City did not receive any other proposals or offers from other groups for 2014. I am recommending the City continue with the Ohio Rural Water Association Group Discount Program, and continue the contract with CompManagement for third party administrative services of claims.

Please call me at (419) 599-1235 should you have any questions.

Thank you.

ATTACHMENTS

2014 Group Savings Summary

Policy: 33505502
Employer: City Of Napoleon

Group ID: 04615
Association: Ohio Municipal League

Manual	Base Rate	Annual Payroll	Estimated Individual Rating = -25 %		Estimated Group Discount = -39 %	
			Indiv Rate**	Individual Premium	Group Rate**	Group Premium
9431	2.99	5,785,646	2.5283	146,278	2.0661	119,537
9439	20.40	75,145	16.9196	12,714	13.7719	10,349
		5,860,791	Estimated Individual Premium*:	\$158,992	Estimated Group Premium*	\$129,886

Estimated Group Savings	\$29,106
Annual Fee	\$2,870

*The 2014 premium amounts are for the payroll period from 1/01/2014 to 12/31/2014.

**Rates are based on \$100 of reportable payroll and include: BWC administrative costs of 10.0600% of premium, a DWRP rate of 0.06, a DWRP II rate of 0.001 of base rate.

Projections of individual and group rates are estimated using BWC loss information as of the last quarter and the most recent historical payroll information provided by the BWC. Estimates of premium must be projected in advance of the application deadline. Therefore the actual premium will vary from the estimates depending upon group enrollment level, BWC rates, experience calculations, and actual payroll.

ALL PREMIUMS ARE STILL PAYABLE TO THE BUREAU OF WORKERS' COMPENSATION.



Group Rating

May 29, 2013

Gregory Heath
 City Of Napoleon
 255 W Riverview Ave
 PO Box 151
 Napoleon, OH 43545

Re: 2014 Group Rating Enrollment
 Policy #: 33505502

Through your relationship with the Ohio Rural Water Association, your organization has qualified for re-enrollment for participation in their 2014 Workers' Compensation Group Rating program.

CompManagement, Inc. is known as Ohio's leading third party administrator who **works hard to put you first** and we are proud to serve as the administrator for the Ohio Rural Water Association program. By representing more large public entity clients for workers' compensation services than any other third party administrator, our experience in the public sector allows us to apply our best practices in claims management and cost containment strategies to impact your bottom line.

Re-enrollment into the program is easy! Simply return the enclosed invoice with your signature as well as payment to our attention in the envelope provided. We are pleased to offer you the following Group Rating quote for the 2014 rate year:

**Your Projected
 Group Savings
 \$29,106**

Projected Individual Premium	\$158,992
Projected Group Premium	\$129,886
Group Effective Discount %	-39%

* BWC mandated break-even factor applied. Please be advised that premium may vary from estimates depending upon group rating program changes, group enrollment level, BWC rates, experience calculations, actual payroll and other relative information provided by BWC.

In addition to Group Rating participation, your organization could reduce your annual workers' compensation premium further by participating in the programs below:

Program	Discount	Estimated Annual Savings*
Drug Free Safety Program	Basic Program – 4%	\$ 4,412
	Advanced Program 7%	\$ 7,721
Safety Council	Performance Bonus – 2%	\$ 2,206
Destination Excellence	Go Green – 1%	\$ 1,299
	Industry Specific Safety – 3%	\$ 3,309
	Lapse Free – 1%	\$ 1,299

*Additional savings may not be applicable if premium is less than or equal to BWC minimum annual premium (\$100)

Your organization may also qualify for Group Retrospective Rating. To discuss your options and learn more about the alternative rating programs highlighted above, please contact **CompManagement's Customer Support Unit at (800) 825-6755, option 3.**



how our program works harder for you

- Public Employers:
- Over \$56.4 million premium savings in last four rating years
- More discount tiers than any other third party administrator and their sponsor partners combined (27 vs 15)
- 97% annual retention of clients participating in Group Rating
- 40% of total enrollment in Ohio is in one of our administered programs
- 36% more settlements and 12% more handicaps obtained over any other competitor for past 5 years combined
- In-house safety professionals to assist with gap analysis and PERRP/BWC requirements



RESOLUTION NO. 044-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RATE LEVELIZATION ARRANGEMENT FOR THE BENEFIT OF THE CITY OF NAPOLEON, OHIO AND ITS ELECTRIC SYSTEM; AND DECLARING AN EMERGENCY

WHEREAS, accordingly the City, and American Municipal Power, Inc. (“AMP”) entered into a Master Services Agreement (the “Agreement”) AMP Contract No. C-11-2005-4440 under which certain services may be provided under schedules thereto;

WHEREAS, in order to levelize power costs for the power delivery period from January 1, 2014 through December 31, 2016, AMP has agreed to provide a rate levelization fund to the City;

WHEREAS, the City Council desires to authorize the City Manager to undertake the necessary actions to obtain such rate levelization fund and execute any documents necessary in connection therewith; Now Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO

Section 1. The City Manager is hereby authorized to deposit with AMP a total principal amount not to exceed \$1,700,000, to be used by the City to levelize power costs of the System for the power delivery period January 1, 2014 through December 31, 2016. Such deposit shall be repaid by AMP in full no later than January 31, 2017. Interest and carrying charges shall accrue on any remaining balance during the period based upon AMP’s line of credit. A fund schedule using an estimated 0% interest rate has been represented to the City, and AMP has agreed to notify the City of any changes in the rate of such interest as soon as practicable after the change in such charges in known by AMP.

Section 2. The form of the power sales schedule (the “Schedule”) presented to this meeting, which evidences such fund and the terms of the City’s repayment obligation, is hereby approved. The City Manager is authorized to execute the Schedule in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Ordinance as the City Manager, in consultation with the City Attorney, may approve. The approval by the City Manager of the final form of the Schedule shall be evidenced conclusively by his execution and delivery thereof to AMP, and no further action is required by the City Council.

Section 3. The City’s obligation under the Schedule shall be a limited obligation of the City, payable solely from revenues of the System, and nothing in the Schedule or in this Ordinance shall be deemed to create or constitute a general indebtedness or general obligation of the City.

Section 4. All other actions of officers of the City in conformity with the purposes and intent of this Ordinance and in furtherance of the loan from AMP are

approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the execution and delivery of the Schedule and the incurrence of the loan from AMP.

Section 5. That any competitive bidding requirement that may be associated with this purchase is hereby waived.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 7. If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 9. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible to enter into the contracts to start the levelization process which would effect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 044-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., Director of Public Works

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: Dr. Jon A. Bisher, City Manager
From: Chad E. Lulfs, P.E., P.S., City Engineer
cc: Mayor & City Council
Greg Heath, City Finance Director
Date: August 19, 2013
Subject: 2013 Street Striping Project
Recommendation of Award

On Wednesday, August 7, 2013, bids were opened and read aloud for the above referenced project. Two (2) bids were submitted and read as follows:

Zimmerman Paint Contractors Co.	\$62,892.82
Oglesby Construction, Inc.	\$92,453.90

The published Engineer's Estimate for this project is \$85,000.00. This project consists of restriping city streets and parking lots.

Per Section 5.2 REVIEW OF LOW BID of the Instructions to Bidders in the Project Specifications:

5.2.1 "No Bidder shall be best if the Bidder's bid is more than...twenty-five percent (25%) below the median of all higher bids received for a Contract where the estimate is less than \$100,000, unless the following procedures are followed.

5.2.1.1 The Architect/Engineer conduct an interview with the Bidder to determine what, if anything has been overlooked in the bid, and to analyze the process planned by the Bidder to complete the Work. The Architect/Engineer shall submit a written summary of the interview to the Authorized Representative.

5.2.1.2 The Bidder submits to the City a certified financial statement and a list of recent public contracts which the Bidder has performed.

5.2.1.3 The City reviews and approves the Bidder as the best pursuant to subparagraph IB 3.5.

5.2.1.4 The City notifies the Bidder's Surety in writing that the Bidder with whom the City intends to enter a Contract submitted a bid determined to be substantially lower than the median of all higher bids."

The bid submitted by Zimmerman Paint Contractors Co. is more than twenty-five percent (25%) below the median of all higher bids. I conducted an interview with Zimmerman Paint Contractors Co. per Section 5.2.1.1. A written summary of that interview is attached as required.

Per Section 5.2.1.2, a certified financial statement and a list of recent public contracts which Zimmerman Paint Contractors Co. has performed is attached. With this information, Zimmerman Paint Contractors Co. was reviewed per Section 3.5 of the Instructions to Bidders. Zimmerman Paint Contractors Co. was determined to be financially stable and possesses the necessary experience to perform the work required for this project.

Having reviewed the submitted bids, it is my recommendation that Council award Zimmerman Paint Contractors Co. the contract for the 2013 Street Striping Project in the amount of \$62,892.82. If you have any questions or require additional information, please contact me at our convenience.

CEL



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., Director of Public Works

Telephone: (419) 592-4010 Fax: (419) 599-8393

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Memorandum

To: Dr. Jon A. Bisher, City Manager
From: Chad E. Lulfs, P.E., P.S., City Engineer
cc: Mayor & City Council
Greg Heath, City Finance Director
Date: August 19, 2013
Subject: W. Main St. Parking Lot Improvements
Recommendation of Award

On Wednesday, August 7, 2013, bids were opened and read aloud for the above referenced project. Two (2) bids were submitted and read as follows:

Gerken Asphalt Paving, Inc.	\$47,056.00
Lingvai Excavating, L.L.C.	\$48,691.50

The published Engineer's Estimate for this project is \$55,000.00. This project consists of resurfacing the existing asphalt parking lot on W. Main Street between N. Perry Street and Scott Street, as well as the adjacent alley.

Having reviewed the submitted bids, it is my recommendation that Council award Gerken Asphalt Paving, Inc. the contract for the W. Main St. Parking Lot Improvements Project in the amount of \$47,056.00. If you have any questions or require additional information, please contact me at our convenience.

CEL



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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Memorandum

To: Dr. Jon A. Bisher, City Manager
From: Chad E. Lulfs, P.E., P.S., City Engineer
cc: Mayor & City Council
Greg Heath, City Finance Director
Date: August 19, 2013
Subject: Ohio Street Sanitary Sewer Replacement Project
Change Order No. 3 - Final

The above referenced project has been completed and final quantities have been tabulated. Change Order No. 3 – Final is -\$62.50. The final project cost is \$116,948.50. I request that Council approve Change Order No. 3 – Final to allow us to close out this project.

CEL

CHANGE ORDER

No. 3 (FINAL)

PROJECT

Ohio Street Sanitary Sewer Replacement Project

DATE OF ISSUANCE

August 6, 2013

OWNER

City of Napoleon
255 W. Riverview Ave., P.O. Box 151
Napoleon, OH 43545

CONTRACTOR

Vernon Nagel, Inc.
O-154 Co. Rd. 11C
Napoleon, Ohio 43545

ENGINEER

Chad E. Lulfs, P.E., P.S.
City Engineer

CONTRACT FOR: Ohio Street Sanitary Sewer Replacement Project

You are hereby directed to proceed promptly with the following change(s):

DESCRIPTION: Additional Work performed (Existing Tile Repair and Fix Grade Error in MH No. 6-4 and Seal Pipes to Pass Vacuum Test)

ATTACHMENTS - (List Documents Supporting Change)

If a claim is made that the above change(s) have affected Contract Price or Contract Time, any claim for a Change Order based thereon will involve one of the following methods of determining the effect of the change(s).

Method of Determining Change In

CONTRACT PRICE

- Time and Materials
- Unit Prices
- Cost Plus Fixed Fee
- Other

Method of Determining Change In

CONTRACT TIME

- Contractor's Records
- Engineer's Records
- Other

Estimated Increase/Decrease in

CONTRACT PRICE (\$62.50)

If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.

Estimated Increase/Decrease in

CONTRACT TIME _____ days

If the Change involves an Increase, the estimated time is not to be exceeded without further authorization.

Recommended

CITY of NAPOLEON

Accepted

VERNON NAGEL, INC.

Contractor

by: _____

Chad E. Lulfs, P.E., P.S.; City Engineer

Authorized

Jon A. Bisher, City Manager

Original Contract Prior to this Change Order
Increase / Decrease Resulting from this Change Order
Current Contract Price, Including this Change Order

\$117,011.00
-\$62.50
\$116,948.50

FINAL CHANGE ORDER

NAME of PROJECT - Ohio Street Sanitary Sewer Replacement Project

CONTRACTOR - Vernon Nagel, Inc.

ITEM	DESCRIPTION	ESTIMATED QUANTITY	ACTUAL QUANTITY	QUANTITY DIFF.	UNIT	UNIT PRICE	AMOUNT DECREASE	AMOUNT INCREASE
1	Clearing and Grubbing	1.00	1.00	0.00	LS	\$200.00	\$0.00	\$0.00
2	Concrete Walk Removal	100.00	191.00	91.00	SF	\$1.00		\$91.00
3	Concrete Curb/Curb & Gutter Removal	80.00	152.50	72.50	LF	\$1.00		\$72.50
4	Asphalt Concrete Base (ODOT 301 PG64-22)	60.00	61.50	1.50	CY	\$200.00		\$300.00
5	Asphalt Concrete Surface (ODOT 448 Type 1, Medium Traffic, PG64-22)	25.00	10.00	-15.00	CY	\$200.00	-\$3,000.00	
6	4" Concrete Walk with 4" Stabilized Crushed Aggregate Base (ODOT 411)	100.00	191.00	91.00	SF	\$4.00		\$364.00
7	Type 3 Curb	70.00	142.50	72.50	LF	\$30.00		\$2,175.00
8	Type 6 Curb	10.00	10.00	0.00	LF	\$30.00	\$0.00	\$0.00
9	6" HDPE Perforated Corrugated Tubing (Underdrains) Including No. 8 Stone Backfill	75.00	45.00	-30.00	LF	\$6.00	-\$180.00	
10	6" PVC ASTM D3034 SDR35 (Sanitary), Type B	120.00	117.00	-3.00	LF	\$45.00	-\$135.00	
11	6" PVC ASTM D3034 SDR35 (Sanitary), Type C	65.00	60.00	-5.00	LF	\$18.00	-\$90.00	
12	8" PVC ASTM D3034 SDR35 (Sanitary), Type B	5.00	5.00	0.00	LF	\$80.00	\$0.00	\$0.00
13	10" PVC ASTM D3034 SDR35 (Sanitary), Type B	50.00	47.00	-3.00	LF	\$75.00	-\$225.00	
14	12" PVC ASTM D3034 SDR35 (Sanitary), Type B	565.00	564.00	-1.00	LF	\$60.00	-\$60.00	
15	6" on 12" PVC Wye (Heavy Duty)	7.00	7.00	0.00	EA	\$400.00	\$0.00	\$0.00
16	6" 45 Degree PVC Bend (Heavy Duty)	21.00	17.00	-4.00	EA	\$40.00	-\$160.00	
17	6" PVC Plug	5.00	5.00	0.00	EA	\$40.00	\$0.00	\$0.00
18	18" PVC Coupler (Heavy Duty)	1.00	1.00	0.00	EA	\$200.00	\$0.00	\$0.00
19	10" PVC Coupler (Heavy Duty)	1.00	1.00	0.00	EA	\$250.00	\$0.00	\$0.00
20	12" PVC Coupler (Heavy Duty)	1.00	0.00	-1.00	EA	\$300.00	-\$300.00	
21	6" Cleanout with Inverted Cap	7.00	7.00	0.00	EA	\$350.00	\$0.00	\$0.00
22	8" Standpipe Connection, per Plan	1.00	1.00	0.00	EA	\$1,000.00	\$0.00	\$0.00
23	Flexible Coupling with Stainless Steel Bands (All Sizes)	2.00	4.00	2.00	EA	\$100.00		\$200.00
24	48" Manhole with Standard Cone (Sanitary)	1.00	1.00	0.00	EA	\$6,000.00	\$0.00	\$0.00
25	Manhole Casting & Gasketed Lid Marked "Sanitary Sewer"	1.00	1.00	0.00	EA	\$1,000.00	\$0.00	\$0.00
26	Sanitary Manhole Removal	2.00	2.00	0.00	EA	\$1,000.00	\$0.00	\$0.00
27	12" Sanitary Sewer Abandoned & Filled with Grout	25.00	25.00	0.00	LF	\$20.00	\$0.00	\$0.00
28	Sanitary Sewer Removed, Type B & C (All Sizes) - Contingency	60.00	87.00	27.00	LF	\$5.00		\$135.00
29	Sanitary Sewer Televising	620.00	620.00	0.00	LF	\$0.80	\$0.00	\$0.00
30	Topsoil	12.00	21.00	9.00	CY	\$25.00		\$225.00

ITEM	DESCRIPTION	ESTIMATED QUANTITY	ACTUAL QUANTITY	QUANTITY DIFF.	UNIT	UNIT PRICE	AMOUNT DECREASE	AMOUNT INCREASE
31	Fertilizer, Seeding & Mulching	145.00	250.00	105.00	SY	\$5.00		\$525.00
32	Construction Layout Stakes	1.00	1.00	0.00	LS	\$2,000.00	\$0.00	\$0.00
33	Mobilization	1.00	1.00	0.00	LS	\$5,000.00	\$0.00	\$0.00
34	Maintaining Traffic	1.00	1.00	0.00	LS	\$1,000.00	\$0.00	\$0.00
35	Storm Water Pollution Prevention Plan	1.00	1.00	0.00	LS	\$200.00	\$0.00	\$0.00
							-\$4,150.00	\$4,087.50
							TOTAL DIFFERENCE:	-\$62.50

City of Napoleon, Ohio

TREE COMMISSION

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

Meeting Agenda

Monday, August 19, 2013 at 6:00 PM

- I. **Approval of Minutes** (In the absence of any objections or corrections, the minutes shall stand approved.)
- II. **Tree Call Report**
- III. **Fall Tree Programs**
- IV. **Any Other Matters to Come before the Commission**

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio

PRESERVATION COMMISSION

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

Meeting Agenda

Tuesday, August 20, 2013 at 2:30 PM

- I. Call to Order
- II. New Business
NPC 13-09 605 N. Perry St. David Jones
An application for a Certificate of Appropriateness has been requested by David Jones, owner of the building to be demolished at 605 N. Perry St. located within the City's Preservation District.
- III. Any Other Items to Come before the Commission
- IV. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

Memorandum

To: Parks & Recreation Committee, Council, Mayor, City Manager,
City Law Director, City Finance Director, Department Supervisors,
Media

From: Gregory J. Heath, Finance Director/Clerk of Council

Date: 8/12/2013

Re: Parks & Recreation Committee Meeting Cancellation

The regular Parks & Recreation Committee meeting scheduled for Monday, August 19 at 8:00 PM has been canceled due to lack of agenda items.



UPdate

A weekly newsletter presented by AMP President/CEO Marc Gerken

August 16, 2013

FERC grants extension for effective date of the CIP Version 4 standards

By Lisa McAlister – deputy general counsel FERC/RTO affairs

On April 19, 2012, the Federal Energy Regulatory Commission (FERC) issued Order No. 761, a final rule approving Version 4 of the Critical Infrastructure Protection (CIP) Reliability Standards with the effective date proposed by the North American Electric Reliability Corporation (NERC) of April 1, 2014.

On Jan. 31, 2013, in Docket No. RM13-5-000, NERC filed a petition requesting approval of the proposed Version 5 CIP Reliability Standards. On April 18, 2013, FERC issued a Notice of Proposed Rulemaking in which it proposed to approve the Version 5 CIP Reliability Standards and to implement the Version 5 CIP Reliability Standards such that responsible entities would transition from the currently effective Version 3 CIP Reliability Standards directly to the proposed Version 5 CIP Reliability Standards, bypassing the Version 4 CIP Reliability Standards.

However, as the effective date of the Version 4 Reliability Standards was April 1, 2014, if FERC did not issue a final rule accepting the CIP Version 5 Reliability Standards within several months, responsible entities would have been required to comply with the Version 4 standards, which differ from the Version 5 standards, while preparing to implement the Version 5 standards.

The American Public Power Association, Transmission Access Policy Study Group and other trade associations filed a motion to delay the deadline for complying with the Version 4 CIP Reliability Standards to allow responsible entities to transition directly from the currently effective Version 3 CIP Reliability Standards to the proposed Version 5 CIP Reliability Standards, thus bypassing the Version 4 CIP Reliability Standards. Bypassing the Version 4 Standards will allow the responsible entities to avoid wasting valuable time and resources preparing to comply with the CIP Version 4 Reliability Standards, which are likely to not become applicable.

On Aug. 12, 2013, FERC granted a six-month extension of the compliance deadline for the Version 4 CIP Reliability Standards, from April 1, 2014, to Oct. 1, 2014. Assuming FERC issues a final rule accepting the CIP Version 5 implementation plan in six months, FERC's extension of the compliance deadline for the Version 4 CIP Reliability Standards should allow registered entities to avoid incurring costs to become compliant with CIP Version 4 Reliability Standards that will likely never become effective.

For more information, please contact me at lmcalister@amppartners.org or 614.540.6400.



Allalen joins AMP staff

By Michael Beirne – assistant vice president of government affairs & publications

Jodi Allalen is the newest member of the AMP staff. She began as the Governmental Affairs Coordinator on Aug. 12.

Jodi will be assisting AMP and the Ohio Municipal Electric Association with member services, and our legislative efforts at the state and federal level. She comes to AMP after more than 17 years with the Ohio House of Representatives, first as a legislative aide and later in the clerk's office.

She holds a bachelor's degree in communications arts/public relations from Ohio Northern University.

Please join me in welcoming Jodi.



Jodi Allalen

AMP releases electric vehicle white paper, survey

By Julia Blankenship – director of energy policy & sustainability

This week, AMP released a new white paper titled "Overview of Electric Vehicles and Options for Municipal Utilities." The white paper is intended to provide members with some basic information on the types of electric vehicles available in the marketplace, their advantages/disadvantages, recharging issues and options, and some key considerations for municipal electric systems.

The paper was researched this summer by Chris Hephner, who served as an intern in the Member Services & External Affairs Department.

The release of the white paper was accompanied by a survey seeking information on

continued on Page 2

Piqua makes the most of DEED scholarships; call for fall 2014 submissions runs through Oct. 15

By Michelle Palmer – assistant vice president of technical services

As released in the summer issue of *DEED Digest*, Piqua is making strides in developing a successful solar irrigation system.

Piqua has been using an instrumentation system, which was put in place with assistance from the American Public Power Association's (APPA) Demonstration of Energy & Efficiency Developments (DEED) program. The irrigation system is also a DEED project – it was built by Wright State University students thanks to a 2011 DEED scholarship. A 2012 scholarship kept students involved by allowing them to assemble diagnostic tools to monitor the system and quantify its operation. The monitoring system was completed last August.

Located on a farm southeast of Piqua, the solar irrigation system stores rain water in a ground-based reservoir. When water is needed, a water pump is operated with power from solar panels or a battery (in the case solar is unavailable). The use of solar power means the system does not need access to power lines, which could be of great benefit for remote farming locations.

The fall 2014 cycle for DEED scholarships will run through Oct. 15. Scholarships available are: Student Research Grants/Internships (\$4,000), Technical Design Project (\$5,000), and Educational Scholarships (\$2,000).

Each year, AMP pays for its members (who must also be an APPA member) to be a DEED member. If you need AMP's assistance in compiling your application for DEED, please contact me at 614.540.0924 or mpalmer@amppartners.org, or Alice Wolfe at 614.540.6389 or awolfe@amppartners.org.

AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

Although not hot, temperatures last weekend were just warm enough to keep AFEC online through the entire week. Most of the days this week saw AFEC at base max during the daytime hours and ramping down to base minimum for several of the overnight hours.

For the week, AFEC averaged a 71 percent load factor (based on 675 MW). Duct burners were used around 28 hours for the week with this generation occurring on Aug. 9 and 12. AFEC was approximately \$6.63/MWh cheaper than on-peak market prices for base generation.

Energy markets close higher

By Craig Kleinhenz

Energy markets ended their multi-week slide by closing higher for the week. This was mostly led by a natural gas storage report that was lower than expected. A brief heat wave predicted to arrive late next week also helped push markets higher.

September natural gas prices closed up \$0.13/MWh this week to end at \$3.42/MMBtu. 2014 on-peak electric prices at AD Hub finished up \$0.72/MWh from last week, closing at \$39.52/MWh.

On Peak (16 hour) prices into AEP/Dayton Hub

Week ending Aug. 16

MON	TUE	WED	THU	FRI
\$38.50	\$37.25	\$33.00	\$32.00	\$32.00

Week ending Aug. 9

MON	TUE	WED	THU	FRI
\$32.75	\$33.00	\$37.25	\$36.50	\$38.00

AEP/Dayton 2014 5x16 price as of Aug. 16 — \$39.52

AEP/Dayton 2014 5x16 price as of Aug. 9 — \$38.80

Electric vehicle white paper

continued from Page 1

the presence of plug-in electric vehicles in members' communities and member interest in utilizing plug-ins and in providing charging stations for municipal/customer use. The survey, which can be accessed at <http://www.surveymonkey.com/s/WJCFY9K>, was sent via email to principal contacts and others on the Sustainability Subcommittee. We encourage you to complete the survey to help provide us with a broad range of information.

Responses are requested by Aug. 29. If you have any questions, please feel free to contact me at 614.540.0840 or jblankenship@amppartners.org. Thank you in advance for your assistance.

NERC update call, webinar to cover topics with Utility Services on Aug. 22

By Lisa McAlister

AMP, in coordination with Utility Services Inc., will host the next monthly NERC update conference call and webinar at 2 p.m. Aug. 22. The update will be followed by a question and answer session.

Please contact me with questions, and for the dial-in number and webinar instructions at 614.540.6400 or lmcalister@amppartners.org.

July Operations Statistics

	JV6 Wind Output	Belleville Output	Avg. A/D Hub On-Peak Rate
July 2013	10%	87%	\$54.16/MWh
July 2012	10%	45%	\$52.37 /MWh
	Fremont Energy Center Output	Blue Creek Wind Output	Napoleon Solar Output
July 2013	60%	14%	21%
July 2012	76%	14%	

*Fremont capacity factor based on 675 MW rating

*Solar capacity factor based on 3.54 MW rating



Starting with a blank slate for the tax code?

Start by empowering state and local governments to finance our infrastructure.

Preserve the Tax Exemption for Municipal Bonds.

For a century, the exemption on municipal bonds has been the backbone of the Federal Tax Code. It is a vital component in building the American infrastructure in all 50 states, including schools, bridges, hospitals and utilities.

Today, the exemption is under threat. As part of an overall tax reform effort, the Chairman and Ranking Member of the Senate Finance Committee have created a hypothetical "blank slate" in place of the Federal Tax Code. They have asked each Senator to justify all expenditures and exemptions. Will the municipal bond exemption pass muster?

Strengthening America for 100 years.

In 1913, the Federal Tax Code was 20 pages long — short and simple. It included a federal tax exemption for municipal bonds under the doctrine of reciprocal immunity. It was thought that state and local governments should not tax the federal government — and the federal government should not tax state and local governments.

That idea worked for the nation then, and it works now.

We are asking all Members of Congress to commit to preserving the exemption on municipal bonds in the tax reform debate, and to tell the Chair and Ranking Members of the taxwriting committees it has their support in tax reform.



Be heard. Visit www.munibondsforamerica.org to sign a petition and learn more.

Update Classifieds

City of Hamilton issues call for plant supervisor

Plant Supervisor – Department of Electric City of Hamilton, Ohio. Comprehensive benefit package. \$55,141-\$70,658 starting salary D.O.Q. Manages assigned rotating shift operation in a fossil-fueled 117 Megawatt capacity generation plant. Requires appropriate supervisory or managerial, as well as operations/maintenance power plant experience. Must possess Ohio Third Class Stationary Engineer License prior to conclusion of probationary period.

Submit detailed resume (including proof of license if applicable) in Word or PDF by 5 p.m. Sept. 10, 2013 in person, by fax (513.785.7037), or email (cspersonnel@ci.hamilton.oh.us) to: Civil Service Dept., Hamilton Municipal Building, 345 High St., Hamilton, OH 45011. Specify interest in "Plant Supervisor."

For more details, visit the employment quick link on the website www.hamilton-city.org.

The City of Hamilton is an EEO & AAE. Minorities and women are encouraged to apply.

Hubbard seeks lineworkers

The City of Hubbard, Ohio, is seeking a Journeyman Lineworker Power Distribution and Apprentice Lineworker Power Distribution.

Journeyman Lineworker: Minimum of four years apprentice training or the equivalent and two years journeyman experience. Accredited lineman certification preferred. Must possess thorough knowledge of overhead and underground electric distribution systems for new construction and repair/rebuild work. Questions or position details can be directed by email to line1023ep@sbcglobal.net.

Applications must be made on the regular application form obtainable from the Mayor's Secretary at the City of Hubbard Municipal Building, 220 West Liberty Street, Hubbard, Ohio 44425 or by emailing a request to: j.darko@cityofhubbard.com. Deadline to apply is Sept. 6, 2013 at 4 p.m.

Apprentice Lineworker: Minimum of two years apprentice training or the equivalent. Time in an accredited lineman certification program preferred. Must possess live line experience and knowledge of overhead and underground electric distribution systems for new construction and repair/rebuild work. Questions or position details can be directed by email to line1023ep@sbcglobal.net.

Applications must be made on the regular application form obtainable from the Mayor's Secretary at the City of Hubbard Municipal Building, 220 West Liberty Street, Hubbard, Ohio 44425 or by emailing a request to: j.darko@cityofhubbard.com. Deadline to apply is Sept. 6, 2013 at 4 p.m.

APPA Academy Webinar Series



An internet connection and a computer are all you need to educate your entire staff for just \$89. Register today at www.APPAAcademy.org. Non-APPA members enter coupon code **AMP** to receive the member rate.

- **Cardiopulmonary Resuscitation (CPR), First Aid, Automated External Defibrillators (AEDs), and Rescue** Sept. 4
- **GASB 68—Pension Accounting** Sept. 10
- **Smart Grid Maturity Model Navigation Series: Survey Workshop (Part I)** Sept. 12
- **Performance Monitoring and Accountability for Boards** Sept. 17
- **Creating a Safety Culture** Oct. 1

Copies of past webinars can be purchased through the APPA Product Store at www.PublicPower.org/store.

Co-hosted by



News or Ads?

Call Krista Selvage at 614.540.6407 or email to kbselvage@amppartners.org if you would like to pass along news or ads.



City of Danville seeks electric compliance coordinator

City of Danville Utilities – Power & Light Electric Compliance Coordinator. Duties include:

- Performs difficult technical work in the accumulation, manipulation and analysis of electrical system data;
- Assurance of PCB and Federal Energy Regulatory (FERC) compliance Commission;
- Serves as FERC Reliability Coordinator; Prepares and maintains FERC compliance records and reports;
- Coordinates and assists in the acquisition of electric system data;
- Designs and estimates major projects;
- Prepares engineering drawings;
- Performs analysis of system load, voltage and protection;
- Thorough knowledge of principles of electrical engineering, construction, maintenance and operation of electric systems;
- Thorough knowledge of federal reliability standards, regulations and compliance requirements;
- Ability to gather and manipulate data;
- Ability to effectively communicate in both speaking and writing.

Education and experience equivalent to an associate's degree in electrical technology or engineering and considerable experience with an electrical utility. Possession of valid driver's license and ability to obtain Notary Public certification required. Starting salary range: \$39,333-\$47,199/DOQ. Open until filled.

Apply online at www.danville-va.gov Equal Opportunity Employer.

Public works engineer, engineering technician needed in Coldwater

The Coldwater Board of Public Utilities is seeking qualified candidates for an electrical public works engineer and/or engineering technician position. The position is responsible for the engineering, design and management of electric substations, transmission and distribution systems; administering, developing and maintaining electric system maps, modeling, GIS and SCADA systems using industry related software and applications; and providing technical support for all public utility systems and assets.

Qualified candidates for the technician position should have an associate's degree in electrical engineering or related field with at least two years of experience.

Qualified candidates for the engineer position should have a bachelor's degree in electrical engineering or related field with at least four years of experience.

Competitive compensation and benefits while offering the opportunity to live in a progressive Michigan community. To apply, submit resume to Sue Rubley, Coldwater Board of Public Utilities, One Grand Street, Coldwater, MI 49036. Preferably email to resume@coldwater.org. Phone: 517.279.9531. Equal opportunity employer.

Bryan in need of electric distribution superintendent candidates

Bryan Municipal Utilities in Bryan, Ohio, is seeking an individual to direct the operation of the municipal electric distribution system. Essential duties include budgeting, planning, and supervising the construction, operation and maintenance of the electric distribution system. Minimum requirements include five years of experience operating a municipal electric system, completion of two years of college-level coursework in engineering or business or equivalent, and supervisory experience. Valid Ohio driver license required. Salary range: \$40,000-\$85,000/year with excellent benefits.

Bryan (pop. 10,000) is located in the northwest corner of the state and offers a rural setting, affordable housing and broadband access. Bryan is one of the 100 Best Small Towns in America. Job description may be downloaded from www.cityofbryan.net/employment.asp.

Submit cover letter and résumé by Aug. 30, 2013, to Bryan Municipal Utilities, 841 E. Edgerton St., Bryan, OH, 43506; or email to humanresources@cityofbryan.com. EOE.

City of Columbus accepts resumes for Engineer II

The Division of Power, City of Columbus is accepting resumes for an Engineer II position. Salary \$57,408.00 - \$86,091.20. Applicants will have considerable knowledge of the techniques and problems associated with electrical distribution systems. Must have a valid State of Ohio certificate as a registered Professional Engineer and one-year of professional engineering experience.

Substitutions(s): Possession of a valid State of Ohio certificate as a registered Professional Engineer (P.E.) and five years of practical engineering experience. A valid motor vehicle operator's license is required.

Please send resumes by close of business on August 16, 2013 to: Nikole Pettus, Department of Public Utilities, 910 Dublin Road, Columbus, Ohio 43215.

Email: DPURecruitment@columbus.gov Telephone: 614.645.1494 Fax: 614.645.0500. Pre-employment medical/drug screen, and background investigation required if selected. EOE

Calendar

Aug. 29—AMP finance & accounting subcommittee meeting

Holiday Inn-Johnstown, Pennsylvania

Sept. 12—AMP finance & accounting subcommittee meeting

Piqua Power System, 201 Hemm Ave., Piqua

Oct. 6-12—Public Power Week activities in member communities

Oct. 7-11—AMP Advanced Lineworker training

AMP Headquarters, Columbus

Oct. 28-31—AMP/OMEA Conference

Hilton Columbus at Easton, Columbus

Fw: ARTICLE: Political sparring continues on funding Ohio's local governments

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

08/13/13 02:51 PM

For Council Packets!

-----Original Message-----

From: "Michelle Jordan" <datataxgroup@gmail.com>
To: "undisclosed-recipients:"@napoleonohio.com
Date: 08/12/2013 07:50 AM
Subject: ARTICLE: Political sparring continues on funding Ohio's local governments

Dear DATA members:

Please share this article with your administration.

Happy Monday!

Michelle

--
Michelle Jordan
DATA
Dayton Area Tax Administrators

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Political sparring continues on funding Ohio's local governments

THE DAILY BRIEFING

Matt Carle to lead Kasich's re-election campaign



Matt Carle to manage Gov. John

Kasich's re-election campaign....

By [Joe Vardon](#)

The Columbus Dispatch Monday July 15, 2013 10:46 AM

Comments: 2

Local governments will get a little more than \$4.3 billion from the state in fiscal year 2014, about \$517 million less than they did in 2011.

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio
255 West Riverview Avenue, PO Box 151
Napoleon, Ohio 43545-0151
Phone : (419)

The 11 percent drop comes when the state has nearly \$1.5 billion in its rainy-day fund and is launching a net tax cut of \$2.7 billion.

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8393
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But does that drop represent what Larry Long, executive director of the County Commissioners Association of Ohio, calls "the worst years for local government" he has seen in 40 years?

The Kasich administration says no, pointing to an array of statistical indicators largely ignored when Gov. John Kasich is accused of starving the state's cities, counties, villages and townships of funds.

"We cut the local-government fund, there's no question," said Randy Cole, a policy adviser on local governments to Kasich. "But we worked hard to maintain support levels for a number of government agencies, and in some cases that support grew."

The local-government fund, which local governments can spend as they choose, was established in 1935 as a way for the state to pump tax dollars into local communities to help them make up for falling property values and property taxes. The first budget Kasich signed, in June 2011, cut that fund by about half - by nearly \$350 million.

The state also eliminated the estate tax, costing municipalities approximately \$250 million more. Local governments also received \$300 million less over two years because of an accelerated phase-out of the tangible-personal-property tax.

The state's new budget, which Kasich signed last month, includes a virtual flat-funding of the local-government fund. Also, it eliminates the 12.5 percent share of property-tax payments the state would pay for future local levies.

There is a separate bill pending that would apply a uniformed code for municipal tax collection and make other changes, which one group estimated would cost 148 taxing communities about \$46 million. There are nearly 600 communities that charge a local income tax, so the actual cost could be higher.

"When you're talking about 70 percent of their revenue coming from the municipal income tax, coupled with the reduction in state funding and all the other things, it is a real concern to our people the direction this state is going," said Kent Scarrett, a spokesman for the Ohio Municipal League.

But Kasich's aides note that state funding for local governments stretches far beyond those items. Each year, hundreds of millions of dollars flow to

communities to fix roads, to pay for local judges and public defenders, and to finance county children services - and funding for all those specific items and some others has increased.

Kasich's team also says total revenue for local governments and schools (they couldn't separate the two) will have grown by nearly \$2 billion from 2011 through next June.

"There are thousands of taxing agencies in Ohio, and it's really a mixed bag of success and challenges," Cole said. "The bottom line is things are improving."

Kasich's opponents already have signaled that they intend to make local-government funding an issue next year.

At the request of *The Dispatch*, Democratic challenger Ed FitzGerald's campaign provided a seven-page list of news stories from across the state detailing local staffing cuts, service cuts, tax increases and problems passing local levies - all tied to state funding cuts.

Kasich aides countered with a similar stack of clippings showing the opposite - small towns giving their police officers pay increases and rehiring employees.

Mingo Junction, a village of 3,000 people near Steubenville, is in such bad shape that it turned off half of its streetlights to save \$30,000 on its electricity bill.

But any losses Mingo Junction suffered in state funding were dwarfed by the local steel plant's closing in 2009, cutting the village's local tax revenue by 75 percent.

There are other problems, such as the village's water plant producing 90 million gallons of water but billing for only 17 million gallons.

State funding cuts played a role in Mingo Junction's woes, but like so many other hurting communities, there are many contributing factors.

"A lot of our hardship was caused by the downturn in the steel industry," said Police Chief Steve Maguschak, the interim village administrator. "But I don't see where the state is helping out localities all across the state."

jvardon@dispatch.com



Ohio Municipal League Legislative Bulletin

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August 9, 2013

OHIO HOUSE TO HOLD STATEWIDE TAX REFORM STUDY COMMITTEE HEARINGS

Earlier this week, Ohio House Speaker William Batchelder announced members of the Ohio House of Representatives will be holding statewide “field hearings” in the coming weeks to address issues being considered currently or matters that will be considering when the Ohio legislature returns from their Summer Recess in September. The issues that are being considered by legislators for possible reform include state and local tax issues, topics dealing with higher education and the statewide concern for prescription drug addiction and other healthcare related matters.

The Tax Reform Study Committee will be chaired by Rep. Gary Scherer (R-Circleville). Rep. Scherer has announced the dates and locations for the five statewide hearings and they can be found [HERE](#). Rep. Scherer has determined that the best way for the study committee to proceed would be to have the first four hearings include testimony on all tax related issues except municipal tax. The final hearing for the study committee will solely focus on municipal income taxes. As you will see from the Chairman’s office announcing the hearing schedule, the municipal tax hearing will be held at 1pm, September 17th at the Ohio Statehouse with the exact hearing room location yet to be determined. We will be sure to alert our members who may be interested in attending this one day hearing on municipal income tax reform to the exact room location when the information is available.

STATE DEPT. OF TAXATION RELEASES 2014 LGF ESTIMATES WHILE THINK TANK REPORT HIGHLIGHTS REVENUE LOSSES TO OHIO COMMUNITIES

The Ohio Department of Taxation Revenue Accounting division recently released their calculations for the 2014 Local Government Fund (LGF) community distribution estimates. A link to the charts and other information can be found at <http://www.tax.ohio.gov/government/ohiodepartmentoftaxation.aspx> .

Additionally, concerning the current state of revenue sharing levels and other fiscal policy changes that are critically impacting Ohio’s local partners, the Cleveland based “think tank” Policy Matters Ohio released their own report last week titled “Three Blows to local government: Loss in state aid, estate tax, property tax rollback”. The report can be found [HERE](#). Policy Matters Ohio conducting this in depth, comprehensive study of the recent changes that have been made by the State of Ohio altering levels of previous support to Ohio communities through the dramatic reductions in the Local Government Fund (LGF) and other shifts in state tax policy that have negatively impacted the financial stability of Ohio municipalities and other political subdivisions.