
Memorandum

To: Mayor & Members of Council
From: Jon Bisher/*rd*
Subject: General Information
Date: August 30, 2013

CALENDAR

CITY COUNCIL AGENDA

E. APPROVAL OF MINUTES

The Minutes from the August 14th Special Meeting and August 19th Regular Council Meeting are enclosed

G. REPORTS FROM COUNCIL COMMITTEES

2. *Finance & Budget Committee* - August 26th Majority Report is enclosed.

I. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 045-13** an Ordinance Establishing a Utility Billing “Rounding-Up” Program for the City of Napoleon, Establishing a Program for all Monies Received as a Result of Voluntary Participation, and Directing that all Funds so Received be Utilized to Assist Utility Customers with the Payment of their Utility Bills.
2. **RESOLUTION NO. 046-13** a Resolution Authorizing the City Manager and/or the City Finance Director to Enter into an Agreement with Northwestern Ohio Community Action Commission, Inc. for Professional Services Regarding the Administration of the Caring Fund.
3. **ORDINANCE NO. 047-13** an Ordinance Authorizing the City Manager to Approve and Execute Short Term Power Purchases and Sales with American Municipal Power Inc. (“AMP”) and Declaring an Emergency.
4. **RESOLUTION NO. 048-13** a Resolution Dealing with Rate Levelization.

J. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

- 1) **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

L. GOOD OF THE CITY

1. *Recommendation of Vacant Council Set*
2. *Award of Bid for 2013 Recycling Processing Contract* – enclosed is a Memorandum from Chad with the recommendation for award and also a copy of the Bid Summary Sheet.

3. *Award Bid for West Main Street Parking Lot Improvements*
4. *Appointment to the Firefighters' Dependents Fund Board* – Greg has enclosed a copy of the letter from the Firefighters' Dependents Fund telling how the Board is made up, term and who makes appointments to the Board along with a copy of ORC 146.03 and 146.04.
5. *Adopt a Tax Amnesty Program; Direct Law Director to Draft Legislation*
6. *New Energy Efficiency Contract for 2014 through 2016. (Refer to Committee)* – AMP will be at the October 14, 2013 Electric Committee and BOPA meeting.
7. *Unison Site Leasing on City Water Towers. (Refer to Committee)*
8. *Debt Funding Limits for Water and Sewer Projects. (Refer to Committee)*
9. *Discussion of Combined Dispatch Services and Other Options*

RELATED ITEMS

1. ***Cancellation*** – Technology Committee
2. Dan Wachtman is organizing this year's Employee Picnic to be held on Monday, September 16th at the Oberhaus Shelterhouse.
3. AMP Update/August 23, 2013
4. OML Bulletin/August 23, 2013
5. OML Bulletin/August 30, 2013

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Records Retention
CM-11 - 2 Years

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

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
BISHER - VACATION Greg Heath - Vacation	HOLIDAY - LABOR DAY - OFF	7:00 PM City COUNCIL Meeting				
8	9	10	11	12	13	14
	6:30 PM Electric Committee Board of Public Affairs (BOPA) 7:00 PM Water/Sewer Committee 7:30 PM Municipal Properties/ED Committee Meeting AV - Rox	4:30 PM Board of Zoning Appeals (BZA) 5:00 PM Planning Commission Mtg.	BISHER - >12 Noon Vacation	BISHER - VACATION	BISHER - VACATION	BISHER - VACATION
15	16	17	18	19	20	21
BISHER - VACATION	11:30 AM City Employee Picnic @ Oberhaus Shelterhouse 6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 8:00 PM Parks & Rec Committee Mtg. AV - Dan					
22	23	24	25	26	27	28
	6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Committee Mtg. AV - Shery	AMP - @ Dover, Delaware (BI	AMP - @ Dover, Delaware (BI	AMP - @ Dover, Delaware (BI		
29	30	1	2	3	4	5
	5th Monday-No Scheduled Meet					

City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Tuesday, September 3, 2013 at 7:00 PM

- A. Attendance** *(Noted by the Clerk)*
- B. Prayer & Pledge of Allegiance**
- C. Receive Recommendation from the Republican Party for Possible Filling of a Council Seat**
- D. Swearing In of New Personnel:**
 - FireFighter/Paramedics - Anthony Caligiuri and Sarah Wagner
 - Human Resources Director – Morgan McCoy
- E. Approval of Minutes:** August 14 & August 19 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- F. Citizen Communication**
- G. Reports from Council Committees**
 - 1. **Parks & Recreation Committee** did not meet on Monday, August 19 due to lack of agenda items.
 - 2. **Finance & Budget Committee** *(Majority Report)* met on Monday, August 26 and recommended:
 - a. To adopt a Tax Amnesty Program
 - 3. **Safety & Human Resources Committee** did not meet on August 26 due to lack of agenda items.
- H. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Civil Service Commission** met on Tuesday, August 27 with the following agenda item:
 - a. Review of Applicant Qualifications for Police Lieutenant Exam
 - 2. **Parks & Recreation Board** met on Wednesday, August 28 with the following agenda items:
 - a. Update from the Friends of the Napoleon Golf Course
 - b. Financial Reports for the Golf Course and Swimming Pool Operations
 - c. Discussion on Capital Improvements
 - d. Miscellaneous
- I. Introduction of New Ordinances and Resolutions**
 - 1. **Ordinance No. 045-13** An Ordinance establishing a utility billing "Rounding-Up" Program for the City of Napoleon, establishing a program for all monies received as a result of voluntary participation, and directing that all funds so received be utilities to assist utility customers with the payment of their utility bills
 - 2. **Resolution No. 046-13** A Resolution authorizing the City Manager to execute documents needed for Care Program
 - 3. **Resolution No. 047-13** A Resolution authorizing the City Manager to enter into contracts for short term power purchases
 - 4. **Resolution No. 048-13** A Resolution dealing with Rate Levelization
- J. Second Readings of Ordinances and Resolutions**
 - 1. **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
- K. Third Readings of Ordinances and Resolutions**

There are no third readings of Ordinances and Resolutions.
- L. Good of the City** *Any other business as may properly come before Council, including but not limited to:*
 - 1. **Discussion/Action:** Recommendation of Vacant Council Seat
 - 2. **Discussion/Action:** Award of Bid for 2013 Recycling Processing Contract
 - 3. **Discussion/Action:** Award of Bid for W. Main St. Parking Lot Improvements in the amount of \$47,556
 - 4. **Discussion/Action:** Appointment to the Firefighters' Dependents Fund Board
 - 5. **Discussion/Action:** Adopt a Tax Amnesty Program; Direct Law Director to Draft Legislation
 - 6. **Discussion/Action:** New Energy Efficiency Contract for 2014 through 2016 *(Refer to Committee & BOPA)*
 - 7. **Discussion/Action:** Unison Site Leasing on City Water Towers *(Refer to Committee)*

8. Discussion/Action: Debt Funding Limits for Water and Sewer Projects *(Refer to Committee)*

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

M. Executive Session *(As needed)*

N. 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.)*

O. 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: Monday, October 7 @ 8:00 PM)

September meeting is canceled due to lack of agenda items.

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, September 23 @ 6:30 PM)

7. Safety & Human Resources Committee (4th Monday)

(Next Regular Meeting: Monday, September 23 @ 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, October 8 @ 4:30 PM)

September meeting is canceled due to lack of agenda items.

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, October 8 @ 5:00 PM)

September 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, September 24 @ 4:30 PM)

Testing for Police Lt. on Thursday, September 19 at 6:00 PM

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, September 25 @ 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)

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)

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:
September 3, 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	-	-	-	-	-	-	
2.5 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	\$ 2,283,256 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	-	-	-	-	-	-	
L.S. P.T.E. - 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	\$ 2,145,841 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

|x

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 Shortgen
DPOA Union President

CITY COUNCIL

Monday, August 19, 2013 at 7:00 PM

Motion To Suspend The Rule	Motion: Lankenau To suspend the rule requiring three readings
	Second: Ridley
Passed	Roll call vote on above motion:
Yea-5	Yea- McColley, Lankenau, Ridley, Maassel, Helberg
Nay-0	Nay-
Passed	Roll call vote to pass Resolution No. 041-13 under suspension of the rule
Yea-5	Yea- McColley, Lankenau, Ridley, Maassel, Helberg
Nay-0	Nay-
Introduction Of Ordinance No. 042-13	President Helberg read by title 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
Motion To Approve First Read	Motion: Lankenau To approve first read of Ordinance No. 042-13
	Second: Maassel
Discussion	Hayberger said the Planning Commission met and approved some changes to the Planning & Zoning Code. The last time the Code was changed, institutional use was left out under the Table of Permissible Uses. We also added definitions for hospitals, public facilities and schools. This does not change requirements for anyone.
Passed	Roll call vote to approve first read of Ordinance No. 042-13
Yea-5	Yea- McColley, Lankenau, Ridley, Maassel, Helberg
Nay-0	Nay-
Introduction Of Resolution No. 043-13	President Helberg read by title 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
Motion To Approve First Read	Motion: Ridley To approve first read of Resolution No. 043-13
	Second: Maassel
Discussion	Heath said Council passes legislation every year for this Workers Compensation Pool. We have been with Ohio Rural Water Association for 10-15 years. We typically get bids from some other groups, but did not this year. There is a projected savings of 39% or \$29,106 per year. The annual enrollment fee represents third party administration claims with Comp Management. Heath requested suspension in order to get the agreement in place on time.
Motion To Suspend The Rule	Motion: Lankenau To suspend the rule requiring three readings
	Second: Ridley
Passed	Roll call vote on above motion:
Yea-5	Yea- McColley, Lankenau, Ridley, Maassel, Helberg
Nay-0	Nay-
Passed	Roll call vote to pass Resolution No. 043-13 under suspension of the rule
Yea-5	Yea- McColley, Lankenau, Ridley, Maassel, Helberg
Nay-0	Nay-

	<p>inadvertently omitted from the bid packet. The apparent low bidder was lower than 25% below the median, so Lulfs interviewed the bidder and contacted their surety. The completed form from the apparent low bidder is now on file. He recommended awarding the bid to Zimmerman Paint Contractors, Inc. for \$62,892.82.</p>
<p>Motion To Award To Zimmerman Paint Contractors, Inc.</p>	<p>Motion: McColley Second: Lankenau To award the bid for 2013 Street Striping Project to Zimmerman Paint Contractors, Inc. in the amount of \$62,892.82, and to waive any bid irregularities</p>
<p>Passed Yea-5 Nay-0</p>	<p>Roll call vote on above motion: Yea- McColley, Lankenau, Ridley, Maassel, Helberg Nay-</p>
<p>Award Bid For West Main Street Parking Lot Improvements</p>	<p>Lulfs said bids were opened on August 7 for the West Main St. Parking Lot Improvements. Two bids were received. He recommended awarding the bid to apparent low bidder Gerken Asphalt Paving in the amount of \$47,056.00.</p>
<p>Motion To Award To Gerken Asphalt Paving</p>	<p>Motion: McColley Second: Ridley To award the bid for West Main Street Parking Lot Improvements to Gerken Asphalt Paving, Inc. in the amount of \$47,056.00</p>
	<p>Lankenau said he must abstain from voting because this project will improve his property by adding parking in the lot across the street. Lulfs said the project will not add parking. They are just adding asphalt.</p>
<p>Passed Yea-4 Nay-0 Abstain-1</p>	<p>Roll call vote on above motion: Yea- McColley, Lankenau, Ridley, Maassel Nay- Abstain - Helberg</p>
<p>Change Order For Ohio St SS Project</p>	<p>Lulfs said the final Change Order to close out the Ohio St. Sanitary Sewer Project was a \$62.50 deduct. He recommended approval of this change order.</p>
<p>Motion To Approve</p>	<p>Motion: Lankenau Second: McColley To approve Change Order for Ohio Street Sanitary Sewer Project in the amount of a \$62.50 deduct</p>
<p>Passed Yea-5 Nay-0</p>	<p>Roll call vote on above motion: Yea- McColley, Lankenau, Ridley, Maassel, Helberg Nay-</p>
<p>Tax Amnesty Program Referred To Committee</p>	<p>Heath requested referral of <i>Tax Amnesty Program</i> to committee. President Helberg referred <i>Tax Amnesty Program</i> to the Finance & Budget Committee.</p>
<p>Discussion Of Combined Dispatch Services And Other Options</p>	<p>Bisher and Mayor Behm presented their revised spreadsheets (attached) regarding potential savings from a combined dispatch. Helberg received a signed letter from Jerry Strobel in Defiance regarding combined dispatch. This will be included in the next Council packet. Helberg also received a phone call from the Defiance County Sheriff and jotted down notes as the Sheriff spoke. Helberg shared excerpts of this conversation. The Sheriff was disturbed at the letter presented to Council at their last meeting and signed by Tim Shortgen, Union President in Defiance. The Sheriff said he treats the City the same as the County and is quick to act on mistakes. He took offense to the idea that a patrolman had to do his own dispatch. He said we staff for normalcy, but plan for emergencies. He said threatening lawsuits is not becoming of</p>

a patrolman. That person may need to find another job. Helberg will include his notes in the next Council packet. Maassel asked if Council will try to eliminate any items on the list of options for dispatch. Hayberger said he would prefer that Council wait until the Ethics Council opinion is back on whether or not Jeff Lankenau can vote on this issue.

David Grahn introduced himself as the former Law Director for the City. He owns a home here and lives here. He is concerned about dispatch moving. As Law Director, he was the chief law enforcement officer in the City. He relied on proper dispatch and response to solve crimes. His daughter is a dedicated police dispatcher and he is proud of her. She turned down a position in another county due to her loyalty here. Napoleon has a local chartered government that was voted on by the people for local control. The power of self-government is being diminished by State governments. City police are hired under Civil Service rules. County deputies are appointed by elected officials. The City decided to develop a local utility instead of allowing a large power company to set our rates. The City developed water/wastewater plants instead of using wells and septic tanks. Citizens voted on an income tax increase saying they are willing to pay money to keep services here. Council is considering cutting safety services including police lieutenants and dispatchers. This is not just tightening the belt, you are dealing with people's lives. Having a slip up on a call or not communicating can jeopardize the health, safety and welfare of citizens. This is the Sheriff's first term in office. We have an elite dispatch center in place. Conservatives want to make government smaller, but this will increase the size of government at the county level. Council is talking about giving up the water plant. Will fire and police be next? The State wants to take over income tax. We could let the Townships take over and save all wages including Mayor and Council. We could dissolve the City and unincorporate. This may sound ridiculous, as is giving power and control to the county for any services. Having an advisory board does not give the City any power in the same way that Council does not have to listen to Staff. Council is not following the advice of the Police Chief, the City Manager, the Law Director and others because of one person's political agenda. If Council gives up local government's power, the losers will be the people of the City.

Good Of The City

(Cont.)

Heath

Heath – no items

Ridley

Ridley said we need intelligent ways to save money so the City does not lose control to State government. Can we continue issuing debt with no limit? What is the limit on the City's ability to borrow? At what point do debting agencies say NO or does the rate of interest become too high? Bisher said we have not been downgraded by the rating agencies. We don't want to turn the water plant over to someone else, but still have debt on findings and orders on the sewer side; sharing the water plant may get debt off our books. AMP issues so much on debt for electric that they have to make sure each member is financially sound. They have a checklist to use. Ridley said it helps to have an end goal in mind, like the limit on your credit card. Bisher said we can talk to bond counsel. Hayberger said that will be an expensive phone call. Heath said GFOA has policy recommendations that Council may want to look at. Those policies come from Moody's regarding fund balances, etc. Helberg asked if Council can review guidelines from Moodys. Heath said you have to be willing to raise rates and look at all revenue sources in order to keep a healthy general fund. Helberg said Council can choose not to spend money as opposed to raising rates. Heath said he has not had time to use vacation time in the last two years because of gathering information per Council's requests. Having time to go into a major policy review is limited.

Maassel

Helberg

Mayor Behm

Helberg asked if Council needs to replace Jim Hershberger right away. Chief Bennett said the Volunteer Firefighter Dependents Fund Board convenes once a year or when there is a serious illness or injury. It would be smart to assign someone to replace Jim on that Board. Heath said they would still have a quorum with other members if a meeting is needed.

McColley – no items.

Lankenau – no items

Hayberger – no items

Bisher thanked Council for letting him attend the last meeting by phone.

Motion: Helberg Second: Maassel
To go into Executive Session to discuss employment of personnel

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

Council went into Executive Session at 8:30 p.m.

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

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

Council came out of Executive Session at 8:47 p.m. President Helberg reported that the discussion was regarding employment of personnel. No action was taken.

Approval Of Bills

Bills and reports stand approved as presented with no objections.

Motion To Adjourn

Motion: Lankenau Second: Ridley
To adjourn the meeting.

Passed

Yea -5

Nay -0

Roll call vote on above motion:

Yea- McColley, Lankenau, Ridley, Maassel, Helberg

Nay-

Adjournment

Meeting adjourned at 8:48 p.m.

**Approved:
September 3, 2013**

John A. Helberg, Council President

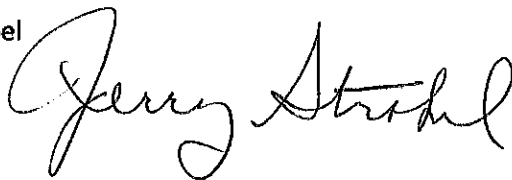
Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

Napoleon City Council

After following the news on the discussion of merging the dispatch with the sheriffs office and talking to others about it I wanted to write ths letter. It sounds to a lot us that you are having trouble leaving the personal touch out of it. We do not feel that you will ever come to a solution until you do. Bottom line is, shortage of money that you need to run this city. Some of us has talked to people in other cities and towns and have ^{said} seen some of the transitions were a little rocky but end results were very positive. No one wants to see dispatch go, but there does not seem to be a positive alternative solution financially. The idea of just not replacing someone who retires very rarely works. It seems like later down the road you rehire and were back to square one. Do you really think saving a nickel or dime here and there is the answer? That is called a quick fix. You hired a firm to help you come up with some positive solutions and you have taken very little advice. I know there is a member that has a ax to grind about that but a lot ofus after talking to others from towns and cities around do not agree. He seems to have a negative outlook if it is not his idea. Take a look at our city. Many empty homes, business,run down buildings and home and many abandon homes and buildings. It is obvious things that worked in the past are not going to work now. I can remember when they started to consolidate the schools. Same reaction. Since then businesses, hospitals,etc have had to merge and also work together to make it successful. On a personal level, just last year hope school closed and devastated many families. I saw for many years the wonderful things that came out of that school. Life goes on and those same children are nurtured, taught and cared for somewhere else and hopefully all the people who worked there are going somewhere else and fulfilling their dreams. You do know I am sure, that you cannot fix it all the time^y raising rated,fees and taxes. Many are at the end of their barrel and will be the next ones to walk away and make another vacant spot in Napoleon. There are some of us who do have faith in two different ones in Napoleon. The first is Ron, The Mayor who is putting himself on the line for the people of Napoleon He seriously ^{saw} a lot of the same things a lot of the middle class workers see. To those of us that has been very frustrated at times that is a breath of fresh air. The other one is the Sheriff's department. To think that so called professional people would say the negative and nasty things they have said took our respect away from them. Others have went through change, including myself and survived and hopefully come out of it better people. SO,for those that want nothing more than their own way, think they have to have their own way, knock down other professions , bully and threaten to get what you want, maybe you shouldn't be sitting in that seat. Just yesterday someone said tome if I was the sheriff I would not be so graycious and say if you don't have anymore faith in us than that forget it. Sounds like a man dedicated to his community. Please put you personal feelings behind you and move forward for all the people in the community they deserve it.I have encouraged people to write to the editor.You would be surprised at the amount of people afraid to do that.

Sincerely Jerry Strobel

A handwritten signature in cursive script that reads "Jerry Strobel". The signature is written in dark ink and is positioned to the right of the typed name "Sincerely Jerry Strobel".



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Toledo 419-841-1330

Detroit 734-525-5915

DAVE WESTRICK

784-1155

DEF. CO SHERIFF

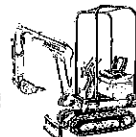
NOTES FROM PHOTOS

CONVENTIONS ON

8-19-13 jar

- CITY TREATMENT
- SHERIFF ELECTED BY ALL OF COUNTY
- QUICK TO ACT ON MISTAKES
- TAKES OFFENSE TO "SERVICE IS GRAPPY"
- OFFICER SHOULD NOT FUNCTION UNDER
FEAR OF GETTING SUED
- OFFICER THREAT OF SUING IS A
COWARDLY ACT AND OFFICER
SHOULD FIND A DIFFERENT JOB.
- FAVORITISM IS NOT TRUE
- GLADLY TALK TO ALL PARTIES
- STAFF FOR NORMALCY BUT READY
FOR EMERGENCIES.

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City of Napoleon, Ohio

Finance & Budget Committee

Majority Report

The Finance & Budget Committee met on Monday, July 26, 2013 and recommended that Council adopt a Tax Amnesty Program.

Chris Ridley, Chair

John Helberg, Committee

Jason Maassel, Committee

Mayor Ronald Behm, Committee

ORDINANCE NO. 045-13

**AN ORDINANCE ESTABLISHING A UTILITY BILLING
"ROUNDING-UP" PROGRAM FOR THE CITY OF NAPOLEON,
ESTABLISHING A PROGRAM FOR ALL MONIES RECEIVED
AS A RESULT OF VOLUNTARY PARTICIPATION, AND
DIRECTING THAT ALL FUNDS SO RECEIVED BE UTILIZED
TO ASSIST UTILITY CUSTOMERS WITH THE PAYMENT OF
THEIR UTILITY BILLS**

WHEREAS, the City of Napoleon desires to establish a utility "caring Fund" to assist needy Napoleon utility customers with the payment of their Napoleon utility bills; and,

WHEREAS, the City desires to fund that program by establishing a utility billing "Rounding-Up" program so that monies will be available to assist Napoleon utility customers with the payment of those bills; now therefore,

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

Section 1. That, the City of Napoleon does hereby establish a utility "Caring Fund" to assist needy Napoleon utility customers with the payment of their Napoleon utility bills.

Section 2. That, the City of Napoleon does hereby establish a utility billing "Rounding-Up" program for its utility bills, which means that each bill of any City of Napoleon utility customer opting into the program will be "rounded-up" to the next whole dollar.

Section 3. That, all monies generated as a result of the City of Napoleon utility billing "Rounding-Up" program, and any other donations received for the same purpose, shall be deposited into a separate caring fund which shall be called the City of Napoleon "Caring Fund", and said funds shall be kept by the City of Napoleon, or contracted out to a third party for holding in trust and/or expensed, either as deemed by the City's Finance Director.

Section 4. That, all monies deposited into the City of Napoleon "Caring Fund" shall be utilized to assist needy Napoleon utility customers with the payment of their City of Napoleon utility bills.

Section 5. That, any City of Napoleon utility customer that does desire to participate in the City of Napoleon utility billing "Rounding-Up" program shall have the right to "opt in" the program. The City Finance Director shall establish regulations relating to the program.

Section 6. That, the City of Napoleon utility billing "Rounding-Up" program shall commence with the December, 2013, utility bills.

Section 7. 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 8. 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 9. 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. 045-13 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

RESOLUTION NO. 046-13

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND/
OR THE CITY FINANCE DIRECTOR TO ENTER INTO AN
AGREEMENT WITH NORTHWESTERN OHIO COMMUNITY
ACTION COMMISSION, INC. FOR PROFESSIONAL SERVICES
REGARDING THE ADMINISTRATION OF THE CARING FUND**

WHEREAS, the City of Napoleon desires to establish a Caring Fund to assist needy City of Napoleon utility customers with the payment of their City of Napoleon utility bills; and,

WHEREAS, this City of Napoleon has established a utility "Rounding-Up" program; and,

WHEREAS, the City is now desirous of entering into an agreement with Northwestern Ohio Community Action Commission, Inc. for their professional services to administer the Caring Fund, Now Therefore,

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

Section 1. That, the City Manager and/or the City Finance Director is authorized to enter into an agreement with Northwestern Ohio Community Action Commission, Inc. for their professional services to administer the Caring Fund.

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 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. 046-13 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

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF NAPOLEON AND
NORTHWEST OHIO COMMUNITY ACTION COMMISSION, INC.
REGARDING ADMINISTRATION OF THE CARING FUND**

1. The City of Napoleon hereby contracts with Northwest Ohio Community Action (hereinafter referred to as "NOCAC") to certify low to moderate income residents who have a City utility shut-off (disconnect) notice and meet income guidelines to receive utility assistance through the City of Napoleon Caring Fund.
2. The NOCAC will use an intake process that is consistent with that used for our other emergency assistance programs. All applicants must show proof of identity, a Napoleon City utility customer and family income. In addition, they must supply utility shut-off (disconnect) notices, relevant bills, and information on payment history. Attached as Exhibit A, are the General Guidelines to be utilized for the application process.
3. After the application process is complete and the Napoleon City utility customer is approved for assistance from the Caring Fund, NOCAC will notify the City when use of the Caring Fund is utilized to cover a designated amount of the Napoleon City utility customer's utility bill.
4. NOCAC will keep appropriate records, similar to those used for other NOCAC emergency assistance programs.
5. NOCAC shall carry public liability insurance in an amount and form as approved by the City, and agrees to hold harmless and indemnify the City from any and all losses, claims, damages, and judgments that may arise out of this contract or any of the activities contemplated herein.
6. City to forward monies monthly to NOCAC representing funds received from the "Rounding-Up" program or other donations.
7. NOCAC will maintain funds in a separate bank account, and will provide monthly reconciliation statements to the City.

8. This contract may be terminated by either party upon thirty (30) days written notice.

For Northwest Ohio Community Action Commission, Inc.:

Executive Director

Date:

For the City of Napoleon:

Dr. Jon A. Bisher
City Manager

Date:

Approved as to form and correctness:

Trevor M. Hayberger
City Law Director

EXHIBIT A
GENERAL GUIDELINES FOR USE OF CARING FUND MONIES
FOR THE CITY OF NAPOLEON

The Caring Fund is an extremely valuable resource for providing utility assistance for City of Napoleon utility customers. Northwest Ohio Community Action Commission, Inc. (hereinafter referred to as "NOCAC") certifies City of Napoleon utility customers who meet income guidelines and have a City utility shut-off(disconnect)notice to receive utility assistance through the City of Napoleon's Caring Fund.

- The City may refer clients to NOCAC.
- NOCAC uses an intake process that is consistent with that used for our other emergency assistance programs. All applicants must show proof of identity, City of Napoleon utility customers and verification of family income. In addition, they must provide utility shut-off (disconnect) notices and any relevant bills, or bill history as requested.
- As with other funds and resources, all Caring Fund assistance decisions are made on a case-by-case basis. Consideration is given to the amount requested, the amount of the total bill, size of the family, other resources used and sustainability of the current household situation.
- Clients are generally limited to one assistance per year from the Caring Fund, and other NOCAC programs, unless NOCAC personnel determine that there are extenuating circumstances that would justify an additional payment.
- If appropriate, clients are also referred to other organizations that might be able to provide utility assistance.
- Payment history and accounts receivable information as requested from the City will be provided to NOCAC prior to any disposition of funds.
- Funds are dispensed after a process of consultation between the NOCAC and the client. Final decisions are made prior to shut off dates by NOCAC. Clients are

encouraged to do a co-pay on their utilities and casework is done with the client to try to avoid repeat instances of need for assistance.

- NOCAC will maintain a monthly log for City of Napoleon utility requests showing what was requested and the disposition of each case.
- NOCAC will keep appropriate records similar to those used for other emergency assistance programs. NOCAC will keep a running tally of dollars expended from the Caring Fund so as to maintain an acceptable balance in the fund at all times.

ORDINANCE NO. 047-13

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE SHORT TERM POWER PURCHASES AND SALES WITH AMERICAN MUNICIPAL POWER, INC. ("AMP"); AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the state of Ohio, which owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric power (capacity) and energy requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable capacity and energy from AMP, an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased the same arranged by AMP; and

WHEREAS, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of electric supply and other services by AMP to the Municipality; and

WHEREAS, since it is difficult to predict the precise amounts of electric capacity, energy and/or related services required by the Municipality's electric system in each hour over time, flexibility to both buy and sell the same over the short term can enhance the economics of the Municipality's electric system and help hold down consumer rates.

WHEREAS, AMP has arrangements regarding the purchase of electric energy, capacity, financial transmission rights (FTRs) and/or related services for a term no greater than one year with one or more reputable and financially sound third parties, which will provide economical electric capacity, energy and/or related services (herein "Short Term Power Purchase(s)") for Municipality; and

WHEREAS, AMP has arrangements regarding the sale of excess electric capacity, energy and/or related services for a term no greater than one year with one or more reputable and financially sound third parties, which will provide an economical manner to sell any Municipality's excess electric capacity, energy and/or other related services (herein "Short Term Power Sale(s)") for the benefit of the Municipality; and

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the Short Term Power Purchase(s) and Sale(s), as such officers and representatives of the Municipality deem necessary or appropriate, to enable the Municipality to evaluate the benefits and risks of such Short Term Power Purchase(s) and Sale(s) and provide direction to AMP regarding the same; now therefore,

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

Section 1. That the City Manager or the City Manager's designee are hereby authorized to approve and execute Short Term Power Purchases and Sales, or to delegate the same to AMP, with a term no greater than one year. Such approval(s) or delegations may be provided to AMP via written communication, E-mail or recorded telephone line.

Section 2. That competitive bidding is not required on the Municipality's Short Term Power Purchases or Short Term Power Sales, and in the event any

competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

Section 3. 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 4. 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 5. That, this Ordinance 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 secure the lowest possible price for power before the price goes up; 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 Ordinance No. 047-13 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

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)~~ (100) 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) MESSAGE/ 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:

	Residential				Commercial					Industrial	
Institutional	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
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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



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
Jeff Rathge, Operations Superintendent
Date: September 3, 2013
Subject: 2013 Recycling Processing Contract
Recommendation of Award

On Wednesday, August 28, 2013, bids were opened and read aloud for the above referenced project. One (1) bid was submitted and read as follows:

Werlor, Inc.

\$31.00/TON (Estimated to be 750 tons)

Having reviewed the submitted bid, it is my recommendation that Council award Werlor, Inc. the contract for the 2013 Recycling Processing Contract in the amount of \$31.00/TON. If you have any questions or require additional information, please contact me at our convenience.

CEL

CITY OF NAPOLEON OHIO BID SUMMARY SHEET					
Project Name: 2013 Recycling Pro- cessing Contract	VENDOR				
	(A)	(B)	(C)	(D)	(E)
DATE OPENED Weds., Aug. 28, 2013 TIME: 11:00 AM	Zach's Recycling	Werlor, Inc. 1420 Ralston Ave. Defiance, OH 43512			
OPENED BY: Gregory J. Heath	NON-CONFORMING, NOT READ				
BID SECURITY*	Lack of bid security Section 2.18	\$5,000.00 Cashier's check			
NON COLLUSION AFFIDAVIT*		X			
PROPERTY TAX FORM		X			
CORPORATE RESOLUTION		X			
BIDDER QUALIFICATION		X			
	Lack of proper bid presentation Section 2.3				
BASE BID PER TON FOR 1 YEAR		\$31.00 per ton 750 tons = \$23,250.00			

* Required at bid opening

State of Ohio
Department of Commerce
Division of State Fire Marshal
8895 East Main Street
Reynoldsburg, Ohio 43068
Toll Free: 1-800-515-0023

Mailed 1/30/13
BN

VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND
2013 CERTIFICATE OF ANNUAL ELECTION OF BOARD MEMBERS

I.D. #: 35015 NAPOLEON FIRE DEPARTMENT
GREGORY J HEATH FISCAL OFFICER
PO BOX 151
NAPOLEON, OH 43545-0151

FILING INSTRUCTIONS:

1. 2013 CERTIFICATE OF ANNUAL ELECTION OF BOARD MEMBERS
MUST BE RETURNED NO LATER THAN JANUARY 31, 2013.
2. THE BOARD ELECTED SECRETARY MUST SIGN THIS FORM TO
CERTIFY ITS VALIDITY.
3. DIRECT ALL INQUIRES TO: KIMBERLY HODNETT - PROGRAM ADMINISTRATOR,
1-800-515-0023.

THOSE INDIVIDUALS NOTED BELOW HAVE BEEN ELECTED TO THE VFFDF BOARD TO SERVE
A ONE YEAR TERM COMMENCING ON JANUARY 1, 2013. (Print or Type)

Travis Sheaffer **1133 Highland Ave., Napoleon, OH 43545**

NAME OF BOARD MEMBER ELECTED BY THE LEGISLATIVE AUTHORITY	ADDRESS / CITY / STATE	ZIP
--	------------------------	-----

James Hershberger **1168 Chelsea, Napoleon, OH 43545**

NAME OF BOARD MEMBER ELECTED BY THE LEGISLATIVE AUTHORITY	ADDRESS / CITY / STATE	ZIP
--	------------------------	-----

Scott Palmer **801 S. Perry St., Napoleon, OH 43545**

NAME OF BOARD MEMBER ELECTED BY THE FIRE DEPARTMENT	ADDRESS / CITY / STATE	ZIP
--	------------------------	-----

Tonya Walker **411 W. Main St., Napoleon, OH 43545**

NAME OF BOARD MEMBER ELECTED BY THE FIRE DEPARTMENT	ADDRESS / CITY / STATE	ZIP
--	------------------------	-----

Ellsworth Mitchell **1136 Kenilworth, Napoleon, OH 43545**

NAME OF BOARD MEMBER ELECTED BY OTHER FOUR MEMBERS	ADDRESS / CITY / STATE	ZIP
---	------------------------	-----

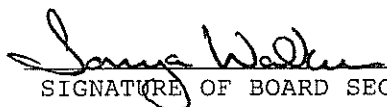
Travis Sheaffer

BOARD MEMBER TO SERVE AS
CHAIRPERSON

Tonya Walker

BOARD MEMBER TO SERVE AS
SECRETARY

I HEREBY CERTIFY THAT THE INDIVIDUALS NOTED ABOVE WERE ELECTED IN ACCORDANCE
WITH THE PROVISIONS OF 146.03 AND 146.04, OHIO REVISED CODE.

 **411 W. Main St. Napoleon OH 43545** **419-579-0416**
SIGNATURE OF BOARD SECRETARY ADDRESS/CITY/STATE/ZIP DAYTIME PHONE

State of Ohio
Department of Commerce
Division of State Fire Marshal
8895 East Main Street
Reynoldsburg, Ohio 43068
Toll Free: 1-800-515-0023

VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND
2013 CERTIFICATE OF CURRENT ASSESSED VALUATION

I.D. #: 35015 NAPOLEON FIRE DEPARTMENT
GREGORY J HEATH FISCAL OFFICER
PO BOX 151
265 W RIVERVIEW AVE
NAPOLEON, OH 43545-0151

FILING INSTRUCTIONS:

1. TO BE PREPARED BY THE FISCAL OFFICER OF THE POLITICAL SUBDIVISION OR FIRE DISTRICT AND RETURN NO LATER THAN JANUARY 31, 2013 .
2. CONTACT COUNTY AUDITOR TO OBTAIN CURRENT ASSESSED VALUATION (PROPERTY VALUE) OF FIRE DISTRICT.
3. DIRECT ALL INQUIRIES TO: KIMBERLY HODNETT - PROGRAM ADMINISTRATOR, 1-800-515-0023.
4. ☐ CHECK HERE IF PRIVATE FIRE COMPANY.

CERTIFICATION OF CURRENT ASSESSED VALUATION

I HEREBY CERTIFY THAT THE CURRENT ASSESSED VALUATION (PROPERTY VALUE) OF THE POLITICAL SUBDIVISION OR FIRE DISTRICT NOTED BELOW IS:

\$144,228,260

Gregory J. Heath
Finance Director/Clerk of Council

January 2, 2013

PROPER TITLE OF CERTIFYING
OFFICIAL

DATE CERTIFIED


SIGNATURE OF CERTIFYING FISCAL OFFICER

(419) 599-1235

DAYTIME PHONE NUMBER

146.03 Members - vacancies.

(A) A volunteer fire fighters' dependents fund board provided for in division (A) of section [146.02](#) of the Revised Code shall consist of five members chosen as follows:

- (1) Two members elected by the legislative authority of the political subdivision or fire district;
- (2) Two members elected by the fire department or the volunteer fire fighters;
- (3) One member elected by the board members who were elected pursuant to divisions (A)(1) and (2) of this section. This member shall be an elector of the political subdivision or fire district, but not a public employee, a member of the legislative authority, or a member of the fire department.

(B) A volunteer fire fighters' dependents fund board provided for in division (B) of section [146.02](#) of the Revised Code shall consist of five members chosen as follows:

- (1) Two members elected by the legislative authority of the political subdivision or fire district with which the private volunteer fire company has its major contract;
- (2) Two members elected by the private volunteer fire company;
- (3) One member elected by the board members who were elected pursuant to divisions (B)(1) and (2) of this section. This member shall be an elector of a political subdivision or fire district with which the private volunteer fire company has contracted to afford fire protection, but not a public employee, a member of the legislative authority, or a member of the fire company.

(C) Any vacancy occurring on a volunteer fire fighters' dependents fund board shall be filled at a special election called by the secretary of the board.

Effective Date: 07-01-1985

Related Legislative Provision: *See 129th General Assembly File No. 39, SB 171, §4*

146.04 Board election and term.

(A) The term of each volunteer fire fighters' dependents fund board member is one year and begins the first day of January.

(B) Election of volunteer fire fighters' dependents fund board members provided for in divisions (A)(1) and (B)(1) of section [146.03](#) of the Revised Code shall be held each year no earlier than the first day of November and no later than the second Monday in December, and the election of the board members provided for in divisions (A)(3) and (B)(3) of section [146.03](#) of the Revised Code shall be held each year on or before the thirty-first day of December.

(C) The board members provided for in divisions (A)(2) and (B)(2) of section [146.03](#) of the Revised Code shall be elected on or before the second Monday in December, as follows:

(1) The secretary of the board shall give notice of the election by posting it in a conspicuous place at the headquarters of the fire department or fire company and at the house of each company composing the fire department. Between nine a.m. and nine p.m. on the day designated, each member of the department or company shall send in writing the name of two persons, members of the department or company, who are the member's choices.

(2) All votes cast at the election shall be counted and recorded by the board which shall announce the result. The two members receiving the highest number of votes are elected. If any two persons receive a tie vote, it shall be decided by lot or in any other way agreed upon by the persons for whom such tie vote was cast.

Effective Date: 09-25-1981

Related Legislative Provision: *See 129th General Assembly File No. 39, SB 171, §4*

Memorandum

To: Technology and Communication Committee, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Media

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

Date: 8/26/2013

Re: Technology and Communication Committee Meeting Cancellation

The September 3, 2013, meeting of the Technology and Communication Committee has been CANCELED due to lack of agenda items.



EMPLOYEE PICNIC

**Monday, September 16th
@ Oberhaus Shelterhouse
11:15 am – 1:15 pm**



UPdate

A weekly newsletter presented by AMP President/CEO Marc Gerken

August 23, 2013

OMEGA JV6 interest rate remains less than 1 percent

By Maggie Ndovi-Gibbs – financial analyst

Every six months, principal and interest is paid down on the \$9.8 million private placement taken out by Ohio Municipal Electric Generating Agency Joint Venture 6 (OMEGA JV6). Participants of the OMEGA JV6 project received good news on Aug. 15 when the interest rate was reset on Adjustable Rate Revenue Bonds to 0.30 percent effective for the period of Aug. 15, 2013 to Feb. 14, 2014. This is the tenth consecutive rate reset below 1 percent. This compares to 0.28 percent one year ago and 0.30 percent two years ago.

The interest rate is calculated by taking the Six-Month Municipal Market Data high grade index rate (MMD Index) plus 15 basis points, or 0.15 percent. The loan agreement requires a payment of \$500,000 semi-annually for principal and interest. If the interest rate is low this means more of the \$500,000 can be used to pay down principal. Although the stated length of the agreement is 15 years, the length will ultimately be determined by interest rate fluctuations over the course of the agreement. With the low rates AMP has received in the past and interest rates remain as favorable, AMP is anticipating paying off the loan sometime during 2015. This is approximately four years earlier than anticipated in the original financing. After the latest principal payment is made, \$1,472,000 will remain on the loan.

Participants in the OMEGA JV6 AMP Wind Farm include the City of Bowling Green, the City of Wadsworth, the Village of Montpelier, the Village of Elmore, the City of Napoleon, the City of Cuyahoga Falls, the Village of Edgerton, the Village of Monroeville, the Village of Pioneer, and the City of Oberlin.



OMEGA JV6, Ohio's first utility-scale wind farm, is located near Bowling Green. AMP built the four-turbine facility and operates it on behalf of the joint venture.

New AMP Training Catalog highlights expansion of program offerings

By Michelle Palmer – assistant vice president of technical services

AMP has expanded its training offerings to meet the growing need among members to develop the skills of their workforce through additional technically oriented hands-on training emphasizing safe practices.

New course offerings include more than a dozen competitively priced courses on a variety of utility operations subjects, including courses pre-

see TRAINING Page 2

Attention legal advisors to AMP members: Conference CLE courses approved

By Rachel Gerrick – deputy general counsel

AMP has received approval by the Ohio Supreme Court for the Continuing Legal Education (CLE) courses to be offered at the 2013 AMP/OMEA Conference (listed below). By attending all of the sessions offered, you can earn **6.75 hours of Ohio CLE credit**.

Tuesday, Oct. 29:

- Natural Gas Trends Panel
- Developments in Municipal Financing Oversight
- Update on FERC Issues Affecting Public Power
- Overview of How the Daily PJM Energy Markets and Annual Capacity Auctions Work With FERC Oversight and How It Affects AMP Member Systems
- Construction Law

Wednesday, Oct. 30:

- Federal Legislative and Regulatory Issues Update

You can sign up for the CLE sessions via AMP's 2013 Conference registration on AMP's website: www.amppartners.org. Please note you can attend all of the CLE courses (over a two-day period) at the low cost of \$190 if you register before Oct. 16 (\$215 if you register Oct. 16 or later). This is the same price to attend the conference for one day and includes, for Tuesday only, breakfast, lunch and the Municipal Electric Partner Reception (does not include lunch or dinner on Wednesday).

For questions regarding CLE registration, please contact Barbara Johnson at 614.540.6408 or bjohnson@amppartners.org. For information regarding CLE credit in other states, please contact me at 614.540.6379 or rgerrick@amppartners.org.

We hope to see you in October.

sented by the American Public Power Association (APPA).

AMP recently launched its 2013-2014 Training Catalog, which features descriptions and schedules of the training courses and other training events offered by AMP, and a registration form. The curriculum was developed for AMP members through the AMP Staff and Training Committee.

The full Training Catalog is available on the Member Extranet section of [AMP's website](#).

AMP member municipal electric systems seeking high-quality training designed to help improve employee performance, enhance safety, and ultimately lead to greater system reliability and customer satisfaction can be confident that the AMP Training Catalog is the resource they need.

More than 650 workers from nearly 80 member communities over 15 years have attended AMP's popular lineworker training series. There are still openings for upcoming Basic 2 and Advanced Lineworker classes.

For more information on the Training Catalog or to sign up for lineworker classes, please contact Jennifer Flockertzie, AMP technical services program coordinator, at 614.540.0853 jflockertzie@amppartners.org.

Reminder: electric vehicle survey

By Julia Blankenship – director of energy policy & sustainability

As a reminder, a survey was sent last week via email to principal contacts and others on the Sustainability Subcommittee regarding electric vehicles and options for municipal utilities.

The survey, which can be accessed at <http://www.surveymonkey.com/s/WJCFY9K>, is seeking information on 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.

We strongly encourage you to complete the survey as it will help provide us with a broad range of information to better serve our members. Responses are requested by Aug. 29.

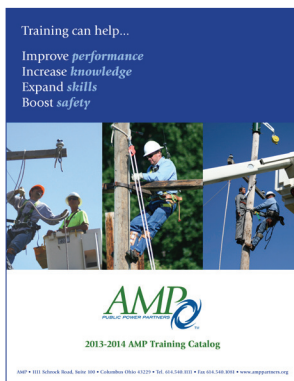
Please contact me with questions at 614.540.0840 or jblankenship@amppartners.org.

Energy markets higher for second straight week

By Mike Migliore – assistant vice president of power supply planning & transmission

The upcoming heat wave, which caused the expectation of higher than normal natural gas usage for generation, pushed gas markets higher this week.

September natural gas prices closed up \$0.13/MMBtu this week to end at \$3.55/MMBtu (a \$0.26 two week increase). 2014 on-peak electric prices at AD Hub finished up \$0.40/MWh from last week, closing at \$39.92/MWh.



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

Week ending Aug. 23

MON	TUE	WED	THU	FRI
\$39.64	\$44.40	\$44.88	\$38.17	\$33.33

Week ending Aug. 16

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

AEP/Dayton 2014 5x16 price as of Aug. 23 — \$39.92

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

Nomination forms due by Sept. 6 for AMP Awards

By Karen Ritchey – manager of communication programs

As a reminder, nominations for the 2013 AMP Awards must be received by Sept. 6. Electronic versions of the nomination forms are available on the Member Extranet section of the [AMP website](#). To nominate your municipal electric system for one or several of the awards, simply fill out the nomination form for the award categories that apply.

Award recipients will be recognized at the 2013 AMP/OMEA Conference this October in the following categories: Environmental Stewardship, Hard Hat Safety (individual), Innovation, Public Power Promotion, Safety (system), Seven Hats, System Improvement, and Finance. Please note: Submissions for the Finance Awards do not require a nomination form.

If you need additional information, or did not receive an AMP Awards packet, please contact me at 614.540.0933 or kritchey@amppartners.org.

AFEC weekly update

By Mike Migliore

Another cool weekend resulted in AFEC being scheduled offline for economics by PJM. The weekdays saw AFEC scheduled 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 50 percent capacity factor (based on 675 MW). Capacity factors during the weekdays were 70 percent. Duct burners were used around 18 hours total on Monday and Wednesday. AFEC was approximately \$7.30/MWh cheaper than on-peak market prices for base generation.



News or Ads?

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

Update Classifieds

Schuylkill Haven seeks journeyman electric lineman

The Borough of Schuylkill Haven is accepting applications for a journeyman electric lineman position.

Minimum qualifications include: graduation from the standard four-year high school, successful completion of an approved apprenticeship program of at least four years in duration and Pennsylvania CDL license.

Schuylkill Haven Borough owns and operates its own electric system. The electric system includes: substation, poles, transmission lines, transformers and secondary services. The successful application should have knowledge/background including all of these appurtenances. This is a full time position.

Schuylkill Haven is located In Schuylkill County, PA and has a population of 5,500. Schuylkill Haven borough has an excellent compensation/benefit package and is an Equal Opportunity Employer. A complete job description and job application can be obtained by contacting the borough office at 570. 385.2841 or by logging on to the Borough's website www.schuylkillhaven.org.

Please submit a completed job application, resume, certifications and three references to: Scott J. Graver, Borough Administrator, Schuylkill Haven Borough Office, 12 W. Main St., Schuylkill Haven, and PA 17972.

Village of Yellow Springs accepts finance director applications

Applications are being accepted by the Village of Yellow Springs for the position of Finance Director.

This fulltime position is appointed by Village Manager (Charter Sec. 50). FLSA: exempt; Pay rate: DOQ.

Associate's degree and five years of experience in government accounting are required.

The Finance Director position is responsible for Village financial accounting, management, compliance and reporting. The Village has a \$3.5 million General Fund Budget and \$7 million in Enterprise Fund Budgets (Electric, Water, Sewer, Refuse) as well as special revenue, debt service, and capital budgets. The Finance Director assists with annual budget preparation, including preparation of the five-year forecast. The Finance Director is also responsible for operation of the Utility Billing Office and supervises four employees. The Finance Director assists the Village Manager, four Department Heads, the Mayor and Council with their respective budgets and oversight.

Persons interested in this position may submit a resume and cover letter to the Village Manager's office, 2nd Floor, Bryan Center, 100 Dayton St., Yellow Springs, OH 45387 by 4 p.m. Sept. 6, 2013. Electronic submissions may be sent to lcurliss@vil.yellowsprings.oh.us.

The job description is posted online at www.yso.com. If you have questions, please contact the Village Manager's Office at 937.767.1279. The Village of Yellow Springs is an 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.

Hamilton issues call for assistant director, plant supervisor

The City of Hamilton, Ohio, is seeking an Assistant Director of Electric and Plant Supervisor.

Assistant Director of Electric – The City of Hamilton, Ohio (pop. 63,000), a growing community in the Cincinnati-Dayton metroplex seeks an Assistant Director of Electric. Salary range: \$85,946 to \$110,136/year, plus benefits. Hamilton is a full-service community which operates its own electric, gas, water and wastewater utilities.

This is responsible professional and administrative work involving the planning, organization, direction and supervision and coordination of the operations and activities of the City's Electric Department. Duties of this class include, but are not limited to, the following: acts in the place of the Director of Electric when so requested and authorized; assists with the development of departmental long-range plans; oversees the availability and reliability of electric service for City electric customers; analyzes Electric System design and operation, and determines necessary capital and operational improvements to maximize efficiency and reliability; performs related work as required.

Prefer college grad with bachelor's degree in business administration, engineering or applied science, preferably supplemented by a master's degree and extensive professional experience in public electric utility management, including supervisory experience. Valid Ohio Prof. Eng. (PE) registration or other equivalent certification from another state is desired. A background/credit check, drug screen and medical examination will be administered.

see CLASSIFIEDS Page 4



Submit detailed resume and proof of PE, if applicable, by 5 p.m. on Sept. 24, 2013 to: Civil Service Dept., Hamilton Municipal Bldg., 345 High St.-1st Fl., Hamilton, OH 45011 in person or by fax: (513.785.7037) or email: cspersonnel@ci.hamilton.oh.us. Use Word or PDF only. Specify interest in "Assistant Director of Electric."

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

Plant Supervisor – 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.

Engineer, engineering technician needed in City of 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.

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 journey-

man 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 W. Liberty St., 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 W. Liberty St., Hubbard, Ohio 44425 or by emailing a request to: j.darko@cityofhubbard.com. Deadline to apply is Sept. 6, 2013 at 4 p.m.

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.



Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

August 30, 2013

AMP to offer Regulator, Recloser, Capacitor Safety class Sept. 19

By Jennifer Flockerzie – technical services program coordinator

Operational knowledge of electrical components is essential to line-worker safety, as well as performance. AMP will offer a Regulator, Recloser, Capacitor Safety class from 8 a.m. to 4 p.m. Sept. 19 at AMP Headquarters.

This one-day class is designed to help lineworkers raise their level of safety as they learn the proper operation of regulators, reclosers and capacitors. Geared to apprentice or journeymen, the program will also cover the various types of equipment available and equipment sizing.

The deadline to register is Sept. 12. A total minimum attendance of 12 individuals is required to hold the class.

The Regulator, Recloser, Capacitor Safety class is a new program – part of AMP's recent expansion of training offerings. A complete listing of AMP's courses is available in the 2013-2014 Training Catalog, located on the Member Extranet section of [AMP's website](#).

For more information or to register for the class, please contact me at jflockerzie@amppartners.org or 614.540.0853.

Cuyahoga Falls Electric System is celebrating 125 years in 2013

Provided by the City of Cuyahoga Falls

This year marks the 125th anniversary of the Cuyahoga Falls Electric System. On Sept. 20, 1888, Cuyahoga Falls City Council passed resolutions authorizing the Falls Edison Electric Light and Power Company and J.A. Long, E.L. Babcock, and Samuel H. Eggs, et al, the right to erect pole lines for the purpose of supplying electric street lighting.



The city produced its own power until 1915 when the Northern Ohio Traction and Light Co., later known as Ohio Edison and then FirstEnergy, put the Gorge Power Plant into service. FirstEnergy's Gorge Power Plant fed power to Cuyahoga Falls for 80 years. The completion of the 138 kV Valley Substation in 1991 allowed for the closing of the Gorge Power Plant a few years later.

The City of Cuyahoga Falls is a longtime active member of both AMP and OMEA, and currently holds seats on both Boards.

Some notable projects the electric system is working on in this anniversary year include the conversion of all the highway street lighting to LED fixtures. The electric system is installing feeder automation reclosers and controls along with conservation voltage reduction on its two largest feeders. The area around the Portage Crossing shopping center that is under

see *ELECTRIC* Page 2

Finance & Accounting Subcommittee meets in central Pennsylvania

By Maggie Ndovi-Gibbs – financial analyst

The City of Johnstown, Pennsylvania, hosted AMP's Finance & Accounting Subcommittee meeting at the Johnstown Holiday Inn on Thursday, Aug. 29.

Dawn Lund, vice president of Utility Financial Solutions, started the day off with a presentation on how to explain rate changes to your council, as well as your customers. Lund was followed by Jeff Klein, principal of Kensington Capital Advisors and AMP's derivative advisor, who spoke on the recent monetary policies of the Federal Reserve and how they might affect member communities. I followed Jeff, and gave a presentation on interest rates and fixed-income debt strategies.

Following lunch was Tom Sillasen, AMP's director of energy accounting and reporting, who provided the background information that goes into making AMP's Power Supply invoices.

The next Finance & Accounting Subcommittee meeting will be held Sept. 12 in Piqua. Please RSVP to Chad Turner at turner@amppartners.org or 614.540.6913, or Chris Deeter at cdeeter@amppartners.org or 614.540.0848 by Friday, Sept. 6 for meal and seat planning purposes.



Jeff Klein, principal of Kensington Capital Advisors and AMP's derivative advisor, discusses recent monetary policies of the Federal Reserve during the Finance & Accounting Subcommittee meeting on Aug. 29.



ELECTRIC continued from Page 1

construction is being converted from 4160 volts to 12.5 kV. The Cuyahoga Falls system is being modeled in power system analysis software for improvement in system protection coordination among other improvement projects.

To celebrate its 125th anniversary, the Cuyahoga Falls Electric System is conducting a raffle and will draw 125 winners among its nearly 25,000 customers. A 125th Anniversary Cook Out and Electric Building Tours on Sept. 21 will also take place.

For more information, please visit <https://cfo.cityofcf.com/web/utilities/electric>.

Hamilton promotes Doug Childs to director of public utilities

Provided by the City of Hamilton

The City of Hamilton announced earlier this week that Douglas Childs is being promoted to the position of director of public utilities.

Childs, who was born and raised in Hamilton, has held the position of director of the department of energy management and utility business services since March 2012, and has also served as the acting director of underground utilities since April.

As the director of public utilities, Childs will be responsible for overseeing the planning, organization, direction, supervision and coordination of all city utility functions in the departments of electric, underground utilities such as gas, water and water reclamation, utility customer service and energy management and utility business services.

Additionally, the director is charged with coordinating the activities of related departments and divisions to maximize economies and coincide with the development of long-term expansion and reconstruction programs. Further, the director is responsible for reviewing and approving the annual budgets for each of the departments, including operating and capital budgets, as well as numerous other responsibilities.

Childs began his tenure with the city in 1995, as an administrative specialist II. During the past 18 years, he has held progressively more responsible positions of administrative specialist III, administrative specialist IV and manager of utility business services. Prior to joining the city, Childs held financial management positions with Ohio Casualty Group, the Ohio River Company and Northern Kentucky University.

Childs, a 1981 graduate of Hamilton High School, received a bachelor's degree in finance from Miami University in 1985 and earned his chartered financial analyst certification in 1991.

Additionally, the city of Hamilton has appointed John Bui as acting director of underground utilities and Tim Bigler as acting director of energy management and utility business services. Bui is currently the assistant superintendent of water production. Bigler is currently an administrative specialist IV in the department of energy management and utility business services.

For more information, please visit www.hamilton-city.org.



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

Week ending Aug. 30

MON	TUE	WED	THU	FRI
\$41.87	\$45.82	\$43.31	\$41.15	\$42.50

Week ending Aug. 23

MON	TUE	WED	THU	FRI
\$39.64	\$44.40	\$44.88	\$38.17	\$33.33

AEP/Dayton 2014 5x16 price as of Aug. 30 — \$40.02

AEP/Dayton 2014 5x16 price as of Aug. 23 — \$39.92

AFEC weekly update

By Ryan Thompson – power supply planning engineer

The plant operated in the normal pattern of base minimum during the overnight hours and base maximum during the daytime hours last Friday and Saturday, Aug. 23 and 24.

On Saturday at midnight, the plant was dispatched offline into midday Sunday. Overnight temperatures were cooler (in the low 60s), which resulted in the plant being dispatched offline for Sunday. The plant was then dispatched back online Sunday morning at 11 a.m. and returned to the normal dispatch pattern through Aug. 29.

For the week, AFEC averaged a 67 percent load factor (based on 675 MW). Duct burners were run for 33 hours for the week. AFEC was approximately \$8.00/MWh cheaper than on-peak market prices for base generation.

Natural gas markets up slightly

By Mike Migliore – assistant vice president of power supply planning & transmission

With the hot weather expected to end this weekend, there is really nothing driving the market in the short term and the low volatility in the market reflected that.

September natural gas prices closed up \$0.02/MMBtu this week to end the month at \$3.57/MMBtu. October prices started trading on Thursday at \$3.61/MMBtu.

October gas prices have ranged from \$4.10/MMBtu at the beginning of June to a low of \$3.30/MMBtu in early August. 2014 on-peak electric prices at AD Hub finished up \$0.10/MWh from last week, closing at \$40.02/MWh.

AMP Awards deadline is Sept. 6

Nominations for the 2013 AMP Awards must be received by Sept. 6. Electronic versions of the nomination forms are available on the Member Extranet section of the [AMP website](#). Award recipients will be recognized at the 2013 AMP/OMEA Conference this October. If you need additional information, or did not receive an AMP Awards packet, please contact Karen Ritchey at 614.540.0933 or kritchey@amppartners.org.

Projects advance: Construction continues at AMP's hydro sites

By Phil Meier – vice president of hydroelectric development & operations

Construction work at each of the hydro projects has continued toward completion. In addition to the work at the construction sites, AMP operations staff actively prepared for the Unit 2 wicket gate repair work at the Belleville Hydroelectric Plant. That work is expected to take up to two months. There will be more substantial updates at the upcoming AMP/ OMEA fall conference in October.

Cannelton

At Cannelton, concrete placements continued, reaching 99 percent completion and hardfill reached 100 percent completion. This included the facing structure of the land-side closure structure. Mechanical and electrical installation included the installation of conduits, cable trays, and cabling in the equipment galleries. Additionally, the installation of the gas-insulated switchgear is nearly complete. For the power supply into the plant, work continued on the cable trench for the 12.47 kV distribution feeder. This will provide the temporary supply of power within the plant until all electrical work is complete, and then later when operating additional power supply redundancy. The substation is also nearing completion as well as the rails for the trashrake.

A recent aerial provided by Walsh Construction Company is shown below.



Meldahl

At the Meldahl site, the joint venture of Alberici Construction and Baker Concrete completed 16 percent of the total hardfill placement, and reached nearly 94 percent of the powerhouse concrete and other placements for the closure structures and powerhouse crane support columns. The erection of the units continued with the platforms of the bulb nose, the bulb nose coolers and the pre-assembly of the Unit 1 rotor. Work also continued toward the installation of the gate equipment and crane equipment.

A recent aerial of the site is shown below.



Willow Island

At Willow Island, Ruhlin Construction Company has surpassed 50 percent in concrete placement. The total amount required is 20 percent less as a result of this plant being only a two-unit plant as opposed to the other projects, which are all three-unit plants. Work has included placements, including tailrace and draft tube liner placements and the central block area as well. Ruhlin's installation subcontractor (ICS) installed the upper pier for Unit 2, transported the stay cone for Unit 2 into the powerhouse intake area, and continued preassembly work for the Unit 1 stay cone.

An August aerial of the site is shown below.



Smithland

At Smithland, concrete placements totaled just over 47,000 cubic yards and reached the 50 percent completion mark. CJ Mahan's subcontractors continued the installation of the Unit 1 bulb turbine housing and welding of the Unit 3 draft tube liner. Jim Smith Excavating (excavation subcontractor) continued preparing the dredge spoil containment area. This area will be used to allow the dredged excavation to drain water and the solids of the excavation to settle out. CJ Mahan received the Unit 1 rotor hub, poles, and assembly parts and started the setup for the pre-assembly work.

A recent aerial from CJ Mahan is shown below.



Update Classifieds

Schuylkill Haven seeks journeyman electric lineman

The Borough of Schuylkill Haven is accepting applications for a journeyman electric lineman position.

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Prefer college graduate with Bachelor's Degree in Business Administration, Engineering or Applied Science, preferably supplemented by a Master's Degree and extensive professional experience in public electric utility management, including supervisory experience. Valid Ohio Prof. Eng. (PE) registration or other equivalent certification from another state is desired. A background/credit check, drug screen and medical examination will be administered.

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

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see CLASSIFIEDS Page 5



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- 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.

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 W. Liberty St., 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 W. Liberty St., Hubbard, Ohio 44425 or by emailing a request to: j.darko@cityofhubbard.com. Deadline to apply is Sept. 6, 2013 at 4 p.m.

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

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

08/26/13 08:28 AM

For Council Packets.

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

From: "Ohio Municipal League" <kscarrett@omloho.org>
To: gheath@napoleonohio.com
Date: 08/23/2013 12:27 PM
Subject: Ohio Municipal League Legislative Bulletin

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Ohio Municipal League

August 23, 2013

MUNICIPAL INCOME TAX UNIFORMITY MEETINGS CONTINUE THROUGH SUMMER

It's been a while since we have provided our members with an update on what has been occurring on the subject of HB5, the municipal income tax uniformity/reform legislation that remains in the House Ways and Means Committee. Although the committee has not held a hearing in several months since being on their legislative recess, there continues to be a high volume of work that has been taking place to address many areas in the substitute language offered. The league along with representatives of RITA, CCA/Cleveland, Cincinnati, Columbus, Dayton, Athens, Sharonville, Troy, Newark, Oakwood, Dublin, Cuyahoga County and Dayton Area Mayors and Managers, First-tier Suburbs Consortium (if we left anyone out it was an oversight) and involved business interests have been meeting on almost a weekly basis since the summer recess has begun with key legislators on the Ways and Means Committee and under the direction of Chairman Beck to work on finding solutions to the remaining areas of the bill that we continue to object to and are in need of alternative approaches. Through these often intensive and lengthy regular meetings, there have been numerous instances of language being proposed from the sponsors that although possibly unintended would result in taxes being raised on individuals whom currently aren't subject to a municipal tax obligation. The league has never sought tax increases as a solution to address issues that originally were presented by the business coalition as uniformity concerns. The municipal coalition has continually offered and promoted language alternatives to address inadequacies in the municipal tax system that are revenue neutral and would not require

additional revenue being raised to offset the significant losses currently being considered as part of the legislation. Through the meetings, alternatives have been developed that are the product of compromise on behalf of cities and villages which for the benefit of greater uniformity and predictability in the local municipal tax structure achieves a comprehensive approach to reforming the current system, without raising taxes and without compromising the effectiveness of the critical revenue source. The league along with our municipal partners are fine tuning the final language and treatments we have been working on and are committed to having the final proposal ready when the House of Representatives reconvenes in the Fall.

SUMMER TAX REFORM COMMITTEE CONTINUES STATEWIDE HEARINGS

The House Tax Reform Legislative Study Committee is almost half way through their five hearing schedule with the second meeting having taken place in Batavia on Tuesday at the University of Cincinnati East Branch. The next meeting is scheduled for September 3 in the city of Bowling Green's City Council Chambers (304 N. Church Street) followed by September 12 at the N. Ridgeville Council Chambers and wrapping-up the final hearing at the Statehouse, September 17.

Although the Tax Reform Study Committee has been charged with hearing the concerns of Ohioans across the state as it relates to all Ohio tax matters (except municipal taxes which will be the focus of the September 17 hearing in Columbus), there is a trend developing in the hearing topics which are turning more as an opportunity to talk about state support to local governments through changes in funding levels and the challenges many communities are experiencing. During Tuesday's hearing, committee members received testimony from a representative of the Office of Budget and Management (OBM) which can be found [HERE](#) in addition to a fact sheet [HERE](#) developed by the state that they present as reflecting the level of funding the state provides "Ohio communities". The representative of the state presented testimony with many graphs and illustrations on past and present spending levels with revenues that flow through from the state to local governments, of all varieties. The testimony continued with anecdotal stories of how communities are successfully navigating their way out of the financial difficulties that have been presented through the state "tightening its belt" and shedding previous funding partnerships through state operating budgets for the good of efficiencies and the promotion of new ways to address service delivery issues.

We strongly encourage our municipal officials to review the information and figures presented in the Funding Ohio Communities report and fact sheet and share with legislators what your community is experiencing due to recent policy changes by the state. In contrast to the analysis provided by the state, there is a large amount of contact the league continues to receive from communities across the state that are experiencing difficulties in maintaining current service levels due to the shifting financial landscapes. The members of the reform study committee as well as other state Representatives and Senators need to receive this timely information as they study areas for potential reform and legislative action.

It is important that when the traveling legislative committee visits areas of your state to hear from residents, community leaders and business representatives that they are presented with as many instances of the current conditions in your area of the state and to share ideas on how

difficulties, if there are any, can be addressed so that Ohio remains on a path to economic recovery.



Ohio Municipal League
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August 30, 2013

OHIO MUNICIPALITY FISCAL ASSESSMENT SURVEY

Several weeks ago, we asked our members to participate in a survey that was being conducting by the cities of Upper Arlington, Westerville and Loveland along with the Ohio Manager's Association and the OML called the Ohio Municipality Fiscal Assessment survey. The survey was conducted to examine how municipalities have responded to the recent fiscal changes brought on by state cuts to the Local Government Fund (LGF), the elimination of Ohio's Estate Tax, in addition to the economic conditions. The survey has been concluded and results indicate that nearly 20% of the responding communities raised property taxes, while nearly 40% raised user fees. Analysis shows that the most frequent response to the revenue reductions involved reducing capital expenditures and service levels, primarily to street and park maintenance, in addition to reductions in the levels of safety forces. The results of the survey can be found [HERE](#).

We want to thank all the communities who participated in the research and especially to the municipalites who undertook the project.

AUDITOR RELEASES IMPORTANT BULLETIN REGARDING BWC REBATES

On August 23, 2013, the Auditor of State issued Bulletin 2013-007 [HERE](#) to provide guidance for Ohio's local governments receiving rebates from the Bureau of Workers' Compensation (BWC). Some have asked whether local governments should allocate the BWC rebate based upon the premiums attributable to the 2011 policy year or the premiums paid during 2011. The intent is for local governments to allocate the rebate using the same basis used by BWC to calculate the rebate amount. Therefore, local governments should allocate the BWC rebate based upon the premiums attributable to the 2011 policy year. To answer this question, the Auditor of State clarified AOS Bulletin 2013-007 and reissued it today, August 26, 2013, with the revised language in bold print and underlined.

OHIO HOUSE TAX REFORM LEGISLATIVE STUDY COMMITTEE TO MEET IN BOWLING GREEN

As a reminder, the House Tax Reform Study Committee will be meeting this coming Tuesday, September 3rd in the Bowling Green City Council Chambers, 304 N. Church Street beginning at 10am. Although the committee will not be receiving testimony on the subject of the municipal income tax, the forum is an opportunity to address and hear testimony regarding current state tax related issues and other funding and expenditure topics as it relates to the general operation of Ohio. The specific topic of the municipal income tax will only be addressed by the committee when they hold their last hearing at the Statehouse on September 17.

NOTIFICATION FROM BOARD OF BUILDING STANDARDS

On July 8, 2013, the Board issued a notice of its intent to amend the Ohio Building and Plumbing Code rules, amend the Residential Code of Ohio rules, and amend its Certification rules related to certification of building department personnel. The Board has sought input on these amendments and conducted a stakeholder meeting on July 19, 2013. Based on the comments received during this process, the Board has modified the proposed rules. Additionally, the Board conducted a business regulatory impact analysis of the proposed rules as modified and has documented its findings and summarized the changes in four separate Business Regulation Impact Analysis Reports. An overview of the proposed rules can be found [HERE](#).

ODOT CONDUCTING AIRPORT STUDY

The league wants to make sure that our members are aware of an important study that ODOT is conducting. It is called the Airport Focus Study. The results of this study could have an important (possibly) financial impact on municipalities that either have airports or are considering building/upgrading them. This is especially important when businesses are considering locating nearby your municipality. ODOT's aviation section is gathering information on Ohio's airports and classifying them. Certain funds may be contingent on the classification received. If you think you may have a problem with the way the state is conducting its classification review of your particular airport facility or if you would like to talk about the study further, please contact Josh Brown in our office.